



## AGENDA

### Commuter Rail and Transit Committee Meeting

**June 12, 2014**

**10:00 a.m.**

**Location**

**SANBAG**

1170 W. 3<sup>rd</sup> Street, (1<sup>st</sup> Floor Lobby)

San Bernardino, CA

### *Commuter Rail and Transit Committee Membership*

**Chair**

Mayor Paul Eaton  
City of Montclair

Mayor L. Dennis Michael  
City of Rancho Cucamonga

**Vice Chair**

Supervisor James Ramos  
County of San Bernardino

Mayor Ray Musser  
City of Upland

Mayor Peter Aguilar  
City of Redlands

Council Member Richard Riddell  
City of Yucaipa

Council Member Bill Jahn  
City of Big Bear Lake

Mayor Pro Tem Alan Wapner  
City of Ontario

Council Member Mike Leonard  
City of Hesperia

Mayor Deborah Robertson  
City of Rialto

Mayor Pro Tem Larry McCallon  
City of Highland

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

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

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

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

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

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

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

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

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

**AGENDA**

**Commuter Rail and Transit Committee Meeting**

**June 12, 2014  
10:00 a.m.**

**Location:**

SANBAG Office  
1170 West 3<sup>rd</sup> St., 1<sup>st</sup> Fl., San Bernardino

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

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

*Notes/Actions*

**1. Possible Conflict of Interest Issues for the Commuter Rail and Transit Committee Meeting of June 12, 2014** Pg. 9

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

**Consent Calendar**

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

**2. Attendance Register**

Pg. 10

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

## Discussion Items

### Transit/Commuter Rail

3. **Election of Committee Chair and Vice Chair** Pg. 12  
 Conduct elections for members to serve as Chair and Vice Chair of the SANBAG Commuter Rail and Transit Committee for terms to end June 30, 2015. **Mitch Alderman**  
**This item is not scheduled for review by any other policy committee or technical advisory committee.**
4. **Downtown San Bernardino Passenger Rail Project and San Bernardino Transit Center Project construction update** Pg. 19  
 Receive presentation on construction update for the Downtown San Bernardino Passenger Rail Project and San Bernardino Transit Center Project. **Mitch Alderman**  
**This item is not scheduled for review by any other policy committee or technical advisory committee.**
5. **Fiscal Year 2014/2015 Transportation Development Act (TDA) Unmet Transit Needs Public Hearings** Pg. 20  
 That the Committee recommend the Board:  
 1. Adopt Definitions of “Unmet Transit Needs” and “Reasonable to Meet” as identified in Attachment A.  
 2. Set Times, Dates and Locations for TDA Unmet Transit Needs Public Hearings. **Nancy Strickert**  
**This item is not scheduled for review by any other policy committee or technical advisory committee.**
6. **Omnitrans Short Range Transit Plan *OmniConnects*** Pg. 24  
 Receive a presentation on Omnitrans Short Range Transit Plan 2015 – 2020, called *OmniConnects*. **Nancy Strickert**  
**This item is not scheduled for review by any other policy committee or technical advisory committee.**
7. **Review Financial Audits for Transit Operators** Pg. 35  
 That the Committee recommend the Board review and receive Operator financial reports for Fiscal Year 2012/2013 for Omnitrans and City of Barstow (Barstow Area Transit). **Monica Morales**  
**Each Operator has taken these financial reports to their respective board. This item is scheduled for review by the Mountain/Desert Policy Committee on June 20, 2014. SANBAG’s Finance department has reviewed and approved this item.**

Discussion Items Continued....Transit/Commuter Rail

8. **Rail right-of-way grants of right of use templates, policies and procedures** Pg. 46

That the Committee recommend the Board:

Acting as the San Bernardino County Transportation Authority:

1. Adopt Resolution No. 14-022, "Resolution of The San Bernardino County Transportation Authority Delegating Authority to the San Bernardino County Transportation Commission to Manage, Establish Policies, Grant Rights of Use, Adopt and Collect Fees and Charges Regarding the Authority's Railroad Related Properties.

Acting as the San Bernardino County Transportation Commission:

2. Approve and adopt proposed Policy No. 31602, "Rail Property Policy", setting forth policies, procedures, delegations of authority, and bases for imposing fees and charges, associated with ownership, management and grants of rights of use of Rail Property.

3. Adopt Resolution No. 14-027, "Resolution of The San Bernardino County Transportation Commission Establishing Fees and Charges For Rail Property."

4. Approve and authorize the use and execution of the proposed templates for grants of rights of use and documents pertaining to the management of SANBAG Rail Property in accordance with Policy 31602, identified as Attachments 1 through 21, including any modifications as provided in Policy 31602. **Mitch Alderman and Eileen Monaghan Teichert**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and the department of Transit and Rail have reviewed and approved the drafts of this item, the resolutions, the policy and the templates.**

Transportation Fund Administration

9. **Allocation of Transportation Development Act Funds for Fiscal Year 2014/2015** Pg. 68

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

Adopt Resolution No. 14-024 authorizing the allocation of Local Transportation Funds and State Transit Assistance Funds for the Fiscal Year 2014/2015. **Vanessa Jezik**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and a draft of the resolution.**

Discussion Items Continued....Transportation Fund Administration**10. Fiscal Year 2014/2015 Transit Operator Funding Allocations**

Pg. 73

That the Committee recommend the Board:

1. Approve Fiscal Year 2014/2015 Transit Operator Funding Allocations, as indicated in Attachment 1, to the City of Barstow, City of Needles, Morongo Basin Transit Authority, Mountain Area Regional Transit Authority, Omnitrans, Victor Valley Transit Authority and Valley Transportation Services.
2. Allocate Congestion Mitigation and Air Quality funds in the amount of \$92,726,694 from Fiscal Year 2013/2014 through Fiscal Year 2022/2023 for ongoing transit needs as follows and subject to inclusion in the Short Range Transit Plans:
  - a. Morongo Basin Transit Authority in the amount of \$3,616,278
  - b. Omnitrans in the amount of \$63,237,489
  - c. Victor Valley Transit Authority in the amount of \$16,724,938
  - d. Mountain Area Regional Transportation Authority in the amount of \$5,226,519
  - e. Barstow Area Transit in the amount of \$3,921,470. **Andrea Zureick**

**This item is not scheduled for review by any other policy committee or technical advisory committee. The individual funding allocation plans have been reviewed by each transit operator.**

**11. Resolution No. 14-025 for the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program**

Pg. 77

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

Adopt Resolution No. 14-025 designating an authorized agent and authorizing the execution of the certifications and assurances for the Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program. **Vanessa Jezik**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and a draft of the resolution.**

Comments from Committee MembersPublic Comment

# ADJOURNMENT

## Additional Information

### Acronym List

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

## Meeting Procedures and Rules of Conduct

### **Meeting Procedures**

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

### **Accessibility**

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

**Agendas** – All agendas are posted at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino at least 72 hours in advance of the meeting, Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino and our website: [www.sanbag.ca.gov](http://www.sanbag.ca.gov).

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

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

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

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

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

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

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

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

**Attendance.**

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

**Basic Agenda Item Discussion.**

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

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

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

**Amendment or Substitute Motion.**

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

**Call for the Question.**

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

**The Chair.**

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

**Courtesy and Decorum.**

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



- 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:** June 12, 2014

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

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

**Background:** In accordance with California Government Code 84308, members of the 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
None	None	None	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.

None	<p style="text-align: center;"><i>Approved</i></p> <p style="text-align: center;">Commuter Rail and Transit Committee</p> <p style="text-align: center;">Date: <u>  June 12, 2014  </u></p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	CTC	CTA	SAFE	CMA	
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*Check all that apply.*

## COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2014

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

X = Member attended meeting.

Empty box = Member did not attend meeting.

Crossed out box = Not a member at the time.

## COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2013

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

X = Member attended meeting.

Empty box = Member did not attend meeting.

Crossed out box = Not a member at the time.



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

*Minute Action*

AGENDA ITEM:     3    

**Date:** June 12, 2014

**Subject:** Election of Committee Chair and Vice Chair

**Recommendation:** Conduct elections for members to serve as Chair and Vice Chair of the SANBAG Commuter Rail and Transit Committee for terms to end June 30, 2015.

**Background:** Terms for the Chair and Vice Chair of each of the SANBAG policy committees expire on June 30, 2014. Election of Chair and Vice Chair for each of the policy committees is scheduled to follow the annual election of SANBAG Officers, which occurred at the June Board of Directors meeting.

The duties of the Chair include serving on the General Policy Committees, participation in legislative advocacy efforts; representing SANBAG at public events; and representing policy committee recommendations at SANBAG Board meetings.

This item provides for an election to be conducted, which will identify the Chair and Vice Chair of the Committee to serve until June 30, 2015. A complete listing of SANBAG policy committees, membership, and chairs is attached to this item for reference.

**Financial Impact:** Staff support for this activity is consistent with the adopted budget. There is no additional financial impact upon the SANBAG budget.

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

**Responsible Staff:** Mitch Alderman, Director of Transit and Rail Programs

*Approved*  
*Commuter Rail and Transit Committee*

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

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

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

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

X	COG	X	CTC	X	CTA	X	SAFE	X	CMA
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*Check all that apply*  
 CRT1406a-maa

Attachment: <http://portal.sanbag.ca.gov/mgmt/Intranet/Shared%20Documents/SANBAG%20Policy%20Committee%20Membership.docx>



### SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p><b>Mountain/Desert Committee</b> Membership consists of 11 SANBAG Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second, and Third Districts.</p>	<p>Provides ongoing policy level oversight related to the full array of SANBAG responsibilities as they pertain specifically to the Mountain/Desert subregion.</p> <p>The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan.</p>	<p>Edward Paget, Needles (Chair) Ryan McEachron, Victorville, (Vice Chair) Curt Emick, Apple Valley Jim Harris, Twentynine Palms George Huntington, Yucca Valley Bill Jahn, Big Bear Lake Mike Leonard, Hesperia Robert Lovingood, Supervisor Julie McIntyre, Barstow James Ramos, Supervisor Janice Rutherford, Supervisor Cari Thomas, Adelanto</p>	<p>Indeterminate (6/30/2014) Indeterminate (6/30/2014) Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate</p>

**Policy Committee Meeting Times**

General Policy Committee	Second Wednesday, 9:00 a.m., SANBAG Office
Commuter Rail & Transit Committee	Third Thursday, 12:00 noon, SANBAG Office
Mountain/Desert Committee	Third Friday, 9:30 a.m., Apple Valley

NOTE: Policy Committee meetings will not be held in July of each year (effective 9/5/12).

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### Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
<p>Board of Directors Study Sessions for Metro Valley Issues Refer to SANBAG Policy 10007.</p>	<p>To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley.</p>	<p>Board of Directors Richard Riddell, Yucapa (Chair) Michael Tahan, Fontana (Vice Chair)</p>	<p>6/30/2014 6/30/2014</p>

**Meeting Time:** Second Thursday, 9:00 a.m., SANBAG Office

### Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p><b>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</b> The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p>	<p>Richard Haller Rod Johnson Norman Orfall Craig Scott Larry Sharp Ray Wolfe, Ex-Officio</p> <p>In addition to the appointed members, the SANBAG Executive Director will serve as an ex officio member.</p>	<p>12/31/16 12/31/16 12/31/14 12/31/14 12/31/14</p>

### SANBAG Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p><b>Audit Subcommittee of the General Policy Committee</b>                      In November 2008, the Board approved the creation of an Audit Subcommittee of the General Policy Committee to strengthen the financial oversight function of the Board. Additional SANBAG Board Members may be appointed annually at the discretion of the Board President.</p>	<p>The responsibilities of the Audit Subcommittee shall be to:</p> <ul style="list-style-type: none"> <li>• Provide a direct contact between the independent auditor and the Board of Directors before, during and after the annual audit.</li> <li>• Work with the auditor and SANBAG staff on reviewing and implementing practices and controls identified in the annual audit.</li> </ul>	<p>Audit Subcommittee (for FY 2012-2013 Audit)                      - SANBAG President – Bill Jahn, Big Bear Lake                      - Vice President – L. Dennis Michael, Rancho Cucamonga                      - Immediate Past President – Janice Rutherford, Supervisor                      - Presidential Appointment – Walt Stanckiewicz, Grand Terrace</p>
<p><b>Ad Hoc Committee on Litigation with San Bernardino County Flood Control District</b>                      In January 2007, the SANBAG President was authorized to appoint an ad hoc review committee of SANBAG Board Members who do not represent local jurisdictions party to the San Bernardino County Flood Control District vs. SANBAG litigation relative to the Colonies Development.                      In April 2008, the role of this committee was expanded to include the Cactus Basin litigation.</p>	<p>Review and provide guidance on litigation with San Bernardino County Flood Control District regarding the Colonies Development and the Cactus Basin in Rialto.</p>	<p>Pat Morris, San Bernardino, Chair                      Larry McCallon, Highland                      Richard Riddell, Yucaipa</p>
<p><b>Bylaws</b>                      In July 2012, the SANBAG Board President appointed this ad hoc committee to review SANBAG’s bylaws and recommend changes to modernize SANBAG’s governance document.</p>	<p>Review SANBAG’s bylaws and make recommendations to the Board on any necessary changes.</p>	<p>Rhodes “Dusty” Rigsby, Loma Linda - Chair                      Mike Leonard, Hesperia                      Larry McCallon, Highland                      Pat Morris, San Bernardino</p>
<p><b>Budget Process</b>                      In July 2012, the SANBAG Board President appointed this ad hoc committee to review SANBAG’s budget preparation process and final budget document and make recommendations to help improve communication and transparency of SANBAG’s budget to elected officials and the general public.</p>	<p>Review SANBAG’s budget adoption process and final budget document and make recommendations on changes to improve the process and the final budget document to make them more useful and informative to Board Members and the public.</p>	<p>Ray Musser, Upland – Chair                      Mike Podegracz, P.E. – City Manager, City of Hesperia                      Sam Racadio – Council Member, City of Highland                      Kevin Ryan - Principal Transportation Planner, City of Fontana</p>
<p><b>Contracting Process</b>                      In July 2012, the SANBAG Board President appointed this ad hoc committee to strengthen SANBAG’s procurement policies and procedures.</p>	<p>Review SANBAG’s contracting policies and procedures and make recommendations to improve them.</p>	<p>Michael Tahan, Fontana - Chair                      Robert Lovingood, Supervisor                      Julie McIntyre, Barstow                      Walt Stanckiewicz, Grand Terrace                      Alan Wapner, Ontario                      Dennis Yates, Chino</p>

