

AGENDA
Board of Directors Meeting
December 3, 2014

*******Start Time: 10:00 a.m. (CLOSED SESSION)*******
1170 W. 3rd Street, San Bernardino, CA 92410, 2nd Fl. (The Super Chief)

******Convene Regular Meeting at 10:30 a.m.******
1st Floor Lobby

LOCATION

San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Vice-President

Ryan McEachron, Mayor Pro Tem
City of Victorville

Cari Thomas, Mayor
City of Adelanto

Curt Emick, Council Member
Town of Apple Valley

Julie McIntyre, Mayor
City of Barstow

Bill Jahn, Council Member
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Ed Graham, Mayor
City of Chino Hills

Frank Navarro, Council Member
City of Colton

Michael Tahan, Council Member
City of Fontana

Walt Stanckiewicz, Mayor
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Mayor Pro Tem
City of Highland

Rhodes "Dusty" Rigsby, Mayor
City of Loma Linda

Paul Eaton, Mayor
City of Montclair

Edward Paget, Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

Pete Aguilar, Mayor
City of Redlands

Deborah Robertson, Mayor
City of Rialto

R. Carey Davis, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

Ray Musser, Mayor
City of Upland

Dick Riddell, Council Member
City of Yucaipa

George Huntington, Mayor Pro Tem
Town of Yucca Valley

Robert A. Lovingood, Supervisor
County of San Bernardino

Janice Rutherford, Supervisor
County of San Bernardino

James Ramos, Supervisor
County of San Bernardino

Curt Hagman, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Basem Muallem, Caltrans
Ex-Officio Member

Ray Wolfe, *Executive Director*

Eileen Teichert, *SANBAG Counsel*

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

AGENDA

**Board of Directors
December 3, 2014**

*****10:00 a.m. (CLOSED SESSION)***
1170 W. 3rd St., 2nd Fl. (The Super Chief)
San Bernardino, CA**

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)—6 cases

a. Linda Cornwall v. SANBAG, Skanska-Rados, et al.

San Bernardino County Superior Court Case No. CIVDS 1312628

b. Nathan Cutting v. SANBAG, City of Rancho Cucamonga

San Bernardino County Superior Court Case No. CIVRS1301223

c. Rosa House v. SANBAG, Caltrans, City of San Bernardino, County of San Bernardino

San Bernardino County Superior Court Case No. CIVDS1204063

d. In re: Lumbermen's Mutual Casualty Company, In Liquidation

Office of Special Deputy Receiver, Docket No. 12 CH 24227

Circuit Court of Cook County, Illinois

e. In re: City of San Bernardino

U.S. Bankruptcy Court, Central District of California, Case No.: 6.12-bk-28006-MJ

f. In re: DK&J Enterprises, Inc.

U.S. Bankruptcy Court, Central District of California, Case No.: 6.14-bk-23271-SY

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Threatened) Pursuant to Government Code Section 54956.9(d)(2)—9 cases(s)

a. D'Onna Buckner v. SANBAG (Claim)

b. Brandon Fisher v. SANBAG (Claim)

c. GRFCO v. SANBAG (Claim)

d. Maria DeLourdes Reyes v. SANBAG (Claim)

e. Diana Richardson v. SANBAG (Claim)

f. Rogan Concrete v. Cooper Engineering, SANBAG (Stop Notice Claim)

g. Tahlequah Steel v. SANBAG (Claim)

h. Case 8--Based on existing facts and circumstances there is a significant exposure to litigation.

i. Case 9--Based on existing facts and circumstances there is a significant exposure to litigation.

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Initiation) Pursuant to Government Code Section 54956.9(d)(4)—7 cases(s)

**** Convene Regular Meeting at 10:30 a.m. ****
1170 W. 3rd Street, 1st Floor Lobby, San Bernardino

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

CALL TO ORDER

(Meeting Chaired by L. Dennis Michael)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
Calendar of Events
- iv. Agenda Notices/Modifications – Vicki Watson

Possible Conflict of Interest Issues

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

1. Information Relative to Possible Conflict of Interest

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

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

CONSENT CALENDAR

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up immediately following the vote on the Consent Calendar.

Consent - Administrative Matters

2. September/October 2014 Procurement Report

Receive the September/October 2014 Procurement Report.

Bill Stawarski

This item was received by the General Policy Committee on November 12, 2014.

3. Review Financial Audit for Transit Operator

Review and receive Operator financial report for Fiscal Year 2011/2012 for Needles Area Transit.

Bill Stawarski

This item was received by the Commuter Rail and Transit Committee on November 13, 014.

4. Adjustments to Classification and Compensation Plans

That the Board of Directors approve nine title changes, eight position reclassifications, salary range adjustments for fourteen position classifications, budget authority for equity adjustments for three positions and a budget amendment of \$105,111, as identified in the “Financial Impact” section, to enact these changes. **Duane Baker**

This item was reviewed and recommended to the Board of Directors by the General Policy Committee on October 8, 2014.

5. 2015 SANBAG Board of Directors and Policy Committee Meeting Schedule

Approve the 2015 Board of Directors and Policy Committee meeting schedules in Attachment A. **Duane Baker**

The individual policy committee schedules were approved by the respective policy committees during the month of November.

6. SANBAG Fiscal Year 2015/2016 Budget Schedule

Approve the Fiscal Year 2015/2016 Budget Schedule. **Bill Stawarski**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

7. Measure I Revenue

Receive report on Measure I receipts for Measure I 2010-2040. **Bill Stawarski**

This item was received by the General Policy Committee on November 12, 2014.

8. Measure I Revenue Estimate for Fiscal Year 2015/2016 Allocation Planning

Approve a Measure I 2010-2040 revenue estimate of \$149 million for Fiscal Year 2015/2016 and the revenue distribution by subarea in Table 2 for purposes of allocation planning for Fiscal Year 2015/2016. **Bill Stawarski**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

9. Fiscal Year 2014/2015 Work Goals and Objectives First Quarter Report

Receive the Fiscal Year 2014/2015 Work Goals and Objectives First Quarter report.
Ray Wolfe

This item was reviewed by the General Policy Committee on November 12, 2014.

10. SANBAG Conflict of Interest Code Amendment

A. Adopt an amended Conflict of Interest Code updating the list of designated employees and disclosure categories, and

B. Direct the SANBAG Clerk of the Board to submit the amended Conflict of Interest Code to the San Bernardino County Board of Supervisors for approval. **Eileen Teichert**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

11. Overview of San Bernardino Associated Governments “Business 2 Business Expo”

Receive and File the Report. **Kathleen Murphy-Perez**

This item was received by the General Policy Committee on November 12, 2014. SANBAG General Counsel and Procurement Manager have reviewed this item.

12. Revise Contracting and Procurement Policy 11000 for Construction Change Orders

Approve changes to existing SANBAG Contracting and Procurement Policy 11000, Paragraph IX. C. 2., deleting “Change Orders approved by the SANBAG Department Directors will be presented monthly for review and ratification to the appropriate Policy Committee” and replacing it with “Change Orders approved by SANBAG Department Directors will be presented monthly to the appropriate Policy Committee to receive and file”.

Kathleen Murphy-Perez

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014. SANBAG General Counsel and the Procurement Manager have reviewed this item.

Consent - Project Delivery

13. Award a New On-Call Environmental Services Contract

That the Board, acting in its capacity as the San Bernardino County Transportation Authority:

Approve the On-Call Environmental Services Contract C14144 with Vandermost Consulting Services, Inc. for a Not-to-Exceed contract value of \$3,000,000 and a five year term.

Garry Cohoe

This item was reviewed and recommended for approval (14-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on November 13, 2014. SANBAG General Counsel and Procurement Manager have reviewed this item and a draft of the contract.

14. 2014/2015 Fiscal Year Budget Amendment for Task 0886, Colton Quiet Zone

That the Board of Directors, acting in its capacity as the San Bernardino County Transportation Authority:

Amend the 2014/2015 Fiscal Year Budget to increase the budget for Task 0886, Colton Quiet Zone, by adding \$3,000,000.00 of Measure I Valley Fund – Freeway Projects (4110).

Garry Cohoe

This item was reviewed and recommended for approval (14-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on November 13, 2014.

15. Interstate 10 (I-10) University Street Project

That the Board of Directors, acting in its capacity as the San Bernardino County Transportation Authority:

A. Approve award of Contract No. C14163 with ADVANTEC Consulting Engineering, Inc. for I-10 University Street Interchange Project Professional Services for the Permit Engineering Evaluation Report, the Project Approval & Environmental Document, the Plans, Specifications, and Estimates, and Design Support Services during the Right-of-Way and construction phases in an amount not-to-exceed \$881,643.

B. Approve a contingency amount for Contract No. C14163 of \$88,164 and authorize the Executive Director or designee to release contingency as necessary for the project.

Paula Beauchamp

This item was reviewed and unanimously recommended for approval by the Board of Directors Metro Valley Study Session on November 13, 2014. SANBAG General Counsel and Procurement Manager have reviewed this item and a draft of the contract.

Consent - Regional/Subregional Planning

16. Draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Project List

That the Board, acting as the San Bernardino County Transportation Commission receive information on the submittal of a Draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Project List to SCAG by November 30, 2014.

Steve Smith

This item was reviewed by the Board of Directors Metro Valley Study Session on November 13, 2014 and by the Mountain/Desert Policy Committee on November 14, 2014. Material in this item was reviewed by the Transportation Technical Advisory Committee on November 3, 2014.

17. New Tasks and Budget Amendments for Active Transportation Program Grants

That the Board approve the following budget items to accommodate grant projects recently awarded to SANBAG through the California Department of Transportation Active Transportation Program:

A. Amend the Fiscal Year 2014/2015 budget to add new Task No. 0401: Metrolink Station Accessibility Improvements totaling \$4,928,729 to be funded with \$4,678,729 of Active Transportation Program (ATP) – Federal grant funds and \$250,000 of Transportation Development Act (TDA) Article 3 funds.

B. Amend the Fiscal Year 2014/2015 budget to add new Task No. 0402: Safe Routes to School Plan totaling \$400,000 to be funded with ATP – State grant funds.

C. Amend the Fiscal Year 2014/2015 budget to add new Task No. 0403: Points of Interest Pedestrian Plan totaling \$400,000 to be funded with ATP – State grant funds.

Acting as the San Bernardino County Transportation Commission:

D. Allocate \$250,000 of TDA Article 3 funds for administration and project management for the implementation of the Metrolink Station Accessibility Improvement Project under Task No. 0401.

Acting as the San Bernardino County Transportation Authority:

E. Authorize staff to work on the procurement process for design of the Metrolink Station Accessibility Improvement Project.

Steve Smith

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Consent - Transit/Rail

18. July - September 2014 Right-of-Way Grants of Use Report

Receive July-September 2014 Right-of-Way Grants of Use Report. **Mitch Alderman**

This item was received by the Commuter Rail and Transit committee on October 9, 2014 (July – August reporting) and November 13, 2014 (September reporting).

19. Amendment to Contract No. C11207 with Nossaman, LLP

The Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 1 to Contract No. C11207 with Nossaman, LLP for additional right-of-way legal services on the Downtown San Bernardino Passenger Rail Project, increasing the contract amount by \$500,000 for an amended not-to-exceed amount of \$2,500,000.

The Board, acting as the San Bernardino County Transportation Commission:

B. Allocate \$340,000 of Valley Local Transportation Funds for right-of-way legal support on the Downtown San Bernardino Passenger Rail Project.

C. Allocate \$160,000 of Valley Local Transportation Funds for right-of-way legal support on the San Bernardino Transit Center Project in lieu of Valley State Transit Assistance Funds that were originally identified for the project.

Mitch Alderman

This item reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on November 13, 2014. SANBAG General Counsel has reviewed this item and the contract amendment.

20. Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.

The Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 2 to Contract No. C12077 with HDR Engineering, Inc. for additional construction administration, design changes, environmental, and right-of-way services on the San Bernardino Transit Center Project, increasing the contract amount by \$664,764 for an amended not-to-exceed amount of \$4,618,297, inclusive of contingency.

B. Approve contingency of a not-to-exceed amount of \$100,000 for Contract C12077 and authorize the Executive Director or designee to release contingency as necessary for the project.

The Board, acting as the San Bernardino County Transportation Commission:

C. Allocate \$664,764 of Valley Local Transportation Funds to the San Bernardino Transit Center Project in lieu of the Valley State Transit Assistance Funds that were originally identified for the project.

The Board:

D. Approve Fiscal Year 2014/2015 budget amendment to increase Task No. 0322-San Bernardino Transit Center in the amount of \$664,764 to be funded by Local Transportation Funds for a new task total of \$15,208,975.

Mitch Alderman

This item reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on November 13, 2014. SANBAG General Counsel has reviewed this item and the contract amendment.

Consent - Council of Governments

21. Federal Legislative Update

That the Board adopt the following positions on Federal Legislation:

A. Support H.R. 5101, The National Freight Network Trust Fund Act of 2014 (Rep. Hahn, D-CA)

B. Monitor H.R. 5624, The National Multimodal and Sustainable Freight Infrastructure Act (Rep. Lowenthal, D-CA)

Wendy Strack

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

22. End of Session State Legislative Report

Receive the End of Session State Legislative Report.

Wendy Strack

This item was reviewed by the General Policy Committee on November 12, 2014.

23. Coalition for America's Gateways and Trade Corridors Membership

That the Board withdraw from the Coalition for America's Gateways and Trade Corridors

Wendy Strack

The General Policy Committee reviewed this item on November 12, 2014 and unanimously recommended withdrawal from the Coalition for America's Gateways and Trade Corridors.

Consent - Transportation Programming and Fund Administration

24. Summary of Measure I Capital Improvement Plans of Member Agencies

That the Board, acting in its capacity as the San Bernardino County Transportation Authority accept the Measure I Summary Report of the Five-Year Capital Improvement Plans for Local Pass-Through Funds for Fiscal Year 2014/2015 through Fiscal Year 2018/2019.

Andrea Zureick

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

25. Allocation to I-15 Phase 2 Widening

That the Board, acting as the San Bernardino County Transportation Commission, approve an allocation of \$91,012 in Regional Improvement Program funds for construction of Phase 2 of the Interstate 15 Widening project, increasing the total construction allocation from \$27,201,000 to \$27,292,012.

Andrea Zureick

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on November 14, 2014.

Consent Calendar Items Pulled for Discussion

26. Items pulled from the Consent Calendar will be taken under this item in the order they were presented.

DISCUSSION ITEMS

Discussion - Administrative Matters

27. Announcement of Appointments and Vacancies or Expiring Terms to SANBAG Committees and External Boards

- A. Note the appointment of Mayor Ed Graham, City of Chino Hills, as a member of the Southern California Association of Governments (SCAG) Energy and Environment Committee.
- B. Note the following vacancies or expiring terms of appointment and request Board Members to express their interest in serving or being reappointed to the following:
 - a. SANBAG Transit and Commuter Rail Committee
 - b. Alameda Corridor-East Construction Authority
 - c. Metro Gold Line Phase II JPA – Alternate Member
 - d. Mobile Source Air Pollution Reduction Review Committee – Primary and Alternate Member
 - e. SR 91 Advisory Committee – Ex Officio Member
- C. Announce the results of the Mountain/Desert Sub Region cities' caucus to select a member to serve on the SANBAG General Policy Committee.

Duane Baker

This item has not received prior policy committee or technical advisory committee review.

28. Appointment of SANBAG Representative to Valley Transportation Services (VTrans)

Select a SANBAG representative for the VTrans Board of Directors. **Duane Baker**

This item has not received prior policy committee or technical advisory committee review.

Discussion - Council of Governments

29. Express Lane and Design-Build Legislative Authority for the I-10 and I-15 Corridor Projects

That the Board of Directors:

- A. Approve sponsorship of a bill in the 2015-2016 State Legislative Session to provide SANBAG with Express Lane and Design-Build Authority for the I-10 and I-15 Corridor Projects.
- B. Concurrently work with key stakeholders to secure statewide legislative authority that includes SANBAG's I-10 and I-15 Corridor Projects. **Wendy Strack**

This item has not received prior policy committee or technical advisory committee review.

Comments from Board Members

Brief comments from Board Members

Executive Directors Comments

Brief comments from the Executive Director

Public Comment

Brief comments from the General Public

ADJOURNMENT

Additional Information

Acronym List

Attendance

SANBAG Entities

Agency Reports

South Coast Air Quality Management District Agency Report

Mobile Source Air Pollution Reduction Review Committee Agency Report

Committee Memberships

Representatives on SCAG Committees

SANBAG Committee Memberships

Mission Statement

Mission Statement

Meeting Procedures and Rules of Conduct

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

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

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

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

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

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when 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. The time limits established in “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.

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



Important Dates to Remember...

December 2014

SANBAG Meetings – Scheduled:

General Policy Committee	Dec 10	9:00 am	The Super Chief
Commuter Rail/Transit Committee	Dec 11	9:00 am	Board Room
Metro Valley Board Study Session	Dec 11	10:00 am	Board Room
Mountain/Desert Committee	Dec 12	9:30 am	Town of Apple Valley

Other Meetings/Events:

Interstate 10 / Cherry Avenue Interchange Dedication	Dec 12	10:00 am	Fontana, CA
--	--------	----------	-------------

SANBAG Offices will be CLOSED:

- **Wednesday, December 24, 2014 through Thursday, January 1, 2015.**

The office will reopen on Friday, January 2, 2015

For additional information, please call SANBAG at (909) 884-8276.

Minute Action

AGENDA ITEM: 1

Date: December 3, 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 SANBAG Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Closed Session #1 – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- a. Linda Cornwall, Skanska-Rados, Tierragg, Inc.
- b. Nathan Cutting, City of Rancho Cucamonga
- c. Rosa House, Caltrans, County of San Bernardino
- d. Lumbermen's Mutual Casualty Company
- e. City of San Bernardino
- f. DK&J Enterprises, Inc., aka Roy and Dot's Towing

Closed Session #2 – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- a. D'Onna Buckner, VTrans, Veolia Transportation
- b. Brandon Fisher
- c. GRFCO
- d. Maria DeLourdes Reyes
- e. Diana Richardson
- f. Rogan Concrete, Cooper Engineering
- g. Tahlequah Steel, Inc

Closed Session #3 – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Keenan; Security Paving; Tahlequah Steel; TW Telecom; Union Pacific; Marguerite St. Dennis; Victor Mirabella

Consent/Discussion Calendar Items

Item No.	Contract No.	Principals & Agents	Subcontractors
13	C14144	Vandermost Consulting Services, Inc. <i>Julie Vandermost</i>	A/E Tech Duke CRM Environ International Corporation Group Delta Consultants, Inc. Clark & Green Associates PCR Services Corporation
15	C14163	ADVANTEC Consulting Engineering, Inc. <i>Edward Miller</i>	ICF International Kleinfelder Simon Wong Engineering
19	C11207	Nossaman, LLP <i>Rick E Rayl</i>	None
20	C12077	HDR Engineering, Inc. <i>Robert Klovsky</i>	ICF Jones and Stokes Iteris Pac Engineering Project Design Consultants Group Delta Birge

Financial Impact:

This item has no direct impact on the SANBAG budget.

Reviewed By:

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

Responsible Staff:

Vicki Watson, Clerk of the Board

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Minute Action

AGENDA ITEM: 2

Date: *December 3, 2014*

Subject:

September/October 2014 Procurement Report

Recommendation:

Receive the September/October 2014 Procurement Report.

Background:

The Board of Directors adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on March 12, 2014. On February 6, 2013, the Board of Directors authorized the Executive Director, or designee, to approve: a) contracts and purchase orders up to \$100,000 and for purchase orders originally \$100,000 or more, increasing the purchase order amount up to 10% of the original purchase order value, not to exceed \$25,000; b) amendments with a zero dollar value; c) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; and d) amendments that cumulatively do not exceed 50% of the original contract value or \$100,000, whichever is less and to release Request for Proposal (RFP), Request for Quote (RFQ) and Invitation for Bid (IFB) for proposed contracts from which funding has been approved in San Bernardino Associated Governments (SANBAG's) Annual Budget, and which are estimated not-to-exceed \$1,000,000. SANBAG staff has compiled this report that summarizes all contract actions approved by the Executive Director, or designee.

On July 11, 2012, the Board of Directors authorized SANBAG's General Counsel to award and execute legal services contracts up to \$50,000 with outside counsel as needed on behalf of SANBAG and its authorities organized under the umbrella of the Council of Governments. Also, periodically notify the Board after exercising such authority.

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

Financial Impact:

This item imposes no impact on the Fiscal Year 2014/2015 budget. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By:

This item was received by the General Policy Committee on November 12, 2014.

Responsible Staff:

Bill Stawarski, Chief Financial Officer

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item
December 3, 2014
Page 2

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Attachment A September/October Contract Actions

New Contracts Executed:

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

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Attachment A

September/October Contract Amendment Actions

Contract Amendments Executed:

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended Contract Total
C02042 Amendment 9	Contract is being extended by six months. Project: PS&E and ROW for Hunts Lane UPRR Grade separation interchange.	Moffatt and Nichol Engineers	Original: \$261,287.00 Amend. 1: \$1,171,941.00 Amend. 2: \$0.00 Amend. 3: \$0.00 Amend. 4: \$396,026.00 Amend. 5: \$246,508.00 Amend. 6: \$400,453.00 Amend. 7: \$266,519.00 Amend. 8: \$0.00	\$0.00	\$2,742,734.00
C04050 Amendment 5	To extend the contract. Project: Preliminary engineering cooperative agreement for I-10 Tippecanoe Interchange Reconstruction.	Caltrans	Original: \$0.00 Amend. 1: \$0.00 Amend. 2: \$0.00 Amend. 3: \$0.00 Amend. 4: \$0.00	\$0.00	\$0.00
C08099 Amendment 1	To extend the contract to prepare additional environmental documents. Project: Coop for I-215/Barton Road PA/ED services.	Caltrans	Original: \$0.00	\$0.00	\$0.00

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended Contract Total
C12033 Amendment 1	To extend the contract to align with the terms of MOU C11223. Project: San Bernardino Valley Coordinated Traffic Signal On-call system support	Albert Grover & Associates	Original: \$1,000,000	\$0.00	\$0.00
C13032 Amendment 2	Reduced the retention to 10% of the total amount of each invoice up to a maximum of \$80,000. Project: Construction Management Services for Lenwood Road Grade separation	Simon Wong Engineering	Original: \$2,493,341.00 Amend. 1: \$0.00	\$0.00	\$0.00

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Attachment A

September/October Contract Task Order Actions

Contract Task Order (CTO) Executed:

Contract No. & CTO No.	Description of CTO	Vendor Name	Contract Amount	Previously Issued CTOs	Dollar Amount of CTO
C12033 CTO 30 Amendment 1	Provide Colton City Staff Central System Training for the coordinated traffic signal system	Albert Grover & Associates	\$1,000,000	CTO 1 through CTO 29 \$267,980 CTO 31 through CTO 38 \$136,824 CTO 42 \$19,480	Original CTO \$20,000 Amendment to CTO \$20,000 New CTO Total \$40,000
C14086 CTO 5 Amendment 1	Added public outreach to the Short Range Transit project	Parsons Brinkerhoff	20,000,000 shared with Hatch Mott MacDonald C14003	CTO 1 \$42,500 CTO 2 \$520,105 CTO 3 \$20,000 CTO 5 \$366,138 CTO 6 \$124,911 CTO 12B \$247,445 CTO 21 \$3,014.70	Original CTO \$366,138 Amendment to CTO \$21,998 New CTO Total \$388,136
C12033 CTO 42	Evaluate Communication status of Tiers 1-4 project signals in the San Bernardino Valley	Albert Grover & Associates	\$1,000,000	CTO 1 through 34 \$338,910 CTO 38 \$10,500	\$19,480

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Contract No. & CTO No.	Description of CTO	Vendor Name	Contract Amount	Previously Issued CTOs	Dollar Amount of CTO
C14003 CTO 26	Determine the ROW limits regarding SANBAG Property	Hatch Mott MacDonald	20,000,000 Shared with Parsons Brinkerhoff C14086	CTO 8 \$491,993 CTO 10 \$114,162 CTO 11 \$489,822 CTO 12A \$238,918 CTO 15 \$498,609 CTO 17 \$125,539 CTO 19 \$498,324 CTO 20 \$299,836 CTO 22 \$249,729 CTO 23 \$25,925 CTO 25 \$78,441	\$21,581

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Attachment A

September/October Purchase Order Actions

Purchase Orders:

PO No.	PO Issue Date	Vendor Name	Description of Services	PO Dollar Amount
4001218	09/10/2014	Sigmanet, Inc.	Design, configuration, support, and documentation for the implementation of Laserfiche. Estimated hours 44 at \$175 for Engineer and \$130 for Project Manager.	\$5,396.50
4001219	10/01/2014	FEHR & PEERS	SANBAG staff desires to update SBTAM (San Bernardino County Transportation Analysis Model) to be consistent with the 2016 Regional Transportation Plan 2040 horizon year timeframe. Consultant will support 2040 SBTAM scenario through an update of the recently developed 2012 SBTAM base year scenario and previous 2035 SBTAM scenario.	\$24,987.19
4001232	10/14/2014	California Department of Transportation (Caltrans)	Based on Cooperative agreement C11090 between SANBAG and Caltrans, SANBAG is responsible for capital costs on the I-215 Bi County project and this PO authorizes payment for those charges.	\$10,596.62
Total				\$40,980.31

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Attachment A

September/October Purchase Order Amendment Actions

Purchase Order Amendments Executed:

Purchase Order No. & Amendment No.	Description of Services and Reason for Amendment	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended PO Total
4001107 Amendment 1	Additional relocation costs associated with First Mile Project.	Southern California Edison	\$0	\$7,121.36	\$57,121.36
4001161	Additional services required by the Water Department for the First Mile Project.	City of San Bernardino Municipal Water District	\$0	\$963	\$140,963.00

Attachment: BRD1412a1-wws (1464 : Procurement Report)

Attachment B September/October RFPs and IFBs

Release of RFP's and IFB's

Release Date	RFP/IFB No.	Description of Services	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
None					
				Total	

Attachment: BRD1412a2-wws (1464 : Procurement Report)

Minute Action

AGENDA ITEM: 3

Date: *December 3, 2014*

Subject:

Review Financial Audit for Transit Operator

Recommendation:

Review and receive Operator financial report for Fiscal Year 2011/2012 for Needles 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 NAT. The audit of the financial statements for Fiscal Year 2011/2012 was completed by Vavrinek Trine and Day Co., LLC (VTD). The financial statements include an Independent Auditors' Report included as Attachment A for NAT with a modified opinion, meaning that except for the lack of accounting and reporting of deferred revenue, the financial statements are presented fairly in conformity with Generally Accepted Accounting Principles.

The report of internal control identified three deficiencies. Deferred revenue was not calculated properly and beginning balance was not reconciled, beginning equity balances should be reconciled to prior year financial statements, and balances recorded in due from other governments should reflect valid receivables. Management has implemented procedures to correct the deficiencies.

VTD was not able to audit deferred revenue since the beginning balance was not reconciled and activity was not recorded during the fiscal year. Deferred revenue should be recorded when the revenue is deemed unearned due to the timing of cash receipt or the collectability of the revenue is considered long-term.

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.

Financial Impact:

This item has no financial impact on the SANBAG Fiscal Year 2014/2015 Budget.

Entity: CTA, CTC

Board of Directors Agenda Item
December 3, 2014
Page 2

Reviewed By:

This item was received by the Commuter Rail and Transit Committee on November 13, 2014.

Responsible Staff:

Bill Stawarski, Chief Financial Officer

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

NEEDLES AREA TRANSIT
(Enterprise Fund of the City of Needles)

BASIC FINANCIAL STATEMENTS
WITH
INDEPENDENT AUDITORS' REPORT

FOR THE FISCAL YEAR ENDED
JUNE 30, 2012

**NEEDLES AREA TRANSIT
(Enterprise Fund of the City of Needles)**

JUNE 30, 2012

TABLE OF CONTENTS

INDEPENDENT AUDITORS' REPORT.....1

 Basic Financial Statements:

 Statement of Net Assets3

 Statement of Revenues, Expenses and Changes in Net Assets4

 Statement of Cash Flows5

 Notes to Financial Statements6

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*, THE TRANSPORTATION
DEVELOPMENT ACT AND CALIFORNIA GOVERNMENT CODE §8879.5012

 Schedule of Findings and Responses14

Attachment: Attachment A (1483 : Review Financial Audit of Transit Operator)



INDEPENDENT AUDITORS' REPORT

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

We have audited the accompanying financial statements of Needles Area Transit (NAT) enterprise fund of the City of Needles, California (City), as of and for the year ended June 30, 2012, as listed in the table of contents. These financial statements are the responsibility of the City's management. Our responsibility is to express an opinion on these financial statements based on our audit.

As discussed in Note 1, the financial statements present only the NAT and do not purport to, and do not, present fairly the financial position of the City as of June 30, 2012, and the changes in financial position, or, where applicable, its cash flows, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Except as discussed in the following paragraph, 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 includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

Management has not established procedures for accounting and reporting of deferred revenue and, accordingly, has not reconciled the opening balance of deferred revenue and related equity. Pursuant to Section 6634 of the Transportation Development Act, a transit claimant is precluded from receiving monies from the local transportation fund and the state transit assistance fund in an amount which exceeds the claimant's costs less the sum of fares received, local support required to meet the fare ratio, federal operating assistance, and the amount received during the year from a city or county to which the operator has provided service beyond its boundaries. The amount by which this departure would affect the assets, liabilities, net assets, and revenues of the NAT is not reasonably determinable.

In our opinion, except for the possible effects of the matter described in the preceding paragraph, the financial statements referred to above present fairly, in all material respects, the financial position of the NAT as of June 30, 2012, and the 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.

Attachment: Attachment A (1483 : Review Financial Audit of Transit Operator)

In accordance with *Government Auditing Standards*, we have also issued a report dated October 15, 2014, on our consideration of the City's internal control over financial reporting for the NAT, 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.

Management has omitted the Management's Discussion and Analysis for the NAT 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.



Rancho Cucamonga, California
October 15, 2014

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**STATEMENT OF NET ASSETS
JUNE 30, 2012**

ASSETS

CURRENT ASSETS:

Accounts receivable	\$ 25
Due from other governments	31,291
Prepaid expenses	632
Total Current Assets	<u>31,948</u>

CAPITAL ASSETS:

Depreciable assets	594,320
Accumulated depreciation	<u>(404,433)</u>
Capital assets, net	<u>189,887</u>
TOTAL ASSETS	<u>221,835</u>

LIABILITIES

CURRENT LIABILITIES:

Accounts payable	672
Accrued liabilities	265
Due to City of Needles	<u>40,296</u>
TOTAL LIABILITIES	<u>41,233</u>

NET ASSETS:

Invested in capital assets	189,887
Unrestricted	<u>(9,285)</u>
TOTAL NET ASSETS	<u>\$ 180,602</u>

Attachment: Attachment A (1483 : Review Financial Audit of Transit Operator)

The accompanying notes are an integral part of these financial statements.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**STATEMENT OF REVENUES, EXPENSES AND
CHANGES IN NET ASSETS
YEAR ENDED JUNE 30, 2012**

OPERATING REVENUES:	
Fares	\$ 35,675
OPERATING EXPENSES:	
Operations	282,929
Maintenance	14,196
General and administration	17,750
Depreciation	47,319
Total Operating Expense	<u>362,194</u>
OPERATING (LOSS)	<u>(326,519)</u>
NON-OPERATING REVENUES AND EXPENSES:	
Operating Assistance:	
Local Transportation Fund Article 8	166,753
Federal Transit Administration Section 5311	31,157
State Transit Assistance Fund	42,600
Measure I	12,450
Community Development Block Grant	8,496
Interest income	93
Other	157
Total Non-operating Revenues (Expenses)	<u>261,706</u>
NET (LOSS) BEFORE CAPITAL CONTRIBUTIONS	<u>(64,813)</u>
CAPITAL CONTRIBUTIONS:	
State Transit Assistance Fund	143,680
Total Capital Contributions	<u>143,680</u>
CHANGE IN NET ASSETS	78,867
NET ASSETS, Beginning of year, as restated	<u>101,735</u>
NET ASSETS, End of year	<u><u>\$ 180,602</u></u>

Attachment: Attachment A (1483 : Review Financial Audit of Transit Operator)

The accompanying notes are an integral part of these financial statements.

**NEEDLES AREA TRANSIT FUND
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**STATEMENT OF CASH FLOWS
YEAR ENDED JUNE 30, 2012**

Cash flows from operating activities:

Cash received from fares	\$ 35,650
Payments to employees	(14,590)
Payments to vendors for services	<u>(343,141)</u>
Net cash used in operating activities	<u>(322,081)</u>

Cash flows from non-capital financing activities:

Borrowing from the City of Needles	40,296
Operating grants received	<u>261,504</u>
Net cash provided by non-capital financing activities	<u>301,800</u>

Cash flows from capital and related financing activities:

Capital grants received	143,680
Purchase of capital assets	<u>(150,536)</u>
Net cash used in capital and related financing activities	<u>(6,856)</u>

Cash flows from investing activities:

Interest received	<u>93</u>
Net decrease in cash and cash equivalents	(27,044)
Cash and cash equivalents, beginning of year	<u>27,044</u>
Cash and cash equivalents, end of year	<u><u>\$ -</u></u>

**Reconciliation of operating (loss) to net cash used
in operating activities:**

Operating income (loss)	<u>\$ (326,519)</u>
Adjustments to reconcile operating (loss) to net cash used in operating activities:	
Depreciation expense	47,319
Changes in assets and liabilities:	
(Increase)/Decrease in assets:	
Accounts receivable	(25)
Prepaid expenses	(242)
Increase/(Decrease) in liabilities:	
Accounts payable and accrued liabilities	<u>(42,614)</u>
Total Adjustments	<u>4,438</u>
Net cash used in operating activities	<u><u>\$ (322,081)</u></u>

Attachment: Attachment A (1483 : Review Financial Audit of Transit Operator)

The accompanying notes are an integral part of these financial statements.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 1 – GENERAL INFORMATION

Needles Area Transit (NAT) provides public transportation services and a Dial-a-Ride program for seniors and persons with disabilities in the City of Needles. The financial statements are intended to reflect the financial position and changes in financial position and cash flows of the NAT only. Accordingly, the financial statements do not purport to, and do not, present fairly the financial position of the City of Needles and changes in financial position, or, where applicable, its cash flows thereof for the year then ended in conformity with generally accepted accounting principles in the United States of America.

Article 8

San Bernardino Associated Governments (SANBAG) receives and passes through Article 8 funding to the local claimants for the purposes of local streets and roads in accordance with Section 99400 of the California Public Utilities Code, which may include those purposes necessary and convenient to the development, construction, and maintenance of the city or county's streets and highways network, which further includes planning and contributions to the transportation planning process, acquisition of real property, construction of facilities and buildings. The fund may also be used for passenger rail service operations and capital improvements.

The NAT utilizes these TDA Article 8 funds to provide operation and maintenance for the transit system. The funding is also used to purchase assets related to transportation, such as buses, bus benches, bus shelters, bus stop signs and fareboxes.

Article 8 subdivision C further allows payments to counties, cities, and transit districts for their administrative and planning cost with respect to transportation services. A claimant may also receive payments for capital expenditures to acquire vehicles and related equipment, bus shelters, bus benches, and communication equipment for the transportation services.

Payment of Article 8 to any entity that provides public transportation services under contract with the local county, city, or transit district for any group with special transportation assistance need must be determined by SANBAG.

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the NAT conform to accounting principles generally accepted in the United States of America. The following is a summary of significant accounting policies.

Fund Accounting

The accounts of the City are organized on the basis of funds. A fund is defined as an independent fiscal and accounting entity wherein operations of each fund are accounted for in a separate set of self-balancing accounts that record resources, related liabilities, obligations, net position segregated for the purpose of carrying out specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

The NAT is accounted for within a separate enterprise fund of the City.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

Measurement Focus and Basis of Accounting

The NAT is reported using the economic resources measurement focus and accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded when the related liability is incurred, regardless of the timing of related cash flows. NAT has elected under Governmental Accounting Standards Board (GASB) Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities That Use Proprietary Fund Accounting*, to apply all applicable GASB pronouncements, as well as any applicable pronouncements of the Financial Accounting Standards Board (FASB), the Accounting Principles Board, or any Accounting Research Bulletins issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements. NAT has elected not to follow subsequent private sector guidance.

Cash and Investments

Cash and investments are pooled in the City's investment pool to facilitate cash management and maximize investment opportunities and yields. Investment income resulting from this pooling is allocated to the respective funds including the NAT based upon the average cash balance. The investment policies and the risks related to GASB Statement No. 40, *Deposits and Investment Risk Disclosures*, applicable to the NAT, are those of the City and are disclosed in the City's basic financial statements. The City's basic financial statements can be obtained at the City's Administrative Office at 817 Third Street, Needles, California 92363. For the purpose of the statement of cash flows, amounts maintained in the City Pool are considered cash and cash equivalents. As of June 30, 2012, the NAT had a balance of \$0.

Grants

Grants for operating assistance and capital acquisitions are included in revenue in the period in which the grant was earned. Federal capital grant funds claimed on a reimbursement basis have receivables for grant funds recorded as the related obligations are incurred. Capital grant funds advanced but not yet earned are treated as deferred revenues. Also, operating funds advanced from San Bernardino Associated Governments (SANBAG) for working capital are treated as deferred revenues until earned. Operating assistance grants are included in non-operating revenues in the year in which the grant is applicable and the related expenses are incurred. Revenue earned under capital grants are recorded as capital contributions.

Capital Assets

Capital assets are recorded at cost where historical records are available and at estimated historical costs where no historical records exist. Contributed capital assets are valued at their estimated fair market value at the date of the contribution. Generally, capital asset purchases in excess of \$1,000 are capitalized if they have an expected useful life of three years or more.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

Capital assets used in operations are depreciated over their estimated useful lives using the straight-line method. Depreciation is charged as an expense against operations. The range of lives used for depreciation purposes for each fixed asset class is as follows:

Passenger facilities	5-10 years
Equipment	5 years
Vehicles	5 years

Estimates

The preparation of basic financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Operating and Non-Operating Revenue

The NAT distinguishes operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from directly providing services in connection with the City's principal operation of bus transit services. These revenues are primarily passenger fares. Non-operating revenues consist of federal, state and local operating grants, fuel tax credits, and investment income.

Operating Expenses

Operating expenses include the cost of sales and services, administrative expenses, and depreciation on capital assets. Expenses not meeting this definition are reported as non-operating expenses.

Capital Contributions

Capital contributions consist of grants that are legally restricted for capital expenses by federal, state, or local law that established those charges.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, and then unrestricted resources as they are needed.

NOTE 3 – TRANSPORTATION DEVELOPMENT ACT REQUIREMENTS

The NAT is subject to the provisions pursuant to Section 6634 of the California Code of Regulations and Sections 99268.4 and 99313.3 of the Public Utilities Code.

The NAT receives allocations of local transportation funds pursuant to the Transportation Development Act of 1971. These funds are generated within San Bernardino County and are allocated based on annual claims filed by the City of Needles and approved by SANBAG.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 3 – TRANSPORTATION DEVELOPMENT ACT REQUIREMENTS, (CONTINUED)

The NAT also receives allocated Federal operating assistance funds pursuant to Section 5311 of the Federal Transit Act of 1964. Such funds are apportioned to the local urbanized area by the Federal Transit Authority (FTA). Expenditures of Federal operating assistance funds are subject to final audit and approval by the FTA.

A. Section 6634

Pursuant to Section 6634, a transit claimant is precluded from receiving monies from the Local Transportation Fund and the State Transit Assistance Fund in an amount which exceeds the claimant's costs less the sum of fares received, local support required to meet the fare ratio, federal operating assistance, and the amount received during the year from a city or county to which the operator has provided service beyond its boundaries.

The opening balance of deferred revenue could not be adequately reconciled by management in the current period. As a result, an adjustment to the deferred revenue opening balance was recorded. See Note 7 for further details.

The computation of deferred revenue for 2012 is as follows:

	Operating Funds	Capital Funds	Total
Beginning balance, July 1, 2011, as restated	\$ -	\$ -	\$ -
Gross receipts			
State Transit Assistance Fund	42,600	143,680	186,280
Local Transportation Fund, Article 8	166,753	-	166,753
Federal Transportation Admin, Section 5311	31,157	-	31,157
Measure I	12,450	-	12,450
Interest income	93	-	93
Fares	35,675	-	35,675
Other	157	-	157
Total gross receipts	<u>288,885</u>	<u>143,680</u>	<u>432,565</u>
Operating expenses, less depreciation	(302,875)	(12,000)	(314,875)
Capital acquisitions		<u>(150,536)</u>	<u>(150,536)</u>
Receipts over (under) expenses in current period	<u>(13,990)</u>	<u>(18,856)</u>	<u>(32,846)</u>
Amounts received in excess (under) of costs as of June 30, 2012	<u>\$ (13,990)</u>	<u>\$ (18,856)</u>	<u>\$ (32,846)</u>

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 3 – TRANSPORTATION DEVELOPMENT ACT REQUIREMENTS, (CONTINUED)

B. Section 99268.4

Section 99268.4 indicates that in the case of an operator which is serving a non-urbanized area, the operator shall be eligible for local transportation funds in any fiscal year if it maintains, for the fiscal year, a ratio of fare revenues to operating cost at least equal to 10%.

The fare ratio as of June 30, 2012, is calculated as follows:

Operating expenses	\$ 362,194
Less depreciation	(47,319)
Adjusted operating expenses	<u>\$ 314,875</u>
Fare revenue	<u>\$ 35,675</u>
Fare ratio	<u>11.33%</u>

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the fiscal years ended June 30, 2012, is as follows:

	Beginning Balance		Deletions	Ending Balance	
	July 1, 2011	Additions		June 30, 2012	
Depreciable assets					
Passenger facilities	\$ 28,882	\$ -	\$ -	\$ 28,882	
Equipment	98,560	-	-	98,560	
Vehicles	316,342	150,536	-	466,878	
subtotal depreciable assets	<u>443,784</u>	<u>150,536</u>	<u>-</u>	<u>594,320</u>	
Accumulated depreciation					
Passenger facilities	(26,096)	(2,786)	-	(28,882)	
Equipment	(95,784)	(1,388)	-	(97,172)	
Vehicles	(235,234)	(43,145)	-	(278,379)	
subtotal accumulated depreciation	<u>(357,114)</u>	<u>(47,319)</u>	<u>-</u>	<u>(404,433)</u>	
Net depreciable assets	<u>86,670</u>	<u>103,217</u>	<u>-</u>	<u>189,887</u>	
Total capital assets	<u>\$ 86,670</u>	<u>\$ 103,217</u>	<u>\$ -</u>	<u>\$ 189,887</u>	

NOTE 5 – DUE TO THE CITY OF NEEDLES

At June 30, 2012, the NAT had a deficit cash balance, representing short term borrowings from the City's Investment Pool in the amount of \$40,296.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 6 – DEFICIT UNRESTRICTED NET ASSETS

The NAT reflects deficit unrestricted net assets of \$9,285. Management has asserted that this will be remedied through the receipts of Local Transportation Fund revenues, State Transit Assistance Funds, and other grant proceeds in subsequent periods.

NOTE 7 – RESTATEMENT OF BEGINNING NET ASSETS

The opening balance of deferred revenue could not be adequately reconciled by management in the current period. As a result, an adjustment to the deferred revenue opening balance was recorded which had an impact on beginning net assets of \$15,065 as summarized in the table below.

	<u>2012</u>
Beginning of year, as previously reported	
Net Assets	\$ 86,670
Elimination of deferred revenue	<u>15,065</u>
Beginning net assets, as restated	<u><u>\$ 101,735</u></u>

Following is the proforma effect of the retroactive application:

	<u>2011 Previously Presented</u>	<u>Restatement</u>	<u>2011 Restated</u>
Deferred Revenue	\$ 15,065	\$ (15,065)	\$ -
Net Assets, Beginning of period	86,670	15,065	101,735



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS, THE TRANSPORTATION DEVELOPMENT ACT AND CALIFORNIA GOVERNMENT CODE §8879.50

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

We have audited the accompanying financial statements of the Needles Area Transit (NAT) enterprise fund of the City of Needles, California (City), as of and for the year ended June 30, 2012, and have issued our report thereon dated October 15, 2014. Our report on the NAT's financial statements was qualified because management had not established procedures for accounting and reporting of deferred revenue. Our report also noted that the financial statements of the NAT do not purport to, and do not, present fairly the financial position of the City as of June 30, 2012, and that the financial statements do not include Management's Discussion and Analysis. Except as discussed in the preceding sentences, 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.

Internal Control Over Financial Reporting

Management of the NAT is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the NAT's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the NAT's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the NAT's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying schedule of findings and responses, we identified certain deficiencies in internal control over financial reporting that we consider to be material weaknesses.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2012-01, 2012-02, and 2012-03 to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the NAT's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including Section 6667 of Part 21 of the California Code of Regulations and California Government Code §8879.50 et seq., and the allocation instructions of San Bernardino Associated Governments, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matter that is required to be reported under *Government Auditing Standards*, Section 6667 of Title 21 of the California Code of Regulations, or the California Government Code §8879.50 et seq., and which is described in the accompanying schedule of findings and responses as item 2012-01.

Management's responses to the findings identified in our audit are described in the accompanying schedule of findings and responses. We did not audit management's responses and, accordingly, we express no opinion on them.

This report is intended solely for the information and use of NAT management, City Council, and SANBAG and is not intended to be and should not be used by anyone other than these specified parties.

Varrinck Train, Dug & Co, LLP

Rancho Cucamonga, California
October 15, 2014

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2012**

Finding 2012-01

DEFERRED REVENUE RECONCILIATION

Criteria:

Pursuant to Section 6634 of the Transportation Development Act, a transit claimant is precluded from receiving monies from the Local Transportation Fund and the State Transit Assistance Fund in an amount which exceeds the claimant's costs less the sum of fares received, local support required to meet the fare ratio, federal operating assistance, and the amount received during the year from a city or county to which the operator has provided service beyond its boundaries.

Condition:

Management has not adopted a methodology for tracking, monitoring, and reviewing deferred revenue and, accordingly, has not provided a reconciliation of the opening balance of deferred revenue.

Context:

The condition noted above was identified during the testing of transactions related to NAT's compliance with the Transportation Development Act (TDA).

Effect:

As a result of condition noted above, management could not support the beginning balance of deferred revenue.