### SANBAG Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p><b>Express Lanes Ad Hoc Committee</b>                      In November 2013, the SANBAG Board President appointed this ad hoc committee.</p>	<p>The purpose is to consider uses for anticipated toll revenue in excess of that needed to cover bond debt over the long-term.</p>	<p>Alan Wapner, Ontario – Chair                      Josie Gonzales, Supervisor                      Mike Leonard, Hesperia                      Robert Lovingood, Supervisor                      Larry McCallon, Highland                      Ryan McEachron, Victorville                      L. Dennis Michael, Rancho Cucamonga                      Frank Navarro, Colton                      Dusty Rigsby, Loma Linda                      Deborah Robertson, Rialto                      Janice Rutherford, Supervisor                      Michael Tahan, Fontana</p>
<p><b>Legislative</b>                      In March 2013, the SANBAG Board President appointed this ad hoc committee.                      This committee will consist of the SANBAG Board Officers.</p>	<p>Review proposed legislation at the state and federal level. Provide direction to staff on positions consistent with the Board-adopted legislative platform.</p>	<p>President – Bill Jahn, City of Big Bear Lake                      Vice President – L. Dennis Michael, Rancho Cucamonga                      Immediate Past President – Janice Rutherford, Supervisor</p>
<p><b>Right of Way</b>                      In February 2013, the SANBAG Board President appointed this ad hoc committee.</p>	<p>Review Right of Way policies and make recommendations on changes and signature authority limits.</p>	<p>Curt Emick, Apple Valley                      James Ramos, Supervisor                      Deborah Robertson, Rialto                      Michael Tahan, Fontana</p>
<p><b>Transit Review Ad Hoc Committee</b>                      In July 2013, the SANBAG Board President appointed this ad hoc committee.</p>	<p>Review transit agency efficiencies and maximize transit funding.</p>	<p>Janice Rutherford, Supervisor – Chair                      Jim Harris, Twentynine Palms                      Robert Lovingood, Supervisor                      Ryan McEachron, Victorville                      L. Dennis Michael, Rancho Cucamonga                      Dusty Rigsby, Loma Linda                      Alan Wapner, Ontario</p>

### SANBAG Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
<p><b>Transportation Technical Advisory Committee (TTAC)</b>                      Committee membership consists of a primary staff representative of each SANBAG member agency designated by the City Manager or County Administrative Officer.</p>	<p>SANBAG's Transportation Technical Advisory Committee was formed by SANBAG management to provide input to SANBAG staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SANBAG Board of Directors.</p> <p>The TTAC is not a Brown Act committee.</p>	<p>Generally meets on the first Monday of each month at 1:30 PM, at SANBAG.</p>
<p><b>City/County Manager's Technical Advisory Committee (CCMTAC)</b>                      The committee is made up of up to two representatives of the County Administrator's Office and the city manager or administrator from each city and town in the County.</p>	<p>SANBAG's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established SANBAG. The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns.</p> <p>The CCM TAC is a Brown Act Committee.</p>	<p>Meets on the first Thursday of each month at 10:00 AM, at SANBAG.</p>
<p><b>Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)</b>                      membership consists of 13 members appointed by the SANBAG Board of Directors                      6 representing Public Transit Providers                      1 representing County Dept. of Public Works                      1 representing the Consolidated Transportation Services Agency                      5 representing Social Service Providers</p>	<p>Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC's statutory responsibilities:</p> <ol style="list-style-type: none"> <li>(1) Review and make recommendations to SANBAG on annual Unmet Transit Needs, Federal Transit Administration and Measure I Program applications and reports.</li> <li>(2) Assist SANBAG in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan and disseminate information in reference to State law and recommendations as they relate to transit and specialized transit.</li> <li>(3) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit.</li> <li>(4) Address any special issues of PASTACC voting and non-voting members.</li> </ol> <p>The PASTACC is a Brown Act committee.</p>	<p>Meets the second Tuesday every other even month at 10:00 AM, at SANBAG.</p>
<p><b>Planning and Development Technical Forum (PDTF)</b>                      Committee membership consists of a primary staff representative of each SANBAG member agency designated by the City Manager or County Chief Executive Officer.</p>	<p>The SANBAG Planning and Development Technical Forum was formed by SANBAG management to provide an opportunity for interaction among planning and development representatives of member agencies on planning issues of multi jurisdictional importance.</p> <p>The PDTF is not a Brown Act Committee.</p>	<p>Meets the 4th Wednesday of each month at 2:00 p.m. at the Depot (in the SCAG Office).</p>

### SANBAG Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
<p><b>Project Development Teams</b></p>	<p>Project Development Teams (PDTs) are assembled for all major project development activities by SANBAG staff.                      Teams are generally composed of technical representatives from SANBAG, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project.                      PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions.                      PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development.                      The PDTs are not Brown Act Committees.</p>	<p>Varies with the PDT, at SANBAG.</p>



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

**Minute Action**

AGENDA ITEM: 4

**Date:** June 12, 2014

**Subject:** Downtown San Bernardino Passenger Rail Project and San Bernardino Transit Center Project construction update

**Recommendation:** Receive presentation on construction update for the Downtown San Bernardino Passenger Rail Project and San Bernardino Transit Center Project. (10 minutes)

**Background:** In December of 2013, both Downtown San Bernardino Passenger Rail Project (DSBPRP) and San Bernardino Transit Center Project (SBTC) construction contracts were awarded, i.e. – Shimmick Construction (DSBPRP) and Kemp Bros Construction (SBTC). Following the award of these contracts, initial project set-up requirements were completed. The Limited Notice To Proceed (LNTP) for Shimmick was issued to take effect on January 27, 2014 followed by the Notice To Proceed (NTP) on April 9, 2014. Likewise the effect date for the Kemp LNTP was issued as January 27, 2014 followed by the NTP effective date as March 31, 2014. LNTP's are issued to allow a contractor to do the initial paperwork necessary to start the actual field construction activities when issued the NTP. The contract end date for Shimmick is July 22, 2016 and the end date for Kemp Bros is March 12, 2015.

**Financial Impact:** This item has no financial impact at this time.

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

**Responsible Staff:** Mitch Alderman, PE  
 Director of Transit and Rail Programs

\*

*Approved*  
 Commuter Rail and Transit Committee

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

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

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

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

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



- 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:** June 12, 2014

**Subject:** Fiscal Year 2014/2015 Transportation Development Act (TDA) Unmet Transit Needs Public Hearings

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

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

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

In January 2003, the Board approved the definitions of “Unmet Transit Needs” and “Reasonable to Meet”. An amendment to Section C – Equity, under the definition of “reasonable to meet”, was approved by the Board in

\*

*Approved*  
 Commuter Rail and Transit Committee

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

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

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

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

COG		CTC	X	CTA		SAFE	CMA
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Check all that apply.

CRTC1406a-ns

Attachment: <http://portal.sanbag.ca.gov/mgmt/committee/commuter/crtc2014/crtc1406/AgendaItems/CRCT1406a1-ns.docx>

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

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

The schedules for the proposed hearings are as follows:

**Upper Desert Region**  
Monday, September 15, 2014 at 9:30am  
Victor Valley Transit Authority  
17150 Smoketree Street  
Hesperia, California 92345

**Lower Desert Region**  
Thursday, September 25, 2014 at 5:00 pm  
HELEN GRAY CENTER  
6601 White Feather Road  
Joshua Tree, California 92252

**Financial Impact:** This item is consistent with the adopted Fiscal Year 2014/2015 Budget. Funding for the public hearings is provided under Task No. 0309 the funding source is LTF Planning.

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

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

## Attachment A

### Definitions of “Unmet Transit Needs” and “Reasonable to Meet” adopted by the San Bernardino County Transportation Commission Board of Directors in January 2008

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

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

- A. Community acceptance** – The proposed service has community acceptance and support as determined by the Unmet Transit Needs public hearing record, the inclusion of adopted programs and plans, the adoption of governing board positions and other existing information.
- B. Timing**
  - 1. The proposed service shall be in response to an existing rather than future need.
  - 2. The proposed service shall be implemented consistent with the timing for federal and state grant approval if such a grant is the most appropriate primary method of funding.
- C. Equity** – the proposed service shall:
  - 1. Not unreasonably discriminate against or in favor of any particular segment of the community.
  - 2. Not result in reduced service levels for other parts of the transit system that have equal or higher priority.
  - 3. Require a subsidy per passenger generally equivalent to a 120% of similar services being operated within the first two full Fiscal Years of operation unless overriding reasons so justify.
- D. Cost effectiveness** – the proposed service shall:
  - 1. Not duplicate other existing transportation services or resources.

2. Consider opportunities for coordinating amount adjoining public entities or with private transportation providers and/or funding agencies in order to maximize existing resources (including financial) as well as legal or customary responsibilities of other entities such as social service agencies, religious organizations and schools.
3. Not adversely affect the operator's ability to meet the required ratio of fare revenue to operating cost after two full Fiscal Years of operations.
4. Meet a productivity level of 80% of the average number of passengers per hour for similar services being operated within the first two full Fiscal Years of operation unless overriding reasons so justify.

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



- 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:** June 12, 2014

**Subject:** Omnitrans Short Range Transit Plan *OmniConnects*.

**Recommendation:** Receive a presentation on Omnitrans Short Range Transit Plan 2015 – 2020, called *OmniConnects*.

**Background:** It is a requirement through local, state and federal guidelines that transit operators complete a Short Range Transit Plan (SRTP) every two years. A SRTP is the projection of transit capital, operating expenses, and revenues for a transit operator over a period of time, usually 3 to 5 years.

Omnitrans staff will be presenting their *OmniConnects* SRTP 2015-2020 Plan to the Commuter Rail and Transit Committee. The new SRTP incorporates Omnitrans’ efforts to maintain a balanced budget over the next 5 years, coinciding with a 3% annual increase to their LTF revenue allocations for operations, identified as part of the Comprehensive Operational Analysis adopted by both the Omnitrans and SANBAG Board of Directors in November 2013. At the direction of the Omnitrans Board of Directors, Omnitrans staff identified several ways to balance the budget while not making any cuts to transit service. Some of the largest savings were identified in the areas of risk management, organizational structure and fares.

Attachment 1 is the detailed Executive Summary of the *OmniConnects* plan. Key components of the plan include:

*Approved*  
 Commuter Rail and Transit Committee

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

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

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

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

COG	CTC	X	CTA	SAFE	CMA
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Check all that apply.

CRTC1406b-ns

Attachment:

<http://portal.sanbag.ca.gov/ncmt/committee/commuter/crtc2014/crtc1406/AgendaItems/CRTC1406b1-ns.pdf>

- An evaluation of Omnitrans' community, riders, services and partners.
- A financial plan that balances each year from FY2015 through FY2020.
- A detailed performance monitoring program that attaches quantifiable metrics to many high level goals, while also developing a more detailed route performance metric system than previous SRTPs.
- A dedication to moving towards having 65% of Omnitrans' service working as productivity-oriented service through the gradual reallocation of resources rather than waiting for additional funding to add service to reach the 65% goal.
- An Unconstrained Plan that seeks to streamline Omnitrans' service by improving the directness of travel, improving travel speed, simplifying Omnitrans' routes so that they more closely match the way someone planning their own trip would travel, reducing routing redundancies and focusing travel onto key high-frequency, high-performance corridors.
- A Constrained Plan with a proposed implementation plan each year;
  - In FY2015, the Constrained Plan proposes a series of changes in the East Valley designed to eliminate redundancy and use those savings to develop stronger east-west connections that feed into sbX. This plan helps extend the travel time savings that sbX brings to residents traveling from Yucaipa, Redlands, Highland, Colton, Rialto, and Fontana by delivering better connections to sbX.
  - The FY2015 Constrained Plan also proposes the elimination of OmniLink due to duplication of OmniGo Service.
  - The FY2015 Constrained Plan also proposes to implement Omnitrans' first fare increase in five years. The fare increase is proposed as a \$0.25 increase on the \$1.50 base cash fare and a \$0.15 increase on the \$0.60 senior/disability cash fare.
  - In FY2016, the Constrained Plan proposes improving the directness of travel in the West Valley by delivering more refined north-south routes to feed into the key high-frequency east-west corridors on Foothill Boulevard and Holt Boulevard. This will improve travel directness and should help improve the service statistics on the key trunk routes making them more competitive for grant funding.
  - In FY2017-2020, the Constrained Plan proposes a number of questions that should be asked and analyzed in developing each year's plan. These questions relate to the success of early changes and also progress checks on proposed developments that may alter Omnitrans service strategies.
- A fare policy update with proposed fare increases every other year. The proposed base fare is scheduled to increase \$0.25 every other year starting at a FY2014 base of \$1.50, moving to \$1.75 in FY2015, \$2.00 in FY2017 and \$2.25 in FY2019.

- A Title VI analysis to ensure compliance with Federal regulations and a summary of the Outreach efforts.

The *OmniConnects* Plan was approved by Omnitrans Board of Directors at the May 7, 2014 board meeting. Omnitrans staff will continue to move items from the Unconstrained Plan to reality when financially feasible.

***Financial Impact:*** This item is informational and has no direct impact on the adopted budget.

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

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

# 1 EXECUTIVE SUMMARY

OmniConnects is Omnitrans’ FY2015-2020 Short Range Transit Plan (SRTP), which is Omnitrans’ business plan to connect people, businesses and our community with safe, reliable and convenient public transportation in a financially and environmentally sustainable manner.

## 1.1 Introduction

▶ Omnitrans is a Joint Powers Authority (JPA) formed to provide public transportation in the San Bernardino Valley including the County of San Bernardino and 15 member cities: Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa.

▶ Omnitrans’ mission is: To provide the San Bernardino Valley with comprehensive public mass transportation services which maximize customer use, comfort, safety, and satisfaction, while efficiently using financial and other resources in an environmentally sensitive manner.

▶ Omnitrans’ key goals in OmniConnects are:

- ▶ Deliver safe, reliable, clean, frequent, convenient, comfortable and equitable service.
- ▶ Enhance Omnitrans’ network design to increase ridership and minimize costs by reducing redundancy.
- ▶ Minimize impact to existing riders while seeking opportunities to expand ridership.

- ▶ Support the local economy by providing connections to where people want to go.
- ▶ Maximize cost recovery while charging a fair fare.
- ▶ Support initiatives that are financially and environmentally sustainable in the short and long term.
- ▶ Expand, maintain and improve existing vehicles, facilities and passenger amenities.

▶ Several strategies to focus on these goals were developed in the areas of Core Mission, Cost Efficiency, Connections, and Partnerships.

▶ Since the last SRTP was completed Omnitrans has had many accomplishments including the delivery of the sbX Green Line on time and on budget; new transit centers in Rancho Cucamonga at Chaffey College, Yucaipa and Ontario; the Go Smart student pass program; Rebranding; introduction of NexTrip real-time bus arrival information; and, the introduction of OmniGo Community Circulators, all while maintaining fare stability for Omnitrans’ riders.

## 1.2 Our Community

▶ As of 2014, Omnitrans’ service area is 456 square miles with a population of 1.48 million residents, with 74% of the population defined as a minority.

▶ The cities of San Bernardino and Ontario have higher population urban centers, while communities like Yucaipa are more rural and less densely populated.

▶ Ontario and Chino are projected to see fast population growth during the next 10-25 years.

▶ Population density in the cities ranges from 1,700 people per square mile in Chino Hills to 7,333 people per square mile in Montclair.

▶ Ontario and Loma Linda have the highest concentration of jobs compared to population, which is indicative of the need for greater inflow transit options in the morning and outflow options in the afternoon/evening.

▶ Higher numbers of younger people tend to cluster centrally in the service area, especially in cities and communities lying between the I-10 and I-210 freeways. Older populations tend to locate more often to the north of the I-210 freeway or south of the I-10 freeway or at the periphery of Omnitrans’ service area.

## 1.3 Our Riders

▶ In FY2013, Omnitrans delivered 16.1 million passenger trips, which has grown 9% over the last five years.

▶ Omnitrans’ average weekday boardings were just over 54,000 during FY2013.

▶ Omnitrans’ ridership varies in age, ethnicity and gender. Omnitrans’ most typical rider is a female between the ages of 19-29 years old, who rides transit to work or to school.

➤ More than half of Omnitrans riders are 39 years old or younger. The largest individual age cohort of riders is between the ages of 20-29 years old (26%). The smallest share of riders is 60 years old or older at 9%.

➤ More than half of the riders indicate that they have at least one auto in their household.

➤ Nearly two-thirds of riders live in a household that earns less than \$35,000 annually. Most riders (61%) reported earning less than \$20,000 per household. In contrast, over half of non-riders surveyed reported household income levels of at least \$50,000 per year.

➤ Riders continue to express the need for increased regional connectivity, which can be seen by the growth of Omnitrans' freeway express route, Route 215, which connects Downtown San Bernardino to Riverside via Interstate 215. 64% of riders surveyed expressed an interest in additional express routes.

➤ Between FY2007 and FY2013 ridership system-wide grew by 4.3%. During the same period, senior ridership grew more than six times faster at 26.7%.

➤ Student ridership has increased approximately 19% each year from FY2007 through FY 2013.

## 1.4 Our Services

➤ Omnitrans offers a family of services designed to match the service with the land use, ridership activity and needs of

the community. These include: sbX Bus Rapid Transit; Omnitrans Local; Omnitrans Express; OmniGo Community Circulators; Access ADA Paratransit and OmniLink General-Public Dial-a-ride.

➤ In FY2013, Local bus service delivered 93.9% of Omnitrans' ridership, 72.3% of Omnitrans' revenue hours of service and 77.4% of operating costs; Express Bus service delivered 2.2% of ridership, 1.4% of revenue hours and 1.8% of costs; OmniGo delivers 0.9% of ridership, 3.5% of revenue hours and 2.7% of costs; Access delivers 2.9% of ridership, 22.0% of revenue hours and 17.5% of costs and OmniLink provides 0.1% of ridership, 0.8% of revenue hours and 0.6% of costs.

➤ The sbX Program is the first-of-its-kind Bus

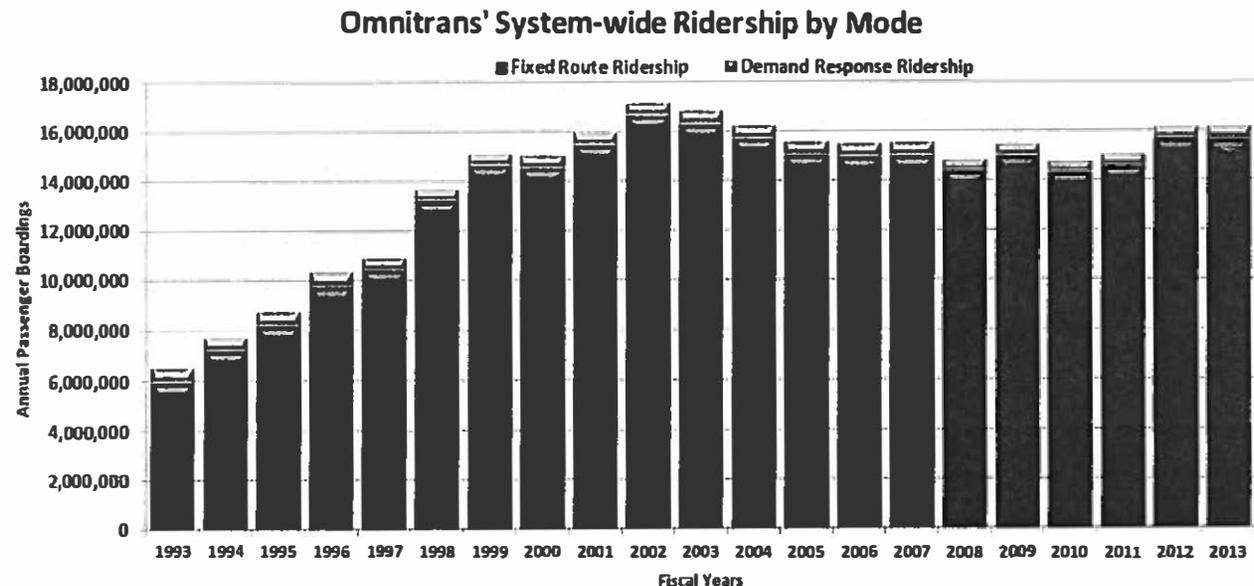
Rapid Transit (BRT) service to be constructed in the Inland Empire. It includes frequent 10-minute peak service, limited stops, traffic signal prioritization, dedicated transit stations, dedicated right-of-way, branded vehicles and dedicated corridor capital improvements.

➤ Omnitrans currently operates 32 fixed routes with service frequency ranging from every 15 minutes to every 70 minutes. Most of Omnitrans' routes operate seven-days per week and Omnitrans weekday system hours of service operation are from 3:48 A.M. to 11:13 P.M.

➤ Omnitrans overall ridership can be seen in Exhibit 1. Detailed route performance statistics can be found in the Comprehensive Operational Analysis of Omnitrans. Key route

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Exhibit 1: Omnitrans Systemwide Ridership FY1993-2013



level statistics can be seen in Chapter 5.

## 1.5 Our Partners

Omnitrans services are delivered in cooperation with many partners including neighboring transit agencies, funding partners, planning partners and member cities.

Omnitrans services offer direct connections to Riverside Transit Authority, Foothill Transit, Orange County Transportation Authority, Victor Valley Transit Authority, Mountain Transit, Pass Transit, Metrolink, Greyhound and Amtrak.

Omnitrans funding and planning activity relies on many successful partnerships. Omnitrans' key partners include the Federal Transit Administration (FTA), California Transportation Commission, CalTrans, Southern California Association of Governments (SCAG), San Bernardino County, San Bernardino Associated Governments (SANBAG), Omnitrans' JPA-member cities, and VTrans.

## 1.6 Financial Plan

Omnitrans' FY2015-2020 financial plan is based on the revenue and cost projections developed to close out the Comprehensive Operational Analysis (COA) of Omnitrans.

In December 2013, the Omnitrans Board of Directors received a seven-year funding plan (Fiscal Year 2014 – Fiscal Year 2020) that originally showed an

operating deficit of \$12.81 million.

Since the conclusion of the COA, Omnitrans has worked to resolve the projected budget shortfall. Omnitrans is proud to present this OmniConnects plan which is a fiscally balanced and financially sustainable plan that closes the previously projected \$12.81 million shortfall while maintaining the overall level of service that Omnitrans provides.

Closing of the shortfall revolved around three key items: 1) Organizational Restructuring; 2) Proposed Fare Changes; and 3) Risk Management.

**Organizational Restructuring** – Omnitrans restructured its senior management team by combining four departments into two. This provided Omnitrans the opportunity to reduce operating costs and gain operational efficiencies by reducing headcount.

**Proposed Fare Changes** – The original financial plan contained fare increases in FY2015 and FY2018. The Fare policy was revised to implement the fare increases in FY2015, FY2017 and FY2019. These provided

Omnitrans the ability to generate an additional \$3.31 million in fare revenue.

▶ **Risk Management** – A major component of Omnitrans' operating cost is the reserves for outstanding workers compensation and liability claims. The reserves to settle outstanding claims are maintained at high confidence levels. After review of historical data, risk assessment, and industry standard, it was determined that Omnitrans can operate with lower reserves while aggressively pursuing cost containment

▶ Detailed operating revenue and costs projects by funding category can be found in the Financial Plan chapter. A summary table with total projected operating revenue and projected operating costs is shown in Exhibit 2.

▶ Omnitrans' capital plan was balanced at the completion of the COA and remains so in OmniConnects. The Capital Plan includes funding for revenue vehicles, support vehicles, IT projects, facilities and transit enhancements. The revenue vehicle replacement cycle is established as fifteen 40-

**Exhibit 2: Omnitrans Operating Revenues and Operating Cost Forecast (Millions)**

SOURCE	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	TOTAL
Total Operating Revenue	\$71.56	\$75.47	\$77.31	\$79.59	\$81.56	\$84.01	\$86.09	\$555.59
Total Operating Cost	\$71.56	\$75.47	\$77.31	\$79.59	\$81.56	\$84.01	\$86.09	\$555.59
Surplus (Shortfall)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

foot coaches and fifteen demand response/OmniGo vehicles per year through the completion of the plan.