Cause:

Management has not adopted a methodology for calculating, tracking, and reviewing deferred revenue.

Recommendation:

We recommend that management implement processes to calculate and review the deferred revenue in accordance with the TDA.

View of responsible official and planned corrective action:

A process for calculating and reviewing deferred revenue is now in place, and will be implemented on a going forward basis.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2012**

Finding 2012-02

BEGINNING EQUITY RECONCILIATION

Criteria:

Beginning equity balances in the trial balance should be reconciled to the prior year financial statements.

Condition:

Beginning equity balances in the current year were not reconciled to the amounts included in the prior year financial statements. The difference of \$93,152 related to variances in deferred revenue, capital assets, and an adjustment for an overstated receivable.

Context:

The condition noted above was identified during the testing of opening balances.

Effect:

As a result adjustments were proposed to fairly state the financial statements.

Cause:

Management did not perform a reconciliation of the equity balance.

Recommendation:

We recommend that management implement processes to reconcile the opening equity balances.

View of responsible official and planned corrective action:

A process for reconciling the equity balance will also be implemented on a going forward basis.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2012**

Finding 2012-03

DUE FROM OTHER GOVERNMENTS

Criteria:

Balances recorded in due to other governments should reflect valid receivables.

Condition:

The due from other governments account was overstated by approximately \$62 thousand and required adjustment to fairly state the balance.

Context:

The condition noted above was identified during the testing of receivable balances.

Effect:

As a result of the condition above, adjustments of approximately \$62 thousand were proposed to fairly present the NAT financial statements.

Cause:

The condition was caused by the receivable account not being analyzed.

Recommendation:

We recommend management implement processes to review receivable accounts at year-end.

View of responsible official and planned corrective action:

A process for analyzing the receivable account will also be implemented on a going forward basis.

Minute Action

AGENDA ITEM: 4

Date: *December 3, 2014*

Subject:

Adjustments to Classification and Compensation Plans

Recommendation:

That the Board of Directors approve nine title changes, eight position reclassifications, salary range adjustments for fourteen position classifications, budget authority for equity adjustments for three positions and a budget amendment of \$105,111, as identified in the “Financial Impact” section, to enact these changes.

Background:

In April 2014, a contract was awarded to Koff & Associates to prepare a classification, compensation, and benefits study. The purpose of the study was to review all existing job classifications and job descriptions in relation to the work actually performed and to review salary and benefits to determine our competitiveness in the labor market. Based on the information from the classification and compensation study and analysis by SANBAG staff, a number of changes are being recommended.

Title changes – Approve nine title changes. The title changes are recommended to establish more internal consistency, to better reflect the scope of tasks performed, and to better align with industry standards. The most significant title changes are related to renaming a broad category of specialists and analysts throughout our organization as Management Analysts I, II, or III. This is part of an effort to create a broad Management Analyst classification series to recognize the common professional and analytical skills and experience required while not making the focus of the job description too narrow.

Current Title	Proposed Title
Chief of Accounting & Procurement	Chief of Fiscal Resources
Air Quality and Mobility Specialist (1 pos.)	Management Analyst I
Management Services Specialist	Management Analyst I
Transit Specialist	Management Analyst I
Legislative Analyst	Management Analyst II
Transportation Programming Analyst (1 pos.)	Management Analyst II
Transit Analyst (1 pos.)	Management Analyst II
Transportation Planning Analyst	Management Analyst II
Public Information Analyst	Management Analyst II

Reclassifications – Approve eight reclassifications. These reclassifications are being recommended because the positions are working out of class. The scope and responsibility for the work the positions are doing has increased over time and are beyond the current job description. This will result in seven of these positions being moved into a higher salary range.

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item
December 3, 2014
Page 2

Current Classification & Salary Range	Proposed Classification & Salary Range
Accountant (22: \$3,968 - \$5,951)	Senior Accountant (26: \$4,823 - \$7,234)
Administrative Assistant 1 pos. (16: \$2,961 - \$4,441)	Legal Assistant (23: \$4,166 - \$6,249)
Air Quality & Mobility Programs Specialist 1 pos. (21: \$3,779 - \$5,668)	Management Analyst II (26: \$4,823 - \$7,234)
Asst. to the Clerk of the Board (21: \$3,779 - \$5,668)	Deputy Clerk of the Board (29: \$5,583 - \$8,374)
Transp. Planning Analyst 1 pos. (26: \$4,823 - \$7,234)	Senior Planner (29: \$5,583 - \$8,374)
Transp. Planning Specialist (21: \$3,779 - \$5,668)	Management Analyst II (26: \$4,823 - \$7,234)
Transp. Pgrm. Analyst 1 pos. (26: \$4,823 - \$7,234)	Management Analyst III (29: \$5,583 - \$8,374)
Transit Analyst (1 pos.) (29: \$5,583 - \$8,374)	Management Analyst III (29: \$5,583 - \$8,374)

Compensation – Based on the difference between the median total compensation from the comparator agencies and the SANBAG total compensation, an increase to the salary range assigned to fourteen classifications is recommended. There are 19.5 individual positions within those fourteen classifications out of a total of 53.5 positions at SANBAG. The salary range adjustments are shown in the following table:

New Title	Current Range	Proposed Range
Accountant (.5 pos.)	22: \$3,968 - \$5,951	23: \$4,166 - \$6,249
Accounting Assistant (2 pos.)	16: \$2,961 - \$4,441	18: \$3,264 - \$4,896
Accounting Assistant, Senior (1 pos.)	19: \$3,427 - \$5,141	21: \$3,779 - \$5,668
Administrative Assistant (1 pos.)	16: \$2,961 - \$4,441	18: \$3,264 - \$4,896
Administrative Assistant, Senior (4 pos.)	19: \$3,427 - \$5,141	21: \$3,779 - \$5,668
Clerk of the Board/Admin. Supervisor (1 pos.)	29: \$5,583 - \$8,374	33: \$6,786 - \$10,179
Director of Legislative & Public Affairs (1 pos.)	37: \$8,248 - \$12,372	40: \$9,548 - \$14,322
GIS Analyst (1 pos.)	25: \$4,593 - \$6,889	26: \$4,822 - \$7,234
HR/Information Systems Administrator (1 pos.)	32: \$6,463 - \$9,694	33: \$6,786 - \$10,179
Management Analyst I (3 pos.)	21: \$3,779 - \$5,668	23: \$4,166 - \$6,249
Office Assistant (1 pos.)	13: \$2,558 - \$3,836	15: \$2,961 - \$4,441
Procurement/Risk/Contract Manager (1 pos.)	32: \$6,463 - \$9,694	33: \$6,786 - \$10,179
Receptionist (1 pos.)	11: \$2,320 - \$3,480	13: \$2,557 - \$3,836
Transportation Programming Technician (1 pos.)	16: \$2,961 - \$4,441	18: \$3,264 - \$4,896

Staff is recommending the following strategy to implement the changes from this study. Employees will be kept at their current salary where possible. As an example, consider an individual that is in a classification with a recommendation to increase the salary range from range 16 to range 17. In this example, the employee already receives a salary that falls within the new salary range (this is possible because the salary ranges overlap) so no adjustment to their actual salary is being recommended though their salary range is being adjusted upward.

Under this strategy, the only individuals that would receive a salary increase would be those for whom their current salary falls below the minimum salary of the proposed salary range. In these instances the salary will be adjusted to get them to the minimum of the new salary range.

In applying this strategy, there are only nine positions that would need to have their salaries adjusted. The total cost for these salary adjustments including benefits for a full year is \$73,099. The impact to the current fiscal year budget would be \$42,641 for seven months.

Board of Directors Agenda Item

December 3, 2014

Page 3

In addition to these recommendations, during the course of the study some pay equity issues became apparent for three positions. It is felt that these three positions are not compensated at the right level within their salary range compared to their internal peers and based on their past performance and their assumption of additional duties and responsibilities. The Executive Director has the authority to grant salary increases for outstanding performance and it is recommended that the budget for this fiscal year be amended to increase salaries and related benefits by \$62,470. This budget increase will enable the Executive Director to adjust the salaries of these three positions based on their outstanding performance and will help retain these very key individuals on our staff.

Financial Impact:

Implementing these changes will require a budget amendment of \$105,111 to increase the adopted SANBAG budget as follows: \$47,488 to Indirect; \$8,333 to Fund 1020 MSI Valley Admin; \$2,950 to Fund 1022 MSI Mt./Desert Admin; \$2,810 to Fund 1030 LTF Admin; \$5,796 to Fund 1035 LTF Planning; \$892 to Fund 1080 Rail Assets; \$156 to Fund 1082 PACE; \$4,892 to Fund 2810 SAFE; \$6,803 to Fund 4110 MSI Valley Fwy; \$6,790 to Fund 4120 MSI Valley Fwy Int; \$6,743 to Fund 4130 MSI Valley Grade Seps; \$4,959 to Fund 4180 MSI Valley TMS; and \$6,499 to Fund 2560 PPM.

Reviewed By:

This item was reviewed and recommended to the Board of Directors by the General Policy Committee on October 8, 2014.

Responsible Staff:

Duane Baker, Director of Management Services

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Minute Action

AGENDA ITEM: 5

Date: *December 3, 2014*

Subject:

2015 SANBAG Board of Directors and Policy Committee Meeting Schedule

Recommendation:

Approve the 2015 Board of Directors and Policy Committee meeting schedules in Attachment A.

Background:

The proposed Board of Directors 2015 meeting schedule conforms to the Board adopted regular meeting date of the first Wednesday of each month, beginning at 10:00 a.m. The 2015 meeting schedule recommends the Commuter Rail and Transit Committee change their meeting start time to 9:00 a.m., preceding the Board of Directors' Metro Valley Study Session. The Metro Valley Study Session will begin at 10:00 a.m. However, as noted in the attached Master Calendar there are some exceptions due to conflicts with other meetings or events. The regular meeting dates and times are listed below (all meetings are at the SANBAG offices unless otherwise noted):

- General Policy Committee - 2nd Wednesday of each month at 9:00 a.m.
- Commuter Rail & Transit Committee - 2nd Thursday of each month following the SANBAG Board of Directors meeting at 9:00 a.m.
- Metro Valley Study Session – 2nd Thursday of each month following the SANBAG Board meeting at 10:00 a.m.
- Mountain/Desert Committee – 3rd Friday of each month at 9:30 a.m. in Apple Valley

Although a monthly schedule is adopted, it is acknowledged that when there are not sufficient business items to require a meeting, the meeting will be cancelled. It has also been the practice to modify the meeting date and time when the SANBAG Board meeting has been rescheduled due to conflicts with other meetings or holiday schedules. SANBAG staff, however, has been directed to make every effort to minimize deviation from the regular schedule to insure continuity of meetings and participation.

A 2015 meeting schedule is attached and was approved by each policy committee. Please note that in November the General Policy Committee meeting date has been adjusted to the 2nd Thursday of the month due to a conflict with Veteran's Day. In November and December the Mountain/Desert Policy Committee meeting date has been moved to the second Friday to avoid conflicts with Holidays in those months. The Board of Directors Metro Valley Study Session and all Policy Committees are dark in July. As a result we will not schedule an August Board meeting unless absolutely critical.

Committee members and staff are urged to calendar these meetings for the coming year. Advance confirmation of meetings or cancellation notices are part of SANBAG's standard procedure for meeting preparation.

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item
December 3, 2014
Page 2

The proposed 2015 Board of Directors schedules are as follows:

Board of Directors

January 7, 2015

February 4, 2015

March 4, 2015

April 1, 2015

May 6, 2015

June 3, 2015

July 1, 2015

August 5, 2015 – NO MEETING

September 2, 2015

October 7, 2015

November 4, 2015

December 2, 2015

Financial Impact:

This item does not impact the Fiscal Year 2014/2015 budget.

Reviewed By:

The individual policy committee schedules were approved by the respective policy committees during the month of November.

Responsible Staff:

Duane Baker, Director of Management Services

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

SANBAG 2015 Master Calendar

~ January 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 SCAG Regional Council (DARK) New Year's Day HOLIDAY	2	3 Muhammad's Birthday Islamic Holiday
4	5	6	7 Board Orthodox Christmas HOLIDAY	8	9	10
11	12	13	14 General Policy Committee League New Mayors & Council Members Academy	15 Metro Valley Study Session Commuter Rail/Transit Committee League New Mayors & Council Members Academy	16 Mt/Desert Policy Committee League New Mayors & Council Members Academy	17
18	19 Martin Luther King Day HOLIDAY	20	21	22	23	24
25	26	27	28	29	30	31

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ February 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 Board	5 SCAG Regional Council	6	7
8	9	10	11 General Policy Committee	12 Metro Valley Study Session Commuter Rail/Transit Committee	13	14
15	16 President's Day HOLIDAY	17	18	19	20 Mt/Desert Policy Committee	21 NACo Legislative Conference
22 NACo Legislative Conference	23 NACo Legislative Conference	24 NACo Legislative Conference	25 NACo Legislative Conference	26	27	28

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ March 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 Board	5 SCAG Regional Council	6	7
8 Daylight Saving Time Begins	9	10	11 General Policy Committee	12 Metro Valley Study Session Commuter Rail/Transit Committee	13	14
15	16	17	18	19	20 Mt/Desert Policy Committee	21 Naw-Ruz Bahai HOLIDAY
22	23	24	25	26	27	28
29	30	31 Cesar Chavez	Notes:			

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ April 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Board	2 SCAG Regional Council	3 Good Friday Christian HOLIDAY	4 Passover Jewish HOLIDAY (4/4 – 4/11)
5 Easter Sunday	6	7	8 General Policy Committee	9 Metro Valley Study Session Commuter Rail/Transit Committee	10	11 Passover Jewish HOLIDAY (Ends)
12	13	14	15	16	17 Mt/Desert Policy Committee	18
19	20	21 First Day of Ridvan Baha'i HOLIDAY	22	23	24	25
26	27	28	29 Ninth Day of Ridvan Baha'i HOLIDAY	30	Notes:	

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ May 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2 Twelfth Day of Ridvan Baha'i HOLIDAY
3	4	5	6 Board	7 2015 SCAG Regional Conf. & General Assembly	8 2015 SCAG Regional Conf. & General Assembly	9
10 Mother's Day	11	12	13 General Policy Committee	14 Metro Valley Study Session Commuter Rail/Transit Committee	15 Mt/Desert Policy Committee	16
17	18	19	20	21	22	23 Declaration of the Bab Baha'i HOLIDAY
24 Shavout Jewish HOLIDAY	25 Shavout (Cont.) Jewish HOLIDAY Memorial Day HOLIDAY	26	27 CSAC Legislative Conference	28 CSAC Legislative Conference	29 Ascension of Baha'u'llah Baha'i HOLIDAY	30
31	Notes:					

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ June 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 Board	4 SCAG Regional Council	5	6
7	8	9	10 General Policy Committee	11 Metro Valley Study Session Commuter Rail/Transit Committee	12	13
14	15	16	17	18 Beginning of Ramadan Islamic HOLIDAY	19 Mt/Desert Policy Committee US Conference of Mayors (June 19-22)	20
21 Father's Day	22	23	24	25	26	27
28	29	30	Notes:			

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ July 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Board	2 SCAG Regional Council	3 Independence Day Observed HOLIDAY	4 Independence Day HOLIDAY
5	6	7	8 General Policy Committee (DARK)	9 Metro Valley Study Session (DARK) Commuter Rail/Transit Committee (DARK) Martyrdom of the Bab Baha'i HOLIDAY	10 NACo Annual Meeting	11 NACo Annual Meeting
12 NACo Annual Meeting	13 NACo Annual Meeting Lailatul-Quadr Islamic HOLIDAY	14	15	16 End of Ramadan Islamic HOLIDAY	17 Mt/Desert Policy Committee (DARK)	18
19	20	21	22	23	24	25
26	27	28	29	30	31	Notes:

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ August 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 Board (DARK)	6 SCAG Regional Council (DARK)	7	8
9	10	11	12 General Policy Committee	13 Metro Valley Study Session Commuter Rail/Transit Committee	14	15
16	17	18	19	20	21 Mt/Desert Policy Committee	22
23	24	25	26	27	28	29
30	31	Notes:				

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ September 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 Board	3 SCAG Regional Council	4	5
6	7 Labor Day HOLIDAY	8	9 General Policy Committee	10 Metro Valley Study Session Commuter Rail/Transit Committee	11	12
13 Rosh Hashanah Jewish HOLIDAY	14 Rosh Hashanah Jewish HOLIDAY	15 Rosh Hashanah Jewish HOLIDAY	16	17	18 Mt/Desert Policy Committee	19
20	21	22	23 Eid al-Adha Islamic HOLIDAY Yom Kippur Jewish HOLIDAY	24	25	26
27	28 Sukkot Jewish HOLIDAY (9/28-10/4)	29	30 League of CA Cities Annual Conference	Notes:		

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ October 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 League of CA Cities Annual Conference	2 League of CA Cities Annual Conference	3
4 APTA Annual Meeting	5 APTA Annual Meeting Shmini Atzeret Jewish HOLIDAY	6 APTA Annual Meeting Simchat Torah Jewish HOLIDAY	7 Board APTA Annual Meeting	8 SCAG Regional Council	9	10
11	12 Columbus Day HOLIDAY	13	14 General Policy Committee	15 Metro Valley Study Session Commuter Rail/Transit Committee	16 Mt/Desert Policy Committee	17
18	19	20 Birth of the Bab Baha'i HOLIDAY	21	22	23	24
25	26	27	28	29	30	31

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ November 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 Daylight Saving Time Ends	2	3	4 Board	5 SCAG Regional Council	6	7
8	9	10	11 Veteran's Day HOLIDAY	12 (Date Change)General Policy Committee Metro Valley Study Session Commuter Rail/Transit Committee Birth of the Baha'u'llah Baha'i HOLIDAY	13 Mt/Desert Policy Committee (Date Change)	14
15	16	17	18	19	20	21
22	23	24	25	26 Thanksgiving HOLIDAY Day of the Covenant Baha'i HOLIDAY	27 Thanksgiving Day After HOLIDAY	28 Ascension of Abdul – Baha Baha'i HOLIDAY
29	30	Notes: General Policy Committee meeting date changed to same day as Metro Valley Study Session and Commuter Rail/Transit Committee.				

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)

SANBAG 2015 Master Calendar

~ December 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 CSAC Annual Meeting	2 Board CSAC Annual Meeting	3 SCAG Regional Council (Economic Summit) CSAC Annual Meeting	4 CSAC Annual Meeting	5
6 Hanukkah (12/6 – 12/14) Jewish HOLIDAY	7	8	9 General Policy Committee	10 Metro Valley Study Session Commuter Rail/Transit Committee	11 Mt/Desert Policy Committee (Date Change)	12
13	14	15	16	17	18	19
20	21	22	23	24 Christmas Eve HOLIDAY	25 Christmas Day HOLIDAY	26 Kwanzaa (12/26 – 1/1/16) Interfaith/African American HOLIDAY
27	28	29	30	31 New Year's Eve HOLIDAY	Notes: Mountain/Desert Committee meeting moved up one week due to the end of month holidays.	

Attachment: 2015 SANBAG Master Meeting Calendar (1473 : 2015 Meeting Calendar)



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 6

Date: December 3, 2014

Subject:

SANBAG Fiscal Year 2015/2016 Budget Schedule

Recommendation:

Approve the Fiscal Year 2015/2016 Budget Schedule.

Background:

The preparation of the Fiscal Year 2015/2016 Budget requires a schedule for development, consideration and adoption of the final budget appropriations. The General Policy Committee is primarily responsible for policy input for the development and review of the budget. Other policy committees are also scheduled to consider proposed tasks under their review.

A full Board of Directors Budget Workshop will be scheduled in conjunction with the May 2015 General Policy Committee meeting for consideration of the proposed budget. Final budget adoption for Fiscal Year 2015/2016 is scheduled for the June Board of Directors meeting. The schedule is similar to the prior year.

Financial Impact:

This item has no immediate budgetary impact.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Responsible Staff:

Bill Stawarski, Chief Financial Officer

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____

Entity: CMA, COG, CTA, CTC, SAFE

<u>DATE</u>	<u>ACTIVITY</u>
November 12, 2014	General Policy Committee Review and Discussion of 2015/2016 Budget Schedule
December 3, 2014	Board Approval of 2015/2016 Budget Schedule
February 12, 2015	Metro Valley Study Session General Overview by Region
February 20, 2015	Mountain/Desert Committee General Overview by Region
March 11, 2015	General Policy Committee Review of Tasks
March 12, 2015	Metro Valley Study Session Review of Tasks
March 12, 2015	Commuter Rail & Transit Committee Review of Tasks
March 20, 2015	Mountain/Desert Committee Review of Tasks
April 8, 2015	General Policy Committee Further Review of Tasks if Required
April 9, 2015	Metro Valley Study Session Further Review of Tasks if Required
April 9, 2015	Commuter Rail & Transit Committee Further Review of Tasks if Required
April 17, 2015	Mountain/Desert Committee Further Review of Tasks if Required
May 6, 2015	Board of Directors Presentation of the Proposed Budget
May 13, 2015	Board of Directors Budget Workshop in Conjunction with General Policy Committee Meeting
June 3, 2015	Board of Directors Adoption of the SANBAG Fiscal Year 2015/2016 Budget

- 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: December 3, 2014

Subject:

Measure I Revenue

Recommendation:

Receive report on Measure I receipts for Measure I 2010-2040.

Background:

Sales tax revenue collections for Measure I 2010 through 2040 began on April 1, 2010. Cumulative total receipts for Fiscal Year 2014/2015 as of September 30, 2014 were \$37,253,007.

Included is a summary of the current Measure I receipts by quarter and cumulative total since its inception. The quarterly receipts represent sales tax collection from the previous quarter taxable sales. For example, receipts for April through June represent sales tax collections from January through March.

Measure I revenue for the 2014/2015 Fiscal Year budget was estimated to be \$141,960,000. Actual Measure I receipts for Fiscal Year 2014/2015 July through September are \$37,253,007, in comparison to \$35,430,012 received during the quarter ending September 2013/2014, with an increase of 5.15%.

Financial Impact:

Measure I revenues are expected to exceed both the budgeted amount and prior years' collections.

Reviewed By:

This item was received by the General Policy Committee on November 12, 2014.

Responsible Staff:

Bill Stawarski, Chief Financial Officer

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____

Entity: CMA, CTA, CTC

ATTACHMENT A

Summary of SANBAG Measure I Receipts 2010-2040						
Fiscal Year	July- September	October- December	January- March	April- June	Fiscal Year Total	Cumulative Total To Date
Receipts Prior to FY 2010/11						\$7,158,800
Fiscal Year 2010/11	28,188,907	29,207,950	28,808,766	29,397,456	115,603,079	\$122,761,879
Fiscal Year 2011/12	31,027,319	33,547,956	32,757,419	33,476,051	130,808,745	\$253,570,624
Fiscal Year 2012/13	34,279,449	35,076,980	34,336,570	34,309,171	138,002,171	\$391,572,794
Fiscal Year 2013/14	35,430,012	35,403,641	36,843,452	35,789,045	143,466,150	\$535,038,944
Fiscal Year 2014/15	37,253,007				37,253,007	\$572,291,951
% Increase Over 13/14	5.15%					

Attachment: BRD1412b1-wws (1465 : Measure I Revenue)

- 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: *December 3, 2014*

Subject:

Measure I Revenue Estimate for Fiscal Year 2015/2016 Allocation Planning

Recommendation:

Approve a Measure I 2010-2040 revenue estimate of \$149 million for Fiscal Year 2015/2016 and the revenue distribution by subarea in Table 2 for purposes of allocation planning for Fiscal Year 2015/2016.

Background:

San Bernardino Associated Governments (SANBAG) staff is beginning the allocation planning process for Fiscal Year 2015/2016. The purpose of this process is to provide information to be used by both SANBAG and its member agencies in preparation of their capital budgets.

SANBAG staff must first develop an estimate of Measure I revenue by subarea and program for Fiscal Year 2015/2016. This agenda item requests approval of a Measure I revenue estimate for budgeting and allocation purposes for the next fiscal year. Staff is estimating a 2.5% increase in Measure I sales tax revenue from prior year actual for an estimate of \$149 million for the 2015/2016 budget.

Distribution of Measure I revenues to subareas for Fiscal Year 2015/2016 is based on the two most recent complete fiscal years of actual revenue (Fiscal Year 2012/2013 and 2013/2014), as shown in Table 1.

Colorado River	199	211	0.1%	0.1%
Morongo Basin	2,123	2,065	1.5%	1.4%
Mountain	1,815	1,816	1.3%	1.3%
North Desert	6,276	5,609	4.6%	3.9%
Total Subarea	<u>\$ 137,098</u>	<u>\$ 143,953</u>	<u>100%</u>	<u>100%</u>

NOTE: Actual revenues for Fiscal Year 2012/2013 and 2013/2014 are less 1% Measure I Administration.

Board of Directors Agenda Item
December 3, 2014
Page 2

The two-year (2) average is then used to calculate the distribution of Measure I revenue for each subarea. The distribution of the estimated 2015/2016 Measure I revenue of \$147.5 million (\$149 million less 1% for administration) is provided in Table 2.

Table 2
Estimate of Measure I Revenue by Subarea
For Fiscal Year 2015/2016

Subarea	Estimated Revenues (In Thousands)	Percentage of Total Subarea
Cajon Pass *	\$ 4,130,000	2.8%
Valley	117,262,500	79.5%
Victor Valley	16,225,000	11.0%
Colorado River	147,500	0.1%
Morongo Basin	2,065,000	1.4%
Mountain	1,917,500	1.3%
North Desert	5,752,500	3.9%
Total Subarea	\$ 147,500,000	100%

* Cajon Pass is funded with 3% of Valley and Victor Valley Measure I funds.

The numbers in Table 2 represent estimates for apportionment/allocation planning purposes only. Each subarea will receive the actual revenue collected according to the provisions of the Measure I 2010-2040 Expenditure Plan. Current trends indicate a slow recovery from previous recession which could result in actual distributions that are different in Table 2.

Financial Impact:

This item imposes no impact on the Fiscal Year 2014/2015 budget. It will be utilized in the preparation for the Fiscal Year 2015/2016 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Responsible Staff:

Bill Stawarski, Chief Financial Officer

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 9

Date: December 3, 2014

Subject:

Fiscal Year 2014/2015 Work Goals and Objectives First Quarter Report

Recommendation:

Receive the Fiscal Year 2014/2015 Work Goals and Objectives First Quarter report.

Background:

The SANBAG Fiscal Year 2014/2015 Work Goals and Objectives establish the Board of Directors' priorities for the year. The Executive Director uses this as a tool with the Executive Management Team to evaluate SANBAG's progress in achieving the Board's priorities. This report is a quarterly update on those work goals and objectives.

Financial Impact:

This item is consistent with the adopted Fiscal Year 2014/2015 budget.

Reviewed By:

This item was reviewed by the General Policy Committee on November 12, 2014.

Responsible Staff:

Ray Wolfe, Executive Director

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____

Entity: CMA, COG, CTA, CTC, SAFE

SAN BERNARDINO ASSOCIATED GOVERNMENTS
FISCAL YEAR 2014/2015 INITIATIVES AND ACTION PLAN

Initiative #1: Transparent and Accountable Allocation Strategies					
1A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Implement electronic and financial records management system	Piggyback on Riverside County Superior Court ECS contract for Laserfiche program. Develop configuration and determine scope of agreement for the following: 1. Electronic procurement storage system. 2. Electronic purchase order requisitions. 3. Electronic purchase order approvals.	Execute agreement with ECS – Q2	Approved at September 3, 2014 Board meeting.	Finance
			Install and implement Laserfiche program – Q2	Software installed October 2014.	Finance
			Determine electronic storage of procurement files – Q3	Currently in the process. To be completed by December 2014.	Finance
			Test electronic purchase order process - Q4		Finance
			Finalize agency-wide electronic purchase order process - Q4		Finance
Notes					
Future expansion will include the following: 1) Accounts Payable; 2) Accounts receivable; 3) Budget transfers; 4) Journal entries; 5) Mail sorting; and 6) Filing					

1 Yellow shading means the work is behind schedule
Red shading signifies urgent and significant challenges in completing the task

1B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Provide a comprehensive study and overview of key functions of the procurement and contract process for effectiveness and consistency.	Consultant evaluating current and proposed processes performed by project managers, contract administration, finance and other staff in the following areas: 1. IFB projects 2. A&E RFP projects 3. RFP projects 4. Contract management	Consultant provides possible changes and recommendations relating to: 1. Responsible parties 2. Processes 3. Staffing – Q1	Management Services conducting analysis in conjunction with the compensation/benefit study. Staff provided number of hours needed to implement tasks identified in flow chart of procurement/contract function. New structure was approved which included a Procurement Manager and two Procurement Analysts.	Finance
			Implement proposed changes and recommendations – Q3	Procurement Manager and one Procurement Analyst position has been filled. Currently recruiting for the second Procurement Analyst.	Finance
Notes					
1C	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Manage local, state and federal transit funds in accordance with SANBAG Board priorities	Develop a Short Range Transit Plan (SRTP) to ensure cost projections do not exceed revenues for Valley Apportionment as well as Mountain/Desert	CTO awarded to on-call consultant in FY13-14 Q4. Final SRTP will be completed by end of FY14-15 Q4.	Draft SRTP is being reviewed	Transit/Rail (Fund Admin.)

2 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Notes					
1D	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Deliver the highest quality and most cost effective rail & transit projects and service possible in San Bernardino County	Study the efficiency of all seven transit operators and explore consolidation of various functions to provide greater efficiencies and more coordinated service and project delivery	CTO issued to on-call consultant in FY13-14 Q3. Project completion expected FY14-15 Q4.	Existing conditions, transit workshops, and surveys have been completed. Study is on schedule for completion in Q4.	Fund Admin
		Thru the County-wide Transit Efficiency Study, evaluate the expansion of the Victor Valley Vanpool program county-wide	CTO issued to on-call consultant in FY13-14 Q3. Project completion expected FY14-15 Q4.	Vanpool program development and implementation being taken to Nov Board 2014	Transit/Rail
Notes					

3 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

1E	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Complete timely audits of all TDA recipients	Manage audit consultant to ensure completion of all seven audits	Meet with Operators and Auditors in FY14-15 Q1 to develop a time table and action plan for milestones	VDT (auditor) met with Operators to establish schedule. Finance met with VDT in September 2014 to confirm plan and time table. Finance will meet with VDT (teleconference) every two weeks.	Finance (Fund Admin)
		Educate transit operators on expectations for audits	Work closely with Operators and Auditors in FY14-15 Q1 to ensure work begins quickly after the end of fiscal year	Sent letters to each Operator detailing expectations for FY 2014-2015 in September 2014.	Finance (Fund Admin)
		Provide update of audits to Board and local Transit Boards	Provide assistance and direction quickly on critical issues. Due end of Q2 annually		Finance (Fund Admin)
Notes					

4 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

1F	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Manage geographic equity in fund distribution across the County	Define equity, create tracking database, run through committee and Board, and post on external (Board) website	Develop policies to define geographic areas to be tracked and “equity” by fund source – Q1	Consensus reached on proposed policy at October TAC meetings and to be presented to Committee for consideration in December	Fund Administration (Planning)
			Compile data that will allow for funds to be tracked per policy – Q2	Data tracking method has been developed. Will be updated as necessary per adopted policy.	Fund Administration (Planning)
			Present findings to Committees/Board and provide link to real-time “dashboard” on external Board website – Q3		Fund Administration (Planning)
Notes					
1G	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Use strategic programming to ensure that no funds are lost	Manage projects closely with Caltrans to ensure adequate review resources are available when projects are ready	May 1 is Caltrans’ deadline for guaranteed access to federal OA	SANBAG entered into CMAQ loan agreement with SACOG to protect against future loss of funds and has offered loans to local jurisdictions. Other opportunities with other agencies will also be pursued.	Fund Admin. (Major Projects; Transit/Rail)

5 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

			June 30 is CTC deadline for project allocation or extension requests	Projects programmed in FY2014/2015 are on schedule to be allocated by June 30.	Fund Admin. (Major Projects)
Notes					
To accumulate the CMAQ needed for Redlands Rail and I-10 Improvements, SANBAG may need to seek a loan agreement in FY14/15 with another agency to avoid an interim lapse in funding.					
1H	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Protect San Bernardino County's equitable share of available state and federal funds	Develop funding strategies that result in opportunities to seize additional state and federal funds	Use more than 100% federal OA each fiscal year to be candidate for additional OA through August redistribution – Q4		Fund Admin. (Major Projects; Transit/Rail)
		Promote policies to garner more state and federal funding	Ongoing as issues arise	FY 2014/15 State Budget deal included new allocations for transportation * VMT Pilot Program approved in SB 1077 **	Fund Admin. (Legislative Affairs)

6 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Notes					
<p>Achievement of 100% OA delivery in FY14/15 will likely require an OA loan agreement with another agency.</p> <p>* As part of the FY 2014/15 State Budget deal, transit capital and operations received \$100 million directly from Cap and Trade program revenues. Other transportation projects and programs are eligible expenditures in two other Cap and Trade funding programs totaling \$330 million, not including high speed rail allocations. In future years, 15% of ongoing revenues are allocated to transit and 10% for sustainable communities projects, with 40% of remaining revenues still unprogrammed and potentially available.</p> <p>** Program specifics to be developed in 2015.</p>					
II	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Implement 2014 sales tax revenue bond program	Ensure project funding plans maximize use of 2014 bond proceeds	Expenditure of ½ of bond proceeds by Q4	\$16.7 million of bond proceeds have been expended in the 1 st quarter.	Fund Admin. (Finance, Major Projects, Transit/Rail)
	Notes				
<p>Timely expenditure of bond proceeds will be evaluated in future bond sales.</p>					

7 | Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Initiative # 2: Engender Public Trust					
2A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Secure an unmodified opinion of annual financial statements	Initial meeting with Audit Subcommittee and independent auditor in June. Preliminary audit work completed in July. Audit field work is scheduled to be finished by November. CAFR, Single Audit and other reports be submitted to Audit Subcommittee and General Policy Committee in December and to the Board in January 2015.	Due Q4 annually	Met with Audit Subcommittee and completed preliminary audit work in 1 st quarter.	Finance
	Notes				
2B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Obtain Certificate of Achievement for Excellence in Financial Reporting	Submit CAFR and application to GFOA in December 2014 for award program	Due Q4 annually		Finance
	Notes				

8 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

2C	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Update SANBAG Budget document	Identify long-term structural improvements to EDEN financial accounting software and changes to budget document –Q2		Issued PO to Tyler for \$3,500 to begin accounting structure changes. Identified new expenditure and revenue strings. New structure will provide roll-up capabilities for major projects and other programs and will provide break-down of general government administrative support which was identified by the Budget Sub-committee and Board members. The plan is to utilize the new structure in the 2015-2016 budget. There will be no history detail comparisons for the first year implementation due to the structure changes.	Finance
Notes					

9 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

2D	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Obtain Distinguished Budget Presentation Award		Submit Annual Budget and application to GFOA in July 5 for award program – Q1		Finance
	Notes				
2E	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Provide safe public transit facilities	Evaluate security and study possible consolidation of security services at Metrolink stations and for future DSBPRP/ RPRP.	CTO to be issued by FY14-15 Q4		Transit/Rail
	Notes				
2F	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Manage geographic equity in fund distribution across the County	Develop refined project priorities through 2025 for Mountain/Desert subareas for input into 2016 update to the Ten-Year Delivery Plan.	Hold subarea meetings to identify project priorities – Q2	North Desert Subarea is meeting in October. Other Mtn/Desert Subareas are evaluating project priorities.	Fund Admin. (Planning)
			Analyze Measure and State/Federal cash flows available to support project priorities – Q3		Fund Admin. (Finance)
			Identify financially constrained prioritized project lists for 2016 update to the Ten-Year Delivery Plan – Q4	Fund Admin.	

10

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

Notes					
2G	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Administer Transportation Development Act (TDA) funds in an efficient and transparent manner	Coordinate with on-call consultant to prepare an update of the SANBAG TDA Manual and for development of a TDA database for tracking allocations and disbursements	Complete update of TDA Manual – Q3	Responsibility for RFP shifted to Fund Admin in September. RFP will be released in November. Schedule will likely be delayed.	Fund Admin.
			Develop database for internal tracking of TDA allocations and disbursements – Q3		Fund Admin.
			Develop electronic submittal method for TDA claimants – Q4		Fund Admin.
Notes					
Initiative # 3: Focus on Creating and Strengthening Collaborative Partnerships with Governmental and Business Entities					
3A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Continue regional forums to discuss issues of regional interest throughout the County	Actively seek to develop programs on regional issues, coordinate meetings with key stakeholders including legislators.	Conduct forums in each of the subregions – ongoing as issues arise.	West Valley Subarea forum scheduled for October 29	Legislative/Public Affairs; COG

11

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

Notes					
East Valley forum targeted for late winter/early spring 2015 and a Mountain/Desert Forum targeted for early summer 2015.					
3B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Coordinate regional input to the 2016 Air Quality Management Plan	Work with stakeholders in San Bernardino and Riverside County on reviewing technical work that will serve as the basis of the AQMP.	Hold meeting with stakeholders to identify common areas of interest and strategies to review and influence the AQMP.		COG (Legislative/Public Affairs; Planning)
		Leverage the similarities of the region in drafting responses and providing input into the drafting of the AQMP.	Review technical “white papers” being prepared by AQMD and coordinate regional comments.	SANBAG staff covering four AQMP white paper review groups: Freight, Passenger Transport, Business Case, & Off-road equipment.	Planning
		Provide opportunities to educate policymakers on the issues, options and implications being considered for the AQMP.	Hold special workshop on policy issues anticipated in the AQMP to give Board Members clear understanding of implications and provide opportunities for them to give direction.	Agreement with IEEP to host a forum on the AQMP after completion of “white papers”.	COG (Legislative/Public Affairs; Planning)
			Participate in technical committees responsible for reviewing AQMP	Participating on AQMP Advisory Group.	Planning
			Provide formal comments and testimony on AQMP	As the need arises.	Planning
Notes					

12

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

3C	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Enhance COG role	Actively work to implement and further the Countywide Vision	Host a “Cradle to Career” Education forum and engage non-school stakeholders – Q4	Will work with newly elected Supt. Of Schools to host in 2015	COG
			Coordinate the Jobs/Economy Element group and publish and distribute a Business Friendly Best Practices Inventory – Q1	Complete. Now moving on to getting best practices implemented. Joint meeting with City Managers and development representatives scheduled for November 2014 to push for wider implementation.	COG
			Develop a measurement tool that can be used to measure progress toward “business friendliness” – Q2		COG
			Keep Board informed on a regular basis of Council of Government and Vision activities	Items scheduled each month at Board meeting.	COG
Notes					

13 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

3D	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Environmental Stewardship	Provide leadership and assistance to our members in implementing clean energy and conservation projects to reduce utility bills and greenhouse gas emissions.	Implement a Joint Solar Power Procurement with interested government agencies to install solar PV systems – Q1	Complete. Not enough participants for joint procurement. Individual cities have contracted separately with SANBAG’s consultant to continue their own efforts.	COG
			Launch and market the commercial HERO program to conservation specialists, building officials, and community/economic development officials throughout the County – Q1	Commercial program has been launched and has funded its first project. Informational meetings held with City Manager’s TAC and being scheduled with local Chambers of Commerce.	COG
			Apply for grant funding to implement public EV charging networks in the region – Q2	In progress.	COG
			Establish an Energy Leader partnership with SCE to provide incentives to local governments for energy conservation efforts – Q2	Application submitted. Awaiting approval from CPUC.	COG
Notes					

14 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

3E	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Identify development opportunities in the vicinity of existing and planned rail and transit stations	Continue constraints analysis and development feasibility study at the Upland Metrolink station	Complete study - Q3		Transit/Rail (Planning)
		Initiate development of a Programmatic EIR/EIS with the cities of San Bernardino and Redlands for TOD improvements around proposed stations on the Redlands Passenger Line. The completion of the Redlands Passenger Rail Project is not dependent on this effort.	Award CTO to an on-call consultant and enter into agreements with cities - Q2		Transit/Rail (Planning)
Notes					

15 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Initiative # 4: Accelerate Delivery of Capital Projects					
4A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Effectively advocate to maintain or grow historic funding levels provided by state and federal governments	Work with regional and statewide entities to ensure that funding structures and policies are in place that are consistent with SANBAG's goals and priorities	Map-21 Reauthorization or Extension – Q4	MAP-21 was extended at existing funding levels through May 2015	Legislative/Public Affairs (Fund Admin.; Planning)
			State Budget and Funding options – Q1 Passage of state legislation to take effect in 2015 – Q2	State Budget approved reflected SANBAG priorities and potential new funding for projects. End of Year report on legislation taking effect in 2015 to go to General Policy Committee November and to the full Board in December.	Legislative/Public Affairs
		Advocate for legislation that protects and grows state and federal funds	Evaluate results of prior year advocacy efforts – Q2	New State Advocacy Contract approved by the Board of Directors in October. Potential RFP and revised scope of work for the Federal Advocacy contract to go to the General Policy Committee in late fall/early winter.	Legislative/Public Affairs

16 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

			Develop platform for next fiscal year – Q2	General Policy Committee approved the final 2015-2016 state and federal platforms in October. Board of Directors to act in November.	Legislative/Public Affairs
	Notes				
4B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Promote expanded alternative project delivery mechanisms and project streamlining	Work with statewide and regional partners on streamlining and expanded/extended authorities for project delivery.	P3 state authority expires 2017	Currently evaluating legislative needs for SANBAG alternative project delivery authority in the 2015-2016 legislative session	Legislative/Public Affairs
			MAP-21 reauthorization – Q4	MAP-21 extended until May 2015. Advocacy efforts for a new bill or another extension continue.	Legislative/Public Affairs
	Notes				

17 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

4C	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Achieve: Project Study Report (PSR) Milestones	SR-60 Central Ave Interchange (PSR)	PSR/PA&ED start March 2015 – Estimated duration to complete: 12 months	Procurement underway for consultant to begin this work.	Major Projects
		SR-60 Archibald Interchange (PSR)	PSR/PA&ED start November 2014 – Estimated duration to complete: 18 months	Procurement underway for consultant to begin this work.	Major Projects
		I-10 Mt. Vernon Ave. Interchange (PSR)	PSR start November 2014- Estimated duration to complete: 18 months	Still working with the City to agree on a couple of feasible concepts.	Major Projects
		I-10 University Street Interchange (PSR)	PSR/PA&ED start January 2015 – Estimated duration to complete: 18 months	Procurement underway for consultant to begin this work.	Major Projects
		I-10 Eastbound Truck Climb/Live Oak/County Line (PSR)	PSR start December 2014 – Estimated duration to complete: 12 months	Have draft cooperative agreement with Caltrans, working on agreement with RCTC on funding and scope. Working on draft RFP for PSR.	Major Projects
Notes					

18 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

4D	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Achieve: Project Approval and Environmental Document (PAED) Milestones	I-15 Corridor Improvement (PAED)	PAED Start October 2014 – Estimated duration: 3 years	PA/ED contract awarded at October Board meeting. NTP given on 10/15/14	Major Projects
		I-215 University Parkway/State Street Interchange (PAED)	PAED Start January 2015- Estimated duration: 2 years	City is completing study of alternatives within PSR to define PA&ED alternatives.	Major Projects
		SR-210 Lane Addition (PAED)	PAED Finish October 2015	On target for June 2015	Major Projects
		I-10 Pepper Avenue Interchange (PAED)	PAED Finish August 2014	Detailed noise study required by Caltrans. Anticipate PA/ED in November 2014.	Major Projects
Notes					

19 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

4E	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Achieve Construction Milestones	I-15 Baseline Road Interchange	Start Construction September 2014	Construction Contract Awarded June 2014	Major Projects
		I-215 Construction Landscape Segment 3	Start Construction January 2015	Funding revision is slowing the progress.*	Major Projects
		SR-210 Landscaping Segment 11	Construction Complete August 2014	Construction complete in July, 2014. Currently in 1 year plant establishment.	Major Projects
		I-15 Ranchero Road Interchange	Construction Complete October 2014	Anticipated completion December, 2014.	Major Projects
		I-10 Cherry Ave Interchange	Construction Complete November 2014	On target	Major Projects
		Hunts Lane Grade Separation	Construction Complete October 2014	Opened to traffic on 10/30/14.	Major Projects
		Notes			
<p>*Attempting to capture savings of federal funds from I-215 north project and utilize on this landscaping project in the same vicinity. This requires deobligation and obligation which are time consuming activities through Caltrans and FHWA.</p>					

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

20 | Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

4F	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Deliver all transit and rail project commitments listed in the FY 14/15 budget	Continue construction on Downtown San Bernardino Passenger Rail Project	Construction activities to commence prior to Q1	Project under construction	Transit/Rail
		Complete construction of San Bernardino Transit Center	Completion expected - Q4		Transit/Rail
		Initiate final design of the Redlands Passenger Rail Project	Advertise and award a contract for final design - Q3		Transit/Rail
		Initiate preliminary design of improvements on the San Gabriel Subdivision	Award a Contract Task Order (CTO) to one of the on-call consultants - Q2		Transit/Rail
		FTA Grantees	Work with SANBAG departments to comply with FTA guidelines to submit to FTA - Q4	Department staff is currently evaluating future staffing needs to comply with FTA requirements.	Transit/Rail (All)
Notes					

21 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Initiative # 5: Maximize Funding Opportunities and Cost-Effectiveness of Investments					
5A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Ensure SANBAG's freight needs are recognized	Promote the inclusion of regional corridors in goods movement policies and plans Support funding for freight priorities	Primary Freight Network - Ongoing	Provided comments on draft CFMP and project list in Q1.	Planning
			Map-21 Reauthorization: Freight Title – Q2		Planning
	Notes				
5B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Conduct complete review of Valley Freeway Interchange Program, including phasing and priorities	Prepare interchange program analysis and options for consideration by SANBAG Board	Prepare Interchange Program Options Paper - Q1	Prepared Interchange Issues and Options Paper and Reviewed the City Manager Ad Hoc in July	Planning (Major Projects; Fund Admin.)
			Prepare updated interchange phasing and priority list - Q3		Planning (Major Projects; Fund Admin.)
	Notes				

22 | Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Initiative # 6: Develop Marketing Strategies					
6A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Build awareness of SANBAG programs and services	Identify key local and regional projects to highlight Measure I's contributions to the transportation system	Create communications opportunities including station displays, media outreach, local and regional publications, signage, and materials	Ongoing	Legislative/Public Affairs (COG)
			Expand social media, outreach, media and communications opportunities	Ongoing	Legislative/Public Affairs
			Enhance public engagement and information sharing	Ongoing	Legislative/Public Affairs
			Leverage and grow social media opportunities	Ongoing	Legislative/Public Affairs
	Notes				
Working to develop an overall communications plan and outreach/marketing strategy in 2015.					
6B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Highlight transit options to key events across San Bernardino County	Identify events and work with transit providers on the best ways to highlight transit connectivity	As needed in advance of key events	Ongoing	Legislative/Public Affairs; Transit/Rail (COG)
		Create media to educate the public on alternative transportation options to attend events as well as promoting events themselves	Consider participation in the MSRC's Major Event Transportation Program to large events throughout San Bernardino County	Ongoing	Legislative/Public Affairs; Transit/Rail; COG
Notes					
Working to develop a transit marketing approach for SANBAG to support regional partners in promoting transit use and service.					