## 1.7 Standards & Performance Measures

- ▶ The OmniConnects plan defines four main types of performance measures, standard or metrics:
  - **Service Warrants** describe and set Omnitrans' principles, conditions and expectations when considering new service.
  - **Service Standards** describe and set Omnitrans' routing principles, frequency requirements, span of service, walking standards and similar measures.
  - **Service KPIs** track the performance of specific routes and modes to determine which specific service offerings are most productive, most effective, and most efficient. The measures are tracked and analyzed with the highest frequency at the greatest level of granularity.
  - **Business KPIs** track the performance of broader levels of Omnitrans performance that is not specifically tied to a route. These include measures associated with safety, staffing efficiency, attendance, maintenance, and costs.
- ▶ For key measures, specifically within Service KPIs, OmniConnects standards are based on a stop-light approach that provide green

(exceptional), yellow (acceptable) and red (unacceptable) targets. This allows for a better tool to manage multiple offsetting goals rather than using simple pass/fail goals.

- ▶ The OmniConnects plan reiterates the direction set by Omnitrans' Board of Directors in 2001 to allocate 65% of resources to productivity-oriented service and 35% of resources to coverage-oriented services.
- ▶ Following lengthy discussions with the Plans and Programs Committee, the OmniConnects plan proposes to modify this 65/35 productivity/coverage goal by: 1) Seeking to reach this goal by shifting current resources and services rather than waiting for funding to add additional services; and 2) firmly defining productivity-oriented service as frequent local service (20 minutes or better); BRT; limited stop; freeway express; and/or a local route underlay of one of the previous service types.
- ▶ The monitoring program defined in OmniConnects is based on both historic trend data and peer data. For peer data, Omnitrans is a member of the American Bus Benchmarking Group, which is currently a collaboration of 17 mid-sized agencies that share data annually on several hundred data points.
- ▶ The OmniConnects plan's monitoring program proposes regular reporting of system and route level measures to the Plans and Programs Committee.

## 1.8 Sustainability

- ▶ Sustainability is balancing the economic, social and environmental needs of a community. It is also adopting policies and programs that make good business and environmental sense.
- ▶ Omnitrans follows and is involved in implementation plans associated with California Senate Bill 375, SCAG's Sustainable Community Strategy, and the San Bernardino County Active Transportation Network.
- ▶ Omnitrans is a national leader in sustainability among the public transportation industry, having been among the first agencies in the country to implement clean natural gas vehicles, along with a host of other initiatives.
- ▶ The OmniConnects plan proposes that Omnitrans become a signatory of the American Public Transportation Association's (APTA's) Sustainability Commitment.
- ▶ Signatory agencies must commit to the following: Make sustainability part of the agency's strategic objectives; Identify a sustainability champion within the agency who tracks key sustainability indicators and targets; Establish an outreach program on sustainability for staff; and, Establish a baseline measurement for key indicators.

## 1.9 Unconstrained Service Plan

- ▶ The unconstrained plan provides the broad vision of what Omnitrans wants overall service to look like.

- ▶ An unconstrained plan is a service plan for which there are not currently enough available financial, capital and/or operating resources to provide the full complement of services described. It is used to develop services that Omnitrans believes would meet service delivery standards if the service were to be offered. Within the context of OmniConnects, the unconstrained plan will be used primarily as a mechanism to develop the constrained plan and then to seek additional grant funding when opportunities arise.
- ▶ Key elements of the unconstrained service plan are to streamline routes in order to improve travel directness, travel times, ease of understanding, reduce redundancy and build upon Omnitrans key high-frequency routes such as sbX and local Routes 14, 66 and 61.
- ▶ The plan provides detailed route by route map, frequency and service hour recommendations.
- ▶ Proposed East Valley changes focus on extending the travel time benefits of sbX by developing stronger east-west connections to sbX that connect into Yucaipa, Redlands, Highland, Loma Linda, Colton, Rialto and Fontana.
- ▶ To this end the plan proposes consolidating three partially duplicative routes of Route 8, 9 and 19, into two higher frequency versions of Routes 8 and 9. This creates better sbX connections along Redlands Boulevard and Barton Avenue.
- ▶ Frequency in proposed to be improved on Routes 3 and 4 due to high ridership which connects to sbX along Highland Avenue.
- ▶ In order to add these improvements, low ridership routes like Route 20 are proposed to see a reduction in service frequency.
- ▶ In West Valley, the unconstrained plan focuses on improving the directness of north-south travel to feed into two of Omnitrans highest ridership routes (Routes 61 & 66) that travel primarily on Foothill Boulevard and Holt Boulevard.
- ▶ To this end, routes are straight-lined to improve the directness of travel on Haven Avenue, Milliken Avenue, Mountain Avenue and Euclid Avenue.
- ▶ Ridership and frequency are matched by proposing to move higher frequency service (30 minutes) to Central Avenue and from Ramona Avenue on Routes 65 and 68.
- ▶ Low ridership areas and areas with duplicative service offerings are proposed to be consolidated or eliminated. Travel from Holt Boulevard to Montclair Transit Center is consolidated from three routes to two.
- ▶ Service on Omnitrans lowest performing local route (Route 67 along Baseline Avenue between Fontana, Upland and Montclair) is redirected to establish a one-seat ride between Fontana and Chaffey College.
- ▶ Omnitrans proposes continuing working on two future BRT corridors.
- ▶ One corridor is the West Valley Connector as a multi-phase BRT, BRT-light or rapid corridor. The West Valley Connector is a corridor that connects Fontana, Rancho Cucamonga, Ontario, Montclair and Pomona on a combination of Sierra Avenue, Foothill Boulevard, Milliken Avenue and Holt Boulevard.
- ▶ A second corridor is the Foothill Corridor which connects from Highland to Montclair. The central portion of the Foothill Corridor, which corresponds to Omnitrans Route 14, is proposed to be the first segment of the Foothill Corridor improved.
- ▶ Omnitrans proposes seeking funding options to develop a series of freeway express routes designed to greatly expedite east-west travel throughout the San Bernardino Valley.
- ▶ Omnitrans identifies the overlap between OmniLink and OmniGo service as a potential area to eliminate redundancies in order to work to fund key service enhancements.

## 1.10 Constrained Service Plan

- ▶ The OmniConnects Constrained Plan is the proposed implementation plan derived based on the forecasted revenue presented in the Financial Plan and the desired services detailed in the Unconstrained Plan. The Constrained Plan proposals are designed to be implemented with the adoption of each annual service element.
- ▶ Key elements of the constrained plan are: proposed service changes, estimated service

levels, estimated performance, and planned questions that should be answered when developing the implementation plan each year.

▶ When developing ridership and revenue forecasts, Omnitrans takes a highly conservative approach. The forecast drivers for ridership are: three proposed fare increases; conservative organic growth typically at one-percent per year; conservatively assuming sbX ridership remains at opening year levels; and Access ridership growth consistent with recent trends.

▶ **FY2015 Service Proposals:**

- A 16% fare increase that brings the base fare from \$1.50 to \$1.75 and increases other fares by a similar percentage.
- East valley proposed service changes designed to build strong east-west local routes that connect into sbX; this includes changes to Routes 3, 4, 5, 8, 9 and 19. The largest of these is the combining of resources on 8, 9 and 19 to develop two strong 30 minute routes, rather than a mix of 60 and 30 minute routes.
- Matching of ridership levels with service offered including additional weekend service on the Route 215 connection between Downtown Riverside and Downtown San Bernardino, a reduction of frequency on Route 20 and a number of other minor modifications.
- Elimination of OmniLink Service in Chino Hills and Yucaipa, due to the duplication

with OmniGo service that has more than three times the ridership of OmniLink.

- Omnitrans is projected to see a 2.9% increase in ridership, reaching 16.4 million riders during 2015. This increase is driven by the introduction of sbX in late FY2014, but the ridership increase is offset by a fare increase, which reduces ridership.

▶ **FY2016 Service Proposals:**

- There are no fare changes proposed for FY2016.
- There are a series of service changes proposed that are designed to improve travel directness and time in West Valley. The primary design change is the development of more dedicated key north-south routes that provide direct unduplicated connections to the high-frequency future BRT/Rapid routes on Holt Boulevard and Foothill Boulevard.
  - The straightening of service in West Valley impacts Route 65 (Central Avenue), 68 (Ramona Avenue), 80 (Vineyard Avenue), 81 (Haven Avenue), 82 (Milliken Avenue) and 83 (Euclid Avenue).
  - Service on the east-west route on Baseline, Route 67, has a proposed change that shortens the route to serve as a key connection between Fontana and Chaffey College.
  - There are also a number of key questions to be evaluated in the development of the FY2016 implementation plan: What has been the ridership transition from Route 2 to sbX and does it warrant further changes?; What is the status of the San

Bernardino Transit Center and corresponding Rail Projects?; Were the FY2015 changes successful or are adjustments needed?; What savings were generated from the proposed elimination of OmniLink and can they be implemented in an express/rapid route?; and, What is the status of the Goldline Extension to Azusa?

▶ **FY2017-2020 Considerations:**

- There are fare changes proposed in FY2017 and FY2019 which are 14% and 12%, respectively.
- Given the budgetary limitations, the planned hours of service remain constant from FY2017 through FY2020. This implies that all service changes would need to have a savings offset to any service increase. Since Omnitrans is proposing East Valley and West Valley changes in FY2015 and FY2016, Omnitrans does not propose any specific changes FY2017-2020 until the impact of the previous changes are known in late FY2015 and FY2016.
- Omnitrans does propose specific key considerations to be evaluated during these years that will help shape the annual implementation plans including: Status of funding and/or construction of West Valley Connector capital improvements and then develop corresponding timing plan to shift resources from existing Route 60 and 66 to the West Valley Connector?; What is the status of revenue service on Redlands Rail and should routing be

modified to serve as a feeder service to the Redlands Downtown Station?; and, What has been the performance of the West Valley Service improvements and the move towards more of a grid system?

## 1.11 Fare Policy

- ▶ Omnitrans' proposed fare policy is set based on the need to close a \$12.8 million funding shortfall that existed at the completion of the COA.
- ▶ Fare policy is in compliance with California's Transportation Development Act (TDA) Farebox recovery rules, half fare requirements for seniors and the disabled; no greater than twice fare for ADA service and fare equity considerations that are based on Title VI of the Civil Right Act of 1964.
- ▶ Omnitrans' current base fare is \$1.50. Other fares are set based on volume/usage discount strategies or regulations from this base fare. Omnitrans completed a local (California) and a national comparison and found that the average base fares were \$1.69 and \$1.75, respectively.
- ▶ Omnitrans proposes raising fares every other year in FY2015, FY2017 and FY2019. In each case, the base fare is proposed to increase \$0.25, which at these fare levels is the next easily transactable fare that meets farebox recovery targets. The three \$0.25 fare increases correspond to a 16%, 14% and 12% fare increase every other year.

- ▶ Omnitrans Board will have the opportunity to approve the FY2017 and FY2019 fare increases prior to implementation. The FY2015 fare increase is proposed to be implemented with simultaneously with the OmniConnects plan.
- ▶ Omnitrans proposes changing all fares generally in line with the percentage increases indicated above.
- ▶ Omnitrans proposes modifying the zone boundaries within the Access Zone Map by moving the dividing streets a few blocks to the west. The current boundaries from east-to-west are Wabash, Tippecanoe, Cactus, Etiwanda and Campus. The proposed boundary streets are Ford, E Street, Sierra, Milliken and Mountain. These changes are proposed to remain in compliance with ADA regulations given the proposed changes to Omnitrans Fixed Route service.

## 1.12 Title VI Fare and Service Equity Analyses

- ▶ Omnitrans is required by FTA guidelines to complete a Title VI Analysis of major service changes and fare changes as part of the planning process to ensure compliance with Title VI of the Civil Rights Act of 1964.
- ▶ The Fare Equity Analysis shows that the proposed changes in the OmniConnects Plan do not unfairly impact the low income or minority (LIM) population in terms of disparate treatment or disparate impact. The Fare Equity Analysis was completed based on rider intercept surveys that indicated race/ethnicity and also the fare types used.

- ▶ The Service Equity Analysis shows that Omnitrans does not unfairly impact the LIM population in terms of disparate treatment or disparate impact. The Service Equity Analysis was completed using geo-spatial analysis combined with US Census demographic information to evaluate the populations served and impacted by each route proposal.

## 1.13 Public Outreach

- ▶ Public outreach for OmniConnects began with the output from the two rounds of Public Information Gatherings completed by AECOM in the development of the COA.
- ▶ In developing and reviewing the proposals within OmniConnects, Omnitrans reached out to riders, cities, stakeholders, neighboring transit providers, the Consolidated Transportation Service Agency and Omnitrans' employees.
- ▶ Public input was gathered at 11 individual meetings with seven of the meetings occurring at major transit centers so that Omnitrans could reach directly out to the riding public rather than waiting for the public to come to Omnitrans.
- ▶ Omnitrans distributed information about OmniConnects proposals through the required newspaper legal ad in the Sun and in the Inland Valley Daily Bulletin. Omnitrans also disseminated information about the changes and invitations to the meeting through take-one flyers on all buses, press releases, email newsletters, Omnitrans.Org, and through the agency's strong social media presence.