23

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

Initiative #7: Long Range Strategic Planning							
7A	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility		
	Develop Countywide Transportation Plan (CTP) for input to SCAG 2016 RTP/SCS	Work with SCAG and local jurisdictions on 2040 projects and funding levels	Define 2040 projects - Q1	Structured baseline and “aggressive” financial scenarios and began populating with projects, together with locals. Project submittal due to SCAG Nov. 30.	Planning (All)		
		Conduct analysis of transportation and land use scenarios	Coordinate financial assumptions with SCAG - Q2				Planning (All)
			Complete analysis - Q2				Planning (All)
			Develop draft CTP Report - Q3				Planning (All)
Notes							

Attachment: Fiscal Year 2014-15 work goals_Q1 report (1474 : Fiscal Year 2014-2015 Work Goals &

24 | Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

7B	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Complete 2015 re-evaluation of the Measure I Expenditure Plan	Provide report to SANBAG Board on comments received and path forward	Report to Board - Q1	Reported to July Board – defer changes to MI Exp. Plan to 2017/18. Documented responses to comments in Board item. Followed up with matrix of policy options for CM Ad Hoc. Will take to committee in Q2.	Planning (All)
Notes					
7C	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Develop a habitat preservation/conservation framework in conjunction with local jurisdictions and Environment Element Group of Vision	Complete habitat preservation/conservation framework and report to TACs and Board	Inventory of existing conservation plans - Q2		Planning
			Report on preservation/conservation options and recommendations - Q3		Planning
Notes					

25 | Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

7D	Division Strategy	Action Plan	Milestones	Milestone Status	Responsibility
	Pursue Active Transportation and Sustainability Grant funding in coordination with local jurisdictions	Facilitate applications by SANBAG and local jurisdictions at federal and state level	Develop comprehensive list of grant opportunities - Q1		Planning (Fund Admin.)
			Apply for grants as the opportunities arise		Planning (Fund Admin.)
Notes					

26 Yellow shading means the effort is lagging the committed time schedule
 Red shading signifies serious impediments to progress that could translate to failure in completing the task

Minute Action

AGENDA ITEM: 10

Date: *December 3, 2014*

Subject:

SANBAG Conflict of Interest Code Amendment

Recommendation:

- A. Adopt an amended Conflict of Interest Code updating the list of designated employees and disclosure categories, and
- B. Direct the SANBAG Clerk of the Board to submit the amended Conflict of Interest Code to the San Bernardino County Board of Supervisors for approval.

Background:

The Political Reform Act (Act) requires every local government agency that takes actions that foreseeably may materially affect economic interests to adopt a Conflict of Interest Code for its employees. SANBAG has adopted a Conflict of Interest Code and it is set forth in SANBAG Policy No. 10102. The Conflict of Interest Code lists those employees or officers who are required to file a statement of economic interests (“designated employees”) and prescribes the types of interests which must be disclosed by such officials (“disclosure categories”).

In order to ensure the agency’s designated employees and disclosure categories are reflective of the current organization and ability to affect economic interests, the Act requires agencies to review their conflict of interest codes at least biennially. SANBAG staff has reviewed Policy No. 10102, Conflict of Interest Code, and recommends amendments to Appendix A, which lists designated positions which make or participate in the making of decisions which may foreseeably have a material effect on private financial interests. It is recommended that Appendix A be modified to delete the job titles which are no longer approved classifications and to add new job titles created by Board action.

Additionally, Appendix A has been modified to require Senior Management staff to file under Category 1 of the code. This change is in recognition of the level at which SANBAG Senior Management staff participate in the decision-making process. The amended Appendix A in the attachment to this item reflects the most current titles for those positions covered under the conflict of interest code and the appropriate filing categories. Also, minor modifications have been made to the body of Policy No. 10102, including corrections of legal citations.

The Act provides that where a multi-jurisdictional governmental agency is wholly within a county, the board of supervisors is the code reviewing body for that agency. Accordingly, after the SANBAG Board adopts SANBAG’s amended Conflict of Interest Code, it must be submitted to the San Bernardino Board of Supervisors for their review.

Financial Impact:

This item does not have an impact on the SANBAG Fiscal Year 2014/2015 budget.

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item
December 3, 2014
Page 2

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Responsible Staff:

Eileen Teichert, General Counsel

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

San Bernardino Associated Governments	Policy	10102
Adopted by the Board of Directors Sept. 2, 1992	Revised	8/6/12
Conflict of Interest Code	Revision No.	6

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

Table of Contents
Purpose Policy Revision History Appendix A

I. PURPOSE

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate cConflict of interest codes. The Fair Political Practices Commission ~~had~~ adopted a regulation, Title 2 Calif. Adm. Code of Regulations (CCR) Section 18730, which contains terms of a standard cConflict of interest code, which can be incorporated by reference into a local agency's conflict of interest code, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

II. POLICY

The terms of Title 2 CCRal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of SANBAG.

Designated employees shall file statements of economic interests with SANBAG's Clerk of the Board who will make the statements available for public inspection and reproduction (Government Code Section 81008). Statements for all designated employees will be retained by the Clerk of the Board ~~of SANBAG~~.

SANBAG will review this policy every even-numbered year, and if change in the policy is required, will revise the policy. SANBAG will file a statement of review with the San Bernardino County Board of Supervisors, SANBAG's code reviewing body, every even-numbered year.

III. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Amended Conflict of Interest Code for SANBAG approved.	09/02/92
1	Modifications to Appendix A and Appendix B approved.	02/05/97
2	Amendment to Appendix A approved by SANBAG Board of Directors.	04/05/00
3	Appendix A: Removed Advanced Transportation Development Manager	01/10/07
4	Par. I: Added paragraph heading PURPOSE. Par. II: Added paragraph heading POLICY; amended the first paragraph and added two new paragraphs that replace the existing text. Appendix A: Added Construction Manager, Contracts/Controls Manager, and Project Delivery Manager; changed category designation for Board of Directors (City designees, Executive Director, and Chief Financial Officer from Category 2 to Category 1; added clarification that Form 700s filed by the Board of Directors (County designees) are filed with the Clerk of the Board of Supervisors, not SANBAG; and revised the descriptions for Category 1 and Category 2.	06/03/09
5	Appendix A: Added Director of Programming, Chief of Planning, Chief of Programming, Chief of Transit & Rail Programs, Human Resources & Information Services Administrator, and Procurement/Risk Management/Contracts Administrator. Changed the following titles: Director of Freeway Construction to Director of Project Delivery, Director on Intergovernmental & Legislative Affairs to Director of Legislative Affairs, Director of Planning/Programming to Director of Planning, and Director of Air Quality/Mobility Programs to Chief of Air Quality/Mobility Programs. Removed the Contracts/Controls Manager.	06/30/12
6	Appendix A: Added General Counsel – missed in Rev. 5. Corrected titles for Director and Chief of Fund Administration and Programming.	08/06/12

Formatted Table

Conflict of Interest Code – Designated Employees	Policy	10102 Appendix A
---	---------------	-------------------------

Designated Employees	Categories
1. Board of Directors (County designees)	1
2. Board of Directors (City designees)	1
3. Board of Directors Alternates (City designees)	1
4. Executive Director	1
5. General Counsel	1
6. Chief Financial Officer	1
7. Director of Transit/Rail Programs	2 -1
8. Director of Planning	2 1
9. Director of Fund Administration and Programming	2 -1
10. Director of Project Delivery	2 -1
11. Director of Legislative and Public Affairs	2 -1
12. Director of Management Services	2 -1
13. Chief of Accounting and Procurement	2
14. Chief of Legislative and Public Affairs	2
15. Chief of Air Quality/Mobility Programs	2
16. Chief of Planning	2
17. Chief of Fund Administration and Programming	2
18. Chief of Transit/ 8 -Rail Programs	2
19. Construction Manager	2
20. Project Delivery Manager	2
21. Human Resources/Information Services Administrator	2
22. Procurement Manager/ Risk Manager/Contracts Administrator	2
23. Clerk of the Board/Administrative Supervisor	2
20. Consultant *	2

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated ~~position~~ **employee**," is hired to perform a range of duties that is limited in scope and, thus, is not required to fully comply with the disclosure requirements in this ~~Code section~~. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this ~~Conflict of Interest Code~~.

Form 700s filed by the Board of Directors (County designees) are filed with the Clerk of the County Board of Supervisors, not with SANBAG.

Disclosure Categories

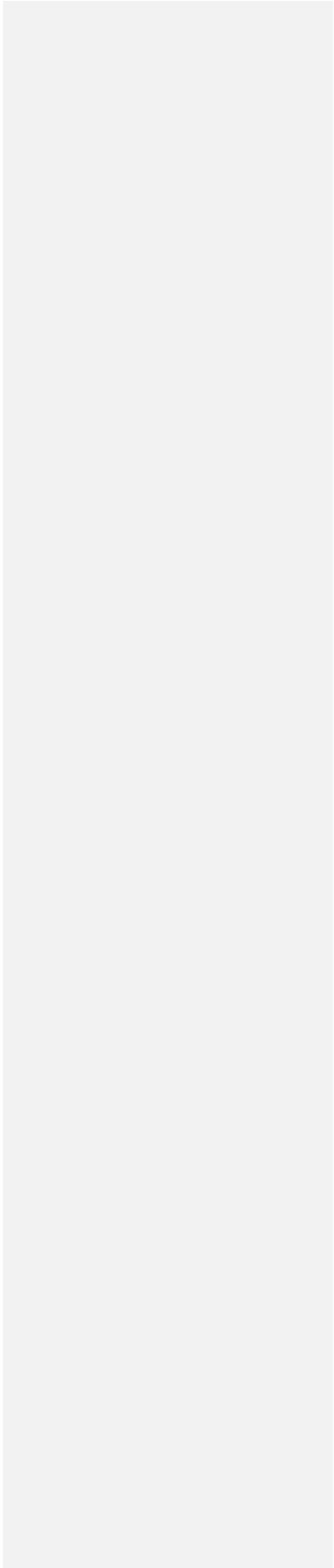
CATEGORY 1

Designated employees in this category shall disclose all sources of income, interests in real property, investments and business positions in business entities. Designated employees in this category shall complete all schedules of Form 700, if applicable.

CATEGORY 2

Designated employees in this category shall disclose sources of income, investments, and business positions in business entities which provide services, supplies, materials, machinery or equipment of the

type purchased or utilized by the department in which the designated employee is employed. Designated employees in this category shall complete all schedules of Form 700 except schedule B, if applicable.



Attachment: ConflictInterestPolicy10102 (1461 : SANBAG Conflict of Interest Code)



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 11

Date: December 3, 2014

Subject:

Overview of San Bernardino Associated Governments “Business 2 Business Expo”

Recommendation:

Receive and File the Report

Background:

On October 7, 2014, San Bernardino Associated Governments (“SANBAG”) held its second annual vendor outreach event entitled, “Business 2 Business Expo”. The primary goal of this event was to promote SANBAG as a contracting agency and to provide a forum for small and disadvantaged businesses in the Inland Empire to market their businesses to SANBAG and other attendees. Last year’s event yielded 78 firms in attendance with an extensive waiting list of interested parties hoping to attend. In response to the huge demand, this year’s event was moved to the Inland Regional Center. This year’s event produced a total of 304 individuals in attendance and 27 firms participated as exhibitors. Exhibitors were a cross section of consultant firms and general contractors. Based on the response from those who participated, it is anticipated that attendance will continue to grow next year. Staff has already begun discussions for addressing the additional demand anticipated for next year’s event.

The three-hour program was opened by SANBAG’s Board Vice-President Ryan McEachron and Executive Director Ray Wolfe. This year’s program centered on providing attendees with networking opportunities with SANBAG staff and exhibitors, presentations from the Director of Project Delivery Garry Cohoe and Director of Transit & Rail Mitch Alderman about upcoming projects, and provided an opportunity to learn more about SANBAG’s procurement process. Joining SANBAG this year was Riverside County Transportation Commission (RCTC). RCTC presented an overview of their procurement process and also participated as an exhibitor. Additionally, Chief of Legislative and Public Affairs Tim Watkins presented on “Proven Strategies for Teaming”. This presentation was a result of a recent survey conducted by SANBAG of Inland Empire businesses to discover what businesses look for and most value during the establishment of their teams for future projects.

The feedback from the firms who completed SANBAG’s survey has been extremely positive and an overwhelming number of individuals have inquired about SANBAG’s ability to hold future events.

SANBAG’s procurement staff have focused this year on small business outreach and participating in a series of other outreach events in the Los Angeles basin so that small and disadvantaged businesses have an opportunity to learn about SANBAG’s projects and procurement processes. Staff will continue to focus this trend through 2015.

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item
December 3, 2014
Page 2

Financial Impact:

This item has no fiscal impact on the SANBAG Fiscal Year 2014/2015 Budget.

Reviewed By:

This item was received by the General Policy Committee on November 12, 2014. SANBAG General Counsel and Procurement Manager have reviewed this item.

Responsible Staff:

Kathleen Murphy-Perez, Contracts Manager

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 12

Date: December 3, 2014

Subject:

Revise Contracting and Procurement Policy 11000 for Construction Change Orders

Recommendation:

Approve changes to existing SANBAG Contracting and Procurement Policy 11000, Paragraph IX. C. 2., deleting “Change Orders approved by the SANBAG Department Directors will be presented monthly for review and ratification to the appropriate Policy Committee” and replacing it with “Change Orders approved by SANBAG Department Directors will be presented monthly to the appropriate Policy Committee to receive and file”.

Background:

SANBAG’s Board of Directors approved Policy 11000, “Contracting and Procurement Policy” (“Policy”), on January 3, 1997. In part, the original Policy authorized the Director of Project Delivery to approve construction Change Orders on all SANBAG construction contracts subject to the limitations set forth in the California Public Contract Code Section 20142. The Board approved changes to the Policy in August 2012, granting authority to SANBAG Department Directors to approve such Change Orders.

The Policy also provides that “Change Orders approved by the SANBAG Department Directors will be presented monthly for *review and ratification* to the appropriate Policy Committee.” SANBAG’s General Counsel recommends that further refinement of the language is necessary to eliminate the ambiguity of vesting Department Directors with Change Order approval authority, yet requiring ratification of Change Orders by the Board. Therefore, the following changes are proposed to Policy 11000, Paragraph IX. C. 2 as noted by strikethrough to delete text and bold to add text.

“C. Public Works/Construction Contracts

- ... 2. SANBAG Department Directors are authorized to approve Construction Change Orders on all SANBAG Construction Contracts up to the authorized contract contingency amount and subject to the limitations imposed by Section 20142 of the Public Contract Code. Change Orders approved by ~~the~~ SANBAG Department Directors will be presented monthly ~~for review and ratification~~ to the appropriate Policy Committee **to receive and file**. In the event that the limitation of Public Contract Code Section 20142 is exceeded, prior approval of the SANBAG President must be obtained.”

Financial Impact:

This item has no impact on the Fiscal Year 2014/2015 budget.

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item

December 3, 2014

Page 2

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014. SANBAG General Counsel and the Procurement Manager have reviewed this item.

Responsible Staff:

Kathleen Murphy-Perez, Contracts Manager

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Minute Action

AGENDA ITEM: 13

Date: *December 3, 2014*

Subject:

Award a New On-Call Environmental Services Contract

Recommendation:

That the Board, acting in its capacity as the San Bernardino County Transportation Authority:

Approve the On-Call Environmental Services Contract C14144 with Vandermost Consulting Services, Inc. for a Not-to-Exceed contract value of \$3,000,000 and a five year term.

Background:

This is a new contract. In June 2014, an On-Call Environmental Services Request for Proposals (RFP) was approved and authorized for release by the SANBAG Board of Directors in support of the Major Projects Program. The RFP was released on July 9, 2014, and was sent electronically to 290 consultants registered on Planet Bids. A pre-proposal meeting was held on August 7, 2014, with ten individuals representing nine firms in attendance. Addendum No. 1 was issued on August 20, 2014, responding to questions and including the pre-proposal sign-in sheet. Addendum No. 2 was issued on August 25, 2014, responding to questions posed by potential proposers. One question that came up during the pre-proposal meeting and was later submitted as a formal question was that of a firm's ability to hold the On-Call Environmental Contract and to compete for other solicitations containing environmental activities. Staff provided an affirmative response detailing that the firm who would hold the On-Call Environmental Services Contract would be precluded from competing for other SANBAG Major Projects contracts with environmental scopes of work. This is due to the fact that the On-Call Environmental firm would provide project management and an independent peer review for the activities and work products to be developed by the project specific consultants.

On August 29, 2014, the proposal deadline, only one proposal was received. Because of the lack of competitors, staff contacted the pre-proposal meeting attendees to inquire about their lack of participation in this solicitation. Representatives from four of the firms stated that they felt that the previous firm was the most likely candidate to win. One representative expressed that team members at his firm did not think they would win due to the competition. Another firm was interested, but none of the prime consultants they teamed with chose to move forward with the process. One firm was teamed with a prime but the prime pulled out without sufficient forewarning such that this firm could not compete as a prime. Another firm decided not to submit a proposal due to the inability to compete on other solicitations containing environmental and design services.

Entity: CTA

Board of Directors Agenda Item

December 3, 2014

Page 2

Although only one proposal was received, project delivery staff distributed the proposal to planning staff and to representatives from Caltrans and the County of San Bernardino for evaluation. One evaluator commented that the consultant has "...a lot of experience in (the) transportation planning process" and is familiar with Vandermost Consulting Services, Inc. (VCS) for "...peer-review and technical support services, they are good with budget constraints and deadlines." Further it was identified by this evaluator that "VCS understands the scope of work and they have identified as their first step 'avoidance' of permitting, if possible. This is wise. Their scope of services and understanding is thorough." Another evaluator noted that "They (VCS) are a knowledgeable and insightful firm with detailed understanding of the environmental process...I've worked with both Julie Vandermost and Peter Carlson. Both have proven to be professional, responsible, and knowledgeable environmental consultants." With regard to the Project Approach/Work Plan this evaluator commented, "Proactive approach to environmental work".

Having Vandermost Consulting Services, Inc. providing on-call environmental resources since January 2009, SANBAG has had effective project delivery as well as other benefits. By accomplishing timely delivery of project milestones, SANBAG saved time and money and successfully received additional funding that would have otherwise not been available. In addition, SANBAG successfully constructed projects in compliance with permits and other regulatory requirements. Under this new contract it is anticipated that the selected consultant will support the Major Projects Program by performing environmental project management, coordination and consultation with various resource agencies and peer reviews of various environmental studies and reports. In addition, specialized services may be assigned relating to biology, archeology, noise, air quality, hazardous material, community impacts, visual impacts, Native American consultation, water quality, paleontology, environmental permits, environmental documents and certifications, and other environmental related products. It is anticipated that projects which would require environmental on-call services would be: State Route 210/Base Line Interchange, Interstate 10 Corridor, Interstate 215 North, Interstate-215 Bi-County, Interstate 215/Barton Road Interchange, Palm Avenue Grade Separation, Interstate 15/Interstate 215 Devore, State Route 210/Pepper Interchange, State Route 210 Lane Addition, State Route 60/Archibald Interchange, State Route 60/Central Interchange, Interstate 10/Pepper Avenue Interchange, Interstate 215/University Interchange, Interstate 10/Mount Vernon Avenue Interchange, U.S. 395 Corridor, Interstate 10/Alabama Interchange, Interstate 10/Monte Vista Avenue Interchange, and I-15 Corridor.

Given that the current SANBAG Major Projects Program continues to be rigorous, it warrants the use of the on-call environmental contract for continued success. Therefore staff is recommending approval of the On-Call Environmental Services Contract C14144 with Vandermost Consulting Services, Inc. for a Not-to-Exceed value of \$3,000,000 and a contract term of five years.

Board of Directors Agenda Item

December 3, 2014

Page 3

Financial Impact:

This item is consistent with the Fiscal Year 2014/2015 budget under the various tasks requiring on-call environmental services.

Reviewed By:

This item was reviewed and recommended for approval (14-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on November 13, 2014. SANBAG General Counsel and Procurement Manager have reviewed this item and a draft of the contract.

Responsible Staff:

Garry Cohoe, Director of Project Delivery

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



CONTRACT SUMMARY SHEET

Contract No. C 14144 Amendment No. 0

By and Between

Vandermost Consulting Services, Inc (VCS) and San Bernardino Co Transportation Authority

Contract Description On-Call Environmental Services

Board of Director's Meeting Date: 12/3/14

Overview of BOD Action: Approve the On-Call Environmental Services Contract C14144 with Vandermost Consulting Services, Inc. for a Not-to-Exceed contract value of \$3,000,000 and a five year term.

Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW

Original Contract Amount	\$	3,000,000.00	Original Contingency Amount	\$	0.00
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$		Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	
Current Amendment Amount	\$		Contingency Amendment	\$	
TOTAL CONTRACT VALUE	\$	3,000,000.00	TOTAL CONTINGENCY VALUE	\$	0.00
TOTAL BUDGET AUTHORITY (contract value + contingency)					\$ 3,000,000.00

Contract Start Date 1/1/15	Current Contract Expiration Date 1/1/2020	Revised Contract Expiration Date
-------------------------------	--	----------------------------------

Has the contract term been amended? No Yes - please explain.

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. various Tasks and Funding Sources.

A Budget Amendment is required.

How are we funding current FY?

Federal Funds State Funds Local Funds TDA Funds Measure I Funds

Provide Brief Overview of the Overall Funding for the duration of the Contract:

This will be funded by various local and MSI funds as necessary for various Major Projects.

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ %

<u>Mike Barnum</u> Project Manager (Print Name)	<u>[Signature]</u> Signature	<u>11/18/14</u> Date
<u>Paula Beauchamp</u> Task Manager (Print Name)	<u>[Signature]</u> Signature	<u>11/18/14</u> Date
<u>Andrea Turcotte</u> Dir. of Fund Admin. & Programming (Print Name)	<u>[Signature]</u> Signature	<u>11/18/14</u> Date
<u>Jeffery Hill</u> Contract Administrator (Print Name)	<u>[Signature]</u> Signature	<u>11/19/14</u> Date
<u>W. S. [Signature]</u> Chief Financial Officer (Print Name)	<u>[Signature]</u> Signature	<u>11/16/14</u> Date

CONTRACT No. C14144**BY AND BETWEEN****SANBAG****AND****VANDERMOST CONSULTING SERVICES, Inc. (VCS)****FOR****ON-CALL ENVIRONMENTAL SERVICES**

This contract (referred to as “Contract”), is made and entered into by and between the San Bernardino Associated Governments, acting in its capacity as SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, (“SANBAG”), whose address is 1170 W. 3rd Street, 2nd Floor, San Bernardino, California 92410-1715; and Vandermost Consulting Services, Inc. (VCS) (“CONSULTANT”) whose address is: 30900 Rancho Viejo Road, Suite 100, San Juan Capistrano, CA 92675. SANBAG and CONSULTANT are each a “Party” and collectively the “Parties”.

RECITALS:

WHEREAS, SANBAG requires On-Call Environmental Services Work as described in Exhibit A of this Contract and;

WHEREAS, CONSULTANT has confirmed that CONSULTANT has the requisite professional qualifications, personnel and experience and is fully capable and qualified to perform the services identified herein; and

WHEREAS, CONSULTANT desires to perform all Work identified herein and to do so for the compensation and in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, the Parties agree as follows:

ARTICLE 1. INTRODUCTION

- 1.1 The work to be performed under this Contract is described in Article 2 entitled “PROJECT DESCRIPTION/SCOPE OF WORK” and the approved CONSULTANT’s cost proposal dated August 29, 2014. The approved CONSULTANT’s Cost Proposal is attached hereto as Exhibit “B” and incorporated herein by reference. If there is any conflict between the approved Cost Proposal and this Contract, the Contract takes precedence.
- 1.2 Consultant agrees to indemnify and hold harmless SANBAG, its officers, agents and employees from any and all claims, demands, costs, or liability arising from or in connection with the services provided hereunder, except for claims arising out of the active negligence or willful misconduct of SANBAG, its officers, affiliates, employees, consultants, and/or contractors, and then only to the extent that it is adjudicated by a Court of competent jurisdiction that Consultant was negligent, and then only to its proportionate share of the damages arising from the negligent acts of Consultant. Consultant will reimburse SANBAG for all costs reasonably incurred by SANBAG, including reasonable attorney’s fees, incurred by SANBAG that are adjudicated by a court of competent jurisdiction to have been incurred by SANBAG for the specific purpose of defending against claims that are found by the court to have been incurred due to the negligence of Consultant.
- 1.3 CONSULTANT and the agents and employees of CONSULTANT, in the performance of this Contract, shall act in an independent capacity and not as officers or employees or agents of SANBAG.
- 1.4 SANBAG may terminate this Contract with CONSULTANT should CONSULTANT fail to perform the covenants herein contained at the time and in the manner herein provided, upon 10 days written notice to CONSULTANT. In the event of such termination, SANBAG may proceed with the Work in any manner deemed proper by SANBAG. If SANBAG terminates this Contract with CONSULTANT, SANBAG shall pay CONSULTANT the sum due to CONSULTANT under this Contract prior to termination, unless the cost of completion to SANBAG exceeds the funds remaining in the Contract. In which case the overage shall be deducted from any sum due CONSULTANT under this Contract and the balance, if any, shall be paid to CONSULTANT upon demand.
- 1.5 Without the written consent of SANBAG, this Contract is not assignable by CONSULTANT either in whole or in part.
- 1.6 No alteration or variations of the terms of this Contract shall be valid, unless made in writing and signed by the Parties hereto; and no oral understanding or agreement not incorporated herein, shall be binding on any of the Parties hereto.
- 1.7 The consideration to be paid to CONSULTANT as provided herein, shall be in compensation for all of CONSULTANT’s expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.

ARTICLE 2. PROJECT DESCRIPTION/SCOPE OF WORK

CONSULTANT agrees to perform the work and services set forth in Exhibit “A”--Scope of Work, (“Work”), in accordance with all jurisdictional regulatory requirements and applicable professional standards which are generally accepted in the State of California, in accordance with the terms and conditions expressed herein and in the sequence, time, and manner defined herein. The word “Work”, as used herein, includes without limitation, the performance, fulfillment and discharge by CONSULTANT of all obligations, duties, tasks, and Work imposed upon or assumed by CONSULTANT hereunder; and the Work performed hereunder shall be completed to the satisfaction of SANBAG, with their satisfaction being based on prevailing applicable professional standards.

ARTICLE 3. CONSULTANT’S REPORTS OR MEETINGS

- 3.1 CONSULTANT shall submit progress reports on each specific project in accordance with the Contract Task Order. These reports shall be submitted at least once a month. The report should be sufficiently detailed for SANBAG to determine if CONSULTANT is performing to expectations or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- 3.2 CONSULTANT’s Project Manager shall meet with SANBAG, as needed, to discuss progress on the project(s).

ARTICLE 4. PERFORMANCE PERIOD

- 4.1 This Contract shall go into effect on January 1, 2015 contingent upon approval by SANBAG, and CONSULTANT shall commence work after written notification to proceed by SANBAG. The Contract shall end on January 1, 2020 unless extended by written amendment.
- 4.2 CONSULTANT is advised that any recommendation for contract award is not binding on SANBAG until the Contract is fully executed and approved by SANBAG.
- 4.3 The period of performance for each specific project shall be in accordance with the Contract Task Order for that project. If Work on a Task Order is in progress on the expiration of this Contract, the terms of the Contract may be extended by written amendment.
- 4.4 SANBAG at its sole discretion may extend the original term of the Contract for two one year option term(s). The maximum term of this Contract, including all option term(s) if exercised, will not exceed January 1, 2022 (seven years).

ARTICLE 5. ALLOWABLE COSTS AND PAYMENTS

- 5.1 Specific projects will be assigned to CONSULTANT through issuance of Contract Task Orders.
- 5.2 After a project to be performed under this Contract is identified by SANBAG, SANBAG will prepare a Contract Task Order (CTO), less the cost estimate. A draft CTO will identify the Scope of Work, expected results, project deliverables, period of performance,

- project schedule and will designate a SANBAG's Project Manager. The CTO will be delivered to CONSULTANT for review with a deadline for submittal. CONSULTANT shall return the CTO prior to the deadline established along with a cost estimate, including a written estimate of the number of hours and hourly rates per staff person, any anticipated reimbursable expenses, overhead, fee if any, and total dollar amount. After agreement has been reached on the negotiable items and total cost; the finalized CTO shall be signed by both SANBAG and CONSULTANT and charges may be incurred and reimbursed.
- 5.3 CTOs may be negotiated for a lump sum (Firm Fixed Price) or for specific rates of compensation, both of which must be based on the labor and other rates set forth in CONSULTANT's Cost Proposal.
 - 5.4 CONSULTANT will be reimbursed for hours worked at the hourly rates specified in CONSULTANT's Cost Proposal Exhibit "B". The specified hourly rates shall include direct salary costs, employee benefits, overhead, and fee. These rates are not adjustable for the performance period set forth in this Contract.
 - 5.5 In addition, CONSULTANT will be reimbursed for incurred (actual) direct costs other than salary costs that are in the cost proposal and identified in the cost proposal and in the executed CTO.
 - 5.6 Reimbursement for transportation and subsistence costs shall not exceed the rates as specified in the approved Cost Proposal.
 - 5.7 When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from SANBAG's Project Manager before exceeding such estimate.
 - 5.8 Progress payments for CTO will be made monthly in arrears based on Work provided and actual costs incurred.
 - 5.9 CONSULTANT shall not commence performance of Work until this Contract has been approved by SANBAG, and a NTP has been issued by SANBAG's Contract Manager. No payment will be made prior to approval or for any Work performed prior to approval of this Contract.
 - 5.10 A CTO is of no force or effect until returned to SANBAG and signed by an authorized representative of SANBAG. No expenditures are authorized on a project and Work shall not commence until a CTO for that project has been executed by SANBAG.
 - 5.11 CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit upon receipt by SANBAG of itemized invoices in triplicate. Separate invoices itemizing all costs are required for all Work performed under each CTO. Invoices shall be submitted no later than 45 calendar days after the performance of Work for which CONSULTANT is billing, or upon completion of the CTO. Invoices shall detail the Work performed on each milestone, on each project as applicable. Invoices shall follow the format stipulated for the approved cost proposal and shall reference this Contract number, project title and CTO number. Credits due SANBAG that include any equipment purchased under this Contract, must be reimbursed by CONSULTANT prior to the expiration or termination

of this Contract. Invoices shall be mailed to SANBAG at the following address:

SANBAG
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715
Contract No. C14144
Attention: Accounts Payable

- 5.12 CONSULTANT shall include a statement and release with each invoice, satisfactory to SANBAG, that CONSULTANT has fully performed the Work invoiced pursuant to this Contract for the period covered, that all information included with the invoice is true and correct and that all payments to and claims of CONSULTANT and its subconsultants for Work during the period will be satisfied upon the making of such payment. SANBAG shall not be obligated to make payments to CONSULTANT until CONSULTANT furnishes such statement and release.
- 5.13 CONSULTANT agrees to promptly pay each subconsultant for the satisfactory completion of all Work performed under this Contract, no later than ten (10) calendar days from the receipt of payment from SANBAG. SANBAG reserves the right to request documentation from CONSULTANT showing payment has been made to its subconsultants. SANBAG also reserves the right, at its own sole discretion, to issue joint checks to CONSULTANT and any subconsultant(s), which shall constitute payment to CONSULTANT in compliance with the terms of this Contract.
- 5.14 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Ch. 1, Subch. E, Part 31, is subject to repayment by CONSULTANT to SANBAG.
- 5.15 CONSULTANT's reimbursement for the production of monthly billings shall be included in overhead.
- 5.16 The period of performance for CTOs shall be in accordance with the dates specified in each CTO. No CTO will be written which extends beyond the expiration date of this Contract.
- 5.17 The total amount payable by SANBAG for a CTO shall not exceed the amount agreed to in the CTO, unless authorized by a CTO amendment.
- 5.18 The total amount payable by SANBAG for all CTOs resulting from this Contract shall not exceed \$3,000,000.00. It is understood and agreed that there is no guarantee, either expressed or implied that this dollar amount will be authorized under this Contract through CTOs.
- 5.19 All subcontracts in excess of \$25,000 shall contain the above provisions.

ARTICLE 6. TERMINATION

- 6.1 Termination for Convenience - SANBAG shall have the right at any time, with or without cause, to terminate further performance of Work by giving thirty (30) calendar days written notice to CONSULTANT specifying the date of termination. On the date of such termination stated in said notice, CONSULTANT shall promptly discontinue

performance of Work and shall preserve Work in progress and completed Work, pending SANBAG's instruction, and shall turn over such Work in accordance with SANBAG's instructions.

- 6.1.1 CONSULTANT shall deliver to SANBAG, all deliverables prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SANBAG. Upon such delivery, CONSULTANT may then invoice SANBAG for payment in accordance with the terms herein.
- 6.1.2 If CONSULTANT has fully and completely performed all obligations under this Contract up to the date of termination, CONSULTANT shall be entitled to receive from SANBAG as complete and full settlement for such termination a pro rata share of the Contract cost based upon the percentage of all contracted Work satisfactorily executed to the date of termination.
- 6.1.3 CONSULTANT shall be entitled to receive the actual costs incurred by CONSULTANT to return CONSULTANT's tools and equipment, if any, to it or its suppliers' premises, or to turn over Work in progress in accordance with SANBAG's instructions plus the actual cost necessarily incurred in effecting the termination.
- 6.2 Termination for Cause - In the event CONSULTANT shall file a petition in bankruptcy court, or shall make a general assignment for the benefit of its creditors, or if a petition in bankruptcy shall be filed against CONSULTANT or a receiver shall be appointed on account of its insolvency, or if CONSULTANT shall default in the performance of any express obligation to be performed by it under this Contract and shall fail to immediately correct (or if immediate correction is not possible, shall fail to commence and diligently continue action to correct) such default within ten (10) calendar days following written notice, SANBAG may, without prejudice to any other rights or remedies SANBAG may have, and in compliance with applicable Bankruptcy Laws, (a) hold in abeyance further payments to CONSULTANT; (b) stop any Work of CONSULTANT or its subconsultants related to such failure until such failure is remedied; and/or (c) terminate this Contract by written notice to CONSULTANT specifying the date of termination. In the event of such termination by SANBAG, SANBAG may take possession of the products and finished Work by whatever method SANBAG may deem expedient. A waiver by SANBAG of one default of CONSULTANT shall not be considered to be a waiver of any subsequent default of CONSULTANT, of the same or any other provision, nor be deemed to waive, amend, or modify this Contract.
- 6.2.1 CONSULTANT shall deliver to SANBAG all finished and unfinished deliverables under this Contract prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SANBAG within ten (10) working days of said notice.
- 6.3 All claims for compensation or reimbursement of costs under any of the foregoing provisions shall be supported by documentation submitted to SANBAG, satisfactory in form and content to SANBAG and verified by SANBAG. In no event shall CONSULTANT be entitled to any payment for prospective profits or any damages because of such termination

All subcontracts in excess of \$25,000 shall contain the above provisions.

ARTICLE 7. FUNDING REQUIREMENTS

- 7.1 It is mutually understood between the Parties that this Contract may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both Parties, in order to avoid program or fiscal delays that would occur if the Contract were executed after that determination was made.
- 7.2 This Contract is valid and enforceable only, if sufficient funds are made available to SANBAG for the purpose of this Contract. In addition, this Contract is subject to any additional restrictions, limitations, conditions, or any statute enacted by Congress, State Legislature, or SANBAG governing board that may affect the provisions, terms, or funding of this Contract in any manner.
- 7.3 It is mutually agreed that if sufficient funds are not appropriated, this Contract may be amended to reflect any reduction in funds.
- 7.4 SANBAG has the option to void the Contract under the 30-day cancellation clause, or by mutual agreement to amend the Contract to reflect any reduction of funds.

ARTICLE 8. CHANGE IN TERMS

- 8.1 This Contract may be amended or modified only by mutual written agreement of the Parties.
- 8.2 CONSULTANT shall only commence Work covered by an amendment after the amendment is executed and the NTP has been provided by SANBAG.
- 8.3 There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved cost proposal, which is part of this Contract without prior written approval of SANBAG.

ARTICLE 9. DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

- 9.1 SANBAG has not set a project specific DBE goal for this project. SANBAG does encourage the use of small and DBE firms in all of their contracting.

ARTICLE 10. COST PRINCIPLES

- 10.1 CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR Federal Acquisition Regulations System, Chapter 1, Part 31.000 et. seq., shall be used to determine the cost allowability of individual items.
- 10.2 CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- 10.3 Any costs for which payment has been made to CONSULTANT that are determined by

subsequent audit to be unallowable under 49 CFR Part 18 and 48 CFR Federal Acquisition Regulations System, Chapter 1, Part 31.000 et. seq., are subject to repayment by CONSULTANT to SANBAG.

ARTICLE 11. CONTINGENT FEE

CONSULTANT warrants, by execution of this Contract, that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, SANBAG has the right to terminate the Contract without liability, pay only for the value of the Work actually performed, or in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

ARTICLE 12. RETENTION OF RECORDS/AUDIT

For the purpose of determining compliance with Public Contract Code section 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Contract pursuant to Government Code section 8546.7; CONSULTANT, and subconsultants shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Contract, including but not to, the costs of administering the Contract. All Parties shall make such materials available at their respective offices at all reasonable times during the Contract period and for three years from the date of final payment under the Contract. The state, State Auditor, SANBAG, FHWA, or any other duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT that are pertinent to the Contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

ARTICLE 13. DISPUTES

- 13.1 Any dispute, other than audit, concerning a question of fact arising under this Contract that is not disposed of by agreement shall be decided by a committee consisting of SANBAG's Contract Administrator and SANBAG's Executive Director who may consider written or verbal information submitted by CONSULTANT.
- 13.2 Not later than 30 days after completion of all Work under the Contract, CONSULTANT may request review by SANBAG's Executive Director, of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.
- 13.3 Neither the pendency of a dispute, nor its consideration by SANBAG's Executive Director excuse CONSULTANT from full and timely performance in accordance with the terms of this Contract

ARTICLE 14. AUDIT REVIEW PROCEDURES

- 14.1 Any dispute concerning a question of fact arising under an interim or post audit of this Contract that is not disposed of by agreement, shall be reviewed by SANBAG's Chief Financial Officer.

- 14.2 Not later than 30 days after issuance of final audit report, CONSULTANT may request a review by SANBAG's Chief Financial Officer of unresolved audit issues. The request for review must be submitted in writing.
- 14.3 Neither the pendency of a dispute, nor its consideration by SANBAG will excuse CONSULTANT from full and timely performance, in accordance with the terms of this Contract.
- 14.4 CONSULTANT and subconsultants' contracts, including cost proposals and indirect cost rates (ICR), are subject to audits or reviews such as, but not limited to, a Contract Audit, an Incurred Cost Audit, an ICR Audit, or a certified public accountant (CPA) ICR Audit Workpaper Review. If selected for an audit or review, the Contract, cost proposal and ICR and related workpapers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR Audit Workpaper Review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's workpapers. The Contract, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by SANBAG's Project Manager to conform to the audit or review recommendations. CONSULTANT agrees that individual items of cost identified in the audit report may be incorporated into the Contract by this reference if directed by SANBAG's Project Manager at SANBAG's sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the Federal, State, or local governments have access to CPA workpapers, will be considered a breach of Contract terms and cause for termination of the Contract and disallowance of prior reimbursed costs.

ARTICLE 15. SUBCONTRACTING

- 15.1 CONSULTANT shall perform the Work contemplated with resources available within its own organization; and no portion of the Work pertinent to this Contract shall be subcontracted without prior written authorization by SANBAG, except, that which is expressly identified in the approved Cost Proposal.
- 15.2 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all the provisions stipulated in this Contract to be applicable to subconsultants.
- 15.3 Any substitution of subconsultants must be approved in writing by SANBAG prior to the start of Work by the subconsultant.

ARTICLE 16. EQUIPMENT PURCHASE

- 16.1. Prior authorization in writing, by SANBAG shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- 16.2. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding \$5,000 prior written authorization by SANBAG's Project Manager; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

16.3. Any equipment purchased as a result of this Contract is subject to the following: “CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, SANBAG shall receive a proper refund or credit at the conclusion of the Contract, or if the Contract is terminated, CONSULTANT may either keep the equipment and credit SANBAG in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established SANBAG procedures; and credit SANBAG in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT’s expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to SANBAG and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by SANBAG.” 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the project.

16.4 All subcontracts in excess \$25,000 shall contain the above provisions.

ARTICLE 17. INSPECTION OF WORK

CONSULTANT and any subconsultant shall permit SANBAG, the state, and the FHWA if federal participating funds are used in this Contract; to review and inspect the project activities and files at all reasonable times during the performance period of this Contract including review and inspection on a daily basis.

ARTICLE 18. SAFETY

18.1 CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by SANBAG and SANBAG representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.

18.2 Pursuant to the authority contained in Section 591 of the Vehicle Code, SANBAG has determined that such areas are within the limits of the Project and are open to public traffic. CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

18.3 Any subcontract entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 19. INSURANCE

19.1 Without in any way affecting the indemnity provisions of this Contract, CONSULTANT shall, at the CONSULTANT’s sole expense, and prior to the commencement of any Work, procure and maintain in full force, insurance with carriers and with terms and conditions acceptable to SANBAG through the entire term of this Contract. Except as

specifically permitted below, the policies shall be written by a carrier authorized to do business in the State of California with a recent A.M. Best rating of A-VII or better, and shall be written with at least the following limits of liability:

- A. Professional Liability – CONSULTANT, at its own cost and expense, must maintain for the period covered by this Contract, Professional Liability Insurance in an amount not less than \$1,000,000, per claim and \$3,000,000 in the aggregate for all claims. Coverage shall be solely dedicated to claims arising from professional services provided under this Contract. Professional Liability shall be made on a claims made basis. If such policy contains a retroactive date for coverage of prior acts, this date will be prior to the date the CONSULTANT begins to perform Work under this Contract. CONSULTANT shall secure and maintain this insurance and “tail” coverage throughout the term of this Contract and for a minimum of three (3) years after Contract completion.
- B. Worker’s Compensation - Worker’s Compensation insurance shall be provided in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employers Liability with \$1,000,000 per occurrence covering all persons providing labor or services on behalf of CONSULTANT and all risks to such persons under this Contract. Where coverage is provided through the California State Compensation Insurance Fund, the requirement for a minimum A.M. Best rating does not apply.
- C. Employer’s Liability - Employer’s Liability insurance shall include coverage in the amount of \$1,000,000 for Bodily injury per accident, a policy limit of \$1,000,000 Bodily Injury by Disease and \$1,000,000 Bodily Injury by Disease for each employee.
- D. Commercial General Liability – Commercial General Liability insurance shall include coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products/Completed Operations Liability, Personal Injury Liability, Broad-Form Property Damage and Independent Contractors Liability, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and \$2,000,000 in the aggregate written on an occurrence form. Also included shall be \$1,000,000 in the aggregate for Personal/Advertising, \$100,000 for Damages to Rented Premises, and \$10,000 for Medical Expenses. For products and completed operations a \$2,000,000 aggregate shall be provided. Commercial General Liability insurance is to be primary and non-contributory with any insurance carried or administered by SANBAG.
- E. Automobile Liability - To include owned, non-owned and hired automobiles, in an amount of not less than \$1,000,000 combined single limit. The Automobile Liability policy shall be endorsed to include Transportation Pollution Liability insurance, covering materials to be transported by Contractor pursuant to the contract if applicable.
- F. If SANBAG determines that services provided under a specific CTO require the following insurance coverages, then CONSULTANT or CONSULTANT’s subconsultant shall comply with the following during the period of performance of that CTO:

1. Pollution Liability. Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions applicable to the work being performed shall be provided, with a limit no less than \$2,000,000 per claim or occurrence and \$4,000,000 aggregate per policy period of one year.

2. If the CTO services involve lead-based paint or asbestos identification/remediation, the Contractors Pollution Liability shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability shall not contain a mold exclusion and the definition of "Pollution" shall include microbial matter including mold.

3. If Contractors Pollution Liability coverage is not available from an admitted insurer, the coverage may be written by a non-admitted insurance company acceptable to, and approved in advance by, SANBAG in its sole and absolute discretion. A non-admitted company should have an A.M. Best rating of A:X or higher.

4. SANBAG shall reimburse CONSULTANT for the cost of such coverages under the CTO.

5. Such coverages shall be subject to the provisions of Section 19.2 through 19.9.

- 19.2 Proof of Coverage – Cancellation Prior to issuance of the NTP or prior to commencing any Work, as SANBAG specifies, CONSULTANT shall furnish SANBAG with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with all insurance requirements set forth in this Article and containing provision that if the insurance company elects to cancel or non-renew coverage for any reason, the insurer will provide SANBAG thirty (30) days prior written notice of such cancellation or nonrenewal, except that if the policy is cancelled for nonpayment of premium, the insurer will provide SANBAG ten (10) days prior written notice. CONSULTANT shall maintain insurance for the entire term of the Contract. The certificate(s) of insurance are to include the Contract number and Project Manager's name on the face of the certificate(s) and shall be submitted directly to SANBAG's Procurement Manager.
- 19.3 Additional Insured - All policies, except for Worker's Compensation and Professional Liability policies, shall contain endorsements naming San Bernardino Associated Governments and all of its associated entities and capacities, including the San Bernardino County Transportation Authority, San Bernardino County Transportation Commission, San Bernardino Congestion Management Agency, San Bernardino County Service Authority for Freeway Emergencies and their officers, members, employees, contractors, agents, and volunteers (SANBAG's "Entities") as additional insured parties with respect to liabilities arising out to the performance of Work hereunder. The additional insured endorsements shall not limit the scope of coverage for SANBAG to vicarious liability but shall allow coverage for SANBAG to the full extent provided by the policy.
- 19.4 Waiver of Subrogation Rights - CONSULTANT shall require the carriers of Commercial General Liability, Automobile Liability, Pollution Liability and Worker's Compensation

to waive all rights of subrogation against SANBAG, its officers, employees, agents, volunteers, and contractors. Such insurance coverage provided shall not prohibit CONSULTANT or CONSULTANT's employees or agents from waiving the right of subrogation prior to a loss or claim. CONSULTANT hereby waives all rights of subrogation against SANBAG.

- 19.5 Subconsultant Insurance. All coverage for subconsultants shall be subject to all of the insurance requirements stated in this Article. CONSULTANT shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant.
- 19.6 Submission of Policies. If requested by SANBAG at any time, CONSULTANT shall submit copies of all required insurance policies including endorsements.
- 19.7 If the contractor maintains higher limits than the minimums shown above, SANBAG and all its Entities require and shall be entitled to coverage for the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to SANBAG and its Entities.
- 19.8 Claims Made Insurance Forms. If any of the above insurances are written on a claims-made form: The retroactive date must be set forth on the certificate and the policy or applicable endorsement, and must be before the date of the contract or the beginning of contract work. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the Contractor must purchase, provide and document extended period coverage for a minimum of five (5) years after completion of contract work. A copy of the claims reporting requirements must be submitted to SANBAG and its Entities for review.
- 19.9 Special Risks or Circumstances. SANBAG reserves the right to modify any or all of the above insurance requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

ARTICLE 20. INDEMNITY

- 20.1 To the extent, but only to the extent, that CONSULTANT's Work falls within the scope of Civil Code Section 2782.8, the following indemnification is applicable:

CONSULTANT shall indemnify and defend (with legal counsel reasonably approved by SANBAG) San Bernardino Associated Governments, San Bernardino County Transportation Commission, San Bernardino County Transportation Authority, San Bernardino County Service Authority for Freeway Emergencies, San Bernardino County Congestion Management Agency, and their respective authorized officers, employees, agents and volunteers, from any and all losses, damages, liability, actions, and/or costs for claims that arise out of, pertain to, or are related to the negligence, recklessness, or willful misconduct of the design professional.

- 20.2 For all other Work, CONSULTANT agrees to indemnify, defend (with legal counsel reasonably approved by SANBAG) and hold harmless San Bernardino Associated

Governments, San Bernardino County Transportation Commission, San Bernardino County Transportation Authority, San Bernardino County Service Authority for Freeway Emergencies, San Bernardino County Congestion Management Agency, and their respective authorized officers, employees, agents and volunteers (Indemnitees), from any and all claims, actions, losses, damages and/or liability (Claims) arising out of or related to any act or omission of CONSULTANT or any of its officers, employees, agents, subconsultants or volunteers and for any costs or expenses incurred by SANBAG or Indemnitees on account of any such Claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. CONSULTANT's indemnification obligation applies to SANBAG's or Indemnitees' "active" as well as "passive" negligence but does not apply to SANBAG's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

ARTICLE 21. OWNERSHIP OF DATA

- 21.1 Upon completion of all Work under this Contract, ownership and title to all reports, documents, plans, specifications, and estimates produced as part of this Contract will automatically be vested in SANBAG; and no further agreement will be necessary to transfer ownership to SANBAG. CONSULTANT shall furnish SANBAG all necessary copies as needed to complete the review and approval process.
- 21.2 It is understood and agreed that all calculations, drawings and specifications, whether in hard copy or machine-readable form, are intended for one-time use in the construction of the project for which this Contract has been entered into.
- 21.3 CONSULTANT is not liable for claims, liabilities, or losses arising out of, or connected with the modification, or misuse by SANBAG of the machine-readable information and data provided by CONSULTANT under this Contract; further, CONSULTANT is not liable for claims, liabilities, or losses arising out of, or connected with any use by SANBAG of the project documentation on other projects or additions to this project, or for the completion of this project by others, except only such use as may be authorized in writing by CONSULTANT.
- 21.4 Applicable patent rights provisions regarding rights to inventions shall be included in the Contract as appropriate (48 CFR 27, Subpart 27.3 - Patent Rights under Government Contracts for federal-aid contracts).
- 21.5 SANBAG may permit copyrighting reports or other agreement products. If copyrights are permitted, the agreement shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.
- 21.6 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 22. CLAIMS FILED BY SANBAG'S CONSTRUCTION CONTRACTOR

- 22.1 If claims are filed by SANBAG's construction contractor relating to Work performed by CONSULTANT's personnel, and additional information or assistance from

CONSULTANT's personnel is required in order to evaluate or defend against such claims; CONSULTANT agrees to make its personnel available for consultation with SANBAG and legal staff, and for testimony, if necessary, at depositions, administrative proceedings, trial or arbitration proceedings. 22.2 CONSULTANT's personnel that SANBAG considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from SANBAG. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for the CONSULTANT's personnel services under this Contract.

- 22.3 Services of the CONSULTANT's personnel in connection with SANBAG's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this Contract in order to resolve the construction claims.
- 22.4 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 23. CONFIDENTIALITY OF DATA

- 23.1 All financial, statistical, personal, technical, or other data and information relative to SANBAG's operations, which are designated confidential by SANBAG and made available to CONSULTANT in order to carry out this Contract, shall be protected by CONSULTANT from unauthorized use and disclosure.
- 23.2 Permission to disclose information on one occasion, or public hearing held by SANBAG relating to the Contract, shall not authorize CONSULTANT to further disclose such information, or disseminate the same on any other occasion.
- 23.3 CONSULTANT shall not comment publicly to the press or any other media, including social media regarding the Contract or SANBAG's actions on the same, except to SANBAG's staff, CONSULTANT's own personnel involved in the performance of this Contract, at public hearings or in response to questions from a SANBAG Board Committee or other public meeting approved by SANBAG.
- 23.4 CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding Work performed to be performed under this Contract without prior review of the contents thereof by SANBAG, and receipt of SANBAG's written permission.
- 23.5 Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.

ARTICLE 24. NATIONAL LABOR RELATIONS BOARD CERTIFICATION

In accordance with Public Contract Code Section 10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

ARTICLE 25. EVALUATION OF CONSULTANT

CONSULTANT's performance may be evaluated by SANBAG. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together the comments shall be retained as part of the Contract file. This information may be used when evaluating the firm on future proposal submittals.

ARTICLE 26. RESPONSIBILITY OF CONSULTANT

- 26.1 CONSULTANT shall be responsible for the professional quality, technical accuracy, and the assurance of compliance with all applicable federal, State, and local laws and regulations, and other Work furnished by the CONSULTANT under the Contract. The Contract includes reference to the appropriate standards for design or other standards for Work performance stipulated in the Contract.
- 26.2 In addition to any other requirements of this Contract or duties and obligations imposed on CONSULTANT by law, CONSULTANT shall, as an integral part of its Work, employ quality control procedures that identify potential risks and uncertainties related to scope, schedule, cost, quality and safety of the Project and the Work performed by CONSULTANT within the areas of CONSULTANT's expertise. Risks that may be encountered include, but are not limited to, soil conditions, constructability, factors of safety, impact on adjacent properties, public safety, and environmental considerations. At any time during performance of the Scope of Work, should CONSULTANT observe, encounter, or identify any unusual circumstances or uncertainties, which could pose potential risk to SANBAG or the Project. CONSULTANT shall immediately document such matters and notify SANBAG in writing. CONSULTANT shall also similarly notify SANBAG in regard to the possibility of any natural catastrophe, potential failure, or any situation that exceeds environmental, design, and/or construction assumptions and could precipitate a failure of any structure or other part of the Project. Notifications under this paragraph shall be specific, clear and timely, and in a form which will enable SANBAG to understand and evaluate the magnitude and effect of the risk and/or uncertainties involved.
- 26.3 When a modification to a construction contract is required because of an error or deficiency in the design Work provided under this Contract, CONSULTANT shall be responsible for any and all additional costs associated with the construction contract or the construction of the Project.
- 26.4 SANBAG shall advise CONSULTANT of their responsibility and collect the amount due, including but not limited to, withholding of payments, if the recoverable cost will exceed the administrative cost involved or is otherwise in SANBAG's best interest. SANBAG shall include in the Contract Audit File a written statement of the reasons for the decision to recover or not recover the costs from CONSULTANT.
- 26.5 CONSULTANT shall, document the results of the Work to the satisfaction of SANBAG, and if applicable, Caltrans and FHWA. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of SANBAG's objectives.
- 26.6 As applicable, the responsible consultant/engineer shall sign and/or certify all reports and

study data furnished by him/her, and where appropriate, indicate his/her California registration or license number.

ARTICLE 27. TECHNICAL DIRECTION

- 27.1 Performance of Work under this Contract shall be subject to the technical direction of SANBAG's Project Manager (hereinafter referred to as "Project Manager"), who will be identified in writing to CONSULTANT, upon issuance of the NTP and/or subsequently by written notice during the Contract. The term "Technical Direction" is defined to include, without limitation:
- 27.1.1 Directions to CONSULTANT, which redirect the Contract effort, shift work emphasis between work areas or tasks, require pursuit of certain lines of inquiry, fill in details or otherwise serve to accomplish the contractual Scope of Work.
 - 27.1.2 Provision of written information to CONSULTANT, which assists in the interpretation of drawings, reports, or technical portions of the Scope of Work described herein.
 - 27.1.3 Review and, where required by the Contract, approval of technical reports, drawings, specifications and technical information to be delivered by CONSULTANT to SANBAG under the Contract.
 - 27.1.4 SANBAG's Project Manager may modify this Contract for certain administrative modifications without issuing a written amendment. Administrative modifications as defined herein are limited to: substitutions of personnel identified in this Contract, including Key Personnel and project personnel and subconsultants; modifications to hourly rates, classifications, and names of personnel in Exhibit "B"; and modifications of the address of the CONSULTANT. All administrative modifications shall be documented in writing between the Parties.
- 27.2 Technical Direction must be within the Scope of Work under this Contract. SANBAG's Project Manager does not have the authority to, and may not, issue any Technical Direction which:
- 27.2.1 Increases or decreases the Scope of Work;
 - 27.2.2 Directs CONSULTANT to perform Work outside the original intent of the Scope of Work;
 - 27.2.3 In any manner cause an increase or decrease in the Contract price as identified in Article 3., herein, or the time required for Contract performance;
 - 27.2.4 Changes any of the expressed terms, conditions or specifications of the Contract; unless identified herein;
 - 27.2.5 Interferes with the CONSULTANT's right to perform the terms and conditions of the Contract; or
 - 27.2.6 Approve any demand or claim for additional payment.
- 27.3 Failure of CONSULTANT and SANBAG's Project Manager to agree that the Technical

Direction is within the scope of the Contract, or a failure to agree upon the Contract action to be taken shall be subject to the provisions of the “DISPUTES” Article herein.

- 27.4 All Technical Direction shall be issued in writing by SANBAG’s Project Manager.
- 27.5 CONSULTANT shall proceed promptly with the performance of Technical Direction, in the manner prescribed by this Article and within their authority under the provisions of this Article. If, in the opinion of CONSULTANT, any instruction or direction by SANBAG’s Project Manager falls within one of the categories defined in 27.2.1 through 27.2.6 above, CONSULTANT shall not proceed but shall notify SANBAG’s Project Manager in writing within five (5) working days after receipt of any such instruction or direction and shall request SANBAG to modify the Contract accordingly. Upon receiving the notification from the CONSULTANT, SANBAG shall:
- 27.5.1 Advise CONSULTANT in writing within thirty (30) calendar days after receipt of the CONSULTANT’s letter that the Technical Direction is or is not within the scope of this Contract.
- 27.5.2 Advise CONSULTANT within a reasonable time whether SANBAG will or will not issue a written amendment.
- 27.6 There shall be no changes in CONSULTANT’s Key Personnel as identified herein, without prior written approval by SANBAG’s Project Manager.

ARTICLE 28. KEY PERSONNEL

The personnel specified below are considered to be essential to the Work being performed under this Contract. Prior to diverting any of the specified individuals to other projects, or reallocation of any tasks or hours of Work that are the responsibility of key personnel to other personnel, CONSULTANT shall notify SANBAG in writing in advance and shall submit justifications (including proposed substitutions, resumes and payroll information to support any changes to the labor rate) in sufficient detail to permit evaluation of the impact on the Project. Diversion or reallocation of key personnel shall not be made without prior written consent of SANBAG’s Project Manager. CONSULTANT shall not substitute any key personnel without the prior written consent of SANBAG. In the event that the Parties cannot agree as to the substitution of key personnel, SANBAG may terminate the Contract. Key Personnel are:

Name	Job Classification/Function
Julie Vandermost	Project Manager
Peter Carlson	Environmental Project Manager

ARTICLE 29. REPRESENTATIONS

All Work supplied by CONSULTANT under this Contract shall be supplied by personnel who are qualified, careful, skilled, experienced and competent in their respective trades or professions. CONSULTANT agrees that they are supplying professional services, findings, and/or recommendations in the performance of this Contract and agrees with SANBAG that the same shall conform to professional and engineering and environmental principles and standards that are generally accepted in the profession in the State of California.

ARTICLE 30. TAXES, DUTIES AND FEES

Except to the extent expressly provided elsewhere in this Contract, CONSULTANT shall pay when due, and the compensation set forth herein shall be inclusive of all: a) local, municipal, State, and federal sales and use taxes; b) excise taxes; c) taxes on personal property owned by CONSULTANT; and d) other governmental fees and taxes or charges of whatever nature applicable to CONSULTANT to enable it to conduct business.

ARTICLE 31. PERMITS AND LICENSES

CONSULTANT shall, without additional compensation, keep current all governmental permits, certificates and licenses (including professional licenses) necessary for CONSULTANT to perform Work identified herein.

ARTICLE 32. STATEMENT OF COMPLIANCE

- 32.1 CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.
- 32.2 During the performance of this Contract, CONSULTANT and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g. cancer), age (over 40), marital status and denial of family care leave. CONSULTANT and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. CONSULTANT and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq. and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Contract by reference and made a part hereof as if set forth in full. CONSULTANT and subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

ARTICLE 33. DEBARMENT AND SUSPENSION CERTIFICATION

- 33.1 CONSULTANT's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that CONSULTANT has complied with Title 2 CFR Part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)", which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving

fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to SANBAG.

- 33.2 Exception will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.
- 33.3 Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highways Administration.

ARTICLE 34. STATE PREVAILING WAGE RATES

- 34.1 CONSULTANT shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 1770, and all Federal, State, and local laws and ordinances applicable to the Work.
- 34.2 Any subcontract entered into as a result of this Contract if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

ARTICLE 35. CONFLICT OF INTEREST

- 35.1 CONSULTANT shall disclose any financial, business, or other relationship with SANBAG that may have an impact upon the outcome of this Contract, or any ensuing SANBAG construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this Contract, or any ensuing SANBAG construction project, which will follow.
- 35.2 CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this Contract.
- 35.3 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 36. REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

CONSULTANT warrants that this Contract was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any SANBAG employee. For breach or violation of this warranty, SANBAG shall have the right in its discretion: to terminate the contract without liability; to pay only for the value of the Work actually performed; or to deduct from the Contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

ARTICLE 37. PROHIBITION OF EXPENDING SANBAG, STATE FUNDS FOR LOBBYING - INTENTIONALLY OMITTED

ARTICLE 38. NOTIFICATION

All notices hereunder and communications regarding the interpretation of the terms of this Contract and changes thereto, shall be effected by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

To CONSULTANT	To SANBAG
30900 Rancho Viejo Road, Suite 100	1170 W. 3rd Street, 2nd Floor
San Juan Capistrano, CA 92675	San Bernardino, CA 92410-1715
Attn: Julie Vandermost	Attn: Garry Cohoe
	cc: Procurement Manager
Phone: (949)489-2700	Phone: (909) 884-8276

ARTICLE 39. STOP WORK ORDER

Upon failure of CONSULTANT or its subconsultants to comply with any of the requirements of this Contract, SANBAG shall have the right to stop any or all Work affected by such failure until such failure is remedied or to terminate this Contract in accordance with “TERMINATION” provision herein.

ARTICLE 40. CLAIMS

SANBAG shall not be bound to any adjustments in the Contract amount or schedule unless expressly agreed to by SANBAG in writing. SANBAG shall not be liable to CONSULTANT for any claim asserted by CONSULTANT after final payment has been made under this Contract.

ARTICLE 41. ERRORS AND OMISSIONS

CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of all Work required under this Contract. CONSULTANT shall be liable for SANBAG costs resulting from errors or deficiencies, in Work furnished under this Contract, including but not limited to any fines, penalties, damages, and costs associated with a modification to a construction contract required because of an error or deficiency in the Work provided by CONSULTANT under this Contract.

ARTICLE 42. WARRANTY

CONSULTANT warrants that all Work performed shall be in accordance with the Contract, and all applicable professional standards. In the event of a breach of this provision, CONSULTANT shall take the necessary actions to correct the breach at CONSULTANT’s sole expense. If CONSULTANT does not take the necessary action to correct the breach, SANBAG, without waiving any other rights or remedies it may have, may take the necessary steps to correct the breach, and CONSULTANT shall promptly reimburse SANBAG for all expenses and costs incurred.

ARTICLE 43. INDEPENDENT CONTRACTOR

CONSULTANT is and shall be at all times an independent contractor. Accordingly, all Work provided by CONSULTANT shall be done and performed by CONSULTANT under the sole supervision, direction and control of CONSULTANT. SANBAG shall rely on CONSULTANT

for results only, and shall have no right at any time to direct or supervise CONSULTANT or CONSULTANT's employees in the performance of Work or as to the manner, means and methods by which Work is performed. All personnel furnished by CONSULTANT under this Contract, and all representatives of CONSULTANT, shall be and remain the employees or agents of CONSULTANT or of CONSULTANT's subconsultant(s) at all times, and shall not at any time or for any purpose whatsoever be considered employees or agents of SANBAG.

ARTICLE 44. ATTORNEY'S FEES

If any legal action is instituted to enforce or declare any Party's rights under the Contract, each Party, including the prevailing Party, must bear its own costs and attorneys' fees. This Article shall not apply to those costs and attorneys' fees directly arising from any third party legal action against a Party hereto and payable under the "Indemnity" provision of the Contract.

ARTICLE 45. GOVERNING LAW AND VENUE

This Contract shall be subject to the law and jurisdiction of the State of California. The Parties acknowledge and agree that this Contract was entered into and intended to be performed in whole or substantial part in San Bernardino County, California. The Parties agree that the venue for any action or claim brought by any Party to this Contract will be the Superior Court of California, San Bernardino County. Each Party hereby waives any law or rule of court, which would allow them to request or demand a change of venue. If any action or claim concerning this Contract is brought by any third party, the Parties hereto agree to use their best efforts to obtain a change of venue to the Superior Court of California, San Bernardino County.

ARTICLE 46. FEDERAL, STATE AND LOCAL LAWS

CONSULTANT warrants that in the performance of this Contract, it shall comply with all applicable federal, State and local laws, ordinances, rules and regulations.

ARTICLE 47. PRECEDENCE

- 47.1 The Contract consists of this Contract document, Exhibit "A"- Scope of Work, and Exhibit "B" - Cost Proposal SANBAG's Request For Proposal and CONSULTANT's proposal, all of which are incorporated in this Contract by this reference.
- 47.2 The following order of precedence shall apply: first, the Contract including Exhibits "A" and "B"; second, SANBAG's Request For Proposal; and last, CONSULTANT's Proposal. In the event of a conflict between the Contract Articles and the Scope of Work, the Contract Articles will prevail.
- 47.3 In the event of an express conflict between the documents listed in this Article, or between any other documents, which are a part of the Contract, CONSULTANT shall notify SANBAG in writing within three (3) business days of its discovery of the conflict and shall comply with SANBAG's resolution of the conflict.

ARTICLE 48. GRATUITIES

CONSULTANT, its employees, agents, or representatives shall not offer or give to any officer, official, agent or employee of SANBAG, any gift, entertainment, payment, loan, or other gratuity.

ARTICLE 49. REVIEW AND ACCEPTANCE

All Work performed by CONSULTANT shall be subject to periodic review and approval by SANBAG at any and all places where such performance may be carried on. Failure of SANBAG to make such review, or to discover defective work, shall not prejudice the rights of SANBAG at the time of final acceptance. All Work performed by CONSULTANT shall be subject to periodic and final review and acceptance by SANBAG upon completion of all Work.

ARTICLE 50. DRUG FREE WORKPLACE

CONSULTANT agrees to comply with the Drug Free Workplace Act of 1990 per Government Code Section 8350 et seq.

ARTICLE 51. FORCE MAJEURE

CONSULTANT shall not be in default under this Contract in the event that the Work performed by CONSULTANT is temporarily interrupted or discontinued for any of the following reasons: riots, wars, sabotage, acts of terrorism, civil disturbances, insurrection, explosion, pandemics, quarantines, acts of God, acts of government or governmental restraint, and natural disasters such as floods, earthquakes, landslides, and fires, or other catastrophic events which are beyond the reasonable control of CONSULTANT and which CONSULTANT could not reasonably be expected to have prevented or controlled. "Other catastrophic events" does not include the financial inability of CONSULTANT to perform or failure of CONSULTANT to obtain either any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility where such failure is due solely to the acts or omissions of CONSULTANT.

ARTICLE 52. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

CONSULTANT shall comply with all applicable provisions of the Americans With Disabilities Act in performing Work under this Contract.

ARTICLE 53. ENTIRE DOCUMENT

- 53.1 This Contract and its attachments constitute the sole and only agreement governing the Work and supersedes any prior understandings, written or oral, between the Parties respecting the Project. All previous proposals, offers, and other communications, written or oral, relative to this Contract, are superseded except to the extent that they have been expressly incorporated into this Contract.
- 53.2 No agent, official, employee or representative of SANBAG has any authority to bind SANBAG to any affirmation, representation or warranty outside of, or in conflict with, the stated terms of this Contract, and CONSULTANT hereby stipulates that it has not relied, and will not rely, on same.
- 53.3 Both Parties have been represented or had the full opportunity to be represented by legal counsel of their own choosing in the negotiation and preparation of this Contract. Therefore, the language in all parts of this Contract will be construed, in all cases, according to its fair meaning, and not for or against either Party.

ARTICLE 54. CONTRACT

The two Parties to this Contract, who are the before named CONSULTANT and the before named SANBAG, hereby agree that this Contract constitutes the entire agreement which is made and concluded in duplicate between the two Parties. Both of these Parties for and in consideration of the payments to be made, conditions mentioned, and work to be performed, each agree to diligently perform in accordance with the terms and conditions of this Contract as evidenced by the signatures below.

ARTICLE 55. EFFECTIVE DATE

The date that this Contract is executed by SANBAG shall be the Effective Date of the Contract.

IN WITNESS WHEREOF, the Parties hereto have executed this Contract on the day and year written below.

CONSULTANT

SANBAG

By: _____
Julie Beeman
President

By: _____
L. Dennis Michael
President, Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM

By: _____
Eileen Monaghan Teichert
General Counsel

CONCURRENCE

By: _____
Jeffery Hill
Procurement Manager

Attachment: C14144 (1490 : Award On-Call Environmental Services Contract)

EXHIBIT "A"--SCOPE OF WORK

Scope of Work

OVERVIEW

The San Bernardino Associated Governments (SANBAG), acting in the capacity designated in the Contract, will utilize the services of a consultant herein referred to as “CONSULTANT”, to provide on-call environmental project management and technical and support services on an as-needed basis for a variety of projects in order to meet the environmental needs of SANBAG’s Major Projects Program.

Coordination of CONSULTANT will be accomplished through SANBAG’s Project Manager or his designee.

The SANBAG Project Manager for this contract shall be:

Mr. Garry Cohoe
Director of Project Delivery

APPLICABLE STANDARDS

Deliverables and related material as requested for on-system State Highway projects shall be prepared in accordance with current Department of Transportation (CALTRANS) regulations, policies, procedures, manuals, and standards including compliance with Federal Highway Administration (FHWA) requirements unless directed otherwise. Deliverables and related materials requested for all other agencies shall be consistent with the requirements of that agency in addition to federal, state, local agency requirements, regulations, policies, procedures, manuals, and standards.

All deliverables and supporting materials furnished under this Scope of Work shall be of a quality acceptable to SANBAG and/or other relevant agencies. The criteria for acceptance shall be a product of neat appearance, well organized, technically and grammatically correct and checked. The appearance, organization, methodology, and content of all deliverables and supporting materials shall be to applicable standards or as otherwise directed.

Qualifications of individuals performing services shall, at a minimum, meet the applicable qualifications noted in the CALTRANS Standard Environmental Reference.

Guidance for each activity or deliverable can be found at the CALTRANS Standard Environmental Reference and within the Work Breakdown Structure (WBS) Manual located at:

Standard Environmental Reference
<http://www.dot.ca.gov/ser/>

Workplan Standards Guide, 10.2 (Dec. 2012)
http://www.dot.ca.gov/hq/projmgmt/documents/wsg/WSG_10-2.pdf

Additional guidance, in part, is below:

- Preliminary Environmental Analysis Report Handbook
- Project Development Procedures Manual (PDPM),
- Traffic Noise Analysis Protocol and Technical Noise Supplement
- Highway Design Manual (HDM)
- Storm Water Project Planning and Design Guide (PPDG)
- Guidance Papers on Implementation of NEPA/404 MOU
- Project Planning and Design Guide (PPDG),
- Traffic Volume Data
- Technical Noise Supplement
- Traffic Noise Analysis Protocol
- Storm Water Pollution Protection Plan Guidelines for Environmental Planning
- Right of Way Manual - Reference Version, Chapter 10
- Surveys Manual

ON-CALL ENVIRONMENTAL SERVICES

The CONSULTANT services may include oversight of SANBAG consultants preparing environmental studies and reports for a specific highway improvement project, and it may include completing specific environmental tasks required for the development of highway projects. The services of the consultant will vary depending on when they are providing oversight services or are responsible for the completion of the task. Environmental services may include, but not be limited to the following:

Environmental Project Management

CONSULTANT may be asked to serve as the SANBAG Environmental Project Manager (PM) on a project and serve as the single point of contact for all environmental related questions, requests, and submittals. PM shall understand the project schedule and support/conduct/coordinate/oversee any and all studies, analysis, requirements and meetings needed to successfully complete environmental requirements leading to NEPA and or CEQA compliant environmental documents such that the project schedule is not impacted negatively.

PM shall coordinate with CALTRANS and/or all other agencies involved or potentially impacted by the Project. PM shall inform SANBAG prior to all contacts, meetings, notifications, and correspondence with CALTRANS or any other agencies.

PM shall conduct ongoing reviews of consultant/subconsultant progress in performing the work and furnish comments in a timely manner.

PM shall draft and/or review certain types of correspondence to subconsultants, property owners, and/or representatives of various agencies, as necessary.

PM shall assist in the coordination of the distribution of relevant public information.

On a monthly basis, as requested by SANBAG, CONSULTANT shall prepare and submit to SANBAG a monthly status report that indicates the work progress achieved during the period. The report shall summarize the actual work progress compared with estimated progress and will identify problem areas, provide evaluations, recommendations and an outline on the process which CONSULTANT, and SANBAG will follow to rectify the problem(s). The progress report shall be submitted with the monthly invoice.

PM shall maintain a schedule of environmental activities, action items, four week look ahead, and update this information monthly. Activities shall be linked to other project specific functional activities as predecessors or successors, as appropriate.

PM shall review the subconsultants, or oversight the work of other consultants performing environmentally related tasks, Project Control or Work Plan documents submitted to ensure their understanding of the level of information required, reporting procedures and formats, stakeholders, schedule, report cycle, and the intended use of each document.

PM shall receive and review monthly progress reports from subconsultant or other consultants performing environmental related tasks.

PM shall review with subconsultant or other consultant, requests for change orders and/or extensions of time when such requests are determined to be necessary.

For subconsultants, PM shall review all contractual payments and assure consistency with the progress of the associated activity.

PM may be assigned to a single or multiple projects.

Coordination and Consultation

CONSULTANT may be consulted for guidance, options, opinions, and strategies related to environmental issues in support of SANBAG projects and the SANBAG program.

CONSULTANT may be asked to perform an independent cost estimate, review a cost proposal and/or scope of work, or otherwise assist on development of a scope of work for environmental work required in any phase of a project.

CONSULTANT may be asked to lead the effort on coordination and/or consultation with one or more resource agencies.

Peer Review

In an oversight capacity, CONSULTANT may be asked to review and comment upon any and all environmental studies, analysis, reports, and/or plans prepared by other consultants, and to attend relevant meetings in order to gain background on the topics included in the aforementioned documents. Expertise related to air quality, noise studies, hazardous waste, environmental justice, biological issues/assessments, cultural issues, water quality, visual/aesthetic resources,

land use issues, regulations, storm water, and other specialties will be required.

Permits and Permit Requirements

CONSULTANT may be asked to apply for resource agency permits and/or to successfully complete activities necessary to successfully fulfill environmental permit requirements. Activities may be required to be performed prior to and/or during construction. In addition, CONSULTANT may be asked to perform mitigation and restoration monitoring on a post-construction basis.

Environmental Documents

CONSULTANT may be asked to produce NEPA and/or CEQA compliant environmental documents/studies such as Initial Studies/Environmental Assessments (IS/EA), Environmental Impact Report/Environmental Impact Studies (EIR/EIS), environmental re-evaluations, supplemental EIS and/or reassessments of existing/outdated materials. In addition to meeting federal and state requirements, the Caltrans Standard Environmental Reference shall be utilized to assure compliance with formatting and content of documents.

Studies and Reports

CONSULTANT may be asked to provide as needed environmental support, field study, technical study and the associated reporting. Expertise related to air quality, noise studies, hazardous waste, environmental justice, biological issues/assessments, cultural issues, paleontological issues, water quality, visual/aesthetic resources, land use issues, current regulations, and other specialties will be required.

Reports prepared by CONSULTANT shall be submitted in draft form, and opportunity provided for SANBAG peer review. After addressing the peer review comments the draft document shall be submitted to CALTRANS, if applicable, to review and direct revisions prior to finalizing. CONSULTANT shall provide the reproduction services required for the projects inclusive of the number of individual sets to be delivered for the submittal tasks outlined in this Scope of Work.

Hazardous Materials

If during any phase of a project residual soils and/or decontamination fluids and/or contaminated soil or fluids require off-site disposal, materials will be disposed of in a manner consistent with applicable requirements and regulations. CONSULTANT will characterize materials and offsite disposal method and site. If necessary, CONSULTANT may be required to characterize materials through collection and analysis of up to two composite soil samples. CONSULTANT will arrange shipment and offsite disposal appropriate for the type of material requiring disposal. Consultant will either: sign the non-hazardous soils or hazardous waste manifest (Manifest), as applicable, for transportation and offsite disposal of the materials, naming SANBAG or the property owner as the generator of the material on the Manifest; or provide written certifications to SANBAG or the property owner sufficient to enable SANBAG or the property owner to sign the Generator's/Offeror's Certification of the Manifest.

Work Breakdown

The tasks that the CONSULTANT will be providing services for include, but are not limited to the tasks listed below. The responsibility of the CONSULTANT will vary depending on whether they are providing oversight services or are responsible for the completion of the task.

PROJECT MANAGEMENT

Environmental Project Management, Coordination and Consultation, and Peer Review will be performed under the Environmental Project Management Tasks below. Other study related activities performed by the consultant will be performed under the work break down structure following this section.

100.10 Project Management – Project Approval and Environmental Document Component

100.20 Project Management – Construction Component

100.25 Project Management – Right of Way Component

PLANNING PHASE

150.20 Preliminary Environmental Analysis Report (PEAR)

The Preliminary Environmental Analysis Report (PEAR) identifies the potential environmental impacts of each alternative, as well as potential mitigation costs. Although existing data will most frequently be used in the preparation of this report, project specific circumstances may indicate the need for or advisability of conducting more detailed investigations. Costs developed in this activity will be used for programming purposes; consequently, the analysis should be of sufficient detail to identify all potential costs. For those projects where the initiation document is combined with the project report/environmental document (such as PSSRs and PSR/PR), this activity also includes those tasks required for the environmental document.

150.20.05 Initial Noise Study

Evaluate noise and will conduct a background document review of the project vicinity and make contacts with outside agencies and individuals. Perform a windshield survey or equivalent of the project. Documentation will include the results of the background research and fieldwork. It will describe the project setting, identify and describe sensitive receptors, and discuss possible impacts, and potential abatement measures. The documentation will identify anticipated interagency coordination and permits to enter. A summary statement will be provided for inclusion in the PEAR. The summary should note issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project. Include the approximate delineation of sensitive receptors on mapping. Include a resource estimate and a schedule by WBS code for completing studies for the environmental document. The following attachments will be completed:

- Noise Study portion of the PEAR Environmental Studies Checklist
- Noise Abatement portion of PEAR Environmental Commitments Cost Estimate, for

- standard PSRs
- Estimated Resources
- Conduct background document review
- Perform a windshield survey or equivalent
- Prepare documentation
- Project setting/sensitive receptors
- Potential impacts
- Potential abatement
- Monitoring
- Agency Coordination
- Recommendations
- Summary
- PEAR Environmental Studies Checklist
- PEAR Environmental Commitments Cost Estimate for standard PSR

150.20.10 Hazardous Waste Initial Site Assessments/Investigations

Hazardous waste Initial Site Assessments (ISA) are required for all projects. This information is required in order to complete the PEAR and PID. Additionally, for “high risk” sites, as assessed by the Hazardous Waste Technical Specialist, it is strongly recommended that a Preliminary Site Investigation (PSI) at least be started during the K Phase.

150.20.15 Scenic Resource and Landscape Architecture Review

This task includes two subtasks: a Scenic Resource Review and a Landscape Architectural Review. The Scenic Resource Review looks at the proposed project to determine if scenic resources exist within the project limits, and whether these resources will be impacted by the proposal. For projects on the State Highway System, the following information is collected:

- Verification of information from the RTP stage;
- Identification of possible scenic resources and the project’s potential visual impact(s);
- Identification of possible mitigation measures and preliminary costs to be included in the PSR estimate (e.g., special grading requirements, architectural features on bridges and walls, urban street amenities, landscape treatment, right-of way requirements)
- Identification of Officially Designated State Scenic Highways in the project area
- Public input is solicited during this phase to address local concerns and integrate appropriate design features through a ‘context sensitive solutions’ approach per Director’s Policy DP-22.
- For projects off the State Highway System, a Preliminary Environmental Study (PES) form is completed. The Landscape Architectural Review typically includes recommendations regarding:
 - Design strategies that integrate the project with the surrounding environment.
 - Erosion control, slope design, and Storm Water Data Report recommendations.
 - Replacement Highway Planting and Mitigation Planting requirements
 - Integration with the Comprehensive Corridor Plan, if available
 - Traveler and Worker Safety
 - Preservation of Historic Period Landscapes

150.20.20 Initial NEPA/404 Coordination

Includes Pre-Consultation with appropriate resource agencies in order to reach consensus on need and purpose, avoidance alternatives, and feasible alternatives.

150.20.25 Initial Biology Study

Biologist will perform background research, fieldwork, evaluation and reporting. The fieldwork may be a windshield survey or equivalent, Caltrans photolog or aerial photo survey, and/or on-the-ground survey depending on the size and complexity of the project. For the documentation, summarize the background review and the survey findings. Identify the type of survey used and provide a brief description of the setting and sensitive biological resources present. Identify specific studies or focused surveys needed for the subsequent environmental document, noting seasonal restrictions or agency protocols that need to be considered in the project schedule. Include an explanation and estimated timeline of required resource agency coordination (e.g., Section 7). Note anticipated permits, agreements or approvals (e.g., 401, 404, 1602). In the preliminary evaluation, consider whether the proposed project may require an Individual 404 permit or qualify for a nationwide permit. Include a list of contacts and sources consulted during the PEAR analysis.

Discuss the project's potential effects on biological resources: recommended avoidance, minimization, and mitigation measures and potential environmental commitments. Identify changes to the project scope or costs that could be driven by biological commitments, such as wetland mitigation, compensatory or replacement habitat acquisition, and habitat restoration. When preparing a standard PSR, provide associated cost estimates and preliminary schedules for habitat acquisition, design, construction, and monitoring. Scheduling should take into consideration the time needed by ROW to acquire permits to enter.

Conclude with a summary paragraph for inclusion in the PEAR. The summary should note potential biological resources issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project. Include the approximate delineation of known sensitive biological resources on or near the project on the mapping provided by the generalist, and attach it to the documentation. Include a resource estimate and a schedule by WBS code for completing studies for the environmental document and obtaining necessary approvals to achieve PA&ED.

150.20.30 Initial Records and Literature Search for Cultural Resources

The cultural resources specialist conducts background research and fieldwork as appropriate, and prepares documentation. Background research includes literature and database searches (e.g., common references, ethnographic studies, bridge survey, photo logs or DHIPP, Sanborn maps), contacting record repositories (e.g., the appropriate regional Information Center and the Native American Heritage Commission (NAHC) regarding the Sacred Lands Inventory), and soliciting information or concerns from knowledgeable sources such as Native American contacts (tribes and interested parties), organizations (e.g. local historical societies), and individuals (e.g., local historians). In notifying tribes and interested Native American contacts of scoping efforts, ask if they have any known concerns beyond any archaeological properties that could affect the alternatives, cost, schedule, or viability of the project, while assuring the tribal representatives that this inquiry is a very early assessment of the environmental concerns for planning purposes.

Fieldwork as discussed here is essentially a preliminary review of the project area, although for small projects, fieldwork may comprise on-the-ground examinations. For larger projects, a windshield survey or equivalent is more appropriate.

Following the pre-field research and fieldwork, the specialists prepare documentation of their findings. The documentation lists the records consulted, contacts made and what was learned, notes the type of survey(s) performed, briefly describes the project setting and sensitivity for cultural resources. The documentation will include a section describing each cultural resource identified during the background research and fieldwork. The documentation discusses the potential effects of the project on resources within or adjacent to the project area and notes potential effects on Section 4(f) properties. In addition the documentation notes whether the proposed project would be located on or affect tribal lands or whether a federal agency is involved. Such circumstances may affect the applicability of the Section 106 Programmatic Agreement. The regular Section 106 process must be followed if the proposed project is located on or affects tribal lands or if another federal agency would be the NEPA federal lead agency. On federal or tribal lands, federal or tribal requirements (e.g. Archaeological Resources Protection Act (ARPA) permits, Native American Graves Protection and Repatriation Act (NAGPRA) Action Plans, or Special Use permits) would also be applicable, depending on the anticipated work involved.

Explain concurrences needed in the environmental document and other coordination required such as consultation with the State Historic Preservation Officer (SHPO) for compliance with Sections 5024 and 5024.5 of the Public Resources Code (PRC) and Section 106 of the National Historic Preservation Act (NHPA).

150.20.40 Initial Community Impact Analysis, Land Use, and Growth Studies

Conduct a pre-field background search (e.g., previous environmental documents) and make contacts with outside agencies (e.g., city planning departments). In most cases, the fieldwork will be limited to a windshield survey or equivalent. The analysis may include a brief review of current census information. The preliminary analysis should identify community impact issues and set the scope of subsequent socioeconomic/community analysis. The analysis will address impacts related to economy, social considerations, environmental justice, relocation, farmlands/timberlands, and community services.

Summarize the results of the background review and fieldwork. Discuss the existing social and economic conditions in the area. Discuss number and type of structures potentially impacted and number of potential relocations, if any. Address impacts to neighborhoods, business districts, and ethnic, disabled or other minority groups. Note anticipated agency coordination, permits, and approvals. Make recommendations for environmental commitments. Include the type and magnitude of studies needed for the environmental document.

The specialist evaluating these resources will conduct a pre-field background search (e.g., previous environmental documents), GIS data-bases, and make contacts with outside agencies. In most cases, the fieldwork will be limited to a windshield survey or equivalent. The preliminary analysis should briefly consider existing and future land use, consistency with State, Regional,

and Local Plans, and identify any park and/or recreational facility, equestrian trail, bikeway, or other recreational trail.

Determine if the project and/or alternatives is likely to induce growth in the project area. Identify any local government “no growth” ordinances or policies. Assess the potential for the project to facilitate planned growth, and assess the potential for unplanned growth. Identify if the project will be located along a new alignment or provide new access. Identify any indirect impacts that could result from the project. The PEAR will identify whether a formal growth-related, indirect impact analysis is needed.

150.20.45 Initial Air Quality Study

The specialist evaluating this resource will conduct a background document review of the project vicinity and make contacts, as necessary, with outside agencies and individuals. The specialist will perform a windshield survey or equivalent of the project and provide documentation that includes the results of the background research and fieldwork. The air quality documentation will discuss the attainment status of the project area, potential impacts, potential environmental commitments, and long-term monitoring that may be needed. The documentation will identify conformity, mobile source air toxics (MSATs), particulate matter (PM) 10 and PM 2.5, interagency participation and permits. A summary statement will be provided for inclusion in the PEAR. The summary should note issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project.

150.20.50 Initial Water Quality Studies

Evaluate potential water quality issues and include a discussion of the various environmental permits that will be required for the project to protect water quality, including pollution from stormwater runoff, waste discharges to land or surface waters, and hazardous waste sites. Discussion will include details of work performed to identify and remediate hazardous waste properties. Hydrology and Floodplain evaluation is also discussed.

The documentation includes a description of the setting; the findings of background research and field visit; and identifies bodies of water, drainages, rivers and streams that might be impacted. Basin plans that are in effect are reference and existing discharge conditions could affect the project design, scheduling or construction techniques are identified. In addition, anticipated agency coordination, permits, and environmental commitments are documented. This section of the PEAR should include a list of all anticipated waste discharge and dewatering requirements. Discussion is included on how minimization and avoidance of stormwater pollution impacts are to be achieved through permit and Best Management Practices (BMPs) throughout design, construction, and long-term maintenance. The report should note if the project will require structural BMPs; the project footprint may have to be revised to accommodate these features. Structural BMPs must be coordinated with the Project Engineer.

150.20.55 Initial Floodplain Study

Evaluate floodplain issues by reviewing a background document of the project area, reviewing of the Federal Emergency Management Agency (FEMA)/ National Flood Insurance Program flood maps, and contacting outside agencies and individuals as necessary. A field visit should be performed by the Hydraulic Engineer for all but the simplest projects.

The documentation includes a description of the hydraulic and floodplain setting (including any

special requirements described in the Basin Plan), describes potential impacts to local hydrology, and identifies additional studies and agency coordination that will be needed for the environmental document. Floodplain criteria as defined in 23 CFR 650, Subpart A (sections 650.101 thru 650.117) may also need to be consulted. The documentation also includes constraints and recommendations that may affect project design.

150.20.60 PEAR Preparation

Prepare Preliminary Environmental Analysis Report (PEAR) or a Categorical Exemption/ Categorical Exclusion (CE/CE) for qualifying projects where the PID is combined with project report/environmental document. Reference the Caltrans PEAR Handbook for further details regarding PEAR preparation, formatting, and content.

150.20.65 Initial Paleontology Study

A paleontological identification report (PIR) may be prepared at any time during project development; however, the PIR is recommended during PEAR preparation in order to document the potential for presence or non-presence of paleontological resources in the project area. Evaluating potential paleontological resources includes a review of databases and/or a background document review, as well as contact with outside agencies, museums, universities, and individuals. Conducting a windshield survey or equivalent of the project area, if appropriate, follows this work.

The preparer will describe the geologic and paleontological setting of the project area and the results of database/background/contact review. The report should also discuss tribal government, agency coordination, approvals, and permits (e.g., permits to conduct investigations on BLM, USFS, or USACOE-administered lands).

Provide a summary statement for inclusion in the PEAR. The summary should note issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project.

150.20.70 Initial Native American Coordination

See WBS 150.20.30

150.20.99 Other PEAR Products

All other work, during the PEAR efforts, not defined or covered in other 150.20 activities.

150.25 Approved PID (PSR, PSSR, etc.)

This activity includes all tasks required to develop the PID text and exhibits, as well as the effort required to circulate, review and update the PID. It also includes the development and approval of any supplemental PIDs.

150.25.05 Draft PID

This activity includes peer review and submittal to Caltrans for on-system and/or federal aid projects.

150.35 Required Permits during Project Initiation Documents Development

This activity includes all work, normally prior to approval of the combined PR/PSSR,

required in order to determine what permits may or may not be required. Note: This does not include coordination with resource agencies covering the scoping and NEPA/404 MOU process covered under activities of future phases of the project.

150.40 Permits during Project Initiation Documents Development (if necessary)

All work involved in obtaining permits for combined PR/PSSR, including:

- Discussions and negotiations with the permitting agency.
- Preparation of the permit and attachments such as exhibits, maps, etc.
- Obtain funds for any required permit fee.
- Submit permit application.

Possible Permits Include:

- 150.40.05 U.S. Army Corps of Engineers Permit (404)
- 150.40.10 U.S. Forest Service Permit(s)
- 150.40.20 Department of Fish and Game 1600 Agreement(s)
- 150.40.30 Local Agency Concurrence/Permit
- 150.40.35 Waste Discharge (NPDES) Permit(s) Includes all effort needed to obtain a National Pollutant Discharge Elimination System (NPDES) permit.
- 150.40.40 U.S. Fish and Wildlife Service Approval
- 150.40.45 Regional Water Quality Control Board 401 Permit
- 150.40.95 Other Permits

ENVIRONMENTAL PHASE

165.05.10 Public and Agency Scoping Process

Prepare and publish legal notices, and perform all public and agency participation tasks related to the overall environmental product prior to circulation of the Draft Environmental Document to the public. For on-system projects all documents shall be submitted to Caltrans prior to distribution and/or finalization.