- ▶ Omnitrans staff spoke with over 450 individuals regarding the plan and received over 190 comments.
- ▶ The comments generally related to fare and service changes.
- ▶ The public was generally opposed to any fare increase; however, once it was explained that Omnitrans hasn't raised fares in over five years and that the fare increase was necessary to meet funding requirements and retain funding members of the public generally thought the fare increases were reasonable. However, the public was also concerned about the frequency of fare increases.
- ▶ Many members of the public whom Omnitrans spoke with who did not leave comments were supportive of the service changes proposed, specifically the straightening out of West Valley routes.
- ▶ Primary concerns related to the service changes related to new transfers or longer walking distance to a bus stop.
- ▶ Disabled riders voiced concerns about three specific changes: service near the Chaffey College Learning Development Center on 9<sup>th</sup> St. in Rancho Cucamonga; Goodwill Industries on Palm Lane between 3<sup>rd</sup> and 4<sup>th</sup> Streets in San Bernardino; and Empire Bowl on Colton Ave in Redlands. Omnitrans evaluated these concerns and based on the public input and based on VTrans Travel Training History at the facility, Omnitrans will revise the proposal for the Chaffey College Learning Development

Center when it is proposed for implementation. The other areas have adjacent service on another route and/or the ridership levels remain so low that the service levels are not sustainable. Access service will be available at both locations.

- ▶ Riders voiced concern over the proposed elimination of OmniLink, much more so in Yucaipa than in Chino Hills. Upon reviewing the comments, the majority of residents who voiced concern are within a very short walk (often less than 1/10 of a mile) from an OmniGo stop or are likely eligible for Access ADA paratransit service. So while the change has an immediate impact on the service that is currently used, very few current OmniLink riders are left without service. As the proposal draws near, Omnitrans will reach out to offer additional information about other transit options.
- ▶ The most common requests from the public were not specifically related to the OmniConnects Plan, but for longer service hours both on weekdays and weekends and for more frequent service on nearly all routes. While Omnitrans is supportive of increasing service hours and frequency, the financial resources are not available to do so at this time.



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

*Minute Action*

AGENDA ITEM: 7

**Date:** June 12, 2014

**Subject:** Review Financial Audits for Transit Operators

**Recommendation:** That the Committee recommend the Board review and receive Operator financial reports for Fiscal Year 2012/2013 for Omnitrans and City of Barstow (Barstow Area Transit).

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

This item presents the results of audits performed on Omnitrans and BAT. The audit of the financial statements for Fiscal Year 2012/2013 was completed by Vavrinek Trine and Day Co., LLC.

The financial statements for the transit operators include an Independent Auditors' Report included as attachment A for Ominitrans and attachment B for BAT. Each report includes an unmodified opinion, meaning no material misstatements or omissions.

*Approved*  
 Commuter Rail and Transit Committee

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

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

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

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

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

The full financial package report for each operator is included as supplemental material with the board packet. It includes a combination of the following reports:

1. Comprehensive Annual Financial Report.
2. Audit of Operators Basic Financial Statements and Annual Financial Report.
3. Single Audit Compliance Reports in accordance with Budget and Management (OMB) Circular A-133.
4. Statement on Auditing Standards 114 (SAS 114).
5. Proposition 1B.
6. IDES Report.
7. GAGAS (Generally Accepted Government Auditing Standards) Report.

The table below represents the financial reports applicable to each transit operator.

Report/Letter	Omnitrans	BAT (TDA Fund Only)
CAFR	X	
Basic Financial Report		X
Single Audit Report	X	
SAS 114 Letter	X	
Prop. 1B	X	
IDES Report	X	
GAGAS Report	X	X

The following is a summary of the audit reports along with any findings or recommendations for each transit agency.

**Omnitrans:**

- **CAFR: Unmodified Opinion**
- **Single Audit Report: Unmodified Opinion**
  - ❖ **Financial Reporting**
    - Revenues should be recorded when earned and realizable.
    - Risk Management costs and liability should be estimated and accrued in the period in which the event occurs.
    - Corrective action from Omnitrans: Financial reporting policies and procedures will be in accordance with Generally Accepted Accounting Principles.
  - ❖ **Subrecipient Monitoring**
    - Pertinent federal award information details must be provided to subrecipients.
    - Corrective action from Omnitrans: Procedures enhanced to provide all required information to subrecipients.

❖ **Reporting**

- Consistently include total amount provided to subrecipients.
  - Corrective action from Omnitrans: Procedures will be enhanced to include amounts provided to subrecipients.
- **SAS 114 Letter: Corrected and Uncorrected Misstatements**
- ❖ Misstatements corrected by Omnitrans included Risk management liabilities that were understated by over \$2 million, \$935,517 was recorded and the difference considered as uncorrected misstatement. CNG fuel credit of over \$1.4 million was recognized as revenue, since it was initially deferred.
  - ❖ Uncorrected Misstatements include \$439,976 of indirect costs were capitalized.
- **Prop 1B: Unmodified Opinion**
- **IDES Report:** Report completed disclosing unmodified opinion.
- **GAGAS Report:** Financial reporting policies and procedures must be in accordance with Generally Accepted Accounting Principles.

**BAT:**

- **Basic Financial Report (TDA funds only): Unmodified Opinion**
- **SAS 114 Letter:** The City did not meet the required fare ratio.

Effective Audit Fiscal Year 2011/2012, SANBAG procured Vavrinek Trine and Day Co., LLC as the new auditor for the transit operators. The previous auditor Miers & Miers provided audit services since 1992 (excluding Omnitrans). This change created challenges for the operators during the first year of audits because of the new process. However, Fiscal Year 2012/2013 audits constituted the second year for Vavrinek Trine and Day Co., LLC.

A 90 day extension was required for BAT, NAT, and Omnitrans. Needles Area Transit is still in the process of completing their financial reports and should be completed by the end of June 2014. Once the reports are completed, SANBAG staff will present and report them to SANBAG Board.

**Financial Impact:** This item has no financial impact to the SANBAG Fiscal Year 2013/2014 budget.

**Reviewed By:** Each Operator has taken these financial reports to their respective board. This item is scheduled for review by the Mountain/Desert Policy Committee on June 20, 2014. SANBAG's Finance department has reviewed and approved this item.

**Responsible Staff:** Monica Morales, Transit Analyst  
Hilda Flores, Chief of Accounting and Procurement

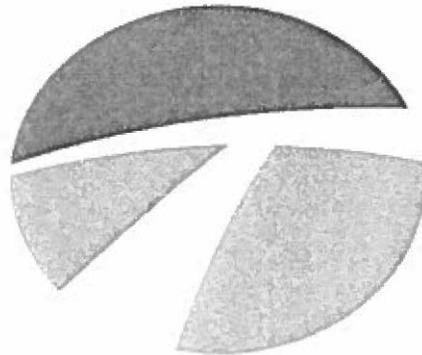
# OMNITRANS

San Bernardino, California

## COMPREHENSIVE ANNUAL FINANCIAL REPORT

Fiscal Year Ended June 30, 2013

(With Independent Auditor's Report Thereon)



**Omnitrans**  
Connecting Our Community

Prepared by the Finance Department

DONALD WALKER  
Director of Finance

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## INDEPENDENT AUDITORS' REPORT

Board of Directors  
Omnitrans  
San Bernardino, California

### Report on the Financial Statements

We have audited the accompanying financial statements of Omnitrans as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise Omnitrans' basic financial statements as listed in the table of contents.

#### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditors' Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### *Opinion*

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Omnitrans as of June 30, 2013, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## Attachement A Omnitrans

### ***Other Matters***

#### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the schedule of funding progress on pages 3 through 12 and 32, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

#### ***Other Information***

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Omnitrans' basic financial statements. The introductory section and statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements. The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

#### ***Prior-Year Comparative Information***

The prior year summarized comparative financial information has been derived from the Omnitrans' 2012 financial statements which were audited by other auditors and whose report dated October 31, 2012, expressed an unmodified opinion on the financial statements.

#### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated December 30, 2013, on our consideration of Omnitrans' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Omnitrans' internal control over financial reporting and compliance.



Rancho Cucamonga, California  
December 30, 2013

**CITY OF BARSTOW, CALIFORNIA**  
**TRANSPORTATION DEVELOPMENT ACT FUNDS**  
**Financial Statements**  
**Year Ended June 30, 2013**

Attachemnt B (City of Barstow/Barstow Area Transit)  
CITY OF BARSTOW, CALIFORNIA

TRANSPORTATION DEVELOPMENT ACT FUNDS

Financial Statements

Year Ended June 30, 2013

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**INDEPENDENT AUDITORS' REPORT**

To the Board of Directors  
San Bernardino Associated Governments  
San Bernardino, California

**Report on the Financial Statements**

We have audited the accompanying financial statements of the Transportation Development Act (TDA) Article 8 Fund (TDA Fund) of the City of Barstow, California (City), as of and for the year ended June 30, 2013, and the related notes to the financial statements as listed in the table of contents.

*Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

*Auditors' Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, the financial statements referred to previously present fairly, in all material respects, the financial position of the TDA Fund of the City as of June 30, 2013, and the respective changes in financial position and its cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

## Attachemnt B (City of Barstow/Barstow Area Transit)

### ***Emphasis of Matter***

As discussed in Note 1, the financial statements present only the TDA Fund of the City and do not purport to, and do not, present fairly the financial position of the City as of June 30, 2013, and the changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

As described in Note 2 to the financial statements, the TDA Funds of the City adopted Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, effective July 1, 2012. Our opinion is not modified with respect to this matter.

### ***Other Matters***

#### ***Required Supplementary Information***

Management has omitted the *Management's Discussion and Analysis* for the TDA Fund that accounting principles generally accepted in the United States of America requires to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting and for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

#### ***Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's TDA Fund. The schedule of allocations received and expended by project year are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The schedule of allocations received and expended by project year is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United State of America. In our opinion the schedule of allocations received and expended by project year is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

#### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued a report dated March 4, 2014, on our consideration of the City's internal control over financial reporting for the TDA Fund, and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

*Varrault, Tunc, Day, Co., LLP*

Rancho Cucamonga, California  
March 4, 2014



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

*Minute Action*

AGENDA ITEM: 8

**Date:** June 12, 2014

**Subject:** Rail right-of-way grants of right of use templates, policies and procedures

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

Acting as the San Bernardino County Transportation Authority:

1. Adopt Resolution No. 14-022, "Resolution of The San Bernardino County Transportation Authority Delegating Authority to the San Bernardino County Transportation Commission to Manage, Establish Policies, Grant Rights of Use, Adopt and Collect Fees and Charges Regarding the Authority's Railroad Related Properties.

Acting as the San Bernardino County Transportation Commission:

2. Approve and adopt proposed Policy No. 31602, "Rail Property Policy", setting forth policies, procedures, delegations of authority, and bases for imposing fees and charges, associated with ownership, management and grants of rights of use of Rail Property.
3. Adopt Resolution No. 14-027, "Resolution of The San Bernardino County Transportation Commission Establishing Fees and Charges For Rail Property."

\*

*Approved*  
 Commuter Rail and Transit Committee

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

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

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

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

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

CRTC1406a-rh

<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmt/Shared%20Documents/Resol4022.docx>

<http://portal.sanbag.ca.gov/mgmt/workgroups/transit/majortransit/propertymanagement/Shared%20Documents/SANBAG%20RR%20ROW%20Policy%2031602.docx>

<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmt/Shared%20Documents/Resol4027.docx>

4. Approve and authorize the use and execution of the proposed templates for grants of rights of use and documents pertaining to the management of SANBAG Rail Property in accordance with Policy 31602, identified as Attachments 1 through 21, including any modifications as provided in Policy 31602.

***Background:***

**History**

Between 1991 and 1993, San Bernardino Associated Governments (SANBAG) acquired the Baldwin Park branch line (as the San Bernardino County Transportation Authority), the San Gabriel Subdivision (as the San Bernardino County Transportation Commission) and the Redlands branch line (as a county transportation commission and a local transportation authority), all railroad rights-of-way, for its commuter rail program. Initially, SANBAG contracted with the Los Angeles County Metropolitan Transportation Authority (LACMTA) to provide property management services for its rail properties. The management services provided by LACMTA included the issuance of licenses, permits and other agreements for use of SANBAG rail right-of-way, based on form agreements created by LACMTA. To expedite processing of these documents, SANBAG provided LACMTA with power-of-attorney to handle these matters on SANBAG's behalf.

In 2011, SANBAG went through a procurement process to competitively award a contract for those services. On May 4, 2011, the Board awarded Contract No. C11206 to Epic Land Solutions (Epic). Epic has functioned as SANBAG's property manager since that time. However, Epic was not granted power-of-attorney. Consequently, Board action has been required to authorize each new or amended license, permit or other agreement for the use of SANBAG property.