- Prepare written notification of initiation of environmental studies.
- Prepare Draft Notice of Intent (NOI) (NEPA requirement -- EIS only) and submit to FHWA for Federal Register publication.
- Prepare and circulate Notice of Preparation (NOP) (CEQA requirement -- EIR only).
- Conduct and document Public and Agency environmental scoping meeting(s)
- Prepare and coordinate with SANBAG and Tribal Transportation Planning Agency a Public Participation Plan, meeting MPO, State Implementation Plan (SIP), FHWA Metropolitan Planning and tribal requirements.
- Conduct and document public and agency open house and workshop meetings during development of the environmental document.
- Conduct and document other formal and informal public participation activities such as citizen's committees, focus groups, presentations to political bodies, and media appearances, not directly related to preparation and coordination of a technical work product.
- Prepare & circulate newsletters and other public informational and press materials
- Prepare and maintain Project Mailing List

165.05.15 Alternatives for Further Study

The Project Manager, Management, and the Project Development Team select alternative(s) for further study in the Draft Environmental Document and Draft Project Report. The selection process and criteria are documented for use in later stages of the project. Alternatives are based on those developed and documented in the Project Initiation Document, with additions or deletions as required.

- Perform preliminary alternatives analysis
- Consider public comment and participation
- Review alternatives analysis with Project Development Team
- Prepare and review alternative selection documentation
- Preliminary alternatives analysis report (used by PDT and public)
- Public and PDT Review documentation and comments
- Response to comments

165.10 General Environmental Studies

Perform environmental technical studies, other than for Biology and Cultural Resources, and prepare technical reports and other work products documenting study results.

165.10.15 Community Impact Analysis Land Use and Growth Studies

Perform all activities related to socioeconomic, land use, and growth impact technical studies for use in the environmental document, and prepare a technical report documenting study results.

- Perform ethnicity and economic studies to determine the characteristics of the communities affected by the project. This includes Environmental Justice requirements.
- Perform land use studies to determine the relationship of the project to local, regional, and other planning, and identify compatibility issues with existing land uses.
- Perform growth impact studies.
- Prepare interim reports for internal and peer review.
- Prepare technical report with mapping & other graphics.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.
- Coordinate with local and regional agencies, ethnic and community groups, and business organizations.
- Farmland Evaluation and Coordination

165.10.20 Visual Impact Assessment and Scenic Resource Evaluation

Perform all activities related to Visual Impact Assessment (VIA) and Scenic Resource Evaluation (SRE) for use in the environmental document, and prepare a technical report documenting study results.

- Perform a visual inventory of the project area.
- Prepare visual simulations and exhibits of the proposed alternatives.
- Coordinate with local agencies, citizens groups, and business groups related to

community design and scenic issues.

- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.
- Perform Scenic Resource Evaluation

165.10.25 Noise Study

Perform all activities related to noise impact analysis for use in the Environmental Document, and prepare a technical report documenting study results.

- Identify sensitive receptors and analysis locations.
- Collect existing noise information, including monitoring data from Air Resources Board (ARB) and Air Pollution Control District (APCD) sites.
- Perform noise modeling.
- Develop estimates of effectiveness for alternative mitigation measures.
- Prepare technical report with preliminary barrier plans.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.30 Air Quality Study

Perform all activities related to air quality impact analysis for use in the environmental document, and prepare a technical report documenting study results.

- Identify sensitive receptors and analysis locations.
- Collect existing CO data
- Perform CO and/or other monitoring. NOTE: Scheduling of this activity should take into account appropriate study windows.
- Perform micro-scale modeling to predict future pollutant concentrations with no project and all applicable alternatives.
- Verify Federal Clean Air Act conformity status of the project; coordinate with regional and air quality agencies to obtain concurrence in the conformity status of the project, and carry out additional conformity-related activities, if necessary, including regional modeling of additional alternatives and recommendations for RTP and/or RTIP revisions.
- Develop estimates of effectiveness for alternative mitigation measures.
- Prepare monitoring and technical reports.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures for use in the Environmental Document text.

165.10.35 Water Quality Studies

Perform all activities related to water quality impact analysis for use in the environmental document, and prepare a technical report documenting study results.

- Identify receiving waters, their regulatory status, and their uses.
- Collect existing water quality information, including monitoring data from other agencies as available.
- If necessary due to inadequate existing information, conduct on-site sampling and/or monitoring and prepare monitoring report.
- Perform modeling if necessary and appropriate to predict future pollutant concentrations with no project and all applicable alternatives.
- Verify applicability of Sole Source Aquifer, NPDES, and other laws and regulations to the project and design of drainage facilities.
- Develop estimates of effectiveness for alternative drainage facilities and mitigation measures.
- Prepare technical report with mapping & other graphics.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.40 Energy Studies

Perform all activities related to energy impact analysis for use in the environmental document, and prepare a technical report documenting study results.

- Perform modeling or use other analysis methods to predict future energy use with no project and all applicable alternatives.
- Verify applicability of energy-related laws and regulations to the project and design of drainage facilities.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.45 Summary of Geotechnical Report

Prepare summary of Preliminary Geotechnical Report for inclusion in the Draft Environmental Document.

- Review Preliminary Geotechnical Report
- Prepare abstract for inclusion in Environmental Document text.

165.10.55 Draft Right of Way Relocation Impact Document

Perform all activities related to relocation impact analysis for use in the Environmental Document, and prepare a technical report documenting study results.

- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.60 Location Hydraulic & Floodplain Study Reports

Perform all activities related to preparing a Location Hydraulic Study, including structures hydraulics, for use in the environmental document and Draft Project Report, and a flood plain study for use in the Environmental Document, and prepare a technical report or reports documenting study results.

Note: These studies are usually combined into one document since they address largely the same issues. The Location Hydraulic Study is a specific FHWA requirement where a project will encroach on a flood plain. The Flood plain Study may consider a broader range of issues than FHWA requires for the Location Hydraulic Study, and is usually part of the information required to deal with the Corps of Engineers in the 404 permit process.

- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.65 Paleontology Study

Tasks involved with the identification and evaluation of paleontological resources within the project's study area.

- Identification of geologic strata potentially affected by project related activities (including borrow sites, cuts and haul roads) and assessment of its potential to contain significant paleontological resources.
- Literature search of paleontological resources in the region.
- Consultation with paleontologists with expertise in the region.
- Develop preliminary mitigation plan, if necessary.
- Develop summary report of conclusions for inclusion in the Environmental Document.
- Prepare Paleontological Identification Report (PIR), if not prepared for PID.
- Prepare Paleontological Evaluation Report (PER).
- Prepare Paleontological Monitoring Plan (PMP).

165.10.70 Wild and Scenic Rivers Coordination

Tasks involved with the identification and evaluation of wild and scenic rivers within the project's study area.

- Identification of all river reaches officially designated as being part of the National Wild and Scenic River System and official "study" river.
- Identification of all river reaches officially designated as "wild", "scenic", or "recreational" by the California Resources Agency.
- Prepare summary report of conclusions for inclusion in the Environmental Document.

165.10.75 Environmental Commitments Record

Prepare and/or update the Environmental Commitments Record (ECR) and its associated documentation (e.g., Mitigation Monitoring and Reporting Record (MMRR) or Permits, Agreements and Mitigation (PAM)). In the case of a CE, transmit to Design for inclusion into the PS&E package. The ECR is used as a part of the Environmental input for the RE Pending File, Environmental Certification at RTL, and the Certificate of Environmental Compliance upon completion of construction of the project.

165.10.80 Hazardous Waste Initial Site Assessments/Investigations

Hazardous waste Initial Site Assessments (ISA) are required for all projects. This information should have been acquired during the previous phase in order to properly complete the PEAR and PID. If an ISA was not completed during the planning phase, its costs should be captured here.

165.10.85 Hazardous Waste Preliminary Site Investigations

Perform all activities related to one or more Preliminary Site Investigations (PSIs) as defined under procedures, and prepare a technical report documenting study results.

- Review and, if necessary, update Initial Site Assessment.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.99 Other Environmental Studies

All other work, during the General Environmental Studies efforts, not defined or covered in other 165.10 elements.

165.15 Biological Studies

Perform all activities related to preparing Biological Studies Reports necessary for the preparation of the project's Environmental Document related to the project.

- Review of project initiation package
- Conduct literature review and windshield study
- Review the Biology section of the Preliminary Environmental Assessment Report (PEAR)
- Review project documents and perform information search
- Evaluate which potential studies or surveys may be necessary
- Assess potential for biological resources to occur in project area
- Select protocols for conducting biological surveys
- Coordinate with SANBAG, Caltrans and resource agencies
- Conduct required focused surveys to determine presence/absence of federally and State-listed species within site during appropriate seasons, daytime hours, durations, and repetitions depending on the species and the protocol from the appropriate resource agency and with consideration to the project schedule.
- Resource agency and property owner notifications shall be made by the consultant, where required.
- Secure all required permits
- Record and map location of the species on an aerial photograph
- Prepare a Survey Report to include a report of findings:
 - Site location plotted on U.S. Geological Survey (USGS) 7.5-minute topographic map;
 - Description of survey methods including list of all biologists, acreage of habitat surveyed, and the number and dates of the surveys;

- Mapping of the precise location of any sensitive plants, if observed;
- Estimation of population numbers, if observed;
- If required prepare morphological analysis in order to differentiate the federally species form other related species.
- If trapping occurs, all animals captured will be identified to species, sexed, assessed for reproductive condition and age, marked, weighed, and released;
- If necessary provide relocation services; and
- Completed field forms for the appropriate resource agency showing the location of the sensitive species, if observed.

165.15.05 Biological Assessment

Perform all tasks related to endangered species and other studies required to complete a Biological Assessment report.

- Obtain endangered species list for project area.
- Perform presence/absence and other field studies.
- Determine effect on species.
- Perform formal and informal coordination with resource agencies and document the same.
- Prepare Biological Assessment Report.
- Prepare abstract (s) for inclusion in the Natural Environmental Study and Environmental Document
- Prepare memo discussing recommended and/or required mitigation measures

165.15.10 Wetlands Study

Perform all tasks related to identifying, studying project effects on, and determining mitigation for wetlands in the project area, and prepare a report.

- Coordinate endangered species information with Biological Assessment work.
- Delineate wetlands in the project area to Corps of Engineers standards, and obtain Corps approval of delineation.
- Evaluate, quantify, and map temporary and permanent impacts to the waters of the U.S.
- If required, prepare a hydrogeomorphic method (HGM), rapid assessment, or other reports
- Determine effect on species and amount/type of wetlands affected.
- Prepare technical report.
- Wetland Delineation materials
- Prepare abstract(s) for inclusion in Natural Environment Study and Environmental Document text.
- Memo discussing recommended and/or required mitigation measures

165.15.15 Resource Agency Permit Related Coordination

Effort involved directly with formal consultation and coordination required in order to complete the biological studies. This work may result from studies done under any of the other biological task areas and may be required in order to complete those studies. The purpose of separating this effort is to identify the workload involved with permit and mandatory consultation work in the

biology field. The intent of this activity is to gain consensus with the resource agencies on the impacts and mitigation's on the proposed alternatives necessary for completion of the Draft Environmental Document (DED).

- Obtain concurrence by the Corps of Engineers with initial purpose and need and range of alternatives, per NEPA/404 MOU requirements.
- Coordinate work with Biological Assessment, Wetlands Study, and Natural Environment Study work.
- Perform Section 7 and/or Section 10 consultation with the U.S. Fish & Wildlife Service.
- Perform formal consultation and obtain concurrence in biological and wetland studies under the NEPA/404 Coordination MOU process.
- Perform early consultation with California Department of Fish and Game regarding biology issues related to possible Section 1600 permits.
- Perform formal and informal biology-related coordination with other resource agencies as needed.
- Prepare and submit preliminary Section 404 permit application to the Army Corps of Engineers per NEPA/404 Memorandum of Understanding (MOU).
- Prepare and submit Section 408 permit application to the San Bernardino County Flood Control District
- Migratory Bird Act (U.S. Fish and Wildlife Service)
- Fish and Game Code 2081 or 2080.1 (California Department of Fish and Wildlife)
- Fish and Game code 1002 and Title 14 Sections 650 and 670.1 (California Department of Fish and Wildlife)

165.15.20 Natural Environment Study (NES) Report

Based on information developed in the Biological Assessment and Wetlands Study reports, and other information as directed by technical guidance, prepare a Natural Environment Study (NES) Report. This report is the master document covering compliance with biological study and consultation requirements, and providing language and mitigation measures for use in the Environmental Document.

- Review other biological study work.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.15.99 Other Biological Studies

All other work, during the Biological Studies efforts, not defined or covered in other 165.15 elements.

165.20 Cultural Resource Studies

Perform studies and prepare cultural resources (archaeological, historical, and architectural reports) in order to comply with the requirements of CEQA, NEPA, Section 106 of the National Historic Preservation Act, and Section 5024 of the California Public Resources Code. Included is consultation with Native American communities. Produce documentation (e.g., from FHWA

or State Historic Preservation Officer (SHPO)) that compliance with applicable Federal and/or state cultural resource laws and regulations has been achieved.

165.20.05 Archaeological Survey

Archaeological Survey Report (ASR) that details study methods and results.

165.20.05.05 Area of Potential Effects/Study Area Maps

Specialist will prepare an Area of Potential Effects (APE) maps for projects with a Federal nexus and Study Area maps for those with State-only involvement.

165.20.05.10 Native American Consultation

Consult with federally recognized tribes and California Indian traditional cultural leaders, unrecognized groups, and individuals on their concerns regarding project activities.

Simultaneously, these efforts also include identifying other cultural concerns and areas of cultural significance that a proposed project may impact and that, under environmental law, may need to be addressed. Consultation includes identification, evaluation, determination of effects, and treatment of archaeological resources. In addition, consultation includes identification of areas important to Native Americans that may be unrecognized by people outside the culture. These include sacred sites, plant-gathering areas, and certain historic properties that are referred to as Traditional Cultural Properties. This activity will include the following subtasks:

165.20.05.15 Records and Literature Search

165.20.05.20 Field Survey

165.20.05.25 Archaeological Survey Report (ASR)

165.20.05.99 Other Archaeological Survey Products

165.20.10 Extended Phase I Archaeological Studies

If required, specialist may be asked to prepare an Extended Phase I (XPI) study is an extension of the identification phase for archaeological resources, meeting the requirements of 36 CFR 800.4(b), “to identify historic properties within the area of potential effects,” and similar requirements under CEQA. The XPI Proposal is used to explain the reasons for the XPI study, to describe the proposed field methods, and will be used as the basis for determining when the study goals have been met and fieldwork can cease. Refer to the Standard Environmental Reference, Chapter 5, Section 5.5 for a complete discussion of Extended Phase I studies. Subtasks include:

165.20.10.05 Native American Consultation

165.20.10.10 Extended Phase 1 Proposal

165.20.10.15 Extended Phase I Field Investigation

165.20.10.20 Extended Phase I Materials Analysis

165.20.10.25 Extended Phase I Report

165.20.10.99 Other Extended Phase I Archaeological Study Products

All other work, during the Extended Phase I Archaeological Studies efforts, not defined or

covered in other 165.20.10 elements.

165.20.15 Phase II Archaeological Studies

A Phase II report is a technical report detailing the methods and results of Phase II studies for projects involving only one alternative or projects where all alternatives have the same impacts on all archaeological resources. Activities included are:

- 165.20.15.05 Native American Consultation
- 165.20.15.10 Phase II Proposal
- 165.20.15.15 Phase II Field Investigation
- 165.20.15.20 Phase II Materials Analysis
- 165.20.15.25 Phase II Report

165.20.15.99 Other Extended Phase II Archaeological Study Products

This task covers all other work, during the Extended Phase II Archaeological Studies efforts, not defined or covered in other 165.20.15 elements.

165.20.20 Historical and Architectural Resource Studies

Produce technical report(s) detailing the methods and results of the Historic and Architectural Resource studies. Activities included are:

- 165.20.20.05 Preliminary Area of Potential Effects/Study Area Maps for Architecture
- 165.20.20.10 Historic Resource Evaluation Reports - Archaeology
- 165.20.20.15 Historic Resource Evaluation Reports - Architecture
- 165.20.20.20 Bridge Evaluation

165.20.25 Cultural Resource Compliance Consultation Documents

Compliance documents submitted to FHWA and/or the State Historic Preservation Officer (SHPO) for concurrence regarding resource identification, significance, project effects, and mitigation measures. Activities included are:

- 165.20.25.05 Final Area of Potential Effects/Study Area Maps
- 165.20.25.10 PRC 5024.5 Consultation
- 165.20.25.15 Historic Property Survey Reports / Historic Resource Compliance Reports
- 165.20.25.20 Finding of Effect (FOE)
- 165.20.25.25 Archaeological Data Recovery Plan/Treatment Plan
- 165.20.25.30 Memorandum of Agreement (MOA)
- 165.20.25.99 Other Cultural Resource Compliance Consultation Products

165.25 Draft Environmental Document

Prepare Draft Environmental Document (DED) with all attachments or Categorical Exemption/Categorical Exclusion documentation. Conduct all necessary in-house and external reviews (NEPA and CEQA documents) and obtain U.S. DOT (Federal Highways (FHWA), FTA, or other Administration) approval to circulate NEPA Document.

165.25.05 Draft Environmental Document Analysis

Analyze technical studies and prepare DED (CEQA draft ND/IS or EIR; NEPA draft EA or EIS; typically combination CEQA/NEPA document). Activity includes the coordination of the studies required for the ED.

165.25.10 Section 4(f) Evaluation

For projects with USDOT involvement where the project “uses” public owned lands of a public park, recreation area or wildlife and waterfowl refuge of national, state, or local significance or historic or archaeological sites listed or eligible for the Nation Register of Historic Places are impacted by the project, Specialist will determine whether the “use” is de minimus or qualifies for a programmatic Section 4(f). Specialist will perform an analysis to determine whether there is one or more feasible and prudent avoidance alternatives to the “use” of the Section 4(f) p

165.25.15 Categorical Exemption / Categorical Exclusion (CE) Determination

Includes review, circulation and approval.

165.25.20 Environmental Quality Control & Other Reviews

Carry out formal and informal review of DED within Consultant’s firm and as a peer review activity, including all required quality control reviews. Revise DED as required addressing any comments. Prepare Quality Control Review Certification.

165.25.25 Approval to Circulate Resolution

Includes time and effort required to resolve comments.

165.25.99 Other Draft Environmental Document Products

All other work, during the Draft Environmental Document efforts, not defined or covered in other 165.25 elements.

175.05 DED Circulation

Preparation and circulation of the DED, this effort does not include the public hearing process and responding to comments.

175.05.05 Master Distribution and Invitation Lists

Update the project’s existing mailing list and prepare the distribution list for all interested individuals, groups, and governmental agencies.

175.05.10 Notices Regarding Public Hearing & Availability of Draft Environmental Document

This includes all efforts required to prepare and issue a Notice of Availability for the DED, mail notifications of the public hearing, either the published "Notice of Opportunity" or the first published public hearing notice.

175.05.15 DED Publication and Circulation

Includes formal public circulation period, publishing/reproduction (including both paper and electronic formats) and mailing of the DED. This activity does not include the public hearing process and responding to comments. Includes providing documents to SANBAG or Caltrans for transmittal of DED to CTC and preparation of CTC agenda item.

175.05.99 Other DED Circulation Products

All other work, during the DED Circulation efforts, not defined or covered in other 175.05 elements.

175.10 Public Hearing

Perform all tasks for the purpose of preparing and holding Public Hearing for a project.

175.10.05 Need for Public Hearing Determination

Based upon the response to the "Notice of Opportunity" for a public hearing, meetings are scheduled with the interested parties to determine if a public hearing is required.

175.10.10 Public Hearing Logistics

Arrange for Public Hearing Logistic - Includes all formal arrangements for the public hearing including:

- Select and obtain public hearing officer
- Obtain hearing room
- Obtain security
- Obtain court reporter
- Obtain language interpreters
- Prepare handouts

175.10.15 Displays for Public Hearing

Preparation of any displays, exhibits, equipment, signs, models, or other physical features for use at the public hearing.

175.10.20 Second Notices of Public Hearing and Availability of DED

This includes the second published and all subsequent public hearing notice and general publicity regarding the public hearing. Including:

- Display ads
- Flyers or newsletters mailed / distributed to residents and interested parties
- Notices on bulletin boards in public places
- Press release to all media
- Distribution of notices through schools and service clubs
- Copies of the notice sent to OPPD & FHWA
- Availability of DED

175.10.25 Map Display and Public Hearing Plan**175.10.30 Display Public Hearing Maps**

Includes either formal or informal display of the maps to be shown at the public hearing, prior to the public hearing.

175.10.35 Public Hearing

Includes all remaining activities relating to holding the public hearing.

175.10.40 Record of Public Hearing

Prepare record of public hearing.

175.10.99 Other Public Hearing Products

All other work, during the Public Hearing efforts, not defined or covered in other 175.10 elements.

175.15 Public Comment Responses and Correspondence

Includes the formal response to comments on the DED for the preparation of the Final Environmental Document (FED).

175.20 Project Preferred Alternative

Identify the project's preferred alternative to be carried forward in the Project Report (PR) and Final Environmental Document (FED).

- Assemble all the data needed to make the selection of the preferred alternative.
- PDT and other meetings to select the preferred alternative.
- Prepare and submit to the NEPA/404 Agencies, a request for concurrence with the Least Environmentally Damaging Practicable Alternative (LEDPA) determination and conceptual mitigation plan.

180.10.05 Approved Final Environmental Document

Includes efforts required to prepare and obtain approval of the Final Environmental Document (FED).

180.10.05.05 Draft Final Environmental Document Review

Includes reproduction of draft FED, performance of internal district and required QA/QC reviews, and documentation of comments received.

180.10.05.10 Revised Draft Final Environmental Document

Includes modification of Final Environmental Document (FED) in response to all comments received as a result of internal district and required QA/QC reviews and consideration of the following:

180.10.05.15 Section 4(f) Evaluation

180.10.05.20 Findings

180.10.05.25 Statement of Overriding Considerations

180.10.05.30 CEQA Certification

180.10.05.40 Section 106 Consultation and MOA

All technical studies, reports, coordination, and agreements associated with completing Section 106 Consultation for projects involving multiple alignments where the preferred alternative identified until after circulation of the Draft Environmental Document. Efforts may include:

- Performing Phase II Archaeological Studies for the Preferred Alternative (including Native American Consultation, proposal preparation, field investigations, analysis, and report preparation).
- Prepare and Process Supplemental Cultural Resources Compliance Documents for the Preferred Alternative (including preparation of Final Area of Potential Effect map, Supplemental Historic Property Survey Report, Finding of Effect, Archaeological Data Recovery Plan/Treatment Plan, and Memorandum of Agreement (MOA)).
- Processing of supplemental compliance documents through FHWA and/or the State Historic Preservation Officer for concurrence on resource significance, project effects, and mitigation measures.

180.10.05.45 Section 7 Consultation

If necessary perform the following:

- 180.10.05.50 Final Section 4(f) Statement
- 180.10.05.55 Floodplain Only Practicable Alternative Finding
- 180.10.05.60 Wetlands Only Practicable Alternative Finding
- 180.10.05.65 Section 404 Compliance

If necessary, obtain a permit, achieve acceptance of stipulations, or assist in constructing/coordination of some other agreement.

180.10.05.70 Mitigation Measures

Assist in determining mitigation measures, negotiating, finding and securing mitigation measures.

180.10.10 Public Distribution of FED and Respond To Comments

Includes publication/reproduction (including both paper and electronic formats), preparation of a transmittal letter, publication of the Notice of Availability, transmittal of copies of the Federal Register, and distribution of the Final Environmental Document (FED). Includes transmittal of Final Environmental Document (FED) to CTC, preparation of CTC agenda item and respond to comments on the FED.

180.10.15 Final Right of Way Relocation Impact Document

Complete and update the draft Right of Way Impact Study done during the DED phase.

180.10.99 Other FED Products

All other work, during the FED efforts, not defined or covered in other 180.10 elements.

180.15 Completed Environmental Document

Prepare the Notice of Determination (NOD) and Record of Decision (ROD) and obtain FHWA approval of the ROD.

180.15.05 Record of Decision (NEPA)

Includes efforts required to draft and obtain Federal approval of the Record of Decision

(ROD)

180.15.10 Notice of Determination (CEQA)

Includes preparation of Notice of Determination (NOD,) making and sending copies to HQ, CTC action, and filing with the Office of Planning and Research.

180.15.20 Environmental Commitments Record

Includes preparing or updating of the Environmental Commitments Record (ECR) and its associated documentation (e.g., Mitigation Monitoring and Reporting Record (MMRR) or Permits, Agreements, and Mitigation (PAM)) for transmission to Design for PS&E. The ECR is used as a part of the Environmental input for the RE Pending File, Environmental Certification at the conclusion of PS&E, and the Certificate of Environmental Compliance at the conclusion of construction.

180.15.99 Other Completed Environmental Document Products

All other work, during the Completed Environmental Document efforts, not defined or covered in other elements.

DESIGN PHASE

205.05 Required Permits

This activity includes all work required in order to determine what permits may be required or may not be required and for assisting in all activities leading to securing permits.

205.10 Permits

All work involved in obtaining permits, including:

- Discussions and negotiations with the permitting agency.
- Preparation of the permit and attachments such as exhibits, maps, etc.
- Obtain funds for any required permit fee.
- Submit permit application.

Partial listing of Permits:

205.10.05 U.S. Army Corps of Engineers Permit (404)

205.10.10 U.S. Forest Service Permit(s)

205.10.20 Department of Fish and Game 1600 Agreement(s)

205.10.30 Local Agency Concurrence/Permit

Perform any coordination necessary with the local agency(ies) to obtain concurrence from the appropriate local agency(ies) when state highway construction impacts existing local facilities.

205.10.40 Waste Discharge (NPDES) Permit(s)

Includes all effort needed to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

205.10.45 U.S. Fish and Wildlife Service Approval

Includes all effort needed to obtain Service approval.

205.10.50 Regional Water Quality Control Board 401 Permit

Includes all effort needed to obtain a 401 permit.

205.10.60 Updated ECR

Includes all efforts necessary to update the Environmental Commitments Record (ECR).

205.10.95 Other Permits

Includes all permits not listed above, such as flood control district or other permits.

CONSTRUCTION PHASE

235.05 Environmental Mitigation

All work involved in order to accomplish environmental mitigation as determined in the Final Environmental Document (FED) and associated regulatory permits and agreements.

235.05.05 Historical Structures Mitigation

All work to move, sell, rehabilitate, or provide landscape buffers for historic structures. Includes historic buildings and historic engineering features such as bridges, roads, trails, canals, and railroads.

- Marketing Plan
- Historic American Building Survey (HABS) recordation
- Historic American Engineering Record (HAER)
- Prepare mitigation report for FHWA, State Historic Preservation Office (SHPO), and Advisory Council on Historic Preservation (ACHP) submittal

235.05.10 Archaeological and Cultural Mitigation

Recover archaeological data (Phase III) and perform other research related to the site's National Register of Historic Places (NRHP) eligibility (excavation, analyses, report preparation, and distribution). This activity is only applicable when an archaeological site is eligible for the National Register of Historic Places for its research potential under Criterion "d". This activity also includes non-excavation work related to the data recovery. Publish Phase III final report on results of excavation and research, produce a curated collection, and fulfill mitigation requirements.

- Pre-excavation burial agreement with Native Americans.
- Arrangements for Native American monitors.
- Curation agreement.
- Site mapping.
- Right of Entry, if needed.
- Site visit with consultants and Native Americans.
- All field work.
- Analyses of recovered materials.
- Repatriations of human remains and sacred objects, if recovered.
- Preparation, submittal, and review of draft report on excavations
- Publish Phase III final report.
- Transfer collection and field notes and pay fees to curation facility.
- Transmit final report to FHWA, SHPO, ACHP, tribes, and the scientific community and obtain approval letters if required.

- Establish an Environmental Sensitive Area (ESA) to protect remaining portions of site.

235.05.15 Biological Mitigation

Perform the design and monitoring of all biological mitigation measures as outlined in the final environmental document and included as a part of the parent project that created the impact. In the event that permit renewals or extensions result in new or changed requirements, the Environmental Commitments Record (ECR) and related documents (e.g., MMRR), RE Pending File, Environmental Certification at RTL, and similar documents must also be updated.

- Prepare Mitigation Monitoring Plan
- Design and delineation of mitigation measures into project plans.
- Preparation of special provisions
- Reviews by affected units and regulatory agencies.
- Prepare and distribute monitoring reports.
- Prepare and submit permit renewal and extension requests to resource agencies.
- Train field personnel

235.05.25 Paleontology Mitigation

All tasks related to the monitoring for or recovery of paleontological resources affected by the project related activities, contract (or task order) oversight, coordination and monitoring of field work, report review.

- Prepare, review and update, as necessary, the Paleontological Mitigation Plan (PMP).
- Train field personnel, if required.
- Prepare reports on mitigation work .
- Prepare a Paleontological Stewardship Summary.

235.05.99 Other Environmental Mitigation Products

All other work, during the Environmental Mitigation efforts, not defined or covered in other elements.

235.10 Detailed Site Investigation for Hazardous Waste

Perform a detailed Site Investigation (SI) through development of a task order using the District/Region's on-call contract. The investigation should fully characterize the contamination, identify appropriate and feasible cleanup alternatives, and estimate cleanup costs.

235.10.05 Right or Permit for Hazardous Waste Site Investigations (SI)

Obtain right or permit to enter, or request the same from SANBAG, to access an identified property for the purpose of conducting a hazardous waste site investigation. Adequate time should be requested in the right or permit to ensure completion of the detailed SI.

235.10.10 Hazardous Waste Sites Survey

Determine which identified sites require a detailed site investigation.

235.10.15 Detailed Hazardous Waste Site Investigation SI

Develop a workplan for conducting a Detailed Site Investigation (DSI) and feasibility studies and/or conduct the detailed SI. Consultants work under the direction and control of SANBAG with coordination of the Caltrans District 8 Hazardous Waste Coordinator or other assigned staff.

235.15 Hazardous Waste Management Plan

The remedial investigation and feasibility studies of potential mitigation strategies for the site constitute the Hazardous Waste Management Plan (HWMP). A part of the HWMP is the Remedial Action Plan (RAP). This is the actual plan necessary for implementing the remediation.

- Develop RAP
- Review RAP and determine scope of HWMP
- Develop HWMP
- Approve HWMP

235.25 Hazardous Waste Clean-up

Hazardous Waste Technical Specialists provide support and/or manage remediation during construction. Prepare work plan, coordinate with resource/regulatory agencies, perform remediation and complete a cleanup report if required by a resource/regulatory agency.

235.30 Hazardous Substances Disclosure Document (HSDD)

Hazardous Waste Technical Staff prepare and approve the HSDD, including validation of site investigation findings and cleanup completed by others. If a proposed property acquisition is located outside the boundary of previous hazardous waste studies for the project, additional investigations may be needed before acquisition. If prior studies indicate that a situation exists where some action by the existing owner is required, progress of that action (including tank removal), if any, will be assessed and further recommendations made as needed before the HSDD can be approved.

- Review of R/W Certification for consistency with prior project scope.
- Field review of site
- Verification of status of any recommended remediation (tank removal) by owner
- Preparation and approval of the Certificate of Sufficiency for acquisition

235.35 Long Term Mitigation Monitoring

Work involved in the monitoring of mitigation sites over an extended period to ensure compliance with objectives of the permit issued by the regulatory agency.

- Field review of site
- Develop and submit performance reports to the regulatory agency
- Perform remedial action to correct deficiencies

235.40 Updated Environmental Commitments Record

Includes all efforts necessary to update the Environmental Commitments Record (ECR) and its associated documentation (e.g., Mitigation Monitoring and Reporting Record (MMRR) or Permits, Agreements, and Mitigation (PAM)) prepared. The updated ECR must be coordinated

with Design. The ECR is used as a part of the Environmental input for the RE Pending File, Environmental Certification at the conclusion of PS&E, and the Certificate of Environmental Compliance at the conclusion of construction.

255.15 Environmental Reevaluation

This activity is initiated when there are changes in any factors that might affect the validity of the project's Environmental Document (ED) or CE Determination. Pertinent factors include, but are not limited to, changes in the project scope, identification of new issues, and changes in laws or regulations as they apply to the project. Reevaluation is required for Federal nexus projects at each project decision point and three years after completion of the ED or CE. In the event that permit renewals or extensions result in new or changed requirements, the Environmental Commitments Record, Mitigation Monitoring and Reporting Record, RE Pending File, and similar documents must also be updated.

Note: FED's are only valid for three years; consequently this activity may be required more than once. Technical studies that may be required to assess the new impacts includes but is not limited to: biological, archaeological, visual and noise studies.

- Drafting review and approval of the reevaluation.
- Prepare and submit permit renewal and extension requests to resource agencies.

260.75 Environmental Certification at RTL

This activity includes all environmental work necessary to review the PS&E and for the Environmental Branch Chief, or designee, to complete the Environmental Certification. NOTE: This Certification is based on a "snapshot" of the Environmental Commitments Record (ECR), or similar document (e.g., Mitigation Monitoring and Reporting Record), which is also used to provide Environmental's staff input for the Resident Engineer's File.

195.40.30 Hazardous Waste and Hazardous Materials

Monitoring state-owned properties for potential hazardous waste and hazardous materials. Includes coordinating with the Caltrans and tenants for cleanup.

295.35 Certificate of Environmental Compliance

The purpose of the certificate is to document the Department's environmental compliance efforts for all measures specified in final environmental (or other project) documents and to inform all project stakeholders (including regulatory agencies) as to the outcome of the mitigation efforts. The information contained in this Certificate should be based on the Environmental Commitments Record (ECR), or similarly summary, initiated during PA&ED.

The ECR is also used for Environmental Certification at RTL and for input into the RE Pending File. The Certificate should contain, as a minimum, the following information summaries:

- Brief project descriptions including county, route, PM, and EA
- Impacts
- Mitigation associated with each impact
- Mitigation completed according to agreements and the agency with which that agreement was reached and the date it was completed.

- Mitigation not completed according to agreements, why it was not so accomplished, what was done instead, and when that was completed.
- Updated Environmental Commitments Records (or similar, e.g., Mitigation Monitoring and Reporting Record) to cover any on-going future commitments (copies must be provided to the impacted units (e.g., Maintenance).

295.40 Long Term Environmental Mitigation/Mitigation Monitoring After Construction Contract Acceptance

This task includes mitigation or monitoring of mitigation after Construction Contract Acceptance over an extended period to ensure compliance with resource and regulatory agency permits and agreements. The updated Environmental Commitments Records should be filed with SANBAG as evidence that SANBAG has met its obligation to fully document environmental compliance efforts for projects.

- 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: 14

Date: *December 3, 2014*

Subject:

2014/2015 Fiscal Year Budget Amendment for Task 0886, Colton Quiet Zone

Recommendation:

That the Board of Directors, acting in its capacity as the San Bernardino County Transportation Authority:

Amend the 2014/2015 Fiscal Year Budget to increase the budget for Task 0886, Colton Quiet Zone, by adding \$3,000,000.00 of Measure I Valley Fund – Freeway Projects (4110).

Background:

The Colton Quiet Zone Project (Project) would improve two BNSF Railway Company (BNSF) at-grade railroad crossings at Valley Boulevard and Olive Street and construct cul-de-sacs at the E Street and H Street to eliminate the existing railroad at-grade crossings. This will establish a railroad quiet zone within the City of Colton limits. The project is funded through Measure I savings from the Interstate 215 (I-215) Bi-County Project through an approved four-party Funding Agreement, Contract No. C12053, between SANBAG, BNSF, City of Colton, and Union Pacific Railroad (UPRR).

In early 2012, a construction cooperative agreement with the City of Colton (Contract No. C12006) and a three-party construction and maintenance agreement with the City of Colton (City) and BNSF (Contract No. C12007) were executed. Under these agreements, the City agreed to administer the construction phase of the project with funding being provided by SANBAG.

In late 2013, the City awarded a construction contract for the quiet zone improvements. At that time the City and Staff anticipated that construction would be completed within Fiscal Year 2013/2014. As such, staff included anticipated funding needs in the Fiscal Year 2013/2014 budget. Due to numerous issues, however, including BNSF staffing challenges and unavailability of BNSF resources to perform the railroad related improvements, the project was delayed. In mid-2014, construction began on the project and is now scheduled for completion in early 2015. This project delay was not anticipated in the Fiscal Year 2014/2015 budget. As such, Staff is now recommending a budget amendment to increase the Fiscal Year 2014/2015 budget for Task 0886 by adding \$3,000,000.00 of Measure I Valley Fund – Freeway Projects. Staff would like to note that the funding source for Task 0886 will be changed from 1990 Measure I to 2010-2040 Measure I so the remaining 1990 Measure I balance can be preserved for projects that are included in the 1990 Measure I program only. This budget is consistent with SANBAG's funding commitments per agreement C12006 and C12007.

Entity: CTA

Board of Directors Agenda Item

December 3, 2014

Page 2

Financial Impact:

This item proposes to amend the Fiscal Year 2014/2015 budget by increasing task 0886, Colton Quiet Zone, by \$3,000,000 of Measure I Valley Fund - Freeway Projects (4110).

Reviewed By:

This item was reviewed and recommended for approval (14-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on November 13, 2014.

Responsible Staff:

Garry Cohoe, Director of Project Delivery

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Minute Action

AGENDA ITEM: 15

Date: *December 3, 2014*

Subject:

Interstate 10 (I-10) University Street Project

Recommendation:

That the Board of Directors, acting in its capacity as the San Bernardino County Transportation Authority:

A. Approve award of Contract No. C14163 with ADVANTEC Consulting Engineering, Inc. for I-10 University Street Interchange Project Professional Services for the Permit Engineering Evaluation Report, the Project Approval & Environmental Document, the Plans, Specifications, and Estimates, and Design Support Services during the Right-of-Way and construction phases in an amount not-to-exceed \$881,643.

B. Approve a contingency amount for Contract No. C14163 of \$88,164 and authorize the Executive Director or designee to release contingency as necessary for the project.

Background:

On January 14, 2014, the SANBAG Executive Director authorized the advertisement of Request for Proposal (RFP) 14047 for Professional Services for the University Street Interchange Project at I-10 in the City of Redlands in accordance with SANBAG Contracting Procurement Policy 11000, Section VII.B.1. The scope of work for the lump sum RFP included Permit Engineering Evaluation Report, the Project Approval & Environmental Document, the Plans, Specifications, and Estimates, and Design Support Services during the Right-of-Way and Construction phases.

On January 21, 2014, RFP 14047 was released and published on SANBAG's website. Approximately 248 firms were notified of the RFP. A pre-proposal conference was held on February 13, 2014, which was attended by 21 people representing 18 firms. On March 6, 2014, three proposals were received: ADVANTEC Consulting, KOA and TCR.

During the evaluation of the proposals, the Board of Directors clearly voiced concern over lump sum reimbursement contracts when considering a cost increase on a lump sum contract for Interstate 215 at Mount Vernon/Washington. As a result of the Board's concern, staff terminated the ongoing solicitation, redrafted the RFP and contract to eliminate the lump sum reimbursement references and to identify the reimbursement type as "specified hourly rate".

On June 12, 2014, the SANBAG Executive Director authorized the advertisement of the Request for Proposal (RFP) 14163 with a specified hourly rate contract. This revised solicitation was released and published on SANBAG's website on June 13, 2014. Approximately 342 firms were notified of the RFP. A pre-proposal conference was held on June 25, 2014, which was

Entity: CTA

Board of Directors Agenda Item
 December 3, 2014
 Page 2

attended by 16 people representing 12 firms. On July 23, 2014, five proposals were received. The five firms and location are listed below in alphabetical order:

Firm & Location

ADVANTEC Consulting Engineering, Inc.
 Ontario, CA

CH2MHILL
 Riverside, CA

Hernandez, Kroone & Associates
 San Bernardino, CA

KOA Corporation
 Ontario, CA

TRC
 Irvine, CA

An evaluation committee consisting of representatives from the City of Redlands, Department of Transportation (Caltrans), and SANBAG evaluated the proposals based on the following evaluation criteria:

- Qualifications of the Firm
- Staffing and Project Organization
- Work Plan

Since the work being performed is considered Architectural & Engineering Services, cost and price is not considered evaluation criteria pursuant to the Brooks Act. The evaluation criteria are consistent with other similar procurements. For the proposal, the work plan and the proposed staffing had the same weight and importance. The RFP identified that overall scoring would weigh the interview and the technical proposal as 60% and 40%, respectively.

On August 6, the evaluation committee reviewed all proposals based on the evaluation criteria. Scores for two of the firms were substantially higher than the scores of the remaining three firms. As a result, the evaluation committee interviewed the two firms most technically qualified (listed below in alphabetical order):

- ADVANTEC Consulting Engineering, Inc.
- KOA Corporation

Interviews were held on August 19, 2014. The selection panel unanimously agreed that ADVANTEC Consulting Engineering, Inc. was the most qualified to provide the services requested. The selection panel was impressed with the project manager, who demonstrated leadership and exhibited a cohesive team. Together the project manager and team identified

Board of Directors Agenda Item

December 3, 2014

Page 3

project challenges and provided solutions from a perspective and approach that was location specific and comprehensive, with an emphasis on coordination. In addition, they provided distinctive detailed knowledge of procedures and processes, demonstrating in depth experience.

Staff recommends approval of Contract No. C14163 with ADVANTEC Consulting Engineering, Inc. for I-10 University Street Interchange Project in an amount not-to-exceed \$881,643; establishment of a contingency amount for Contract No. C14163 of \$88,164 and authorization of the Executive Director or designee to release contingency as necessary for the project. This contract and contingency amount exceeds the estimate in the cooperative agreement between SANBAG and the City of Redlands. The City has approved proceeding to award of contract while the cooperative agreement is updated to include the award amount and the current total project cost estimate. The award amount also exceeds the estimate in the Ten-Year Delivery Plan; staff has confirmed that there is sufficient cash flow to support the award.

Financial Impact:

This item is consistent with the adopted SANBAG Fiscal Year 2014/2015 budget under Task No. 0899. The funding sources are MSI Valley Freeway Interchange Fund and City of Redlands.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Board of Directors Metro Valley Study Session on November 13, 2014. SANBAG General Counsel and Procurement Manager have reviewed this item and a draft of the contract.

Responsible Staff:

Paula Beauchamp, Project Delivery Manager

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

CONTRACT No. C14163**BY AND BETWEEN****SANBAG****AND****ADVANTEC CONSULTING ENGINEERS, INC.****FOR****PERMIT ENGINEERING EVALUATION REPORT, THE PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT, PLANS, SPECIFICATIONS, AND ESTIMATES, AND DESIGN SUPPORT SERVICES DURING THE RIGHT-OF-WAY AND CONSTRUCTION PHASES OF THE INTERSTATE 10/UNIVERSITY INTERCHANGE PROJECT**

This contract (referred to as “Contract”), is made and entered into by and between the San Bernardino Associated Governments, acting in its capacity as San Bernardino County Transportation Authority, (“SANBAG”), whose address is 1170 W. 3rd Street, 2nd Floor, San Bernardino, California 92410-1715; and ADVANTEC Consulting Engineers, Inc. (“CONSULTANT”) whose address is: 3200 Guasti Road, Suite 100, Ontario CA 91761. SANBAG and CONSULTANT are each a “Party” and collectively the “Parties”.

RECITALS:

WHEREAS, SANBAG requires engineering services Work as described in Exhibit A of this Contract and;

WHEREAS, CONSULTANT has confirmed that CONSULTANT has the requisite professional qualifications, personnel and experience and is fully capable and qualified to perform the services identified herein; and

WHEREAS, CONSULTANT desires to perform all Work identified herein and to do so for the compensation and in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, the Parties agree as follows:

ARTICLE 1. INTRODUCTION

- 1.1 The work to be performed under this Contract is described in Article 2. entitled “Project Description/Scope of Work” and the approved CONSULTANT’s cost proposal dated October 8, 2014. The approved CONSULTANT’s Cost Proposal is attached hereto as Exhibit B and incorporated herein by reference. If there is any conflict between the approved Cost Proposal and this Contract, the Contract takes precedence.
- 1.2 CONSULTANT agrees to indemnify and hold harmless SANBAG, its officers, agents and employees from any and all claims, demands, costs, or liability arising from or connected with the services provided hereunder due to negligent acts, errors, or omissions of the CONSULTANT. The CONSULTANT will reimburse SANBAG for any expenditure, including reasonable attorney fees, incurred by SANBAG in defending against claims ultimately determined to be due to negligent acts, errors, or omissions of the CONSULTANT.
- 1.3 CONSULTANT and the agents and employees of CONSULTANT, in the performance of this Contract, shall act in an independent capacity and not as officers or employees or agents of SANBAG.
- 1.4 SANBAG may terminate this Contract with CONSULTANT should CONSULTANT fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination, SANBAG may proceed with the Work in any manner deemed proper by SANBAG. If SANBAG terminates this Contract with CONSULTANT, SANBAG shall pay CONSULTANT the sum due to CONSULTANT under this Contract prior to termination, unless the cost of completion to SANBAG exceeds the funds remaining in the Contract. In which case the overage shall be deducted from any sum due CONSULTANT under this Contract and the balance, if any, shall be paid to CONSULTANT upon demand.
- 1.5 Without the written consent of SANBAG, this Contract is not assignable by CONSULTANT either in whole or in part.
- 1.6 No alteration or variations of the terms of this Contract shall be valid, unless made in writing and signed by the Parties hereto; and no oral understanding or agreement not incorporated herein, shall be binding on any of the Parties hereto.
- 1.7 The consideration to be paid to CONSULTANT as provided herein, shall be in compensation for all of CONSULTANT’s expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.
- 1.8 SANBAG’s Project Manager for this Contract is Andrea Nieto. The Term “SANBAG” as identified in this Contract refers to SANBAG’s Project Manager, unless defined elsewhere in this Contract.

ARTICLE 2. PROJECT DESCRIPTION/SCOPE OF WORK

CONSULTANT agrees to perform the work and services set forth in Exhibit “A”--Scope of Work, (“Work”), in accordance with all applicable professional architectural, engineering, construction management, land surveying and/or materials testing standards which are generally accepted in the State of California, in accordance with the terms and conditions expressed herein and in the sequence, time, and manner defined herein. The word “Work”, as used herein, includes without limitation, the performance, fulfillment and discharge by CONSULTANT of all obligations, duties, tasks, and Work imposed upon or assumed by CONSULTANT hereunder; and the Work performed hereunder shall be completed to the satisfaction of SANBAG, with their satisfaction being based on prevailing applicable professional standards.

ARTICLE 3. CONSULTANT’S REPORTS OR MEETINGS

- 3.1 CONSULTANT shall submit progress reports at least once a month. The report should be sufficiently detailed for SANBAG to determine, if CONSULTANT is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- 3.2 CONSULTANT’s Project Manager shall meet with SANBAG, as needed, to discuss progress on the Contract.

ARTICLE 4. PERFORMANCE PERIOD

- 4.1 This Contract shall go into effect on January 5, 2015, contingent upon approval by SANBAG, and CONSULTANT shall commence work after written notification to proceed by SANBAG. The Contract shall end on December 31, 2019, unless extended by written amendment.
- 4.2 CONSULTANT is advised that any recommendation for contract award is not binding on SANBAG until the Contract is fully executed and approved by SANBAG.

ARTICLE 5. ALLOWABLE COSTS AND PAYMENTS

- 5.1 Total compensation to CONSULTANT for full and complete performance of the Scope of Work in compliance with all the terms and conditions of this contract shall be on a Specified Rates of Compensation basis for all obligations incurred in, or application to, Consultant’s performance of Services and for which CONSULTANT shall furnish all personnel, facilities, equipment, materials, supplies, and services (except as may be explicitly set forth in this Contract as furnished by SANBAG), and shall not exceed \$881,643.00, unless authorized by a contract amendment. CONSULTANT is paid at an agreed and supported specific fixed hourly, daily, weekly or monthly rate, for each class of employee engaged directly in the work. Such rates of pay include the consultant’s estimated costs and net fee (profit). The specific rates of compensation, except for an individual acting as a sole proprietor, are to include an hourly breakdown, direct salary costs, fringe benefits, indirect costs, and net fee as set forth in Attachment B, which is attached herein and by this reference, incorporated in and made part of this Contract.
- 5.2 Escalation shall be at a specific rate, as shown on the Bureau of Labor Statistics Employment Cost Index for Total Compensation for private industry workers-Table 5 or

its successor. The Employment Cost Index will be annually adjusted, apply to total benefits for the private industry economic sector, not be seasonally adjusted, but will include a 12-month percent change. Escalation shall commence as of January 1, 2016, and then shall be applied each January 1st for the term of the Contract.

- 5.3 Specific tasks have been assigned to CONSULTANT as identified in the attached Scope of Work.
- 5.4 CONSULTANT will be reimbursed for hours worked at the hourly rates specified in CONSULTANT's Cost Proposal, Attachment B herein. The specified hourly rates shall include direct salary costs, employee benefits, overhead, and fee. These rates are not adjustable for the performance period set forth in this Contract, except as noted under Article 5.2 for escalation.
- 5.5 In addition, CONSULTANT will be reimbursed for incurred (actual) direct costs other than salary costs identified in Attachment B.
- 5.6 Reimbursement for transportation and subsistence costs shall not exceed the rates specified in Attachment B. Any travel expenses must be preapproved, in writing by SANBAG and shall be reimbursed per diem at a rate not to exceed the currently authorized rates for state employees under the State Department of Personnel Administration rules. SANBAG will not reimburse CONSULTANT for any expenses not identified in Attachment B or agreed to and approved by SANBAG as required under this Contract.
- 5.7 When milestone cost estimates are included in Attachment B, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from SANBAG's Project Manager before exceeding such cost estimate.
- 5.8 Progress payments will be made monthly in arrears based on services provided and allowable costs incurred. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Scope of Work, SANBAG shall have the right to delay payment or terminate this Contract in accordance with the Termination provisions of this Contract.
- 5.9 CONSULTANT shall not commence performance of Work until this Contract has been approved by SANBAG's Awarding Body, and a NTP has been issued by SANBAG's Contract Administrator. No payment will be made prior to approval of any Work, nor for any Work performed prior to approval of this Contract.
- 5.10 CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit upon receipt by SANBAG of an itemized invoice in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of Work for which CONSULTANT is billing. Invoices shall follow the format stipulated by SANBAG and shall reference this contract number. Each invoice shall detail the Work performed on each milestone and each project as applicable. Credits due SANBAG that include any equipment purchased under this Contract, must be reimbursed by CONSULTANT prior to the expiration or termination of this Contract. Invoices shall follow the format stipulated by SANBAG and

shall reference this Contract number and Project title. Invoices shall be mailed to SANBAG at the following address:

SANBAG
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715
Contract No. C14163
Attention: Accounts Payable

- 5.11 CONSULTANT shall include a statement and release with each invoice, satisfactory to SANBAG, that CONSULTANT has fully performed the Work invoiced pursuant to this Contract for the period covered, that all information included with the invoice is true and correct and that all payments to and claims of CONSULTANT and its subconsultants for Work performed during the period will be satisfied upon making of such payment. SANBAG shall not be obligated to make payments to CONSULTANT until CONSULTANT furnishes such statement and release.
- 5.12 CONSULTANT agrees to promptly pay each subconsultant for the satisfactory completion of all Work performed under this Contract, no later than ten (10) calendar days from the receipt of payment from SANBAG. SANBAG reserves the right to request documentation from CONSULTANT showing payment has been made to its subconsultants. SANBAG also reserves the right, at its own sole discretion, to issue joint checks to CONSULTANT and any subconsultant(s), which shall constitute payment to CONSULTANT in compliance with the terms of this Contract.
- 5.13 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Ch. 1, Subch. E, Part 31, is subject to repayment by CONSULTANT to SANBAG.
- 5.14 All subcontracts in excess of \$25,000 shall contain the provisions of this Article.

ARTICLE 6. TERMINATION

- 6.1 Termination for Convenience - SANBAG shall have the right at any time, with or without cause, to terminate further performance of Work by giving thirty (30) calendar days written notice to CONSULTANT specifying the date of termination. On the date of such termination stated in said notice, CONSULTANT shall promptly discontinue performance of Work and shall preserve Work in progress and completed Work, pending SANBAG's instruction, and shall turn over such Work in accordance with SANBAG's instructions.
- 6.1.1 CONSULTANT shall deliver to SANBAG, all deliverables prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SANBAG. Upon such delivery, CONSULTANT may then invoice SANBAG for payment in accordance with the terms herein.
- 6.1.2 If CONSULTANT has fully and completely performed all obligations under this Contract up to the date of termination, CONSULTANT shall be entitled to receive from SANBAG as complete and full settlement for such termination a pro rata

share of the Contract cost based upon the percentage of all contracted Work satisfactorily executed to the date of termination.

- 6.1.3 CONSULTANT shall be entitled to receive the actual costs incurred by CONSULTANT to return CONSULTANT's tools and equipment, if any, to it or its suppliers' premises, or to turn over Work in progress in accordance with SANBAG's instructions plus the actual cost necessarily incurred in effecting the termination.
- 6.2 Termination for Cause - In the event CONSULTANT shall file a petition in bankruptcy court, or shall make a general assignment for the benefit of its creditors, or if a petition in bankruptcy shall be filed against CONSULTANT or a receiver shall be appointed on account of its insolvency, or if CONSULTANT shall default in the performance of any express obligation to be performed by it under this Contract and shall fail to immediately correct (or if immediate correction is not possible, shall fail to commence and diligently continue action to correct) such default within ten (10) calendar days following written notice, SANBAG may, without prejudice to any other rights or remedies SANBAG may have, and in compliance with applicable Bankruptcy Laws, (a) hold in abeyance further payments to CONSULTANT; (b) stop any Work of CONSULTANT or its subconsultants related to such failure until such failure is remedied; and/or (c) terminate this Contract by written notice to CONSULTANT specifying the date of termination. In the event of such termination by SANBAG, SANBAG may take possession of the products and finished Work by whatever method SANBAG may deem expedient. A waiver by SANBAG of one default of CONSULTANT shall not be considered to be a waiver of any subsequent default of CONSULTANT, of the same or any other provision, nor be deemed to waive, amend, or modify this Contract.
- 6.2.1 CONSULTANT shall deliver to SANBAG all finished and unfinished deliverables under this Contract prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SANBAG within ten (10) working days of said notice.
- 6.3 All claims for compensation or reimbursement of costs under any of the foregoing provisions shall be supported by documentation submitted to SANBAG, satisfactory in form and content to SANBAG and verified by SANBAG. In no event shall CONSULTANT be entitled to any payment for prospective profits or any damages because of such termination.

All subcontracts in excess of \$25,000 shall contain the above provisions.

ARTICLE 7. FUNDING REQUIREMENTS

- 7.1 It is mutually understood between the Parties that this Contract may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both Parties, in order to avoid program or fiscal delays that would occur if the Contract were executed after that determination was made.
- 7.2 This Contract is valid and enforceable only, if sufficient funds are made available to SANBAG for the purpose of this Contract. In addition, this Contract is subject to any additional restrictions, limitations, conditions, or any statute enacted by Congress, State

Legislature, or SANBAG governing board that may affect the provisions, terms, or funding of this Contract in any manner.

- 7.3 It is mutually agreed that if sufficient funds are not appropriated, this Contract may be amended to reflect any reduction in funds.
- 7.4 SANBAG has the option to void the Contract under the 30-day cancellation clause, or by mutual agreement to amend the Contract to reflect any reduction of funds.

ARTICLE 8. CHANGE IN TERMS

- 8.1 This Contract may be amended or modified only by mutual written agreement of the Parties.
- 8.2 CONSULTANT shall only commence Work covered by an amendment after the amendment is executed and the NTP has been provided by SANBAG.
- 8.3 There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved cost proposal, which is part of this Contract without prior written approval of SANBAG.

ARTICLE 9. DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

- 9.1 SANBAG has not set a project specific DBE goal for this project. SANBAG does encourage the use of small and DBE firms in the all of their contracting.

ARTICLE 10. COST PRINCIPLES

- 10.1 CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR Federal Acquisition Regulations System, Chapter 1, Part 31.000 et. seq., shall be used to determine the cost allowability of individual items.
- 10.2 CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- 10.3 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 49 CFR Part 18 and 48 CFR Federal Acquisition Regulations System, Chapter 1, Part 31.000 et. seq., are subject to repayment by CONSULTANT to SANBAG.

ARTICLE 11. CONTINGENT FEE

CONSULTANT warrants, by execution of this Contract, that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, SANBAG has the right to terminate the Contract without liability, pay only for the value of the Work actually performed,

or in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

ARTICLE 12. RETENTION OF RECORDS/AUDIT

12.1 For the purpose of determining compliance with Public Contract Code section 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Contract pursuant to Government Code section 8546.7; CONSULTANT, and subconsultants shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Contract, including but not to, the costs of administering the Contract. All Parties shall make such materials available at their respective offices at all reasonable times during the Contract period and for three years from the date of final payment under the Contract. The state, State Auditor, SANBAG, FHWA, or any other duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT that are pertinent to the Contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.

12.2 Subcontracts in excess of \$25,000 shall contain this provision.

ARTICLE 13. DISPUTES

13.1 Any dispute, other than audit, concerning a question of fact arising under this Contract that is not disposed of by agreement shall be decided by a committee consisting of SANBAG's Contract Administrator and SANBAG's Executive Director who may consider written or verbal information submitted by CONSULTANT.

13.2 Not later than 30 days after completion of all deliverables necessary to complete the plans, specifications and estimate, CONSULTANT may request review by SANBAG's Executive Director of unresolved claims, disputes, other than audit. The request for review will be submitted in writing.

13.3 Neither the pendency of a dispute, not its consideration by SANBAG's Executive Director excuse CONSULTANT from full and timely performance in accordance with the terms of this Contract.

ARTICLE 14. AUDIT REVIEW PROCEDURES

14.1 Any dispute concerning a question of fact arising under an interim or post audit of this Contract that is not disposed of by agreement, shall be reviewed by SANBAG's Chief Financial Officer.

14.2 Not later than 30 days after issuance of final audit report, CONSULTANT may request a review by SANBAG's Chief Financial Officer of unresolved audit issues. The request for review must be submitted in writing.

14.3 Neither the pendency of a dispute, not its consideration by SANBAG will excuse CONSULTANT from full and timely performance, in accordance with the terms of this Contract.

14.4 CONSULTANT and subconsultants' contracts, including cost proposals and indirect cost

rates (ICR), are subject to audits or reviews such as, but not limited to, a Contract Audit, an Incurred Cost Audit, an ICR Audit, or a certified public accountant (CPA) ICR Audit Workpaper Review. If selected for an audit or review, the Contract, cost proposal and ICR and related workpapers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR Audit Workpaper Review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's workpapers. The Contract, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by SANBAG's Project Manager to conform to the audit or review recommendations. CONSULTANT agrees that individual items of cost identified in the audit report may be incorporated into the Contract by this reference if directed by SANBAG at SANBAG's sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the Federal, State, or local governments have access to CPA workpapers, will be considered a breach of Contract terms and cause for termination of the Contract and disallowance of prior reimbursed costs.

ARTICLE 15. SUBCONTRACTING

- 15.1 CONSULTANT shall perform the Work contemplated with resources available within its own organization; and no portion of the Work pertinent to this Contract shall be subcontracted without prior written authorization by SANBAG, except, that which is expressly identified in the approved Cost Proposal.
- 15.2 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all the provisions stipulated in this Contract to be applicable to subconsultants.
- 15.3 Any substitution of subconsultants must be approved in writing by SANBAG prior to the start of Work by the subconsultant.

ARTICLE 16. EQUIPMENT PURCHASE

- 16.1. Prior authorization in writing, by SANBAG shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- 16.2. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding \$5,000 prior authorization by SANBAG; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.
- 16.3. Any equipment purchased as a result of this Contract is subject to the following: "CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, SANBAG shall receive a proper refund or credit at the conclusion of the Contract, or if the Contract is terminated, CONSULTANT may either keep the equipment and credit SANBAG in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with

established SANBAG procedures; and credit SANBAG in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to SANBAG and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by SANBAG." 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the project.

16.4 All subcontracts in excess \$25,000 shall contain the above provisions.

ARTICLE 17. INSPECTION OF WORK

CONSULTANT and any subconsultant shall permit SANBAG, the state, and the FHWA if federal participating funds are used in this Contract; to review and inspect the project activities and files at all reasonable times during the performance period of this Contract including review and inspection on a daily basis.

ARTICLE 18. SAFETY

- 18.1 CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by SANBAG and SANBAG representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.
- 18.2 Pursuant to the authority contained in Section 591 of the Vehicle Code, SANBAG has determined that such areas are within the limits of the Project and are open to public traffic. CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.
- 18.3 Any subcontract entered into as a result of this Contract, shall contain all of the provisions of this Article.
- 18.4 CONSULTANT must have a Division of Occupational Safety and Health (CAL-OSHA) permit(s), as outlined in California Labor Code Sections 6500 and 6705, prior to the initiation of any practices, work, method, operation, or process related to the construction or excavation of trenches which are five feet or deeper.

ARTICLE 19. INSURANCE

Without anyway affecting the indemnity provision identified in this Contract, CONSULTANT shall, at the CONSULTANT's sole expense, and prior to the commencement of any Work, procure and maintain in full force, insurance with carriers and with terms and conditions acceptable to SANBAG through the entire term of this Contract. The policies shall be written by a carrier authorized to do business in the State of California with a recent A.M. Best rating of A-VII or better, and shall be written with at least the following limits of liability:

- 19.1 Professional Liability – CONSULTANT, at its own cost and expense, must maintain for

the period covered by this Contract, Professional Liability Insurance in an amount not less than \$1,000,000, per claim and \$3,000,000 in the aggregate for all claims. Coverage shall be solely dedicated to claims arising from professional services provided under this Contract. Professional Liability shall be made on a claims made basis. If such policy contains a retroactive date for coverage of prior acts, this date will be prior to the date the CONSULTANT begins to perform Work under this Contract. CONSULTANT shall secure and maintain this insurance and “tail” coverage throughout the term of this Contract and for a minimum of three (3) years after Contract completion.

- 19.2 Worker’s Compensation - Worker’s Compensation insurance shall be provided in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employers Liability with \$1,000,000 per occurrence covering all persons providing labor or services on behalf of CONSULTANT and all risks to such persons under this Contract.
- 19.3 Employer’s Liability- Employer’s Liability insurance shall include coverage in the amount of \$1,000,000 for Bodily injury per accident, a policy limit of \$1,000,000 Bodily Injury by Disease and \$1,000,000 Bodily Injury by Disease for each employee.
- 19.4 Commercial General Liability – Commercial General Liability insurance shall include coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products/Completed Operations Liability, Personal Injury Liability, Broad-Form Property Damage and Independent Contractors Liability, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and \$2,000,000 in the aggregate written on an occurrence form. Also included shall be \$1,000,000 in the aggregate for Personal/Advertising, \$100,000 for Damages to Rented Premises, and \$10,000 for Medical Expenses. For products and completed operations a \$2,000,000 aggregate shall be provided. Commercial General Liability insurance is to be primary and non-contributory with any insurance carried or administered by SANBAG.
- 19.5 Automobile Liability - To include owned, non-owned and hired automobiles, in an amount of not less than \$1,000,000 combined single limit.
- 19.6 Proof of Coverage - CONSULTANT shall furnish certificates of insurance to SANBAG evidencing the insurance coverage required above, prior to the issuance of the NTP, or as SANBAG requests. All such certificates, except those for Worker’s Compensation and Professional Liability insurance, shall include San Bernardino County Transportation Authority, San Bernardino Associated Governments and all of its associated entities and capacities, including the San Bernardino County Transportation Commission, San Bernardino Congestion Management Agency and Service Authority for Freeway Emergencies, and their officers, employees, agents and volunteers, as additional insureds on Commercial General Liability Insurance and Automobile Liability insurance. Prior to commencing any Work, CONSULTANT shall furnish SANBAG with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth in this Article. If the insurance company elects to cancel or non-renew coverage for any reason, CONSULTANT will provide SANBAG thirty (30) days prior written notice of such cancellation or nonrenewal. If the policy is cancelled for nonpayment of premium, CONSULTANT will provide SANBAG ten (10) days prior written notice. CONSULTANT shall maintain

insurance for the entire term of the Contract. The certificate(s) of insurance are to include the Contract number and Project Manager's name on the face of the certificate(s) and shall be submitted directly to SANBAG's Contract Administrator.

- 19.7 Additional Insured - All policies, except for Worker's Compensation and Professional Liability policies, shall contain endorsements naming San Bernardino Associated Governments and all of its associated entities and capacities, including the San Bernardino County Transportation Authority, San Bernardino County Transportation Commission, San Bernardino Congestion Management Agency, San Bernardino County Service Authority for Freeway Emergencies and their officers, members, employees, contractors, agents, and volunteers as additional insured parties with respect to liabilities arising out to the performance of Work hereunder. The additional insured endorsements shall not limit the scope of coverage for SANBAG to vicarious liability but shall allow coverage for SANBAG to the full extent provided by the policy.
- 19.8 Waiver of Subrogation Rights - CONSULTANT shall require the carriers of Commercial General Liability, Automobile Liability and Worker's Compensation to waive all rights of subrogation against SANBAG, its officers, employees, agents, volunteers, and subconsultants. Such insurance coverage provided shall not prohibit CONSULTANT or CONSULTANT's employees or agents from waiving the right of subrogation prior to a loss or claim. CONSULTANT hereby waives all rights of subrogation against SANBAG.
- 19.9 All coverage for subconsultants shall be subject to all of the requirements stated herein. CONSULTANT shall include all subconsultants as insured under its policies or shall furnish separate certificates and endorsements for each subconsultant.
- 19.10 If requested by SANBAG, CONSULTANT shall submit copies of all required insurance policies including endorsements.

ARTICLE 20. INDEMNITY

- 20.1 To the extent, but only to the extent, that CONSULTANT's Work falls within the scope of Civil Code Section 2782.8, the following indemnification is applicable:

CONSULTANT shall indemnify and defend (with legal counsel reasonably approved by SANBAG) San Bernardino Associated Governments, San Bernardino County Transportation Commission, San Bernardino County Transportation Authority, San Bernardino County Service Authority for Freeway Emergencies, San Bernardino County Congestion Management Agency, and their respective authorized officers, employees, agents and volunteers, from any and all losses, damages, liability, actions, and/or costs for claims that arise out of, pertain to, or are related to the negligence, recklessness, or willful misconduct of the design professional.

- 20.2 For all other Work, CONSULTANT agrees to indemnify, defend (with legal counsel reasonably approved by SANBAG) and hold harmless San Bernardino Associated Governments, San Bernardino County Transportation Commission, San Bernardino County Transportation Authority, San Bernardino County Service Authority for Freeway Emergencies, San Bernardino County Congestion Management Agency, and their respective authorized officers, employees, agents and volunteers (Indemnitees), from any and all claims, actions, losses, damages and/or liability (Claims) arising out of or related to

any act or omission of CONSULTANT or any of its officers, employees, agents, subconsultants or volunteers and for any costs or expenses incurred by SANBAG or Indemnitees on account of any such Claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. CONSULTANT's indemnification obligation applies to SANBAG's or Indemnitees' "active" as well as "passive" negligence but does not apply to SANBAG's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

ARTICLE 21. OWNERSHIP OF DATA

- 21.1 Upon completion of all Work under this Contract, ownership and title to all reports, documents, plans, specifications, and estimates produced as part of this Contract will automatically be vested in SANBAG; and no further agreement will be necessary to transfer ownership to SANBAG. CONSULTANT shall furnish SANBAG all necessary copies as needed to complete the review and approval process.
- 21.2 It is understood and agreed that all calculations, drawings and specifications, whether in hard copy or machine-readable form, are intended for one-time use in the construction of the project for which this Contract has been entered into.
- 21.3 CONSULTANT is not liable for claims, liabilities, or losses arising out of, or connected with the modification, or misuse by SANBAG of the machine-readable information and data provided by CONSULTANT under this Contract; further, CONSULTANT is not liable for claims, liabilities, or losses arising out of, or connected with any use by SANBAG of the project documentation on other projects or additions to this project, or for the completion of this project by others, except only such use as may be authorized in writing by CONSULTANT.
- 21.4 Applicable patent rights provisions regarding rights to inventions shall be included in the Contract as appropriate (48 CFR 27, Subpart 27.3 - Patent Rights under Government Contracts for federal-aid contracts).
- 21.5 SANBAG may permit copyrighting reports or other agreement products. If copyrights are permitted, the agreement shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.
- 21.6 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 22. CLAIMS FILED BY SANBAG'S CONSTRUCTION CONTRACTOR

- 22.1 If claims are filed by SANBAG's construction contractor relating to Work performed by CONSULTANT's personnel, and additional information or assistance from CONSULTANT's personnel is required in order to evaluate or defend against such claims; CONSULTANT agrees to make its personnel available for consultation with SANBAG and legal staff, and for testimony, if necessary, at depositions, administrative proceedings, trial or arbitration proceedings.

- 22.2 CONSULTANT's personnel that SANBAG considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from SANBAG. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for the CONSULTANT's personnel services under this Contract.
- 22.3 Services of the CONSULTANT's personnel in connection with SANBAG's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this Contract in order to resolve the construction claims.
- 22.4 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 23. CONFIDENTIALITY OF DATA

- 23.1 All financial, statistical, personal, technical, or other data and information relative to SANBAG's operations, which are designated confidential by SANBAG and made available to CONSULTANT in order to carry out this Contract, shall be protected by CONSULTANT from unauthorized use and disclosure.
- 23.2 Permission to disclose information on one occasion, or public hearing held by SANBAG relating to the Contract, shall not authorize CONSULTANT to further disclose such information, or disseminate the same on any other occasion.
- 23.3 CONSULTANT shall not comment publicly to the press or any other media, including social media regarding the Contract or SANBAG's actions on the same, except to SANBAG's staff, CONSULTANT's own personnel involved in the performance of this Contract, at public hearings or in response to questions from a SANBAG Board Committee or other public meeting approved by SANBAG.
- 23.4 CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding Work performed to be performed under this Contract without prior review of the contents thereof by SANBAG, and receipt of SANBAG's written permission.
- 23.5 Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.
- 23.6 All information related to the construction estimate is confidential, and shall not be disclosed by CONSULTANT to any entity other than SANBAG.

ARTICLE 24. NATIONAL LABOR RELATIONS BOARD CERTIFICATION

In accordance with Public Contract Code Section 10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

ARTICLE 25. EVALUATION OF CONSULTANT

CONSULTANT's performance may be evaluated by SANBAG. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together the comments shall be retained as part of the Contract file. This information may be used when evaluating the firm on future proposal submittals.

ARTICLE 26. RESPONSIBILITY OF CONSULTANT

- 26.1 CONSULTANT shall be responsible for the professional quality, technical accuracy, and the assurance of compliance with all applicable federal, State, and local laws and regulations, and other Work furnished by the CONSULTANT under the Contract. The Contract includes reference to the appropriate standards for design or other standards for Work performance stipulated in the Contract. CONSULTANT shall be willing to act as an expert to support right-of-way acquisition, valuation, and issues and CONSULTANT shall be willing to sign declarations.
- 26.2 In addition to any other requirements of this Contract or duties and obligations imposed on CONSULTANT by law, CONSULTANT shall, as an integral part of its Work, employ quality control procedures that identify potential risks and uncertainties related to scope, schedule, cost, quality and safety of the Project and the Work performed by CONSULTANT within the areas of CONSULTANT's expertise. Risks that may be encountered include, but are not limited to, soil conditions, constructability, factors of safety, impact on adjacent properties, public safety, and environmental considerations. At any time during performance of the Scope of Work, should CONSULTANT observe, encounter, or identify any unusual circumstances or uncertainties, which could pose potential risk to SANBAG or the Project. CONSULTANT shall immediately document such matters and notify SANBAG in writing. CONSULTANT shall also similarly notify SANBAG in regard to the possibility of any natural catastrophe, potential failure, or any situation that exceeds environmental, design, and/or construction assumptions and could precipitate a failure of any structure or other part of the Project. Notifications under this paragraph shall be specific, clear and timely, and in a form which will enable SANBAG to understand and evaluate the magnitude and effect of the risk and/or uncertainties involved.
- 26.3 When a modification to a construction contract is required because of an error or deficiency in the design Work provided under this Contract, CONSULTANT shall be responsible for any and all additional costs associated with the construction contract or the construction of the Project.
- 26.4 SANBAG shall advise CONSULTANT of their responsibility and collect the amount due, including but not limited to, withholding of payments, if the recoverable cost will exceed the administrative cost involved or is otherwise in SANBAG's best interest. SANBAG shall include in the Contract Audit File a written statement of the reasons for the decision to recover or not recover the costs from CONSULTANT.
- 26.5 CONSULTANT shall, document the results of the Work to the satisfaction of SANBAG, and if applicable, Caltrans and FHWA. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of SANBAG's objectives.

- 26.6 As applicable, the responsible consultant/engineer shall sign all plans, specifications, estimates (PS&E) and engineering data furnished by him/her, certify as-built drawings, and where appropriate, indicate his/her California registration or license number.

ARTICLE 27. TECHNICAL DIRECTION

- 27.1 Performance of Work under this Contract shall be subject to the technical direction of SANBAG's Department Director of Project Delivery, ("Director"). SANBAG's Director may identify a designee (hereinafter referred to as "Designee"), in writing to CONSULTANT, with the NTP and/or subsequently by written notice during the Contract. The term "Technical Direction" is defined to include, without limitation:
- 27.1.1 Directions to CONSULTANT, which redirect the Contract effort, shift work emphasis between work areas or tasks, require pursuit of certain lines of inquiry, fill in details or otherwise serve to accomplish the contractual Scope of Work.
 - 27.1.2 Provision of written information to CONSULTANT, which assists in the interpretation of drawings, reports, or technical portions of the Scope of Work described herein.
 - 27.1.3 Review and, where required by the Contract, approval of technical reports, drawings, specifications and technical information to be delivered by CONSULTANT to SANBAG under the Contract.
 - 27.1.4 SANBAG's Executive Director or Designee may modify this Contract for certain administrative modifications without issuing a written amendment. Administrative modifications as defined herein are limited to: substitutions of personnel identified in this Contract, including Key Personnel and Project personnel and subconsultants; modifications to hourly rates, classifications, and names of personnel in Exhibit "B"; and modifications of the address of the CONSULTANT. All administrative modifications shall be documented in writing between the Parties.
- 27.2 Technical Direction must be within the Scope of Work under this Contract. SANBAG's Designee does not have the authority to, and may not, issue any Technical Direction which:
- 27.2.1 Increases or decreases the Scope of Work;
 - 27.2.2 Directs CONSULTANT to perform Work outside the original intent of the Scope of Work;
 - 27.2.3 Constitutes a change as defined in the "Changes" Article of the Contract;
 - 27.2.4 In any manner cause an increase or decrease in the Contract price as identified in Article 3., herein, or the time required for Contract performance;
 - 27.2.5 Changes any of the expressed terms, conditions or specifications of the Contract; unless identified herein;
 - 27.2.6 Interferes with the CONSULTANT's right to perform the terms and conditions of the Contract; or

- 27.2.7 Approve any demand or claim for additional payment.
- 27.3 Failure of CONSULTANT and SANBAG’s Designee to agree that the Technical Direction is within the scope of the Contract, or a failure to agree upon the Contract action to be taken shall be subject to the provisions of the “DISPUTES” Article herein.
- 27.4 All Technical Direction shall be issued in writing by SANBAG’s Department Director or Designee.
- 27.5 CONSULTANT shall proceed promptly with the performance of Technical Direction issued by SANBAG’s Director or Designee, in the manner prescribed by this Article and within their authority under the provisions of this Article. If, in the opinion of CONSULTANT, any instruction or direction by SANBAG’s Director or Designee falls within one of the categories defined in 27.2.1 through 27.2.7 above, CONSULTANT shall not proceed but shall notify SANBAG in writing within five (5) working days after receipt of any such instruction or direction and shall request SANBAG to modify the Contract accordingly. Upon receiving the notification from the CONSULTANT, SANBAG shall:
 - 27.5.1 Advise CONSULTANT in writing within thirty (30) calendar days after receipt of the CONSULTANT's letter that the Technical Direction is or is not within the scope of this Contract.
 - 27.5.2 Advise CONSULTANT within a reasonable time whether SANBAG will or will not issue a written amendment.
- 27.6 There shall be no changes in CONSULTANT’s Key Personnel as identified herein, without prior written approval by SANBAG.

ARTICLE 28. KEY PERSONNEL

The personnel specified below are considered to be essential to the Work being performed under this Contract. Prior to diverting any of the specified individuals to other projects, or reallocation of any tasks or hours of Work that are the responsibility of key personnel to other personnel, CONSULTANT shall notify SANBAG in writing in advance and shall submit justifications (including proposed substitutions, resumes and payroll information to support any changes to the labor rate) in sufficient detail to permit evaluation of the impact on the Project. Diversion or reallocation of key personnel shall not be made without prior written consent of SANBAG. CONSULTANT shall not substitute any key personnel without the prior written consent of SANBAG. In the event that the Parties cannot agree as to the substitution of key personnel, SANBAG may terminate the Contract. Key Personnel are:

Name	Job Classification/Function
Edward Miller, Jr., P.E.	Project Manager

ARTICLE 29. REPRESENTATIONS

All Work supplied by CONSULTANT under this Contract shall be supplied by personnel who are qualified, careful, skilled, experienced and competent in their respective trades or professions. CONSULTANT agrees that they are supplying professional services, findings, and/or recommendations in the performance of this Contract and agrees with SANBAG that the

same shall conform to professional and engineering and environmental principles and standards that are generally accepted in the profession in the State of California.

ARTICLE 30. TAXES, DUTIES AND FEES

Except to the extent expressly provided elsewhere in this Contract, CONSULTANT shall pay when due, and the compensation set forth herein shall be inclusive of all: a) local, municipal, State, and federal sales and use taxes; b) excise taxes; c) taxes on personal property owned by CONSULTANT; and d) other governmental fees and taxes or charges of whatever nature applicable to CONSULTANT to enable it to conduct business.

ARTICLE 31. PERMITS AND LICENSES

CONSULTANT shall, without additional compensation, keep current all governmental permits, certificates and licenses (including professional licenses) necessary for CONSULTANT to perform Work identified herein.

ARTICLE 32. STATEMENT OF COMPLIANCE

- 32.1 CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.
- 32.2 During the performance of this Contract, CONSULTANT and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g. cancer), age (over 40), marital status and denial of family care leave. CONSULTANT and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. CONSULTANT and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq. and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Contract by reference and made a part hereof as if set forth in full. CONSULTANT and subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

ARTICLE 33. DEBARMENT AND SUSPENSION CERTIFICATION

- 33.1 CONSULTANT's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that CONSULTANT has complied with Title 2 CFR Part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)", which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of

ineligibility by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to SANBAG.

- 33.2 Exception will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.
- 33.3 Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highways Administration.

ARTICLE 34. STATE PREVAILING WAGE RATES

- 34.1 The State of California's General Prevailing Wage Rates are not applicable to this Contract.
- 33.2 Any subcontract entered into as a result of this Contract if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

ARTICLE 35. CONFLICT OF INTEREST

- 35.1 CONSULTANT shall disclose any financial, business, or other relationship with SANBAG that may have an impact upon the outcome of this Contract, or any ensuing SANBAG construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this Contract, or any ensuing SANBAG construction project, which will follow.
- 35.2 CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this Contract.
- 35.3 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.
- 35.4 CONSULTAT hereby certifies that neither CONSULTANT, nor any firm affiliated with CONSULTANT will bid on any construction contract, or any contract to provide construction inspection for any construction project resulting from this Contract. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise.
- 35.5 Except for subconsultants whose services are limited to providing surveying or materials testing information, no subconsultant who has provided design services in connection with this Contract shall be eligible to bid on any construction contract, or any contract to provide construction inspection for any construction project resulting from this Contract.
- 35.6 CONSULTANT hereby certifies that neither CONSULTANT, its employees, nor any firm affiliated with CONSULTANT providing services on this project prepared the Plans,

Specifications, and Estimate for any construction project included within this Contract. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise.

35.7 CONSULTANT further certifies that neither CONSULTANT, nor any firm affiliated with CONSULTANT, will bid on any construction subcontracts included within the construction contract. Additionally, CONSULTANT certifies that no person working under this Contract is also employed by the construction contractor for any project included within this Contract.

35.8 Except for subconsultants whose services are limited to materials testing, no subconsultant who is providing services on this Contract shall have provided services on the design of any project included within this Contract.

ARTICLE 36. REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

CONSULTANT warrants that this Contract was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any SANBAG employee. For breach or violation of this warranty, SANBAG shall have the right in its discretion: to terminate the contract without liability; to pay only for the value of the Work actually performed; or to deduct from the Contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

ARTICLE 37. NOTIFICATION

All notices hereunder and communications regarding the interpretation of the terms of this Contract and changes thereto, shall be effected by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

To ADVANTEC Consulting Engineers	To SANBAG
3200 Guasti Road, Suite 100,	1170 W. 3 rd Street, 2 nd Floor
Ontario CA 91761	San Bernardino, CA 92410-1715
Attn: Edward Miller, Jr. PE, TE	Attn: Garry Cohoe
	cc: Procurement Manager
Phone: (909) 348-5887	Phone: (909) 884-8276

ARTICLE 38. STOP WORK ORDER

Upon failure of CONSULTANT or its subconsultants to comply with any of the requirements of this Contract, SANBAG shall have the right to stop any or all Work affected by such failure until such failure is remedied or to terminate this Contract in accordance with “TERMINATION” provision herein.

ARTICLE 39. CLAIMS

SANBAG shall not be bound to any adjustments in the Contract amount or schedule unless expressly agreed to by SANBAG in writing. SANBAG shall not be liable to CONSULTANT for any claim asserted by CONSULTANT after final payment has been made under this Contract.

ARTICLE 40. ERRORS AND OMISSIONS

CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of all Work required under this Contract. CONSULTANT shall be liable for SANBAG costs resulting from errors or deficiencies, in Work furnished under this Contract, including but not limited to any fines, penalties, damages, and costs associated with a modification to a construction contract required because of an error or deficiency in the Work provided by CONSULTANT under this Contract.

ARTICLE 41. WARRANTY

CONSULTANT warrants that all Work performed shall be in accordance with the Contract, and all applicable professional standards. In the event of a breach of this provision, CONSULTANT shall take the necessary actions to correct the breach at CONSULTANT's sole expense. If CONSULTANT does not take the necessary action to correct the breach, SANBAG, without waiving any other rights or remedies it may have, may take the necessary steps to correct the breach, and CONSULTANT shall promptly reimburse SANBAG for all expenses and costs incurred.

ARTICLE 42. INDEPENDENT CONTRACTOR

CONSULTANT is and shall be at all times an independent contractor. Accordingly, all Work provided by CONSULTANT shall be done and performed by CONSULTANT under the sole supervision, direction and control of CONSULTANT. SANBAG shall rely on CONSULTANT for results only, and shall have no right at any time to direct or supervise CONSULTANT or CONSULTANT's employees in the performance of Work or as to the manner, means and methods by which Work is performed. All personnel furnished by CONSULTANT under this Contract, and all representatives of CONSULTANT, shall be and remain the employees or agents of CONSULTANT or of CONSULTANT's subconsultant(s) at all times, and shall not at any time or for any purpose whatsoever be considered employees or agents of SANBAG.

ARTICLE 43. ATTORNEY'S FEES

If any legal action is instituted to enforce or declare any Party's rights under the Contract, each Party, including the prevailing Party, must bear its own costs and attorneys' fees. This Article shall not apply to those costs and attorneys' fees directly arising from any third party legal action against a Party hereto and payable under the "Indemnity" provision of the Contract.

ARTICLE 44. GOVERNING LAW AND VENUE

This Contract shall be subject to the law and jurisdiction of the State of California. The Parties acknowledge and agree that this Contract was entered into and intended to be performed in whole or substantial part in San Bernardino County, California. The Parties agree that the venue for any action or claim brought by any Party to this Contract will be the Superior Court of California, San Bernardino County. Each Party hereby waives any law or rule of court, which would allow them to request or demand a change of venue. If any action or claim concerning this Contract is brought by any third party, the Parties hereto agree to use their best efforts to obtain a change of venue to the Superior Court of California, San Bernardino County.

ARTICLE 45. FEDERAL, STATE AND LOCAL LAWS

CONSULTANT warrants that in the performance of this Contract, it shall comply with all

applicable federal, State and local laws, ordinances, rules and regulations.

ARTICLE 46 PRECEDENCE

- 46.1 The Contract consists of this Contract document, Exhibit “A”--Scope of Work, and Exhibit “B”—Cost Proposal SANBAG’s Request For Proposal and CONSULTANT’s proposal, all of which are incorporated in this Contract by this reference.
- 46.2 The following order of precedence shall apply: first, the Contract including Exhibits “A” and “B”; second, SANBAG’s Request For Proposal; and last, CONSULTANT’s Proposal. In the event of a conflict between the Contract Articles and the Scope of Work, the Contract Articles will prevail.
- 46.3 In the event of an express conflict between the documents listed in this Article, or between any other documents, which are a part of the Contract, CONSULTANT shall notify SANBAG in writing within three (3) business days of its discovery of the conflict and shall comply with SANBAG's resolution of the conflict.

ARTICLE 47. GRATUITIES

CONSULTANT, its employees, agents, or representatives shall not offer or give to any officer, official, agent or employee of SANBAG, any gift, entertainment, payment, loan, or other gratuity.

ARTICLE 48. REVIEW AND ACCEPTANCE

All Work performed by CONSULTANT shall be subject to periodic review and approval by SANBAG at any and all places where such performance may be carried on. Failure of SANBAG to make such review, or to discover defective work, shall not prejudice the rights of SANBAG at the time of final acceptance. All Work performed by CONSULTANT shall be subject to periodic and final review and acceptance by SANBAG upon completion of all Work.

ARTICLE 49. DRUG FREE WORKPLACE

CONSULTANT agrees to comply with the Drug Free Workplace Act of 1990 per Government Code Section 8350 et seq.

ARTICLE 50. FORCE MAJEURE

CONSULTANT shall not be in default under this Contract in the event that the Work performed by CONSULTANT is temporarily interrupted or discontinued for any of the following reasons: riots, wars, sabotage, acts of terrorism, civil disturbances, insurrection, explosion, pandemics, quarantines, acts of God, acts of government or governmental restraint, and natural disasters such as floods, earthquakes, landslides, and fires, or other catastrophic events which are beyond the reasonable control of CONSULTANT and which CONSULTANT could not reasonably be expected to have prevented or controlled. “Other catastrophic events” does not include the financial inability of CONSULTANT to perform or failure of CONSULTANT to obtain either any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility where such failure is due solely to the acts or omissions of CONSULTANT.

ARTICLE 51. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

CONSULTANT shall comply with all applicable provisions of the Americans With Disabilities Act in performing Work under this Contract.

ARTICLE 52. ENTIRE DOCUMENT

52.1 This Contract and its attachments constitute the sole and only agreement governing the Work and supersedes any prior understandings, written or oral, between the Parties respecting the Project. All previous proposals, offers, and other communications, written or oral, relative to this Contract, are superseded except to the extent that they have been expressly incorporated into this Contract.

52.2 No agent, official, employee or representative of SANBAG has any authority to bind SANBAG to any affirmation, representation or warranty outside of, or in conflict with, the stated terms of this Contract, and CONSULTANT hereby stipulates that it has not relied, and will not rely, on same.

52.3 Both Parties have been represented or had the full opportunity to be represented by legal counsel of their own choosing in the negotiation and preparation of this Contract. Therefore, the language in all parts of this Contract will be construed, in all cases, according to its fair meaning, and not for or against either Party.

ARTICLE 53. CONTRACT

The two Parties to this Contract, who are the before named CONSULTANT and the before named SANBAG, hereby agree that this Contract constitutes the entire agreement which is made and concluded in duplicate between the two Parties. Both of these Parties for and in consideration of the payments to be made, conditions mentioned, and work to be performed, each agree to diligently perform in accordance with the terms and conditions of this Contract as evidenced by the signatures below.

ARTICLE 54. EFFECTIVE DATE

The date that this Contract is executed by SANBAG shall be the Effective Date of the Contract.

-----SIGNATURES ARE ON THE FOLLOWING PAGE-----

Attachment: C14163 [Revision 1] (1463 : I-10 University Engineering Contract)

IN WITNESS WHEREOF, the Parties hereto have executed this Contract on the day and year written below.

CONSULTANT

SANBAG

By: _____
Name
Title

By: _____
L. Dennis Michael,
President, Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM

By: _____
Eileen Monaghan Teichert
General Counsel

CONCURRENCE

By: _____
Jeffery Hill
Procurement Manager

Attachment: C14163 [Revision 1] (1463 : I-10 University Engineering Contract)

EXHIBIT A - SCOPE OF WORK

Attachment: C14163 - Exhibit A Scope of Work (1463 : I-10 University Engineering Contract)

EXHIBIT A – SCOPE OF WORK

OVERVIEW:

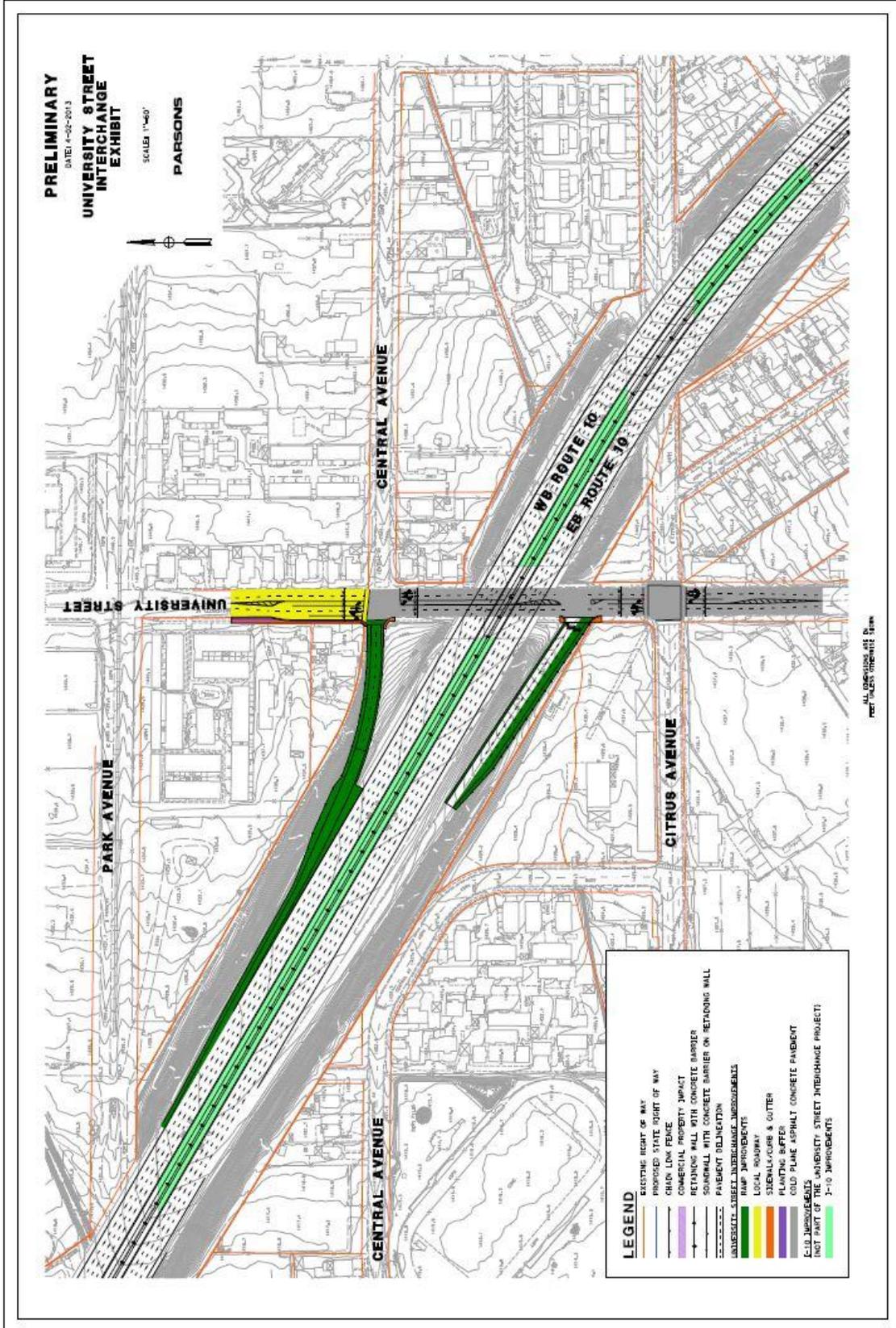
The San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority (SANBAG), is seeking professional services to prepare the Permit Engineering Evaluation Report (PEER) to be used for project initiation document in lieu of a Project Study Report, the Project Approval and Environmental Document (PA/ED), the Plans, Specifications, and Estimates (PS&E), and support services for the right-of-way and construction phases of the Interstate 10/University Street Interchange Project. This project has been accepted by California Department of Transportation (Caltrans) for utilization of the Streamline Oversight process method for project development.