As of March 2014, SANBAG's rail assets portfolio includes approximately one-thousand seventy-five (1,075) licenses, leases, and agreements that generate roughly \$467,000 in annual revenue. The revenues generated by SANBAG's rail assets are used to fund improvements related to the rail system, but on average, each license produces relatively small annual revenues, ranging from \$0 per year to upwards of \$40,000 per license. Of the 1,075 agreements, currently approximately 100 generate revenue. The non-revenue generating agreements are generally licenses in favor of public agencies and utilities for facilities serving the public. While the revenue generating agreements cover some of the costs associated with an annual review, the non-revenue generating agreements do not cover any of these costs. The cost of processing and administering new and amended licenses and other documents through Epic review, staff review, legal review, committee review and board approval often exceeds the amount of annual revenue produced by the license or other agreement.

In addition, due to agenda requirements for the monthly Board and committee meetings, the process for approval of a new or amended right-of-use document tends to take more than three months. Staff believes that this long lead time may encourage individuals and businesses to encroach upon, use or cross SANBAG rail property without SANBAG approval or knowledge, without insurance, and potentially without adequate safety precautions, to accommodate their more immediate needs to construct facilities on adjacent properties.

Recognizing these drawbacks to the present system, the Board asked the General Counsel to work with the Transit and Rail staff to develop a policy and standardized documents governing future licenses, leases and agreement for SANBAG's right-of-way and property that would provide a faster, more efficient process for approving and managing these routine transactions, while protecting SANBAG's property rights and public safety interests.

Over the past year and a half, staff, Epic Land Solutions (SANBAG property manager), the General Counsel and outside counsel have been working to revise and update SANBAG's rail property agreement templates, develop a policy governing management and administration of rail property, and determine appropriate fees and charges associated with use of rail property. These templates, the policy and the fees and charges are expected to streamline the rail property use approval process, improve cost effective use of rail revenues, protect public safety, preserve SANBAG's interests, ensure fees and charges are fair and equitable, and free the Board from repetitively reviewing and approving common, course-of-business documents that require little or no policy direction.

Prior to establishing these new fees and charges the Commission must conduct a public hearing pursuant to Government Code Section 66018. While not required by any SANBAG policy or by law, it is SANBAG's long-standing practice to seek leave of the Board to set dates and times for public hearings. Accordingly, an item taken to the Board in June 2014 seeks approval to set the public hearing regarding adoption of the Rail Property fees and charges by Resolution No. 14022, for the July 2, 2014, Board of Directors meeting at 10:30 a.m. If the Board approves setting this public hearing, the clerk of the Board will publish notice of the public hearing pursuant to Government Code Section 6062a.

#### Recommendation 1 - Summary of Resolution 14022

Since 1991 SANBAG's Rail Property was acquired in the names of a variety of entities, including the San Bernardino County Transportation Authority, the San Bernardino County Transportation Commission and San Bernardino Associated Governments, "a county transportation commission and local

transportation authority.” In the best interests of SANBAG acting as the San Bernardino County Transportation Authority, under Resolution No. 14-022 the Authority will delegate to the San Bernardino County Transportation Commission (Commission) the authority to operate, manage, grant and execute right of use permits, licenses and leases, and adopt and collect fees and charges for administration and use of the Authority’s Rail Property.

#### Recommendation 2 - Summary of the Policy

The key features of the new policy are as follows:

- The policy sets forth required findings that must be made by the Executive Director or designee before he or she may take action to approve or execute a right-of-use document. These findings are designed to protect SANBAG’s legal rights, public safety and the Board’s authority to decide issues of policy. If the findings cannot be made, the matter must be referred to the Board for approval before the right-of-use can be granted. These findings include such things as verified safety training and requirements, insurance, indemnity, permits from and coordination with rail operators, etc.
- No operating rail line can be closed, for any length of time, without approval of the Board.
- Rights-of-use must be granted on form documents approved by the Board, as may be updated, revised and approved from time to time by the General Counsel as circumstances and law changes over time.
- With the limitations referred to above, the Board delegates authority to the Executive Director or designee to:
  - Approve, condition and execute new licenses and permits for the use of SANBAG rail right-of-way.
  - Negotiate and enter into leases of SANBAG rail properties that are not within the operating envelope of active rail lines, will not be needed for any transportation purpose within 3 years, and do not have a fair market rental value of more than \$5,000.00, per month.
  - Negotiate changes to the form documents in individual transactions, as approved by the General Counsel, where protection for SANBAG’s rights and interests is not reduced.
  - Set “Fair Market” Use fees for specified types of uses, based upon specific criteria in the policy designed to assure SANBAG receives full value for the rights of use that are granted.
  - Waive or reduce fees where SANBAG receives value, consideration and/or benefit from the use or the Permittee; or the Executive Director determines it is in the best interests of SANBAG to do so.

- Easements, which are permanent interests in the land given by deed, may only be granted with Board approval. However, authority is granted to the Executive Director to execute easement documents once approved by the Board.
- Extensions, renewals, amendments; consents to assignments, assumptions and subleases; and terminations of grants of rights of use may be authorized by the same level of authority as is required for their initial grant under the policy.
- The Executive Director is required to report to the Board at least once each year regarding all grants of right of use issued, amended, denied, and/or terminated, including all fees and charges for each, the bases on which all Fair Market Use Fees were established, and the amounts and bases for any reductions or waivers approved.
- Applicants and Permittees must exhaust the administrative remedies set out in the policy before bringing a legal challenge to any decision made under the policy.

Document templates associated with policy 31602 include:

- Lease
  1. Lease Agreement
  2. Lease Amendment
  3. Consent To Assignment And Assumption Of Lease
  4. Consent To Sublease
  5. Three Day Notice To Pay Rent Or Quit
  6. Notice of Termination of Lease
- License
  7. License Agreement
  8. License Amendment
  9. Notice Of Termination Of License
  10. Consent To Assignment And Assumption Of License
- Right-of-Entry
  11. Right-Of-Entry Permit
  12. Special Right of Entry Permit - Release Of Liability And Indemnity Agreement
  13. Notice Of Termination Of Permit
- Supplementary Documents
  14. Exhibit "B" Insurance Requirements
  15. Exhibit "D" Additional Requirements
  16. Extension Agreement
  17. Waiver Of Relocation Benefits Under The Uniform Relocation Act
- Other Notices
  18. Three Day Notice To Perform Or Quit
  19. Notice Of Default/Breach Of Covenant Or Condition

20. Notice Of Breach For Failure To Obtain/Maintain Insurance
21. Notice Of Illegal Trespass And Demand To Vacate And Remove Property

Recommendation 3 - Summary of Resolution 14027

During the development of policies, templates, fees and charges, staff conducted a cost study analysis. This analysis studied the amount of staff, consultant and legal services time and other expenses on typical grant of right of use and was the basis for the schedule of fees and charges within Resolution 14027. This resolution allows SANBAG as the Commission to establish fees and charges for rail property in accordance with policy 31602 in order to recover SANBAG costs and expenses and fair market return for the use of SANBAG's rail right-of-way.

**Financial Impact:** This item has no financial impact to the fiscal year 2013/2014 budget. Staff time associated with this agenda item and documents was budgeted in the fiscal year 13/14 budget.

**Reviewed By:** SANBAG General Counsel and the department of Transit and Rail have reviewed and approved the drafts of this item, the resolutions, the policy and the templates.

**Responsible Staff:** Mitch A. Alderman, Director of Transit and Rail Programs and Eileen Monaghan Teichert, General Counsel

**RESOLUTION NO. 14-022**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY DELEGATING AUTHORITY TO THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION TO MANAGE, ESTABLISH POLICIES, GRANT RIGHTS OF USE, AND ADOPT AND COLLECT FEES AND CHARGES REGARDING THE AUTHORITY'S RAILROAD RELATED PROPERTIES**

Whereas, the San Bernardino County Transportation Authority owns, or co-owns with the San Bernardino County Transportation Commission, both active and inactive railroad right of way and other railroad related properties in San Bernardino County; and

Whereas, it is in the best interest of the Authority and the public for the Authority to delegate to the Commission the authority to manage, establish policies, grant rights of use for the Authority's railroad related properties and to adopt and collect fees and charges for the use and administration of those properties in order to ensure uniform and safe property management and fair fee structures.

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

Section 1. The above Recitals are true and correct and are incorporated into this Resolution.

Section 2. The Authority hereby delegates to the San Bernardino County Transportation Commission, the authority to operate and manage, establish policies, grant rights of use for the Authority's railroad related properties and to adopt and collect fees and charges for the use and administration thereof.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Authority held on July \_\_, 2014.

\_\_\_\_\_  
Authority Chairperson

ATTEST:

\_\_\_\_\_  
Clerk of the Authority

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

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

**Table of Contents**

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**I. PURPOSE**

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

**II. DEFINITIONS**

“AMTRAK” – means the National Railroad Passenger Corporation.

“BNSF” – means Burlington Northern Santa Fe Railway, or any applicable related entity or affiliate.

“Board of Directors” – means the legislative body of SANBAG.

“Board” – means the Board of Directors or such committee other body comprised of members of the Board of Directors as the Board of Directors may designate.

“Encroachment” – means any use of, or entry upon, any property without a written grant of right of use from SANBAG.

“Executive Director” – means the Executive Director of SANBAG and shall be deemed to include any designee specified by the Executive Director to act in his or her place.

“Grant of right of use” – means any permit, license, lease, or easement duly authorized, executed and issued by SANBAG in writing, that expressly authorizes a specific use of Rail Property. A grant of right of use is valid only for that specific kind, quantity, time, duration, and quality of use, and only by the Permittee, as expressly set forth in the grant of right of use. Any use exceeding or differing from that set forth in the grant of right of use is an encroachment.

“Longitudinal use” – means the installation of aerial or subsurface wires, pipes, conduits, fibers or other facilities or improvements that are placed lengthwise along the right-of-way, rather than transverse (i.e. across) it.

“Permittee” – means the person, or entity, to whom the grant of right of use is issued.

“Rail Property” – means any real property, in which a SANBAG Entity has any right, title or interest, related to or in connection with SANBAG’s current and future railroad functions and operations.

“Railroad operating envelope” – means the right-of-way area within 50 feet of the centerline of any railroad tracks used or useable for railroad operations.

“Railroad Operator” – means any and all applicable persons or entities having any right to operate any railroad service over or along any Rail Property, including but not limited to BNSF, UPRR, SCRRRA, and AMTRAK, any successor in interest to any of them, and any other person or entity with a present right, or a right hereafter acquired or created, to operate a railroad service on Rail Property.

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

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

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

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

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

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

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### III. POLICY

#### A. Title to Rail Property.

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

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

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

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

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

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

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

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

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

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

## **F. Insurance requirements**

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

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## **IV. SPECIFIC USES**

These additional requirements apply to the following specific uses.

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

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

## V. FEES AND CHARGES

### A. Application Fee.

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

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

### C. Use Fee.

In addition to the Administration Fee, each Permittee shall pay a Use Fee upon the issuance of the grant of right of use and each year thereafter on the anniversary of the issuance date throughout the term of the grant of right of use. Depending upon the type of use, the Use Fee shall be either a Fixed Use Fee or a Fair Market Use Fee.

1. **Fixed Use Fee.** The Board may approve by resolution Fixed Use Fees for certain permitted uses where the Board determines a fair market-based fee may be reasonably calculated in advance of receipt of an application for a grant of right of use.

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

Board for consideration at the request of the applicant. This fee shall be in addition to the applicable Application Fee.

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

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## VI. APPEALS.