PROJECT DESCRIPTION, LOCATION, AND SCOPE:

The I-10/University Interchange Improvement Project (PROJECT) will widen the Interstate 10/University Street interchange eastbound off- and westbound on- ramps, provide westbound ramp metering and a maintenance pull out, analyze and modify existing soundwall, signalize the intersection of University Street/Central Avenue/westbound on-ramp, and restripe and add turn lanes to University Street in order to improve operation and reduce congestion, thereby providing improved access to and from residences and facilities served by the interchange. The project site is located within the City of Redlands. The Project conceptual layout is shown on Attachment A.1. The Detailed Scope of Services is found in Attachment A.2.

Caltrans is the lead agency for the California Environmental Quality Act (CEQA) compliance. Engineering Services are anticipated to include preliminary engineering, preparation of a PEER, PA/ED and environmental studies to support what is currently expected to be a Categorical Exemption determination, a Right-of-way Requirements Map to identify the project needs, a PS&E which will include landscape and irrigation plans, and construction support. Measure I Valley Freeway funds and City funds will be used to cover the cost of the preparation of the PEER, PA/ED, PS&E, and support of the right-of-way and construction phases of the project.

Attachment A.1 Conceptual Layout



Attachment: C14163 - Exhibit A Scope of Work (1463 : I-10 University Engineering Contract)

ATTACHMENT A.2 - DETAILED SCOPE OF SERVICES

Consultant will provide SANBAG with professional services required for the preparation of documents for the Permit Engineering Evaluation Report (PEER), Project Approval and Environmental Documentation (PA/ED) Phase and the Plans, Specifications and Estimate (PS&E) Phase and support services for the right-of-way and construction phases of the Interstate 10/University Interchange Improvement Project. The duration for the design scope of work is anticipated to be no more than 30 months, with construction estimated to start mid 2017. Specific scope items and deliverables are documented in the following sections. Additional review cycles and/or deliverables resulting from changes in Caltrans reviewers for completed documents, changes in Caltrans or other agency policies or requirements will be considered as additional scope and may require budget augment.

I. APPLICABLE STANDARDS

All documents shall be prepared in accordance with current SANBAG, Caltrans, and City of Redlands (City) regulations, policies, procedures, manuals, and standards where applicable. Consultant shall obtain, at its expense, all applicable Manuals and Standard Plans.

II. GENERAL DESCRIPTION OF REQUIRED SERVICES

- A. Consultant Services include the studies, reports, drawings, plans, specifications, estimates, and special provisions necessary to complete the Project.
- B. Consultant shall have sole responsibility for the accuracy and completeness of the reports, plans, specifications, estimates, and related material prepared by Consultant for the Project. Consultant shall independently check and identify the engineer and checker for all such material prior to any submittal. The plans, concepts, reports, and documentation will be reviewed by SANBAG, and/or SANBAG's designee for peer reviews, overall Project consistency, and verification of implementation of Consultant Quality Assurance/Quality Control process. Consultant is subject to audits by SANBAG or SANBAG's designee for implementation of a Quality Assurance/Quality Control process.
- C. The exhibits, studies, estimates, calculations, reports and other documents furnished under this Scope of Services shall be of a quality acceptable to SANBAG. The criteria for acceptance shall be a product of neat appearance, well organized, technically and grammatically correct, checked, and having the preparer and checker identified. The appearance, organization and content of the drawings shall be to applicable standards.
- D. The title sheet for reports, each plan sheet, and calculations shall bear the professional seal certificate number, registration classification, expiration date of the certificate, signature of the professional engineer, registered in the State of California, responsible for their preparation.

- E. The Consultant shall develop and maintain a Project schedule.
- F. The Consultant shall maintain a set of Project files that are indexed in accordance with Caltrans' Project Development Uniform File System and submit a copy to Caltrans upon completion of the Project. At the completion of this Scope of Services all electronic files and correspondence relating to the Project shall be turned over to SANBAG who will then forward said files to Caltrans. This includes all working data, field data, and background information used in creating the deliverables listed in the Scope of Services.
- G. Consultant shall not suspend performance of this Contract during the negotiations of any change orders except as they may be directed by SANBAG. Consultant shall perform all changes in accordance with the terms and conditions of this Contract.
- H. Consultant shall submit all final plans and reports on CD using file format acceptable to SANBAG and Caltrans. The electronic files shall include the engineer's electronic signature and seal. Consultant shall verify the latest version of software used prior to submittal.
- I. In the event that non-standard features are necessary, Consultant shall prepare the necessary Fact Sheets for Design Exceptions following Caltrans' direction.
- J. Consultant shall employ quality control procedures that identify potential risks and uncertainties related to construction of the Project. Risks that may be encountered include, but are not limited to, soil conditions, constructability, factors of safety, impacts to adjacent properties, public safety, and environmental considerations. If at any time during the performance of this Scope of Services, Consultant observes, encounters, or identifies any circumstance that could pose potential risk, Consultant shall notify SANBAG immediately.
- K. Consultant shall coordinate with all agencies involved or potentially impacted by the Project. Consultant shall inform SANBAG prior to all contacts, meetings, and correspondence. Consultant is required to coordinate activities with adjacent Projects.
- L. Consultant shall implement and comply with the SANBAG Quality Assurance procedures. Copy of these procedures is available on the SANBAG internet website: www.sanbag.ca.gov under "Vendor Portal".

III. SCOPE OF SERVICES DEFINED BY CALTRANS

The Project Management will be performed in accordance to the Caltrans' Workplan Standards Guide for Delivery of Capital Projects. The Workplan is an outline used to plan and control the Project but does not limit the Project Manager from providing services necessary to delivering the work. The numbering system is modified to be consistent with the Contract Exhibit B Price Form, Specific Rates of Compensation.

TASK 1.00 - PROJECT MANAGEMENT/COORDINATION/ADMINISTRATION

Consultant will provide overall day-to-day management of the Project. All services will be performed in accordance with current Caltrans Manuals and directives. The

Consultant Project Manager will provide overall project management, coordination, and supervision of project staff to facilitate the performance of the work in accordance with the scope and requirements of SANBAG and Caltrans. Consultant will provide but is not limited to the following project management activities:

Task 1.01 – Coordination/Administration

Consultant will provide overall execution and financial management of the Project, including SANBAG and Caltrans coordination, coordination with local, state, and federal regulatory agencies, tracking progress of the work, administering subcontracts, attending public workshops, preparing invoices, and conducting meetings over the Project Period of Performance lasting 30 months. Consultant will meet with affected parties to obtain direction, discuss/resolve issues pertinent to the analysis and design, and potential impacts of the Project.

- Consultant will coordinate among members of the Project Development Team (PDT) and regulatory agencies impacted by the Project. Over the course of the Project, numerous meetings will be required to advance the Project to PA/ED, PS&E, and R/W approval and certifications. It is assumed there will be two meetings per month during the duration of this contract. Consultant will participate in a approximately 60 meetings.

Consultant will prepare and distribute agendas prior to the meetings. Consultant will prepare meeting minutes and distribute them within five working days after the meetings. Types of meetings include:

- **Kick-off Meeting:** Consultant will organize and run Kick-off Meeting with Caltrans, SANBAG, and Project stakeholders as required.
- **Monthly Project Development Team (PDT) Meetings:** Consultant will organize and run monthly PDT meetings with Caltrans, SANBAG, and Project stakeholders as required.
- **Resource Agency Task Specific Meetings:** Consultant will organize and run resource agency coordination meetings related to approval of the environmental technical studies and the environmental document, including meetings with USACE, USFWS, CDFG, SBCFCD, and others as needed.
- **Technical Workshop Meetings:** Consultant will prepare for, coordinate and attend technical focus meetings with Caltrans, SANBAG, and other stakeholders. Meeting will include public workshops, public hearings, and SANBAG meetings, etc.
- **Policy Working Group Meetings:** Consultant will prepare for, coordinate and attend policy working group meetings with Caltrans, SANBAG and other stakeholders.
- **Focus Meetings:** Consultant will prepare for, coordinate and attend focus meetings as needed in order to complete action items or to assist in preparation of required documents, reports, studies, or in preparation of review of the same by an agency.

Resource Agency/Technical Workshop/Policy Working Group/Focus Meetings will be held to discuss technical issues with specific agencies. No special presentation materials will be prepared. Internal Project team task-specific meetings will be held as necessary to coordinate environmental and design activities, review assignments and progress, and identify issues to be resolved.

Consultant will follow a uniform filing system and will maintain complete Project files

on an ongoing basis. Consultant will maintain all required records/documents for at least three years after the SANBAG makes final payment and all pending matters are closed.

Deliverables:

- PDT meeting notices, agendas, handouts, and minutes
- Presentation materials consisting of progress plans

Task 1.02 – Schedules/Project Controls

Consultant will develop, maintain and implement the Work Plan and Project Schedules on an ongoing basis, with input from the SANBAG. The Work Plan and Project Schedule will be maintained and implemented throughout the PA/ED and PS&E phase of the Project. The Project Schedule will be maintained in a standard format with Work Breakdown Structure (WBS) Elements. The scheduled review times by Caltrans and resource agencies must be reasonable and have concurrence of the reviewers. Consultant will prepare a detailed schedule and SANBAG will closely monitor the execution and implementation of the schedule. The overall schedule will be updated, at a minimum, on a monthly basis and distributed to PDT members at least one week prior to the PDT meeting. Consultant will use Primavera P6 Xer file version 7.0 or newer, which adequately identifies the critical path and floats on tasks. The Project scheduling requirements cover the period of 30 months.

Fifteen (15) days after notice-to-proceed, Consultant will prepare the Project Master Schedule (PMS) for the environmental and engineering technical studies for the Project. The schedule will be prepared using the Critical Path Method, and, at a minimum, the schedule will be consistent with the tasks that have been laid out in this scope of services. The PMS will reflect the various levels of reviews for the draft and final environmental documents. SANBAG will require 10 working days for peer review and, sequentially, Caltrans will require 20 working day review periods for major deliverables. The PMS will include Project milestones and delivery of intermediate Project deliverables with a minimum of the following milestones (note that these can be overlapping tasks) :

- Begin Project initiation Phase (PEER)
- Approval of PEER
- Begin PR/PSR Phase
- Project Approval document with CE
- Begin Design (PS&E)
- End Design Phase (Ready to Advertise)
- Begin Right of Way (coordination)
- Begin Construction Phase
- End Construction Phase
- Begin Close-Out
- Complete Close-Out
- The major milestones at the top of the schedule will be linked to the detailed schedule enable SANBAG to easily identify dates for other SANBAG reporting.

- Reviews for the draft and final environmental documents and intermediate Project deliverables by SANBAG, Caltrans, and City.
- Work items of agencies and other third-parties that may affect or be affected by the Consultant team's activities.
- Consultant will submit a copy of the PMS to the SANBAG Project Manager for review and approval and a copy to Caltrans for information.

Deliverables:

- Project Master Schedule

Task 1.03 – Progress Reports

Consultant will submit a progress payment invoice to the SANBAG for services completed on a monthly basis. The invoice will be detailed so it can be verified and approved by the SANBAG on a timely basis. If Consultant fails to submit the required deliverable items according to the agreed schedule set at start of the Project, the SANBAG will have the right to delay payment until the required information is received.

Consultant will track the actual progress relative to the PMS and ensure that all significant completion dates of the Project are being met.

At the end of each month, Consultant will report the progress of the work. Progress will be based on physical percent complete, such as the number of drawings or deliverable completed or estimated progress toward completion. Progress payments will be based upon percent complete of the major tasks identified.

Consultant will submit one copy of a monthly progress report to the SANBAG Project Manager consisting of a written narrative and an updated bar-chart format of the PMS.

The narrative portion of the monthly progress report will describe the overall progress of the work, discuss significant problems and present proposed corrective action and show the status of major changes.

The initial PMS referenced in Task 1.2, as agreed to by SANBAG, will become the Project target. The target schedule will be displayed on the updated PMS.

Deliverables:

- Monthly Progress Report
- Monthly Schedule Update and Physical Percent Complete by Task
- Monthly Invoice

Task 1.04 – Maintain Complete Project Files

Consultant will develop, maintain files, designs, and other materials in an organized manner such that SANBAG can readily access and obtain documents and information upon request.

TASK 1.50 – DEVELOP PROJECT INITIATION DOCUMENT

Work involved in the preparation, review, and approval of a Project Initiation Document.

Task 1.50.05 – Transportation Problem Definition and Site Assessments

This activity includes three major tasks:

- Compiling and reviewing existing background information that may impact the project scope under consideration.
- Developing project constraints and information required to determine the extent of the existing problem and future needs. This should include any necessary discussions with internal and external stakeholders.
- Analyze the existing problem and future requirement to determine the project's need and purpose.

Deliverables:

- Purpose and Need Statement
- Adequate information should exist to begin project development.

Task 1.50.20 – Preliminary Environmental Analysis Report

The Preliminary Environmental Analysis Report (PEAR) identifies the potential environmental impacts of the project, as well as potential mitigation costs. The PEAR should include those studies required for the environmental document: Initial Noise, Biology, Cultural, and Air Quality Studies.

Deliverables:

- Preliminary Environmental Analysis Report

Task 1.50.25 – Prepare Permit Engineering Evaluation Report

Consultant will prepare Permit Engineering Evaluation Report (PEER).

Deliverables:

- Permit Engineering Evaluation Report

TASK 1.60 – PERFORM PRELIMINARY ENGINEERING STUDIES

Work involved in conducting preliminary engineering studies used in the development of a final Environmental Document.

Task 1.60.10 – Engineering Studies

Consultant will develop in more detail those studies initiated during the PID. Studies to include:

- Traffic Forecasts/Modeling
- Traffic Operations Analysis
- Hydraulics/Hydrology Studies
- Other Engineering Studies

Deliverables:

- Preliminary engineering studies

Task 1.60.20– Engineering and Land Net Surveys

Consultant to develop project control, perform data surveys for design, centerline alignment, topographic surveys, pavement surveys, existing Land Net Mapping Control, survey, and legals and plats for Right of Way requirement maps and Base Map development.

Deliverables:

- Land Net Map
- permanent project control monumentation
- topographic base map
- Legals and Plats
- Right-of-Way Requirement Maps

Task 1.60.45– Base Maps and Plan Sheets for PA&ED

Consultant to prepare exhibits, geometric base maps, and functional base plan sheets required for the PA&ED development efforts.

TASK 1.65 – ENVIRONMENTAL STUDIES

Work involved in performing the environmental studies needed to determine the environmental impact and preparation of the The end product of this activity is currently expected to be a Categorical Exemption (CE).

Task 1.65.10– General Environmental Studies

- Consultant to perform environmental technical studies, other than for Biology and Cultural Resources and prepare technical reports and other work products documenting study results. Studies may include:
 - Noise Study
 - Noise Abatement Decision
 - Sound Barrier Surveys
 - Hazardous Waste/Materials Initial Site Assessment
 - ADL, LBP, PCB, ACM Surveys
 - Aesthetic/Visual Analysis
 - Air Quality
 - Natural Environment
 - Community Impact
 - Historic Property Survey
 - Paleontology
 - Relocation impacts
 - Water Quality
 - Floodplain/Hydrology

Deliverables:

- Noise Study Report, Noise Abatement Decision Report, Sound Barrier Survey, Hazardous Waste/Materials Initial Site Assessment, ADL, LBP, PCB, ACM Surveys, Aesthetic/Visual Analysis Memo, Air Quality Analysis, Natural Environment Study, Community Impact Assessment Report, Historic Property Survey Report, Paleo Memo, Relocation Impact Memo, Water Quality Assessment Report, and Floodplain/Hydrology Memo.

TASK 1.80 – FINAL PROJECT REPORT AND CATEGORICAL EXEMPTION

Work involved in preparation, review, and approval of a Project Report or a combined Project Study Report/Project Report, and Categorical Exemption.

Task 1.80.05– Updated Project Report

Consultant to update PR including cost estimate. This Project Report constitutes the Final Project Report for a Categorical Exemption.

Deliverables:

- Updated Final Project Report and Categorical Exemption

TASK 1.85 – PREPARE BASE MAPS AND PLAN SHEETS FOR PS&E

Work during PS&E development involved in the preparation of geometric base maps and functional base plan sheets, including review of existing project information, gathering appropriate mapping, conducting additional studies.

Task 1.85.05 – Updated Project Information

- Consultant to update project information needed to prepare engineering design reports, perform preliminary design, and determine Right-of-Way requirements.
- Consultant to perform field reviews
- Research and obtain copies of existing studies
- Research, obtain, and review utility maps and plans
- Consultant to obtain Record of Survey, benchmark, and centerline tie information

Deliverables:

- Updated project information and confirmation of Purpose and Scope

Task 1.85.10 – Design Surveys

- Consultant to produce mapping and survey control necessary for the PS&E including bring control from Basic (Corridor) Control and adjacent projects, establishing primary control throughout the project, establishing supplemental control for the project, and documentation of the control survey.
- Field Survey required to perform a topographic survey for delivery to design and utility relocations.

Deliverables:

- Permanent Project Control Monumentation
- Project Control Diagram or Control Record of Survey
- Project Control Report
- Project file containing the following:
 - Topography
 - Structures
 - Utility Locations (existing and proposed)

Task 1.85.15 – Preliminary Design

- Consultant to establish and update work footprint. Design activities with regard to the preliminary design work should include:
 - Horizontal and vertical alignment

- Typical Cross Sections
- Super Elevations
- Earthwork
- Intersection/ramp Design
- Review of Geometric Design
- Exceptions to Design Standards
- Delineation Support
- Conceptual Stage Construction plans

Deliverables:

- Base maps suitable for developing the PS&E
- Approved geometric design

Task 1.85.20 – Engineering Reports

Consultant to develop project design reports needed to establish design parameters and complete preliminary design. Reports include:

- Traffic Data Analysis and Forecasts
- Preliminary Hydrology and Hydraulic Reports
- Preliminary Geotechnical Design
- Preliminary Pavement Design
- Preliminary Materials Report
- Sound Wall Design
- Utility Surveys and ROW coordination
- Other engineering reports

Deliverables:

- All preliminary design reports necessary to establish design parameters and complete preliminary design.

Task 1.85.25 – Coordination with Right of Way Consultant

- Consultant to determine right of way needs and prepare Right-of-Way maps. Includes identifying the need for new right of way, permanent easements, and temporary construction easements. Includes coordination with affected agencies to determine right of way impacts. This includes incorporation of utility right of way needs.
- Consultant to develop utility maps to avoid utility relocation where possible. This includes determination of utility right of way needs.
- **Consultant to provide their rate schedule as an attachment to the proposal. SANBAG will pay on a time and material basis all consultant work for design support of right of way acquisition and condemnation efforts.**

Deliverables:

- Right of Way Requirements map. This will include incorporation of utility right of way needs.
- Utility location plans (depicting both existing and proposed locations)

TASK 2.0 - ENGINEERING DEVELOPMENT

Activities consist of the development of the engineering plans to support the I-10/

University Street Interchange Improvement Project - PS&E.

TASK 2.05 – PERMITS AND AGREEMENTS DURING PS&E COMPONENT

Work during PS&E component involved in identifying and obtaining necessary permits and agreements for project construction.

Task 2.05.05 – Permit Assessment

- Consultant to discuss and negotiate with permitting agencies
- Prepare permit application and attachments such as exhibits, maps, etc.
- Obtain funds for any required permit fee
- Submit permit application

Deliverables:

- Permits as required from both Caltrans and the City.

TASK 2.30 – DRAFT PS&E, GEOMETRIC APPROVAL DRAWINGS (GADS), AND INTERSECTION CONTROL *Evaluation (ICE)*

Work involved in the preparation and review of draft roadway plans, specifications, and estimates and Geometric Approval Drawings. Includes roadway design and preparation of functional PS&Es.

Task 2.30 – Draft Roadway Plans

- Includes all activities, from the base maps, such as design, delineation, field reviews, and internal/external coordination necessary to develop draft roadway plan sheets for construction contract, to include:
 - Title Sheet
 - Typical Cross Sections
 - Key Map and Line Index
 - Roadway Layouts
 - Profile and Super elevation Sheets
 - Construction Details
 - Contour Grading Plans
 - Summary of Quantity Sheets
 - Noise Barrier Plans
 - Retaining Wall Plans
 - Standard Plan Selection
 - State Construction and Detour Plans or Traffic Handling Plans
 - Water Pollution Control Plans
 - Engineering Reports
 - Draft Highway Planting Plans
 - Draft Traffic Plans
 - Transportation Management Plan
 - Draft Utility Plans – includes positive location of utilities in the field.
 - Draft Drainage Plans

- Draft Specifications
- Draft PS&E Quantities and Estimates
- Draft Geometric Approval drawings (GADs)
- ICE determines whether the intersections can be under stop control, yield control or signal control.
- Addressing comments of a 95% constructability review

Deliverables:

- Plans, Specifications, and Estimates to 95% Review and GAD's to approval by Caltrans.

TASK 2.35 – MITIGATE ENVIRONMENTAL IMPACTS AND CLEAN-UP HAZARDOUS WASTE

Work involved in mitigating environmental impacts – including hazardous waste cleanup – as required – in order to construct a capital outlay project. Includes long-term mitigation and monitoring efforts if necessary within overall project scope.

Deliverables:

- Mitigation Monitoring Report

TASK 2.55 – FINAL DISTRICT PS&E

Work involved in the circulation and review of the Draft District PS&E package. Includes addressing review comments and preparing the Final District PS&E package.

Task 2.55.05 – Circulated and Reviewed Draft District PS&E Package

This activity includes reproduction, distribution, coordination, and circulation of the project's plans, specifications, and estimate. This activity also includes the review and comment as well as reaching consensus with the reviewers (including the 95% constructability review). Copies of review packages are routed to both in-house and functional branches and involved outside agencies.

Task 2.55.10 – Updated PS&E Package

This activity includes all necessary updates as a result of the draft PS&E circulation.

Deliverables:

- Updated set of plans, specifications, and estimate

Task 2.55.20 – Final District PS&E Package

This activity includes all the tasks required to complete the process requirements (such as the reproduction and funds request). Also includes District approval and "Attachment A"/RTL Certification.

Deliverables:

- Final District PS&E Package

Task 2.55.25 – Geotechnical Information Handout

This task includes reviewing the Geotechnical Design Report (GDR), Foundation Report (FR), etc. that were prepared earlier during the design phase and selecting the necessary sections and information to be included in the Geotechnical Information Handout. The GDR and FR include information such as existing physical setting, geophysical studies, geotechnical conditions, geotechnical analysis and design, construction considerations, and recommendations and specifications.

Deliverables:

- Complete the Geotechnical Information handout, and make it available for the prospective bidders to review.

Task 2.55.30 – Materials Information Handout

The Materials Information Handout (MIH) is prepared for the use of prospective bidders. The handout includes test data on local materials; soil survey sheets showing borings, tests, and seismic information, as required. It also includes a statement that the non-commercial borrow, disposal, or material sites conform with regulations and environmental laws.

Deliverables:

- Complete the Material Information handout, and make it available for the prospective bidders to review.

Task 2.55.35 – Construction Staking Package and Control

Develop the Construction Staking Notes Package (CSNP) required by surveys field crews and ensure that adequate project control exists to complete all required construction staking.

Deliverables:

- Construction Staking Notes
- Construction Staking Electronic Data File
- Project Control viable for construction staking

Task 2.55.40 - Resident Engineer's Pending File

Work involved in preparing the RE Pending File. Includes preparation of an Environmental Commitments Record (or similar document). Also includes preparing and forwarding additional information such as cross sections/as-builts, slope staking notes/grid grades) as requested by construction.

Deliverables:

- RE Pending File

TASK 2.70– CONSTRUCTION SUPPORT

Bid support services includes addressing bidders questions and support services for advertisement, bid opening, and preparation of the final estimate based on the award unit prices.. Construction support includes addressing questions and any necessary design/redesign during construction to address field conditions.

Deliverables:

- Final award estimate
- Responses to Bidders questions
- Preparation of addendums
- Addressing Requests for Information
- Change Order Support

TASK 2.95 – AS BUILTS

Work involved includes coordination with the construction manager and/or Resident Engineer to develop as-built plans in accordance with Caltran and the City of Redlands Standards. Work includes the transfer of the red-line As-Built plan mark-ups to the original full size reproducible plan sheets (or CADD file) and forwarding a reproducible set of plans with the transferred As-Built changes to SANBAG, Caltrans and the City of Redlands.

Deliverables:

- As-Builts

Specific Rate of Compensation

Contract Totals			
Prime		Hours	Cost
	ADVANTEC Consulting Engineers		
	Labor Costs	4201	\$ 502,415
	Other Direct Costs		\$ 26,050
Sub total		4201	\$ 528,465
	Simon Wong Engineering		
	Labor Costs	598	\$ 67,920
	Other Direct Costs		\$ 1,110
Sub total		598	\$ 69,030
	ICF International		
	Labor Costs	1304	\$ 187,290
	Other Direct Costs		\$ 9,262
Sub total		1304	\$ 196,551
	Kleinfelder		
	Labor Costs	480	\$ 62,191
	Other Direct Costs		\$ 25,406
Sub total		480	\$ 87,597
Contract Grand Total Amount		6583	\$ 881,643

Attachment: C14163 - Exhibit B Cost Proposal (1463 : I-10 University Engineering Contract)

EXHIBIT B

Consultant ADVANTEC Consulting Engineers

Contract No. 14163

Date 10/08/2014

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. Mileage	5000	\$ 0.56	\$ 2,800.00
B. Printing	1	\$ 2,500.00	\$ 2,500.00
C. Postage and Delivery	1	\$ 1,000.00	\$ 1,000.00
D. Design Cross Section Surveying	1	\$ 18,250.25	\$ 18,250.25
E. Traffic Counts (Average Daily Traffic and Peak Hours)	1	\$ 1,500.00	\$ 1,500.00
F.	0	\$ -	\$ -
G.	0	\$ -	\$ -
TOTAL ODC's =			\$ 26,050.25

IMPORTANT NOTES:

- List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
- Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client will pay for them as a direct cost.
- Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead rate.
- Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
- Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
- Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requirements.
- If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supported by mileage logs.
- If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not own any vehicles that could be used for the same purpose.

EXHIBIT B

Sub-Consultant: Simon Wong EngineeringContract No. 14163Date 10/08/2014

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. Mileage	1000	\$ 0.56	\$ 560.00
B. Plotting	40	\$ 10.00	\$ 400.00
C. Postage and Delivery	6	\$ 25.00	\$ 150.00
D.	0	\$ -	\$ -
E.	0	\$ -	\$ -
F.	0	\$ -	\$ -
G.	0	\$ -	\$ -
TOTAL ODC's =			\$ 1,110.00

IMPORTANT NOTES:

- List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
- Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client will pay for them as a direct cost.
- Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead
- Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
- Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
- Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requirements.
- If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supported by mileage logs.
- If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not own any vehicles that could be used for the same purpose.

EXHIBIT B

Consultant	<u>ICF</u>	Contract No.	<u>14163</u>	Date	<u>10/08/2014</u>	
Fringe Benefit % (=0%if Included in OH)	+	Over head %	+	General Administration% (=0%if Included in OH)	=	Combined Indirect Cost Rate (ICR) %
<u>34.00%</u>		<u>148.00%</u>		<u>5.96%</u>		<u>187.96%</u>
						FEE % = <u>9.00%</u>

Name/ Job Title/ Classification	Hours and Billing Rates		Total Hours	Total Cost	Effective date of hourly rate		Hourly Rate Rate Range		Actual or Avg hourly rate	% or \$ increase
	Straight Hrs	Straight Rate			From	To	Low	High		
Project Director	0	\$ 238.55	0	\$ -	01/01/2014	12/31/2014	\$ 78.00	\$ 78.00	\$ 76.00	0.0%
	137.6	\$ 245.70	137.6	\$ 33,808.66	01/01/2015	12/31/2015	\$ 80.34	\$ 80.34	\$ 78.28	3.0%
	34.4	\$ 253.07	34.4	\$ 8,705.73	01/01/2016	12/31/2016	\$ 82.75	\$ 82.75	\$ 80.63	3.0%
	0	\$ 260.67	0	\$ -	01/01/2017	12/31/2017	\$ 85.23	\$ 85.23	\$ 83.05	3.0%
Senior Project Director	0	\$ 268.49	0	\$ -	01/01/2018	12/31/2018	\$ 87.79	\$ 87.79	\$ 85.54	3.0%
	0	\$ 276.21	0	\$ -	01/01/2014	12/31/2014	\$ 79.56	\$ 121.82	\$ 88.00	0.0%
	5	\$ 284.50	5	\$ 1,422.49	01/01/2015	12/31/2015	\$ 81.95	\$ 125.47	\$ 90.64	3.0%
	0	\$ 293.03	0	\$ -	01/01/2016	12/31/2016	\$ 84.41	\$ 129.24	\$ 93.36	3.0%
Project Director	0	\$ 301.82	0	\$ -	01/01/2017	12/31/2017	\$ 86.94	\$ 133.12	\$ 96.16	3.0%
	0	\$ 310.88	0	\$ -	01/01/2018	12/31/2018	\$ 89.55	\$ 137.11	\$ 99.04	3.0%
	0	\$ 222.66	0	\$ -	01/01/2014	12/31/2014	\$ 52.85	\$ 84.14	\$ 70.94	0.0%
	24	\$ 229.34	24	\$ 5,504.25	01/01/2015	12/31/2015	\$ 54.44	\$ 86.66	\$ 73.07	3.0%
Senior Technical Analyst	0	\$ 236.22	0	\$ -	01/01/2016	12/31/2016	\$ 56.07	\$ 89.26	\$ 75.26	3.0%
	0	\$ 243.31	0	\$ -	01/01/2017	12/31/2017	\$ 57.75	\$ 91.94	\$ 77.52	3.0%
	0	\$ 250.61	0	\$ -	01/01/2018	12/31/2018	\$ 59.48	\$ 94.70	\$ 79.84	3.0%
	0	\$ 177.72	0	\$ -	01/01/2014	12/31/2014	\$ 51.86	\$ 65.93	\$ 56.62	0.0%
Managing Consultant	44	\$ 183.05	44	\$ 8,054.13	01/01/2015	12/31/2015	\$ 53.42	\$ 67.91	\$ 58.32	3.0%
	0	\$ 188.54	0	\$ -	01/01/2016	12/31/2016	\$ 55.02	\$ 69.95	\$ 60.07	3.0%
	0	\$ 194.20	0	\$ -	01/01/2017	12/31/2017	\$ 56.67	\$ 72.04	\$ 61.87	3.0%
	0	\$ 200.02	0	\$ -	01/01/2018	12/31/2018	\$ 58.37	\$ 74.20	\$ 63.73	3.0%
Senior Consultant III	0	\$ 156.94	0	\$ -	01/01/2014	12/31/2014	\$ 42.22	\$ 65.68	\$ 50.00	0.0%
	36	\$ 161.65	36	\$ 5,819.27	01/01/2015	12/31/2015	\$ 43.49	\$ 67.65	\$ 51.50	3.0%
	0	\$ 166.50	0	\$ -	01/01/2016	12/31/2016	\$ 44.79	\$ 69.68	\$ 53.05	3.0%
	0	\$ 171.49	0	\$ -	01/01/2017	12/31/2017	\$ 46.13	\$ 71.77	\$ 54.64	3.0%
Senior Consultant II	0	\$ 176.64	0	\$ -	01/01/2018	12/31/2018	\$ 47.52	\$ 73.92	\$ 56.28	3.0%
	0	\$ 153.20	0	\$ -	01/01/2014	12/31/2014	\$ 36.13	\$ 57.70	\$ 48.81	0.0%
	184	\$ 157.80	184	\$ 29,035.05	01/01/2015	12/31/2015	\$ 37.21	\$ 59.43	\$ 50.27	3.0%
	0	\$ 162.53	0	\$ -	01/01/2016	12/31/2016	\$ 38.33	\$ 61.21	\$ 51.78	3.0%
Senior Consultant I	0	\$ 167.41	0	\$ -	01/01/2017	12/31/2017	\$ 39.48	\$ 63.05	\$ 53.34	3.0%
	0	\$ 172.43	0	\$ -	01/01/2018	12/31/2018	\$ 40.66	\$ 64.94	\$ 54.94	3.0%
	0	\$ 128.28	0	\$ -	01/01/2014	12/31/2014	\$ 30.10	\$ 52.08	\$ 40.87	0.0%
	368	\$ 132.13	368	\$ 48,623.74	01/01/2015	12/31/2015	\$ 31.00	\$ 53.64	\$ 42.10	3.0%
Associate Consultant III	0	\$ 136.09	0	\$ -	01/01/2016	12/31/2016	\$ 31.93	\$ 55.25	\$ 43.36	3.0%
	0	\$ 140.18	0	\$ -	01/01/2017	12/31/2017	\$ 32.89	\$ 56.91	\$ 44.66	3.0%
	0	\$ 144.38	0	\$ -	01/01/2018	12/31/2018	\$ 33.88	\$ 58.62	\$ 46.00	3.0%
	0	\$ 106.91	0	\$ -	01/01/2014	12/31/2014	\$ 22.12	\$ 48.25	\$ 34.06	0.0%
Associate Consultant II	78	\$ 110.11	78	\$ 8,588.85	01/01/2015	12/31/2015	\$ 22.78	\$ 49.70	\$ 35.08	3.0%
	0	\$ 113.42	0	\$ -	01/01/2016	12/31/2016	\$ 23.47	\$ 51.19	\$ 36.13	3.0%
	0	\$ 116.82	0	\$ -	01/01/2017	12/31/2017	\$ 24.17	\$ 52.72	\$ 37.22	3.0%
	0	\$ 120.32	0	\$ -	01/01/2018	12/31/2018	\$ 24.90	\$ 54.31	\$ 38.33	3.0%
Associate Consultant I	0	\$ 89.86	0	\$ -	01/01/2014	12/31/2014	\$ 24.32	\$ 38.01	\$ 28.63	0.0%
	296	\$ 92.56	296	\$ 27,397.37	01/01/2015	12/31/2015	\$ 25.05	\$ 39.15	\$ 29.49	3.0%
	0	\$ 95.34	0	\$ -	01/01/2016	12/31/2016	\$ 25.80	\$ 40.32	\$ 30.37	3.0%
	0	\$ 95.34	0	\$ -	01/01/2017	12/31/2017	\$ 26.58	\$ 41.53	\$ 31.28	3.0%
Editor	0	\$ 95.34	0	\$ -	01/01/2018	12/31/2018	\$ 27.37	\$ 42.78	\$ 32.22	3.0%
	0	\$ 88.07	0	\$ -	01/01/2014	12/31/2014	\$ 22.38	\$ 38.50	\$ 28.06	0.0%
	0	\$ 90.72	0	\$ -	01/01/2015	12/31/2015	\$ 23.05	\$ 39.66	\$ 28.90	3.0%
	0	\$ 93.44	0	\$ -	01/01/2016	12/31/2016	\$ 23.74	\$ 40.84	\$ 29.77	3.0%
Assistant Consultant	0	\$ 96.24	0	\$ -	01/01/2017	12/31/2017	\$ 24.46	\$ 42.07	\$ 30.66	3.0%
	0	\$ 99.13	0	\$ -	01/01/2018	12/31/2018	\$ 25.19	\$ 43.33	\$ 31.58	3.0%
	0	\$ 82.99	0	\$ -	01/01/2014	12/31/2014	\$ 20.50	\$ 39.02	\$ 26.44	0.0%
	0	\$ 85.48	0	\$ -	01/01/2015	12/31/2015	\$ 21.12	\$ 40.19	\$ 27.23	3.0%
Labor Total	0	\$ 88.04	0	\$ -	01/01/2016	12/31/2016	\$ 21.75	\$ 41.40	\$ 28.05	3.0%
	0	\$ 90.68	0	\$ -	01/01/2017	12/31/2017	\$ 22.40	\$ 42.64	\$ 28.89	3.0%
	0	\$ 93.40	0	\$ -	01/01/2018	12/31/2018	\$ 23.07	\$ 43.92	\$ 29.76	3.0%
	0	\$ 106.62	0	\$ -	01/01/2014	12/31/2014	\$ 32.36	\$ 35.57	\$ 33.97	0.0%
Labor Total	80	\$ 109.82	80	\$ 8,785.80	01/01/2015	12/31/2015	\$ 33.33	\$ 36.64	\$ 34.99	3.0%
	0	\$ 113.12	0	\$ -	01/01/2016	12/31/2016	\$ 34.33	\$ 37.74	\$ 36.04	3.0%
	0	\$ 116.51	0	\$ -	01/01/2017	12/31/2017	\$ 35.36	\$ 38.87	\$ 37.12	3.0%
	0	\$ 120.01	0	\$ -	01/01/2018	12/31/2018	\$ 36.42	\$ 40.03	\$ 38.23	3.0%
Labor Total	0	\$ 88.20	0	\$ -	01/01/2014	12/31/2014	\$ 22.84	\$ 31.89	\$ 28.10	0.0%
	17	\$ 90.85	17	\$ 1,544.37	01/01/2015	12/31/2015	\$ 23.53	\$ 32.85	\$ 28.94	3.0%
	0	\$ 93.57	0	\$ -	01/01/2016	12/31/2016	\$ 24.23	\$ 33.83	\$ 29.81	3.0%
	0	\$ 96.38	0	\$ -	01/01/2017	12/31/2017	\$ 24.96	\$ 34.85	\$ 30.71	3.0%
Labor Total	0	\$ 99.27	0	\$ -	01/01/2018	12/31/2018	\$ 25.71	\$ 35.89	\$ 31.63	3.0%
Labor Total			1304	\$ 187,289.70						

- Names and classifications of consultant (key staff) team members must be listed. Provide separate sheets for prime and all subconsultant firms.
- Billing rate = actual hourly rate *(1+ICR) * (1+FEE). Agreed upon billing rates are not adjustable for the term of contract.
- For named employees enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.
- Increase percent rate is used for estimating the contract value. Escallation shall be applied per contract section 5.2

Note:

Denote all employees subject to prevailing wage with an asterisks (*)

For "Other Direct Costs" listing, see page 2 of the Exhibit

Attachment: C14163 - Exhibit B Cost Proposal (1463 : I-10 University Engineering Contract)

EXHIBIT B

Subconsultant

ICF

Contract No.

14163Date 10/08/2014

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. Reproductions	1	\$ 4,600.00	\$ 4,600.00
B. Postage and Delivery	1	\$ 920.00	\$ 920.00
C. Travel, Auto, incld. Mileage at current IRS rate (.56/mile)	4896	\$ 0.56	\$ 2,741.76
D. Surveys and Reports	1	\$ 1,000.00	\$ 1,000.00
E.	0	\$ -	\$ -
F.	0	\$ -	\$ -
G.	0	\$ -	\$ -
TOTAL ODC's =			\$ 9,261.76

IMPORTANT NOTES:

- List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
- Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client will pay for them as a direct cost.
- Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead rate.
- Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
- Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
- Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requirements.
- If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supported by mileage logs.
- If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not own any vehicles that could be used for the same purpose.

EXHIBIT B

Subconsultant Kleinfelder Contract No. 14163 Date 10/08/2014

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. Geotechnical Drilling	1	\$ 6,000.00	\$ 6,000.00
B. Traffic Control	1	\$ 9,200.00	\$ 9,200.00
C. Geotechnical Laboratory	1	\$ 5,200.00	\$ 5,200.00
D. Caltrans Permits	1	\$ 1,000.00	\$ 1,000.00
E. Environmental Laboratory: TTLC, STLC, STLC-di, PH, TCLP, Paint Chip	1	\$ 2,004.00	\$ 2,004.00
F. Agency Rquests	1	\$ 600.00	\$ 600.00
G. Various Environmental Testing and Supplies: Augers, Camera, GPS, Report Copies and Reproduction Costs	1	\$ 825.00	\$ 825.00
H. Mileage	1030	\$ 0.56	\$ 576.80
I.		\$ -	\$ -
TOTAL ODC's =			\$ 25,405.80

IMPORTANT NOTES:

1. List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
2. Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client
3. Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead rate.
4. Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
5. Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
6. Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requireme
7. If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supporte
8. If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not ow

Attachment: C14163 - Exhibit B Cost Proposal (1463 : I-10 University Engineering Contract)



CONTRACT SUMMARY SHEET

Contract No. C 14163 Amendment No. 0

By and Between

San Bernardino County Transportation Authority and ADVANTEC Consulting Engineers, Inc

Contract Description I-10 University Street Interchange Professional Service Contract

Board of Director's Meeting Date: 12/03/14

Overview of BOD Action: Award contract for professional services for the Permit Engineering Evaluation Report, the Project Approval & Environmental Document, the Plans, Specifications, and Estimates, and design support services during the right-of-way and construction phases.

Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW					
Original Contract Amount	\$	881,643	Original Contingency Amount	\$	88,164
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$		Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	
Current Amendment Amount	\$		Contingency Amendment	\$	
TOTAL CONTRACT VALUE	\$	881,643	TOTAL CONTINGENCY VALUE	\$	88,164
TOTAL BUDGET AUTHORITY (contract value + contingency)				\$	\$969,807

Contract Start Date 01/05/15	Current Contract Expiration Date 12/31/19	Revised Contract Expiration Date
--	---	---

Has the contract term been amended? No Yes - please explain.

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. 0899.

A Budget Amendment is required.

How are we funding current FY? MSI Valley Freeway Interchange Fund and City of Redlands

Federal Funds State Funds Local Funds TDA Funds Measure I Funds

Provide Brief Overview of the Overall Funding for the duration of the Contract:
MSI Valley Freeway Interchange Fund and City of Redlands

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ %

<u>Andrea Nieto</u> Project Manager (Print Name)	<u>[Signature]</u> Signature	<u>10.09.14</u> Date
<u>Garry Cohoe</u> Task Manager (Print Name)	<u>[Signature]</u> Signature	<u>10.14.14</u> Date
<u>Andrea Zureick</u> Dir. of Fund Admin. & Programming (Print Name)	<u>[Signature]</u> Signature	<u>10/15/14</u> Date
<u>Jeffery Hill</u> Contract Administrator (Print Name)	<u>[Signature]</u> Signature	<u>10/20/14</u> Date
<u>Bill Stawarski</u> Chief Financial Officer (Print Name)	<u>[Signature]</u> Signature	<u>10/22/14</u> Date



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 16

Date: *December 3, 2014*

Subject:

Draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Project List

Recommendation:

That the Board, acting as the San Bernardino County Transportation Commission receive information on the submittal of a Draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Project List to SCAG by November 30, 2014.

Background:

SANBAG currently collaborates with the Southern California Association of Governments (SCAG) on a broad range of transportation and sustainability initiatives. As part of these collaborative efforts, SANBAG was directly involved in the development of the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and is currently involved in development of the 2016-2040 RTP/SCS. The 2012-2035 RTP/SCS was adopted by SCAG's Regional Council on April 4, 2012.

While SCAG develops the RTP/SCS, the land use and transportation changes within it are largely driven by the respective actions of local governments, transit agencies, Caltrans, and County Transportation Commissions. It is therefore critical that the Transportation Commissions be engaged in the implementation of the Plan in order for its benefits to be realized. In addition, the RTP/SCS progress toward the implementation of the RTP/SCS needs to be reflected in each subsequent RTP/SCS cycle.

The RTP portion of the RTP/SCS is a long-range transportation plan that is developed and updated by SCAG every four years. The RTP provides a vision for transportation investments throughout the region. Using growth forecasts and economic trends that project out over a 20-year period, the RTP considers the role of transportation in the broader context of economic, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address our mobility needs.

The SCS was required by Senate Bill 375 to better integrate land use and transportation strategies that will achieve Greenhouse Gas (GHG) reduction targets set by the California Air Resources Board (CARB). The focus of the SCS is on GHG reductions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning.

The long range transportation plan for San Bernardino County is embedded within the SCAG RTP/SCS. SCAG has requested that County Transportation Commissions submit their lists of transportation projects by November 30, 2014. Changes to those project lists may occur as the development of the RTP/SCS proceeds, but SANBAG staff wanted to bring this submittal to the

Entity: CTC

attention of the Board, given the number of critical projects needing to be reflected. Approval of the project list by the SANBAG Board is not required at this time.

As background to development of the RTP/SCS project list, staff has been working on a Countywide Transportation Plan (CTP). The CTP is ultimately folded into the SCAG RTP/SCS, but the Board authorized staff to work on the county's own independent assessment of longer-term project needs and financial issues through the CTP. Thus far, staff has analyzed the following:

- Existing conditions. The current status of the highway and transit networks and the characteristics of travel on those networks.
- Funding that is projected to be available for capital projects through year 2040. The approach to this analysis was to identify how much funding could be expected following the delivery of all the projects in the 10-Year Delivery Plan projects.
- Identification of two scenarios. The Baseline Scenario includes all projects that can be reasonably funded through Measure I, developer fees and conservative assumptions of traditional state and federal sources. The concept of the Baseline Scenario is to identify what we could expect to build and operate with traditional sources of revenue. The Aggressive scenario would include projects that are considered necessary to support future transportation demands but could be funded only with more optimistic funding expectations and/or innovative funding strategies such as those included in the 2012 SCAG RTP.
- Identification of transportation projects scaled to the levels of funding for each scenario. The Aggressive Scenario is being used as the basis for submittal of projects to SCAG for the RTP/SCS. This is consistent with the strategy for inclusion of projects for the 2012 RTP/SCS, as it was based on a much more optimistic view of potential funding that could be expected in the future. This does not financially commit SANBAG to all of the projects, but it does provide additional flexibility on which projects can be advanced for further project development.

It is important to note that funding for maintenance and operations is a critical issue not only for the RTP/SCS, but for the San Bernardino County CTP as well. Consideration of life-cycle costs is an increasingly important topic and will be an issue going forward for San Bernardino County and the Region. The funding estimates in this agenda item represent estimates for capital projects after consideration of operations needs as they are known at this time. However these future needs are very difficult to predict. SANBAG has no current responsibility for local jurisdiction street or state highway maintenance. However, maintenance and operations for the Express Lanes are accounted for through toll revenue.