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

Adopted by Board of Directors: \_\_\_\_\_

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**VII. REVISION HISTORY**

Revision No.	Revisions	Adopted
0	Adopted.	_____

**RESOLUTION NO. 14-027**

**RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION ESTABLISHING FEES AND CHARGES FOR RAIL PROPERTY**

Whereas, the San Bernardino County Transportation Commission and the San Bernardino County Transportation Authority (“SANBAG”) own and operate both active and inactive railroad right of way, as well as other rail related properties, including but not limited to rail stations and parking facilities, and the historic San Bernardino Santa Fe Depot (collectively “Rail Property”) within the County of San Bernardino; and

Whereas, from time to time, individuals, government entities and businesses need or desire access to, or a right to use SANBAG Rail Property for a variety of purposes; and

Whereas, SANBAG has adopted a Rail Property Policy, Policy 31602, setting forth the policies, procedures, delegations of authority, and bases for imposing fees and charges associated with ownership, management and grants of rights of use of SANBAG Rail Property; and

Whereas, Policy 31602 establishes the principles of full cost recovery of SANBAG costs and expenses and fair market return for Rail Property use upon which application, administration, use, amendment/extension and appeal fees will be charged to those applying for and/or receiving grants of rights of use of SANBAG Rail Property; and

Whereas, SANBAG staff and property management consultant have studied the amount of staff, consultant and legal services time and other expenses spent on typical grants of rights of use over the past three years (“SANBAG Cost Study”); and

Whereas, SANBAG’s Cost Study concluded that a fair estimate of SANBAG’s costs to process, review and evaluate an application, assess viability of proposed use, determine fair market value, and prepare documents for a typical grant of right of use or for a Consent to Assignment and Assumption or Sublease, is \$2,230 for SANBAG’s property management consultant; legal review; staff time, at the fully burdened hourly rates including salaries, benefits, incidental expenses and overhead;; and the Commission hereby finds that such amount is a reasonable and fair approximation of SANBAG’s costs for such work and is an appropriate amount for an Application Fee, with a recognition and finding that unusual uses, locations, activities, legal issues and or other conditions may cause SANBAG’s costs to substantially exceed the typical cost in a given case; and

Whereas, SANBAG's Cost Study has concluded that SANBAG's ongoing costs with respect to administering a typical grant of right of use, including insurance verifications, site inspections, billing and collections, and other administrative functions typically would total \$1,200 per year or part thereof while the grant of right of use is in effect; and the Commission hereby finds that such amount is a reasonable and fair approximation of SANBAG's costs for administration of a typical grant of right of use and is an appropriate amount for an Administration Fee, with a recognition and finding that unusual uses, locations, activities, legal issues and or other conditions may cause SANBAG's costs to substantially exceed the typical cost in a given case; and

Whereas, fair market return for use of SANBAG Rail Property can vary substantially depending upon location, type and character of use, amount of Rail Property being used, and other factors, and SANBAG staff and property management consultant have studied various uses and the fees charged by other railroad property owners and operators for similar uses on their properties and have recommended Fixed Use Fee amounts for certain specific uses as set forth in Table 1; and

Whereas, the principles and comparisons upon which a fair market fee can be reasonably established for uses other than those specified in Table 1 as Fixed Use Fees are set forth in Policy 31602, Section V.C.2; and

Whereas, SANBAG's Cost Study has concluded that SANBAG's costs for processing, reviewing, analyzing risk, verifying insurance, and preparing appropriate documents for amendments or extensions of existing grants of rights of use, would total \$560; and the Commission hereby finds that such number is a reasonable and fair approximation of SANBAG's costs for processing such requests and is an appropriate amount for an Amendment or Extension Fee, with a recognition and finding that unusual uses, locations, activities, legal issues and or other conditions may cause SANBAG's costs to substantially exceed the typical cost in a given case; and

Whereas, the SANBAG Cost Study has concluded that SANBAG's costs for processing, reviewing, analyzing, conducting, and preparing appropriate documents for Appeals is \$900; Commission hereby finds that such number is a reasonable and fair approximation of SANBAG's costs for Appeals and is an appropriate amount for an Appeal Fee, with a recognition and finding that unusual uses, locations, activities, legal issues and or other conditions and factors may cause SANBAG's costs to substantially exceed the typical cost in a given Appeal.

Now, therefore, the San Bernardino County Transportation Commission resolves as follows:

Section 1. The Recitals above are true and correct and are incorporated into this Resolution.

Section 2. The fees and charges set forth in Table 1, attached to and incorporated into this Resolution, are hereby adopted and imposed, and shall be payable as set forth in Table 1 and in Policy 31602.

Section 3. The Executive Director is hereby authorized to increase the fees set forth in Table 1 annually by the percentage of increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, Los Angeles/Riverside/Orange County, all items (1982-84 = 100), published by the U.S. Department of Labor, Bureau of Labor Statistics (Bureau), or if such index is no longer published, the U.S. Department of Labor's most comprehensive official index then in use that most nearly corresponds to the index named above.

Section 3. The Executive Director or designee is hereby authorized to impose and collect such fees in accordance with Policy 31602, wherever the law permits such fees to be imposed and collected.

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

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Commission held on July \_\_\_, 2014.

\_\_\_\_\_  
Commission Chairperson

ATTEST:

\_\_\_\_\_  
Clerk of the Commission

**TABLE 1**  
**SCHEDULE OF FEES AND CHARGES**

<b>FEE TYPE</b>	<b>APPLICATION/EXPLANATION</b>	<b>AMOUNT OF FEE</b>
Application Fee	All grants of rights of use, except special right of entry when waived by the Executive Director pursuant to Policy 31602. Also applies to application for Consent to either an Assignment and Assumption of Lease or License or to a Sublease. Payable at time of filing application. Where the Executive Director determines that the nature of the use or other circumstances is likely to render SANBAG's costs for processing and evaluating the application significantly higher than for a typical application, the minimum fee shall be a deposit against the actual costs. The Executive Director may require the deposit to be replenished prior to incurring additional costs.	\$2,230 Minimum
Administration Fee	All grants of rights of use, except special rights of entry and leases; payable annually in advance on each anniversary of the grant of right of use.	\$1,200 per annum per location
Amendment or Extension Fee	Payable upon submitting a request for amendment or extension of the term of an existing SANBAG Rail Property grant of right of use. Where the Executive Director determines that the nature of the use or other circumstances is likely to render SANBAG's costs for processing and evaluating the amendment or extension significantly higher than for a typical application, the minimum fee shall be a deposit against the actual costs. The Executive Director may require the deposit to be replenished prior to incurring additional costs.	\$560 Minimum
Use Fee	Based Upon Type of Use As Set Forth Below	Payable upon Right of Use Effective Date, then annually on the Effective Date anniversary, except as specified below

<b>Transverse Crossings</b>		
	Commercial use fiber optic, cable or other conduit crossings--aerial or subsurface	Per annum per conduit:
	0" – 2" Diameter	\$2,000.00
	>2" – 3" Diameter	\$4,500.00
	>3" – 4" Diameter	\$8,000.00
	>4" – 5" Diameter	\$12,500.00
	>5"	\$636 per sq. inch or part thereof of conduit cross-section area ( $\pi R^2 \times \$636$ )
	Other aerial and subsurface utilities and other commercial uses	Fair Market-Minimum \$500 per annum per location
	Basic public safety and welfare uses for public agencies (e.g., traffic signal wires and conduits, flood control facilities, etc.)	\$1,500.00 one-time fee per location
<b>Longitudinal Uses</b>		
	All utilities, and may also apply to access roads and similar non-exclusive uses.	Fair Market-Minimum \$500 per annum
<b>Lease Fees/Rents</b>		
		Fair Market-Minimum \$1,500 per annum.
<b>Surface Uses</b>		
	On-site motion picture filming—commercial non-public producers	Fair Market-Minimum \$2,000 per day (up to 24 hours)
	On-site motion picture filming--Public agencies, tax qualified non-profit entities and student projects	\$250 per day
	Support uses associated with commercial off-site motion picture filming activities such as parking, storage, camera placement, etc.	Fair Market-Minimum \$1,000 per day or portion thereof
	Short term commercial, public or quasi-public uses and/or events admitting members of the public (e.g. carnivals, parking, Christmas tree sales, pumpkin sales, etc.)	Fair Market-Minimum \$500 per day or portion (may be subject to bid per Policy 31602)
	Short term, low-risk uses associated with property surveys, non-invasive environmental reviews, etc. of adjoining properties, and similar purposes, less than one week in duration	\$1,500 one-time fee
Appeal Fee	Payable by Appellant upon filing of an appeal of any Executive Director Decision regarding a grant of right of use, or an applicant's request for referral of an application to the Board.	\$900



- 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:** June 12, 2014

**Subject:** Allocation of Transportation Development Act Funds for Fiscal Year 2014/2015

**Recommendation:** That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

Adopt Resolution No. 14-024 authorizing the allocation of Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2014/2015.

**Background:** Section 99214 of the California Public Utilities Code designates the San Bernardino County Transportation Commission as the Regional Transportation Planning Agency (RTPA) for the purpose of administering the Transportation Development Act (TDA) funds. This responsibility includes the approval of the Local Transportation Fund (LTF) and State Transit Assistance Fund (STAF) apportionments, issuance of LTF and STAF allocation instructions to the County of San Bernardino Auditor-Controller/Treasurer/Tax Collector, and authorization of LTF and STAF payments in accordance with the claim amounts filed by the claimant.

Title 21, Sections 6659 and 6753 of the California Code of Regulations, requires that the governing body adopt a resolution authorizing the issuance of LTF and STAF allocation instructions. Resolution 14-024 fulfills this requirement. The issuance of LTF and STAF allocation instructions will allocate funding for TDA administration, transportation planning and programming functions, and operating and capital assistance for the Commuter Rail and Transit Department.

\*

*Commuter Rail and Transit Committee*

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

Moved:                      Second:

In Favor:                  Opposed:                  Abstained:

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

COG	CTC	X	CTA		SAFE	CMA
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Check all that apply.

Throughout the course of the year, staff receives claims from eligible TDA claimants and verifies the claim amounts against planning documents. The planning documents that are used as the basis for approving the statutory claims of TDA funding include the transit operator Short Range Transit Plans and the SANBAG 10-Year Delivery Plan.

Following approval of a transit claim, staff issues allocation instructions to the County Auditor-Controller/Treasurer/Tax Collector, authorizing the use of the funds by the claimant for specific purposes. Staff requests disbursements of funds, in accordance with disbursement requests submitted by the claimants, throughout the year.

In March 2014, the Board approved the Fiscal Year 2014/2015 LTF and STAF apportionments. The apportionment was subsequently incorporated into the Fiscal Year 2014/2015 Budget.

***Financial Impact:*** This item has no impact on the current year budget. Adoption of the resolution by the Board will authorize the issuance of LTF and STAF allocation instructions, providing funding for TDA administration, transportation planning and programming functions, and operating and capital assistance for the Commuter Rail and Transit Department as approved in the Fiscal Year 2014/2015 Budget.

***Reviewed By:*** This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and a draft of the resolution.

***Responsible Staff:*** Vanessa Jezik, Transportation Programming Analyst

**RESOLUTION NO. 14-024**

**RESOLUTION OF THE  
SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION  
AUTHORIZING THE ALLOCATION OF  
LOCAL TRANSPORTATION FUNDS AND  
STATE TRANSIT ASSISTANCE FUNDS  
FOR FISCAL YEAR 2014/2015**

WHEREAS, the San Bernardino County Transportation Commission (SANBAG) is the designated transportation planning agency for the administration of the Transportation Development Act (TDA) funds within San Bernardino County; and

WHEREAS, the Southern California Association of Governments Executive Committee has adopted a Regional Transportation Plan directed toward the achievement of a coordinated and balanced transportation system; and

WHEREAS, the SANBAG Board of Directors (Board) adopts Short Range Transit Plans for each of the San Bernardino County transit operators; and

WHEREAS, the Board has adopted the SANBAG 10-Year Delivery Plan documenting anticipated capital expenditures for SANBAG's rail program; and

WHEREAS, claims may be submitted under the Transportation Development Act for allocations from the Local Transportation Funds and State Transit Assistance Funds consistent with the adopted plans, apportionments, and allocations; and

WHEREAS, the Short Range Transit Plans and the SANBAG 10-Year Delivery Plan include planned expenditures of transportation funds, including Local Transportation Funds and State Transit Assistance Funds; and

WHEREAS, the award of Transportation Development Act Article 3 funds for bicycle and pedestrian facilities and transit stop access improvement projects, pursuant to Public Utilities Code Section 99233.3, is typically approved in a separate Board action following a biannual call for projects and project evaluation process;

WHEREAS, SANBAG has incorporated the amount to be allocated to each of the transit operators and SANBAG into its Fiscal Year 2014/2015 Budget;

NOW THEREFORE BE IT RESOLVED by the San Bernardino County Transportation Commission:

Section 1. That the allocation of Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2014/2015 is hereby approved subject to those claims conforming to adopted apportionments and all other requirements of the Transportation Development Act, including but not limited to the following determinations:

1. The claimant's proposed expenditures are in conformity with the Regional Transportation Plan, the claimant's Short Range Transit Plan, and SANBAG's 10-Year Delivery Plan, as applicable, and as amended through subsequent Board action.
2. The level of passenger fares and charges is sufficient to enable the operator or transit service claimant to meet the applicable fare revenue to operating expense (operating ratio) requirements as required by the Transportation Development Act.
3. The claimant is making full use of federal funds available pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users and Moving Ahead for Progress in the 21st Century.
4. The sum of the claimant's allocations from the State Transit Assistance Fund and Local Transportation Fund does not exceed the amount the claimant is eligible to receive during the fiscal year.
5. Priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, or area-wide public transportation needs.
6. The claimant has made reasonable effort to implement the productivity improvements recommended pursuant to Public Utilities Code Section 99244, including the specific reference to the improvements recommended and the efforts made by the claimant to implement them.
7. The claimant submits a certification issued by the Department of California Highway Patrol within the last 13 months verifying that the claimant is in compliance with Section 1808.1 of the Vehicle Code (Drivers Pull Notice Program), as required by Public Utilities Code Section 99251.
8. The claimant is in compliance with the qualifying criteria pursuant to Public Utilities Code Section 99314.6 (use of State Transit Assistance Fund for operating purposes).
9. The transportation services contracted for under Public Utilities Code Section 99400(c) are responding to a transportation need not otherwise being met within the community or jurisdiction of the claimant and that, where appropriate, the services are coordinated with the existing transportation service.

Section 2. That such approval does not include allocations for local streets and roads unless the provisions of Sections 99401.5 and 99401.6 of the Public Utilities Code have been met; and

Section 3. That the Executive Director or his designee is authorized to transmit allocation instructions to the San Bernardino County Auditor/Controller, having first determined that the required allocation meets all requirements of this Resolution and the Transportation Development Act.

Section 4. The foregoing recitals are true and correct.

Section 5. This resolution is effective upon its approval.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Commission held on July 2, 2014.

\_\_\_\_\_, Chair

ATTEST:

\_\_\_\_\_  
Vicki Watson,  
Clerk of the Commission



- 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:** June 12, 2014

**Subject:** Fiscal Year 2014/2015 Transit Operator Funding Allocations

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

1. Approve Fiscal Year 2014/2015 Transit Operator Funding Allocations, as indicated in Attachment 1, to the City of Barstow, City of Needles, Morongo Basin Transit Authority, Mountain Area Regional Transit Authority, Omnitrans, Victor Valley Transit Authority and Valley Transportation Services.

2. Allocate Congestion Mitigation and Air Quality funds in the amount of \$92,726,694 from Fiscal Year 2013/2014 through Fiscal Year 2022/2023 for ongoing transit needs as follows and subject to inclusion in the Short Range Transit Plans:

- a. Morongo Basin Transit Authority in the amount of \$3,616,278
- b. Omnitrans in the amount of \$63,237,489
- c. Victor Valley Transit Authority in the amount of \$16,724,938
- d. Mountain Area Regional Transportation Authority in the amount of \$5,226,519
- e. Barstow Area Transit in the amount of \$3,921,470

\*

*Approved*  
 Commuter Rail and Transit Committee

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

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

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

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

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

CRTC1406b-vj

<http://portal.sanbag.ca.gov/mgmt/committee/commuter/crtc2014/crtc1406/AgendaItems/CRTC1406b1-vj.xlsx>

**Background:** San Bernardino Associated Government (SANBAG) staff has met with each of the transit operators to determine their funding needs for Fiscal Year 2014/2015. Attachment 1 outlines the proposed Fiscal Year 2014/2015 transit funding allocations for the individual transit operators aside from Southern California Regional Rail Authority (SCRRA). SCRRA allocations are addressed in separate Board actions. Additionally, Federal Transit Administration (FTA) Section 5311 apportionment information is not yet available and will be presented to the Board at a future date. Measure I, Local Transportation Funds (LTF), and State Transit Assistance Funds (STAF) available for allocation to the individual transit operators are included as part of the proposed SANBAG Fiscal Year 2014/2015 Budget. The various other Federal Transit Administration (FTA), Congestion Mitigation and Air Quality (CMAQ), and Proposition 1B funds are received directly by the transit operators and, therefore, are not included in the proposed SANBAG Fiscal Year 2014/2015 Budget.

In December 2012, the Board approved in the amount of \$73,803,140 CMAQ fund allocations from Fiscal Year 2010/2011 through Fiscal Year 2019/2020 for ongoing transit needs. These allocation amounts were consistent with the 2012 Ten-Year Delivery Plan approved by the Board in January 2012. Since then, it has been determined by staff that the CMAQ funding needs of the operators have changed. The 2014 Ten-Year Delivery Plan Update, approved in March 2014 by the Board, takes into account the revised funding needs. The CMAQ funding allocations included in Attachment 2 are consistent with the 2014 Ten-Year Delivery Plan Update.

**Financial Impact:** Allocation of the pass-through LTF, STAF and Measure I funds are included in the proposed SANBAG Fiscal Year 2014/2015 Budget.

**Reviewed By:** This item is not scheduled for review by any other policy committee or technical advisory committee. The individual funding allocation plans have been reviewed by each transit operator.

**Responsible Staff:** Vanessa Jezik, Transportation Programming Analyst

**Attachment 1**

**Operating Budget FY 2014/15**

	Barstow <sup>1</sup>	MBTA	MARTA	Needles	Omnitrans	VVTA	VTrans	Total
FTA 5311 <sup>2</sup>	TBD	TBD	TBD	TBD		TBD		TBD
Measure I - S&D	\$ 359,120	\$ 107,509	\$ 85,558	\$ 11,312	\$ 5,300,000	\$ 759,340	\$ 2,204,109	\$ 8,826,948
LTF <sup>3</sup>	\$ 2,118,876	\$ 2,604,232	\$ 2,024,369	\$ 177,810	\$ 37,440,212	\$ 13,884,116		\$ 58,249,615
STAF-Operator <sup>4</sup>		\$ 21,982	\$ 15,948		\$ 967,420	\$ 154,810		\$ 1,160,160
MI - PDTMS <sup>5</sup>						\$ 5,080		\$ 5,080
<b>Total</b>	<b>\$ 2,477,996</b>	<b>\$ 2,733,723</b>	<b>\$ 2,125,875</b>	<b>\$ 189,122</b>	<b>\$ 43,707,632</b>	<b>\$ 14,803,346</b>	<b>\$ 2,204,109</b>	<b>\$ 68,241,803</b>

**Capital Budget FY 2014/15**

	Barstow	MBTA	MARTA	Needles	Omnitrans	VVTA	VTrans	Total
FTA 5307					\$ 16,941,200	\$ 3,556,757		\$ 20,497,957
FTA 5339					\$ 1,848,880	\$ 381,337		\$ 2,230,217
CMAQ	\$ 1,083,470	\$ 419,898	\$ 380,304		\$ 5,152,215	\$ 1,471,000		\$ 8,506,887
STAF-Population <sup>6</sup>		\$ 325,000	\$ 108,468	\$ 82,664	\$ 3,100,000	\$ 114,700		\$ 3,730,832
Prop 1B-PTMISEA	\$ 2,232,701		\$ 508,519	\$ 84,507		\$ 805,000		\$ 3,630,727
Prop 1B Security		\$ 4,888	\$ 3,287		\$ 128,566	\$ 18,692		\$ 155,433
<b>Total</b>	<b>\$ 3,316,171</b>	<b>\$ 749,786</b>	<b>\$ 1,000,578</b>	<b>\$ 167,171</b>	<b>\$ 27,170,861</b>	<b>\$ 6,347,486</b>	<b>\$ -</b>	<b>\$ 38,752,053</b>

<b>Grand Total</b>	<b>\$ 5,794,167</b>	<b>\$ 3,483,509</b>	<b>\$ 3,126,453</b>	<b>\$ 356,293</b>	<b>\$ 70,878,493</b>	<b>\$ 21,150,832</b>	<b>\$ 2,204,109</b>	<b>\$ 106,993,856</b>
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<sup>1</sup>The LTF allocation to Barstow includes the unincorporated Colorado River LTF allocation for Big River service.

<sup>2</sup>The 5311 allocation amounts are to be determined (TBD) as Caltrans has not provided the 5311 apportionment amount or the basis for the rural population split among areas. The 5311 allocations will be presented to the Board when the information is available. 5311 may be used for either operating or capital expenses.

<sup>3</sup>The LTF allocations included under Operations reflect the total LTF available to the service area. VVTA, MBTA and MARTA typically return a portion to the local jurisdictions for local street and road purposes pursuant to TDA Article 8. Additionally, the LTF amounts included under Operations may be used for either operating or capital expenses.

<sup>4</sup>STAF Operator allocation amounts are based on the January 31, 2014 State Controller's Office estimates. The final FY 2014/2015 STAF-Operator allocation amounts received by each operator will be based on the actual amount of STAF-Operator funds allocated by the State for each operator, not the estimates.

<sup>5</sup>Measure I (MI) - PDTMS allocation is the remaining amount (not budgeted in previous fiscal years) on Contract No. C13029.

<sup>6</sup>The State has waived the efficiency requirements pursuant to PUC Section 99314.6 related to the use of STAF-Pop funds for operations for allocation of funds through Fiscal Year 2014/15.

**Attachment 2**

**CMAQ Funding Allocations for Transit Operators**

	FY 2013/2014	FY 2014/2015	FY 2015/2016	FY 2016/2017	FY 2017/2018	FY 2018/2019	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023	Total
<b>MBTA</b>	\$0	\$419,898	\$672,785	\$957,186	\$635,190	\$0	\$153,688	\$0	\$177,531	\$600,000	\$3,616,278
<b>Omni</b>	\$5,197,506	\$5,152,215	\$5,183,975	\$6,657,705	\$5,562,048	\$5,465,298	\$7,622,976	\$7,011,654	\$8,384,112	\$7,000,000	\$63,237,489
<b>VVTA</b>	\$162,098	\$1,471,000	\$86,067	\$0	\$2,627,000	\$3,378,000	\$2,071,773	\$2,483,000	\$1,946,000	\$2,500,000	\$16,724,938
<b>MARTA</b>	\$366,215	\$380,304	\$560,000	\$560,000	\$560,000	\$560,000	\$560,000	\$560,000	\$560,000	\$560,000	\$5,226,519
<b>BAT</b>	\$0	\$1,083,470	\$255,000	\$0	\$793,000	\$0	\$685,000	\$0	\$305,000	\$800,000	\$3,921,470
<b>Total</b>	\$5,725,819	\$8,506,887	\$6,757,827	\$8,174,891	\$10,177,238	\$9,403,298	\$11,093,437	\$10,054,654	\$11,372,643	\$11,460,000	\$92,726,694



- 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:** June 12, 2014

**Subject:** Resolution No. 14-025 for the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program

**Recommendation:** That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

Adopt Resolution No. 14-025 designating an authorized agent and authorizing the execution of the certifications and assurances for the Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program.

**Background:** Allocations from the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) provide capital funds to SANBAG and all of the transit operators throughout the county. This includes Barstow Area Transit (BAT), Morongo Basin Transit Authority (MBTA), Mountain Area Regional Transit Authority (MARTA), Needles Area Transit (NAT), Omnitrans, Southern California Regional Rail Authority (SCRRA) and Victor Valley Transit Authority (VVTA).

Assembly Bill 1072, Statutes of 2009, and PTMISEA Guidelines require that operators and SANBAG submit to Caltrans a PTMISEA Program Expenditure Plan which contains a list of all projects the agency intends to fund with its share

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COG	CTC	X	CTA	SAFE	CMA
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Check all that apply.

Approved  
 Commuter Rail and Transit Committee

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

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

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

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

of PTMISEA for the life of the bond, including the amount for each project and the year in which the funds will be requested.

In November of 2013, the Board approved Resolution No. 14-005 which references the most recent board-approved PTMISEA Program Expenditure for SANBAG. Referencing the plan rather than the specific projects being funded allowed the Resolution to remain applicable even if the SANBAG Board approves changes to the expenditure plan. In doing so, the step of adopting a new resolution to correspond with future PTMISEA Program Expenditure Plan revisions was eliminated.

However, the State recently informed SANBAG that specific projects and the corresponding project funding amounts must be referenced in the resolution. Resolution No. 14-025 repeals Resolution No. 14-005 and references projects that are included in the SANBAG expenditure plan. Staff has submitted allocation requests to Caltrans for these projects.

***Financial Impact:*** This item has no impact upon the SANBAG Budget.

***Reviewed By:*** This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and a draft of the resolution.

***Responsible Staff:*** Vanessa Jezik, Transportation Programming Analyst

**RESOLUTION NO. 14-025**

**RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION DESIGNATING ITS AUTHORIZED AGENT, AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT BOND PROGRAM, AND REPEALING RESOLUTION NO. 14-005**

**WHEREAS**, the San Bernardino County Transportation Commission (SANBAG) is an eligible project sponsor and may receive state funding from the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) now or sometime in the future for transit projects; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

**WHEREAS**, Senate Bill 88 (2007) named the California Department of Transportation (Department) as the administrative agency for the PTMISEA; and

**WHEREAS**, the Department has developed guidelines for the purpose of administering and distributing PTMISEA funds to eligible project sponsors (local agencies); and

**WHEREAS**, SANBAG wishes to designate the SANBAG Executive Director or his/her designee as its Authorized Agent to act on behalf of SANBAG and to delegate authority to execute these documents and any amendments thereto to the Executive Director or his/her designee; and

**WHEREAS**, SANBAG is programming PTMISEA funds for Bus Stop Reconstruction Project (\$2,232,701), El Garces Intermodal Transit Center Project (\$200,000), Double Tracking Project (\$2,000,000) and Redlands Passenger Rail Project (\$15,827,000);

**WHEREAS**, SANBAG is programming PTMISEA funds in accordance with the most recent board-approved PTMISEA Program Expenditure Plan for SANBAG; and

**WHEREAS**, this Resolution is intended to replace and repeal Resolution No. 14-005 approved on November 6, 2013, because Resolution No. 14-005 did not state the specific projects for which PTMISEA funds would be programmed as required by the Department.

**NOW, THEREFORE, BE IT RESOLVED** by the San Bernardino County Transportation Commission (SANBAG):

**Section 1.** That the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

**Section 2.** That the SANBAG Executive Director or his/her designee is designated as SANBAG's Authorized Agent for the PTMISEA program and the Executive Director or his/her designee is authorized to execute all required documents of the PTMISEA program and any amendments thereto with the California Department of Transportation.

**Section 3.** That the foregoing recitals are true and correct.

**Section 4.** Resolution No. 14-005 is repealed.

**Section 5.** This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Commission held on July 2, 2014.

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Chair

ATTEST:

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Vicki Watson,  
Clerk of the Commission

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

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

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