Estimates of Funding through 2040

Table 1 shows SANBAG staff's estimates of funds projected to be available subsequent to delivery of projects in the 10-Year Delivery Plan (10YDP). The estimates are in 2014 dollars. This amount is what would be available for projects in the Baseline Scenario beyond those projects committed to in the 10YDP. State and Federal revenues have been assumed to be flat (i.e. no increases or reductions in funding from current levels). This is the same assumption used

for the 10YDP. Estimated Development Impact Fee (DIF) funds are not shown, but are assumed to be available at the levels necessary to match SANBAG shares per the Nexus Study. Please reference the 10YDP for details regarding projects included (go to “Publications” on the SANBAG home page). Some additional notes on Table 1 include:

- The uncommitted revenue for the Valley Freeway Program assumes that the Express Lanes alternative is completed under the 10YDP, per the SANBAG Board action to identify the Express Lanes as the locally preferred alternative.
- The uncommitted revenue for the Valley Freeway Interchange Program is what would be available following completion of the top 10 interchanges on the priority list, plus I-10/Pepper.
- The grade separation portion of the Valley Major Street Program has no additional Measure I revenue available under current projections.

**Table 1. Estimate of Uncommitted Revenue Beyond the SANBAG 10-Year Delivery Plan
(Millions of 2014 Dollars)**

Revenue Source	Uncommitted Revenue Beyond 10YDP (Millions of 2014 Dollars)
Measure I Programs	
Valley Freeway	\$122
Valley Freeway Interchanges	\$134
Valley Major Streets - Grade Separations	\$0
Valley Metrolink/Rail Capital	\$17
Valley Express Bus/BRT Capital and Operations	\$149
Cajon Pass	\$56
Victor Valley Major Local Highways	\$21
North Desert Major Local Highways	\$23
Mountains Major Local Highways	\$18
Morongo Basin Major Local Highways	\$24
Colorado River Major Local Highways	\$3
Federal	
CMAQ Valley	\$171
CMAQ Mountain/Desert	\$134
Surface Transportation Program (STP) Valley	\$130
Surface Transportation Program Mountain/Desert	\$42
FTA Section 5307	\$89
State	
State Transit Assistance Fund Valley	\$66
State Transit Assistance Fund Mtn/Desert	\$61
Regional Improvement Program (aka STIP) Valley	\$80
Regional Improvement Program (aka STIP) Mountain/Desert	\$220

- The Valley Major Street Arterial Program is not shown, as jurisdictions have access to a formula share of the revenues available to that program under the “Equitable Share” policy. Local jurisdictions decide which of their Nexus Study projects to fund in any given year.
- None of the estimates for the Measure I Local Street pass-through or Senior and Disabled Transit programs are shown, given the generally formula-based nature of these ongoing programs.
- Uncommitted Measure I revenue for the Cajon Pass reflects what will remain following construction of the Devore (I-15/I-215) Junction.
- Only the Major Local Highways Program funding is shown for the Mountain/Desert subareas. The 10YDP shows substantial commitments of those funds for the Victor Valley, leaving only \$21 million in additional funds projected to 2040. The other Mountain/Desert subareas have relatively small commitments of Measure I Major Local Highways funding in the 10YDP.
- For Federal funds, an effort has been made to estimate uncommitted CMAQ funding by subarea. STP and STIP funding is estimated only for the Valley and overall Mountain/Desert areas. It is worth noting that the amount of uncommitted State and Federal funding (approximately \$1 billion) is much larger than the uncommitted Measure I, in part because substantial bonding against Measure I is projected by the 10YDP to occur to deliver the projects at an early date. The debt service for this bonding is considered to be committed revenue in the 10YDP. This means that additional State and Federal funding for capital projects will be freed up following the delivery of the 10YDP projects, as such funding can only be used concurrent with project delivery.

Capital Projects for the Baseline Scenario

The Baseline Scenario includes all projects identified in the Measure I 2010-2040 Ten-Year Delivery Plan 2014 Update, plus projects that could be funded under the funding estimates listed in Table 1. See Attachment 1 for the list of projects to be delivered under the 10YDP. The following lists the additional projects that could be funded beyond the 10YDP projects under the Baseline Scenario given estimates of available Measure I, DIF, State, and Federal funds. It should be noted that this estimate deals with total available funding and that there may be limitations on where much of the funding can be allocated and what projects might be eligible. The identification of projects is preliminary, subject to further discussions with local jurisdictions and the SANBAG Board.

Cajon Pass

- I-15 Express Lanes from Devore to US 395 (subject to project being supportable with toll revenue)

Valley Freeway

- I-215 North, HOV lane from SR-210 to I-15 (also listed in the Expenditure Plan)

Valley Interchanges

- Additional Interchanges on the current priority list (through No. 18). Please note that SANBAG is obligated to reconsider interchange priorities in 2015 and that the interchange phasing analysis will be a consideration in this review. More information will be provided by SANBAG staff over the next several months. Current policy is to use the existing priority list. These would include:
 - SR-60/Grove
 - SR-60/Euclid
 - I-10/Euclid
 - SR-60/Mountain
 - SR-60/Ramona
 - I-15/Sierra
 - SR-210/Waterman
 - I-10/Mountain View

Valley Rail/Bus

- San Bernardino Line Double Track Control Point Lilac to Control Point Rancho
- Gold Line to Montclair
- Metrolink Expansion to 50 daily trains
- West Valley Connector as Express Bus
- Foothill/5th Express Bus

Victor Valley Major Local Highway

- US 395 Widening to 6 lanes
- I-15 Express Lanes from US 395 to High Desert Corridor (1 lane each direction north of US 395 - subject to project being supportable with toll revenue)
- SR-138 Widening and Improvements (Local input needed for inclusion in Baseline vs. Aggressive scenario)
- Priority Corridor Signal Coordination (Local input needed for inclusion in Baseline vs. Aggressive scenario)
- Yucca Loma Corridor – Green Tree Boulevard Extension
- Yucca Loma Corridor – Yucca Loma Road
- Interchanges (Local input needed on interchange priorities for inclusion in Baseline vs. Aggressive scenario)
 - I-15/Muscatel
 - I-15/Eucalyptus
 - I-15/Bear Valley Road

Mountains (Local input needed for inclusion in Baseline vs. Aggressive scenario)

- Intersection and targeted highway widening projects to be identified through the Mountain Area Transportation Study
- Stanfield Cutoff
- Village L Advanced Expenditure Agreement Repayment of an additional \$1.2 million
- Changeable Message Signs (Big Bear Dam and other locations to be specified)
- SR-18/Arctic Circle: slope stabilization

Board of Directors Agenda Item

December 3, 2014

Page 6

- North Shore: pave shoulders and add bike lane
- Highway 18 at Crest Forest Drive – realign
- Highway 18 at Daley Canyon – turn lane
- Safety and Intersection/Traffic Flow Improvements
 - SR-18
 - SR-38
 - SR-330
 - SR-138

North Desert (Local input needed for inclusion in Baseline vs. Aggressive scenario):

- First Avenue Bridge over BNSF
- First Avenue Bridge over Mojave
- Baker Boulevard
- Bridges on National Trails Highway
- SR-58 Widening and Improvements
- US 395 Widening and Improvements
- I-15/Morton interchange
- Vista Road Grade Separation

Morongo Basin (Local input needed for inclusion in Baseline vs. Aggressive scenario):

- SR-62 and SR-247 Widening and Safety Improvements
- SR-62 Widening and Safety Improvements between Morongo Basin and Coachella Valley
- Yucca Valley: SR-62 Airway/LaContenta
- Yucca Valley: SR-62 Airway/Sage
- Twentynine Palms: SR-62 Encelia/Split Rock
- Twentynine Palms: SR-62 Encelia Traffic Signal
- Additional improvements being identified in the Morongo Basin Transportation Study

Colorado River (Local input needed for inclusion in Baseline vs. Aggressive scenario):

- Portions of Needles Highway Widening and Realignment from I-40 to Nevada (up to available funding)
- J Street (Needles) Connector
- Construction of new bridge in Needles connecting I-40 to Arizona

Other

- Nexus Study arterial projects that can be delivered with projected Measure I revenue and DIF funds
- Continuation of the ridesharing program
- Continuation of Freeway Service Patrol and callbox programs
- Continued expansion of the non-motorized network per the Non-Motorized Transportation Plan, with substantial funding from grant programs and TDA Article 3 funding
- Periodic updates of the signal synchronization program

Capital Projects for the Aggressive Scenario (which would be consistent with the SANBAG submittal to SCAG for RTP/SCS projects)

- All projects identified in the 10YDP plus the additional Baseline Scenario projects
- Freeway Improvements
 - Full Buildout of I-215 from I-10 to Riverside County Line
 - Including I-215/Washington
 - I-215 mixed flow lane from SR-210 to I-15
 - Completion of I-10 to Riverside Co. Line with HOV or Express Lanes
 - SR-210 HOV lane from I-215 to I-10
 - I-10/I-15 Express Lane Connectors (connectors are listed in the Measure I Expenditure Plan)
- Full Interchange Program (including all Nexus Study interchanges plus SR-210/Victoria)
- Arterial Program Buildout, per Nexus Study
- All Nexus Study Grade Separations plus additional grade separations in SCAG Regional Freight Plan and California Freight Mobility Plan
- Redlands Passenger Rail Phase 2
- Full Bus Rapid Transit for West Valley Connector and Foothill/5th. Express bus or hybrid BRT/express on remainder.
- Additional Metrolink double-track segments
- Buildout of Non-Motorized Transportation Plan facilities
- High Desert Corridor (sources of public and/or private/toll funding yet to be determined)
- Passenger Rail to Ontario Airport

If the 2016 RTP/SCS development follows the pattern of the 2012 cycle, it is anticipated that the SANBAG Aggressive Scenario projects will be included in the SCAG Financially Constrained Plan. If the SCAG innovative funding sources are lower than projected for the 2012 RTP/SCS, additional projects may need to be pulled out of the Aggressive Scenario. Over the next several months, further technical analysis by SANBAG staff will evaluate the CTP scenarios and develop specific recommendations for the final 2016-2040 RTP/SCS Project List to be submitted to SCAG in the spring of 2015. The current list that SANBAG is providing to SCAG represents a draft RTP/SCS Project List that includes updated and current information for the projects included in the Ten-Year Delivery Plan as well as updated and current information for projects that have historically appeared in the RTP. However, it is important to have as accurate a response as possible to this draft submittal, which is why the draft list has discussed with both technical and policy committees at this time.

It should also be noted that the RTP/SCS also contains a set of “Strategic Plan” projects that lists future projects for which funding is not available even when considering the SCAG innovative

Board of Directors Agenda Item

December 3, 2014

Page 8

funding sources included in the 2012 RTP/SCS. In other words, these would be beyond the SANBAG Aggressive Scenario. Two of these projects would include the San Bernardino Mountain-Valley Railway System between San Bernardino/Highland and Big Bear Lake, and Redlands Rail Phase III, both of which were included in the Strategic Plan for the 2012 RTP/SCS.

Staff has been coordinating with local jurisdictions regarding local input into the planning process through regular updates at Transportation Technical Advisory Committee meetings. Staff is not requesting approval of the list at this time, but is presenting information so that local jurisdiction staff and Board members can provide comment on both overall direction and specific projects.

Financial Impact:

There is no impact to the Fiscal Year 2014/2015 SANBAG budget.

Reviewed By:

This item was reviewed by the Board of Directors Metro Valley Study Session on November 13, 2014 and by the Mountain/Desert Policy Committee on November 14, 2014. Material in this item was reviewed by the Transportation Technical Advisory Committee on November 3, 2014.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Attachment 1. Key Projects Included in the 10-Year Delivery Plan

Freeway:

- I-10 HOV or Express Lanes
- I-215 Bi-County HOV Lane
- I-215 Barton interchange
- SR-210 Lane Addition
- I-15 Express Lanes to Devore
- I-10 Truck Climbing Lane

Interchanges:

- I-10/Cherry
- I-10/Citrus
- I-10/Tippecanoe Phase 1 & 2
- I-10/Cedar
- SR-210/Baseline
- SR-60/Central
- I-10/University
- I-215/University
- I-10/Alabama
- I-15/Baseline
- I-10/Mt. Vernon
- SR-60/Archibald
- I-10/Monte Vista
- I-10/Pepper
- I-10/Riverside

Grade Separations:

- North Vineyard
- South Milliken
- Glen Helen
- Palm Avenue
- Laurel Avenue

Valley Rail/Bus:

- Downtown San Bernardino Rail
- Redlands Passenger Rail
- San Bernardino Line Double Track Preliminary Engineering
- Passenger Rail to Montclair Project Approval/Environmental Document

Victor Valley Major Local Highway

- Yucca Loma Bridge
- I-15/Ranchero
- Yucca Loma – Green Tree
- US 395 Widening
- Ranchero Corridor
- Lenwood Grade Separation

Cajon Pass:

- Devore (I-15/I-215) interchange

Minute Action

AGENDA ITEM: 17

Date: *December 3, 2014*

Subject:

New Tasks and Budget Amendments for Active Transportation Program Grants

Recommendation:

That the Board approve the following budget items to accommodate grant projects recently awarded to SANBAG through the California Department of Transportation Active Transportation Program:

- A. Amend the Fiscal Year 2014/2015 budget to add new Task No. 0401: Metrolink Station Accessibility Improvements totaling \$4,928,729 to be funded with \$4,678,729 of Active Transportation Program (ATP) – Federal grant funds and \$250,000 of Transportation Development Act (TDA) Article 3 funds.
- B. Amend the Fiscal Year 2014/2015 budget to add new Task No. 0402: Safe Routes to School Plan totaling \$400,000 to be funded with ATP – State grant funds.
- C. Amend the Fiscal Year 2014/2015 budget to add new Task No. 0403: Points of Interest Pedestrian Plan totaling \$400,000 to be funded with ATP – State grant funds.

Acting as the San Bernardino County Transportation Commission:

- D. Allocate \$250,000 of TDA Article 3 funds for administration and project management for the implementation of the Metrolink Station Accessibility Improvement Project under Task No. 0401.

Acting as the San Bernardino County Transportation Authority:

- E. Authorize staff to work on the procurement process for design of the Metrolink Station Accessibility Improvement Project.

Background:

The Active Transportation Program (ATP) was created by Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 2013) to encourage increased use of active modes of transportation, such as biking and walking, as well as to ensure compliance with Moving Ahead for Progress in the 21st Century (MAP-21). For the first three years of the funding cycle, the ATP will award approximately \$360 million statewide for active transportation projects. A Call for Projects was issued by the California Department of Transportation (Caltrans) on March 21, 2014 and the grant applications were due on May 21, 2014.

Entity: CTA, CTC

SANBAG submitted one infrastructure project and two non-infrastructure projects and was successful in receiving funds for all three of the projects:

1. Metrolink Station Accessibility Improvement Project (\$4,678,729)
2. SANBAG Safe Routes to School Plan (\$400,000)
3. Points of Interest Pedestrian Plan (\$400,000)

All three of these SANBAG projects will benefit multiple jurisdictions in San Bernardino County. The Metrolink project will build bicycle and pedestrian improvements in station areas for the six cities with Metrolink stations. The Safe Routes to School Plan and Pedestrian Points of Interest Plan will benefit all the jurisdictions in the County by providing planning background work for active transportation around bike/ped nodes in the County. New task numbers are being created and budget amendments are being requested to accommodate the receipt and expenditure of funds for these projects.

Metrolink Station Accessibility Improvement Project (New Task No. 0401)

SANBAG proposed and was awarded the Project to improve bicycle and pedestrian access to the regional transit network through the new ATP. The individual projects were thoughtfully and collaboratively pulled into a logical, achievable package for consideration in the ATP process based on the improvement to transit/bicycle/pedestrian connectivity and safety. Improvements focus on providing safe pedestrian/bicycle access, gates at the railroad tracks, wayfinding signage to direct users to the transit centers, sidewalk improvements, high-visibility crosswalks, bicycle parking, and the implementation of key corridors of the regional bicycle network designed to directly connect to the stations. The foundation for this package of projects began in 2011 with the initiation of the award winning study Improvement to Transit Access for Cyclists and Pedestrians (Access to Transit Report).

The Transportation Development Act (TDA) provides that 2% of the Local Transportation Funds (LTF) be made available to counties and cities for facilities for the exclusive use of bicyclists and pedestrians, known as the TDA Article 3 Program. SANBAG administers the distribution of Article 3 funding and has the discretion to determine the manner in which funds are allocated. On April 3, 2014 the SANBAG Board of Directors delegated the authority for approval of Transportation Investment Generating Economic Recovery (TIGER) grant submittal, including approval of matching funds, to the Board of Directors Metro Valley Study Session. On April 17, 2014 the Board of Directors Metro Valley Study Session approved the submittal of two TIGER grants and approved a commitment of up to \$2.75 million in TDA Article 3 funds, spread over at least two years, to serve as a match for the Metrolink Station Accessibility Improvement Project application.

A package of projects was identified for submittal of a TIGER grant in concert with local jurisdiction input. SANBAG agreed to take the lead on project development and delivery for this package of multi-jurisdictional projects. While the Metrolink Station Accessibility Improvement Project was recommended for funding in the initial round of TIGER grant reviews, it was ultimately not selected for funding. However, SANBAG was successful in being awarded \$4,678,729 from the State of California Active Transportation Program (ATP) to implement a

subset of the projects included in the TIGER grant at the six existing Metrolink stations in San Bernardino County.

To administer the implementation of the pedestrian and bicycle improvements identified in the ATP grant application, SANBAG Project Delivery support staff oversight and project management is required. Use of \$250,000 in TDA Article 3 funds is requested to support staff project management and right-of-way requirements so that the projects can be implemented in a timely fashion. Since SANBAG was unsuccessful in obtaining the TIGER grant, the full amount of TDA Article 3 funds approved by the Board of Directors is not necessary. However, a portion of those funds are required to provide project management and oversight for the ATP grant project.

SANBAG has invested heavily in the Metrolink corridor, which is one of the county's key transportation assets. In addition, the previously referenced "Access to Transit" Study has proven to be a wise investment as it has now led to grant funding to implement many of the study recommendations. Leveraging approximately \$4.7 million in state funding with an investment of up to \$250,000 in local Article 3 funding is a win for San Bernardino County. It is estimated the oversight and project management will cost approximately \$160,000 with an estimate of up to \$90,000 required for right-of-way surveys and coordination.

SANBAG generally receives approximately \$1.5 million annually in Article 3 funds for allocation to bicycle and pedestrian projects. Authorization to utilize up to \$250,000 for oversight and project management would allocate approximately 15% of revenue for one year to the improvement of pedestrian and bicycle accessibility, consistent with the Article 3 statute. The remainder of the Article 3 funds would be made available to local jurisdictions in the standard biennial call for projects, which is expected to occur in Spring 2015.

Project Delivery staff will coordinate closely with each of the local jurisdictions throughout the implementation to ensure that the projects are designed and constructed consistent with local standards.

Safe Routes to School Plan (New Task No. 0402)

SANBAG was awarded Caltrans ATP grant funds totaling \$400,000 to develop a Safe Routes to School Plan (SRTSP) with Student Travel Data Collection Strategy to be integrated within the existing Non-Motorized Transportation Plan (NMTP) as a significant step towards creating a completely integrated, countywide active transportation planning guide. Through collaborative analysis and public outreach, the SRTSP will develop a priority list of projects and an inventory of needed infrastructure improvements for approximately ten percent (10%) of San Bernardino County's schools. Additionally, a Student Travel Data Collection Strategy will be created to inventory existing school data sources and define a methodology for regularly collecting data on student travel trends. This data will be used by SANBAG and member jurisdictions to prioritize investments, streamline project funding, and improve regional active transportation modeling efforts.

The SRTSP developed will ultimately:

- Enable San Bernardino County jurisdictions to identify the most cost-effective Safe Routes to School projects for investment of local funds and for future request for ATP and other non-motorized funds.
- Document a comprehensive process for evaluating SRTS needs, including cutting-edge techniques to make the process more efficient for San Bernardino County and other agencies in the State (e.g. through aerial photography, Google “street view”, etc.).
- Allow member jurisdictions to take advantage of economies of scale at the County level, rather than having individual city-level efforts.
- Open additional lines of communication between public works/planning agencies and citizens.
- Provide a basis for enhancing the pedestrian section of SANBAG’s NMTP with an additional focal point around the County’s most frequented locations.

Points of Interest Pedestrian Plan (New Task No. 0403)

SANBAG was awarded Caltrans ATP grant funds totaling \$400,000 to develop a Points of Interest Pedestrian Plan (PIPP) to be integrated within the existing Non-Motorized Transportation Plan (NMTP) as a significant step towards creating a completely integrated, countywide active transportation planning guide. Pedestrian plans differ from bicycle plans due to their smaller catchment areas allowing the plan to focus mostly on access to and from a point of interest. Because conducting a countywide inventory of pedestrian facilities on over 22,000 miles of roadway infrastructure is not reasonable, SANBAG will focus on pedestrian access to prioritized points of interest throughout the County.

The points of interest will include trip generating activity centers throughout the county such as hospitals, shopping centers, major employment hubs, downtowns, museums, parks, recreational facilities, courthouses, and transit centers. Some examples include pedestrian access corridors to Loma Linda University Hospital, Victoria Gardens, ESRI, downtown Montclair, and the San Bernardino County Museum. Once these locations have been geographically identified and prioritized through public outreach and collaboration with local jurisdictions, SANBAG proposes to:

- Collect plans from member jurisdictions for any of the locations that might already have an inventory or plan in the works,
- Conduct an inventory and mode choice survey of available pedestrian facilities where they did not already exist, and
- Create a prioritized list of infrastructure improvements for the identified points of interest.

The PIPP will ultimately become a part of the NMTP and be available to the public in GIS (map) format on the SANBAG website. This will enable the public to be better informed of their active transportation options as well to serve as part of a more complete active transportation planning guide for local, regional, and state agencies. Similar to the Safe Routes to School Plan described above, the PIPP developed will ultimately:

Board of Directors Agenda Item

December 3, 2014

Page 5

- Enable San Bernardino County jurisdictions to identify the most cost-effective projects for investment of local funds and for future request for ATP and other non-motorized funds.
- Document a comprehensive process for evaluating pedestrian needs, including cutting-edge techniques to make the process more efficient for San Bernardino County and other agencies in the State (e.g. through aerial photography, Google “street view”, etc.).
- Allow member jurisdictions to take advantage of economies of scale at the County level, rather than having individual city-level efforts.
- Open additional lines of communication between public works/planning agencies and citizens.
- Provide a basis for enhancing the pedestrian section of SANBAG’s NMTP with an additional focal point around the County’s most frequented locations.

Staff is requesting the new tasks to accommodate the above projects and Fiscal Year 2014/2015 budget amendments to accept and expend the ATP funds.

Financial Impact:

These are new tasks that require the following budget amendments for the current fiscal year, 2015:

New Task No. 0401 for the Metrolink Station Accessibility Improvement Project totaling \$4,928,729 to be funded with \$4,678,729 of new Active Transportation Program (ATP) funds – Federal (Fund No. 2070) and \$250,000 of TDA Article 3 (Fund No. 1038).

New Task No. 0402 for the Safe Routes to School Plan totaling \$400,000 to be funded with new Active Transportation Program (ATP) – State (Fund No. 2670).

New Task No. 0403 for Points of Interest Pedestrian Plan totaling \$400,000 to be funded with new Active Transportation Program (ATP) funds – State (Fund No. 2670).

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 18

Date: December 3, 2014

Subject:

July - September 2014 Right-of-Way Grants of Use Report

Recommendation:

Receive July-September 2014 Right-of-Way Grants of Use Report.

Background:

The Board of Directors adopted the SANBAG Rail Property Policy (Policy No. 31602) on July 2, 2014. Within the policy under Section B - Policy Principals and Authority to Execute Grants of Right of Use, the Board authorized the Executive Director, or designee, to approve all grants of rights of use documents as approved to form by General Counsel.

A list of all grants of use that were executed by the Executive Director and/or designee during the months of July to September 2014 is presented herein as Attachment A.

Financial Impact:

This item imposes no impact on the Fiscal Year 2014/2015 budget. Presentation of the monthly Right-of-Way report demonstrates compliance with the SANBAG Rail Property Policy (Policy No. 31602).

Reviewed By:

This item was received by the Commuter Rail and Transit committee on October 9, 2014 (July – August reporting) and November 13, 2014 (September reporting).

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____

Entity: CTA, CTC

Attachment A

July - September Right-of-Way Grants of Use Report

Vendor Name	Contract No.	Agreement Type	Linked Agreements	Executed Date	Term Date	Amount	Fee's Waived	Waived Fee Amount	Waived Fee Comments
KAD Paving, LLC	R14179	ROE	C09121	7/24/14	10/4/14	\$2,230.00	X	\$1,200.00	Use Fee waived based on prior practice. Will be taking an item to Sep GPC regarding locals jurisdictions and waving fees. *
Joshua Grading & Excavation, Inc	R13162	License-Term	None	8/2/13	7/28/14	\$ -	N/A		N/A
KAD Paving, LLC	R14179	ROE *A1	C09121	10/3/14	12/31/14	\$ 560.00	N/A	N/A	N/A

*October 1, 2014 #16 Board approved:

- A. Collect administration fees and waive use fees from member jurisdictions for new rail property grants of rights of use; and
- B. Collect administration fees and waive use fees from member jurisdictions for updated/replaced rail property grants of rights of use.

Attachment: List of Grants of Use (1479 : July - September 2014 Right-of-Way Grants of Use Report)

Minute Action

AGENDA ITEM: 19

Date: *December 3, 2014*

Subject:

Amendment to Contract No. C11207 with Nossaman, LLP

Recommendation:

The Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 1 to Contract No. C11207 with Nossaman, LLP for additional right-of-way legal services on the Downtown San Bernardino Passenger Rail Project, increasing the contract amount by \$500,000 for an amended not-to-exceed amount of \$2,500,000.

The Board, acting as the San Bernardino County Transportation Commission:

B. Allocate \$340,000 of Valley Local Transportation Funds for right-of-way legal support on the Downtown San Bernardino Passenger Rail Project.

C. Allocate \$160,000 of Valley Local Transportation Funds for right-of-way legal support on the San Bernardino Transit Center Project in lieu of Valley State Transit Assistance Funds that were originally identified for the project.

Background:

On December 7, 2011, the San Bernardino Associated Governments (SANBAG) Board of Directors awarded Contract No. C11207 to Nossaman, LLP for right-of-way legal services on the Downtown San Bernardino Passenger Rail Project (DSBPRP) and the San Bernardino Transit Center (SBTC) projects. The original contract value with Nossaman, LLP was for a not-to-exceed amount of \$2,000,000.

As part of the project, SANBAG was required to obtain a total of thirty-six (36) parcels that included permanent acquisitions, temporary construction easements, and licenses from property owners. The anticipated legal services costs for a project of this magnitude are difficult to accurately estimate, due to the number of parcels to be acquired and the variables encountered in legal representation. Right-of way acquisitions involve negotiations between two or more parties, often with opposing counsel. Parties and attorneys differ in their levels of cooperativeness and reasonableness. In addition, the unique features of each parcel acquired can affect the amount of legal services needed. Thus, the estimated legal costs can vary significantly.

The DSBPRP and SBTC projects are moving closer toward completion and the pending acquisitions and settlements have taken longer than anticipated therefore requiring \$500,000 in additional budget and a contract amendment. The proposed amendment is needed to cover the pending right-of-way legal services as follows:

Entity: CTA, CTC

Board of Directors Agenda Item

December 3, 2014

Page 2

1. Finalize settlement with Southern California Gas Company and other miscellaneous work to finalize various acquisitions (APN 136-101-14, 136-101-15 and 136-101-21).
2. Finish acquisition of Byun property (APN 136-091-11 and 0136-011-31), with likely jury trial and possible appeal.
3. Finish acquisition of Affaitati property (APN 136-021-28). This acquisition has the potential for a full jury trial and possible appeal.

Financial Impact:

This item is consistent with the current adopted Fiscal Year 2014/2015 SANBAG Budget. Funding for the contract amendment is provided under Task No. 0323-San Bernardino Passenger Rail Project and Task No. 0322- San Bernardino Transit Center Project.

Reviewed By:

This item reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on November 13, 2014. SANBAG General Counsel has reviewed this item and the contract amendment.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



CONTRACT SUMMARY SHEET

Contract No. C 11207 Amendment No. 1

By and Between

San Bernardino Associated Governments and Nossaman, LLP

Contract Description Legal Services for the Downtown San Bernardino Passenger Rail Project

Board of Director's Meeting Date: December 5, 2014

Overview of BOD Action: 1) Approve Amendment No. 1 to Contract No. C11207 with Nossaman, LLP for additional right-of-way legal services on the Downtown San Bernardino Passenger Rail Project, increasing the contract amount by \$500,000 for an amended not-to-exceed amount of \$2,500,000.

Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW

Original Contract Amount	\$ 2,000,000	Original Contingency Amount	\$ 0
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$ 2,000,000	Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$ 0
Current Amendment Amount	\$ 500,000	Contingency Amendment	\$ 0
TOTAL CONTRACT VALUE	\$ 2,500,000	TOTAL CONTINGENCY VALUE	\$ 0
TOTAL BUDGET AUTHORITY (contract value + contingency)			\$ 2,500,000

Contract Start Date 12/7/2011	Current Contract Expiration Date 7/30/2015	Revised Contract Expiration Date n/a
---	--	--

Has the contract term been amended? No Yes - please explain.

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. 0322-SBTC and 0323-DSBPRP.

A Budget Amendment is required.

How are we funding current FY? Task 0323 LTF Rail (1040)

Federal Funds
 State Funds
 Local Funds
 TDA Funds
 Measure I Funds

Provide Brief Overview of the **Overall Funding** for the duration of the Contract:

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ %

Mitchell A Alderman

Project Manager (Print Name)

Mitchell A. Alderman

Task Manager (Print Name)

Andrea Zureck

Dir. of Fund Admin. & Programming (Print Name)

Jeffery Hill

Contract Administrator (Print Name)

William Stawarske

Chief Financial Officer (Print Name)

M. A. Alderman

Signature

10/29/14

Date

M. A. Alderman

Signature

10/29/14

Date

Andrea Zureck

Signature

11/4/14

Date

Jeffery Hill

Signature

11/4/14

Date

William Stawarske

Signature

11/6/14

Date

AMENDMENT NO. 1

TO

CONTRACT NO. C11207

BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND

NOSSAMAN LLP

This AMENDMENT No. 1 to Contract No. C11207 (this “Amendment”) is made by and between Nossaman LLP, Inc. (hereafter called “ATTORNEY”) and the San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority (hereafter called “AUTHORITY”). The AUTHORITY and ATTORNEY are each a “Party” and collectively “Parties” herein.

RECITALS:

- A. **WHEREAS**, AUTHORITY, under Contract No. C11207, has engaged ATTORNEY to provide legal services pertaining to the acquisition of right-of-way for the Downtown San Bernardino Passenger Rail Project (“Project”); and
- B. **WHEREAS**, AUTHORITY and ATTORNEY desire to amend the contract increasing the contract amount to provide for additional legal services necessitated by the Project right-of-way acquisitions; and
- C. **WHEREAS**, the Parties agree that the additional services will increase the Not-To-Exceed amount by \$500,000 Dollars.

NOW THEREFORE, the Parties mutually agree to amend Contract No. C11207 as follows:

- 1. Amend Article 3, “Performance of Services and Hourly Rates,” sub-paragraph 3.2, to delete \$2,000,000 as the total Not-To-Exceed amount and replace with \$2,500,000 as the revised total Not-To-Exceed amount.
- 2. Except as amended by this Amendment, all other provisions of the Contract shall remain in full force and effect.
- 3. This Amendment No. 1 is effective of the date executed by AUTHORITY.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 1 below.

NOSSAMAN LLP

SAN BERNARDINO ASSOCIATED GOVERNMENTS

By: _____
Rick E. Rayl
Partner

By: _____
L. Dennis Michael
President, Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Robert D. Herrick
Assistant General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Attachment: C11207-1 (1472 : Amendment to Contract No. C11207 with Nossaman, LLP)

Minute Action

AGENDA ITEM: 20

Date: *December 3, 2014*

Subject:

Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.

Recommendation:

The Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 2 to Contract No. C12077 with HDR Engineering, Inc. for additional construction administration, design changes, environmental, and right-of-way services on the San Bernardino Transit Center Project, increasing the contract amount by \$664,764 for an amended not-to-exceed amount of \$4,618,297, inclusive of contingency.

B. Approve contingency of a not-to-exceed amount of \$100,000 for Contract C12077 and authorize the Executive Director or designee to release contingency as necessary for the project.

The Board, acting as the San Bernardino County Transportation Commission:

C. Allocate \$664,764 of Valley Local Transportation Funds to the San Bernardino Transit Center Project in lieu of the Valley State Transit Assistance Funds that were originally identified for the project.

The Board:

D. Approve Fiscal Year 2014/2015 budget amendment to increase Task No. 0322-San Bernardino Transit Center in the amount of \$664,764 to be funded by Local Transportation Funds for a new task total of \$15,208,975.

Background:

The San Bernardino Transit Center (SBTC) is a 22-bay bus facility serving Omnitrans fix route services, providing connections to sbX and Metrolink, and hosting Victor Valley Transit Authority, Mountain Transit, and the City of Beaumont buses. SBTC is also the future westerly terminus of the Redlands Passenger Rail system.

Construction of SBTC began in February of this year and is scheduled to be complete in mid-2015. While construction has been progressing and on schedule there are additional out-of-scope items that need to be addressed by the project designer, HDR Engineering. The main causes for the additional work are:

- Unforeseen additional requirements by the City of San Bernardino, other agencies and utility companies
- Changes in the project design and additional support services due to complications in, litigation over, and agreements relating to Right-of-Way Acquisition
- Inexperience of the contractor with FTA projects, requiring more oversight and direction to ensure compliance with grant requirements

Entity: CTA, CTC

Board of Directors Agenda Item

December 3, 2014

Page 2

Following is a general description of the additional work items (see the attached Scope of Work for more detail).

City of San Bernardino

- Additional design work to resolve damage to existing sanitary sewer line on “E” Street including moving manhole requested by the City of San Bernardino. The damage was caused by a separate contractor for the project and is now being negotiated by SANBAG for compensation.
- Additional City of San Bernardino Planning, Design and Environmental Review Committee coordination meetings required for plans approval. Parking lot was reconfigured due to the right-of-way acquisition negotiations of the property located at 655 W Rialto Ave. Parking lot was redesigned after the bidding process and the City’s initial approval of the construction drawings, therefore requiring additional review and approval by the City.

Omnitrans

- Additional coordination and design services to redesign the “map wall” graphic in the passenger waiting area. Plans approved by the City include a passenger waiting area map depicting Omnitrans system map. Omnitrans has requested a new theme for the wall that not only includes Omnitrans system map but also other imagery of historical significance to Omnitrans.
- Additional Leadership in Energy and Environmental Design (LEED) certification services to include commissioning report. Omnitrans requested additional support in order to compile and submit the necessary information required by the United State Green Building Code in order for Omnitrans to maintain the LEED “Gold” certification status.

Construction

- Assist SANBAG and the Construction Management team in the development of the General Specifications for the project. Scope includes attending four additional (4) workshop meetings.
- Provide additional construction administration services including meetings, documentation and problem solving to maintain project timeliness, quality and to assist construction manager to minimize potential change orders. Because of the inexperience of the contractor, having never performed a Federal Transit Administration (FTA) project, the contractor requires more than normal documentation and direction to construct project.
- Additional meetings and assistance requested by the Contractor in order to properly develop the SWPPP (Storm Water Pollution Prevention Plan) for the project and as required by the State of California. Scope includes reviewing document and adjudicating comments with Contractor.

Utilities

- Additional coordination meetings with Southern California Edison (SCE), Verizon, and the City of San Bernardino Engineering Department to resolve unforeseen electrical service issues to new traffic signal and maintenance of existing street lights at “F” Street and W. Rialto Avenue encountered during construction. Electrical and utility drawings will need to be revised and re-issued to the contractor.

Right-Of-Way and Property Acquisition

- After construction documents had been completed and bid, and construction begun, the owner of property being acquired at 655 W. Rialto Avenue presented an “Alternative

Board of Directors Agenda Item

December 3, 2014

Page 3

Layout” for the parking lot to SANBAG which was approved by SANBAG in order to facilitate a difficult acquisition transaction and avoid litigation. The new design was later approved by the City of San Bernardino. This requires additional right of way services, changes to the plans and specifications, and coordination including: contractor change order reviews, City planning submittals, parking lot final design, stair and landing redesign, building permit submittals, security wall and fencing redesign, landscape and irrigation redesign, electrical and lighting redesign.

- Additional right-of-way services for three appraisals of properties at “F” and “E” Street to improve the street turning radius for bus transit center entrance. Street turning radius required reconfiguration as a result of the alternative layout approved for the property being acquired at 655 W. Rialto Avenue.
- Additional real estate and right-of-way (ROW) services for unforeseen complications in right-of-way acquisitions during the time between the initial design phase and construction, including support services for litigation in several cases that resulted in court proceedings, such as updated appraisals, providing project documentation and preparation for deposition testimony, etc..

For reference Amendment No. 1 for this contract was for construction administration, continuation of design support, environmental, and right-of-way services for an additional amount of \$1,079,832 for a new total of \$3,953,533.

Financial Impact:

This item is not consistent with the current adopted Fiscal Year 2014/2015 SANBAG Budget. A budget amendment is included in the recommendation above increasing Task No. 0322-San Bernardino Transit Center in the amount of \$664,764 using previously Unallocated Valley Local Transportation Funds (LTF).

Reviewed By:

This item reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on November 13, 2014. SANBAG General Counsel has reviewed this item and the contract amendment.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



CONTRACT SUMMARY SHEET

Contract No. C 12077 Amendment No. 2

By and Between

San Bernardino County Transportation Authority and HDR Engineering, Inc.

Contract Description A/E Services for the San Bernardino Transit Center Omnitrans Bus Facility

Board of Director's Meeting Date: December 3, 2014
Overview of BOD Action: That the Committee recommend the Board approve Amendment No. 2 to Contract No. C12077 with HDR Engineering, Inc. for additional construction administration, design changes, environmental, and right-of-way services increasing the contract amount by \$664,764 for an amended not-to-exceed amount of \$4,618,297.

Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW

Original Contract Amount	\$	<u>2,629,180</u>	Original Contingency Amount	\$	253,521
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$	3,700,012	Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	253,521
Current Amendment Amount	\$	564,764	Contingency Amendment	\$	100,000
TOTAL CONTRACT VALUE	\$	4,264,776	TOTAL CONTINGENCY VALUE	\$	353,521
TOTAL BUDGET AUTHORITY (contract value + contingency)				\$	4,618,297

Contract Start Date 3/7/12	Current Contract Expiration Date 12/31/15	Revised Contract Expiration Date N/A
--------------------------------------	---	--

Has the contract term been amended? No Yes - please explain.

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. 0322.
 A Budget Amendment is required.
 How are we funding current FY? Omnitrans, FTA 5309, LTF Rail

<input checked="" type="checkbox"/> Federal Funds	<input type="checkbox"/> State Funds	<input checked="" type="checkbox"/> Local Funds	<input checked="" type="checkbox"/> TDA Funds	<input type="checkbox"/> Measure I Funds
---	--------------------------------------	---	---	--

Provide Brief Overview of the **Overall Funding** for the duration of the Contract: 6010 (Transit Center Project Fund), LTF Rail, FTA 5309, FTA 5307.

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ %

<u>Mitchel A Alderman</u> Project Manager (Print Name)	<u>M. A. Alderman</u> Signature	<u>9/25/14</u> Date
<u>Mitchel A Alderman</u> Task Manager (Print Name)	<u>M. A. Alderman</u> Signature	<u>9/25/14</u> Date
<u>Andrea Zureick</u> Dir. of Fund Admin. & Programming (Print Name)	<u>Andrea Zureick</u> Signature	<u>9/25/14</u> Date
<u>Jeffery Hill</u> Contract Administrator (Print Name)	<u>Jeffery Hill</u> Signature	<u>10/28/14</u> Date
<u>William Stawarski</u> Chief Financial Officer (Print Name)	<u>William Stawarski</u> Signature	<u>11/11/14</u> Date



**SAN BERNARDINO TRANSIT CENTER
OMNITRANS BUS FACILITY (SBTC)
ATTACHMENT A.2: SCOPE AND FEE FOR
AMENDMENT NO. 2
FOR**

Construction Administration, Continuation of Design Support, Environmental & Right-of-Way Services Through Construction

SANBAG Contract No. C12077

Prepared for:

San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Floor

San Bernardino, CA 92602

Prepared by:

HDR Engineering, Inc.

2280 Market Street, Suite 100r

Riverside, CA 92501-2110



Table of Contents

EXECUTIVE SUMMARY 2

TASK 1 PROJECT MANAGEMENT 4

 TASK 1.8 ADDITIONAL PROJECT MANAGEMENT SERVICES FOR CONTRACT AMENDEMENT 2 4

TASK 4 ENVIRONMENTAL DOCUMENTATION (CEQA/NEPA CLEARANCE) – NOT USED . 4

TASK 6 CONSTRUCTION DOCUMENTS 4

 TASK 6.16 UNFORSEEN UTILITIES COMPANIES’ MEETINGS & COORDINATION 5

TASK 7 BID SUPPORT 5

 Task 7.2 PREPARE DIVISION 01 SPECIFICATION 5

TASK 8 CONSTRUCTION ADMINISTRATION / DESIGN SERVICES DURING CONSTRUCTION 6

 TASK 8.3 ADDITIONAL ON-SITE OBSERVATION, RFI, & SUBMITTAL REVIEW 6

 TASK 8.4 ADDITIONAL SWPPP REVIEW & PROCESSING 6

 TASK 8.5 UNFORESEEN SECURITY WALL FOUNDATION REDESIGN DUE TO CONTRACTOR ERROR 7

 TASK 8.6 SUPPLEMENTAL CITY of SAN BERNARDINO PLANNING APPROVAL 7

TASK 9 REDESIGN OF PARKING LOT TO ACCOMMODATE PROPERTY OWNER (655 W. RIALTO AVENUE) 7

 TASK 9.1 CHANGE ORDER COORDINATION 7

 TASK 9.2 REVISED PARKING LOT PLANNING SUBMITTAL TO THE CITY OF SAN BERNARDINO 8

 TASK 9.3 ADDITIONAL PARKING LOT DESIGN REVISION 8

 TASK 9.4 ADDITIONAL STAIR & LANDING DESIGN 8

 TASK 9.5 REVISED BUILDING PERMIT SUBMITTAL 9

 TASK 9.6 SECURITY WALL & FENCE DESIGN REVISION 9

 TASK 9.7 LANDSCAPE & IRRIGATION DESIGN REVISION 9

 TASK 9.8 ELECTRICAL & LIGHTING DESIGN REVISION 9

TASK 10 POST DESIGN REAL ESTATE AND RIGHT-OF-WAY ADDITIONAL AQUISION SERVICES 10

 TASK 10.2 ADDITIONAL RIGHT-OF-WAY SUPPORT SERVICES 10

Attachment: SBTC Amend No 2 10-14-2014 (1471 : Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.)

**SANBAG San Bernardino Transit Center Project
Amendment No. 2**

TASK 10.3 ADDITIONAL RIGHT-OF-WAY APPRAISALS FOR AQUISITIONS (OVER SIX MONTHS OLD)..... 10

TASK 10.4 ASSEMBLE COURT REQUESTED DESIGN DOCUMENTS FOR AQUISITIONS. 11

TASK 11 POST DESIGN SUSTAINABILITY AND LEED COMMISSIONING SERVICES 11

TASK 11.4 ADDITIONAL LEED CERTIFICATION SERVICESS 11

TASK 12 ART COORDINATION – NOT USED 11

Attachment: SBTC Amend No 2 10-14-2014 (1471 : Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.)

SAN BERNARDINO TRANSIT CENTER - OMNITRANS BUS FACILITY

ATTACHMENT "A.2" SCOPE OF SERVICES

Amendment No. 2

Contract No. C12077

SCOPE OF WORK

HDR Engineering, Inc. proposes an amendment to the professional Architectural and Engineering Services Contract No. C12077 for the Omnitrans Bus Facility (Project) at the San Bernardino Transit Center (SBTC) including off-site improvements.

EXECUTIVE SUMMARY

Various changes have occurred with SANBAG's approach to deliver Final Construction Documents and Construction Administration Services for the San Bernardino Transit Center – Omnitrans Bus Facility (SBTC). These changes were not anticipated in the scope of services, requiring an amendment to HDR's architectural and engineering services contract. A brief summary of the required additional work items are as follows:

City of San Bernardino

- Additional design work is required to resolve sBX contractor damage to existing sanitary sewer line including moving manhole at "E" Street requested by the City of San Bernardino.
- Additional City of San Bernardino D/ERC and Planning Coordination meetings and processing due to the property acquisition process of 655 W. Rialto Avenue.
- Additional meetings are required to ensure the correct processing take place with greatly reduced City of San Bernardino staff with the bankruptcy of the City of San Bernardino and dissolution of the San Bernardino Economic Development Agency.

Omnitrans

- Additional design services to redesign the "map wall" graphic in the passenger waiting area
- Additional Construction LEED Certification Services to include commissioning report services.

Construction

- Additional Bid Support – Division 01 Specification workshop sessions to develop Division 01.
- Provide additional construction administration services including meetings, documentation and problem solving to maintain project timeliness, quality and to assist construction manager to minimize potential change orders. Because of the disposition of the contractor, having never performed a Federal Transit Administration (FTA) project, the contractor requires more than normal documentation and direction to construct project.
- Additional meetings and assistance requested by the Contractor in order to properly develop a SWPPP (Storm Water Pollution Prevention Plan) for the State of California.

Utilities

- Additional coordination meetings with Southern California Edison (SCE), Verizon, and electrical design revision are needed to resolve power for new traffic signals and maintenance of street lights at “F” Street and W. Rialto Avenue.

Right-Of-Way and Property Acquisition

- Owner of acquired property, 655 W. Rialto Avenue presented an “Alternative Layout” for the parking lot to SANBAG which was conceptually approved by SANBAG and later City of San Bernardino after construction began in March of 2014 after construction documents have been completed and bid. This requires changes to the plans and specifications and coordination including: contractor change order reviews, City planning submittals, parking lot final design, stair and landing redesign, building permit submittals, security wall and fencing redesign, landscape and irrigation redesign, electrical and lighting redesign.
- Additional right-of-way services for three appraisals of properties at F and E Street to improve the street turning radius for bus transit center entrance.
- Post design real estate and right-of-way (ROW) services for the lengthy duration between the initial design phase and construction requiring - additional ROW coordination services on the various acquisition parcels included in this project such as 655 W. Rialto Avenue which have gone to court.
- Additional ROW appraisals after the six month shelf life required by SANBAG’s outside counsel when final acquisition negotiations are completed. Supplying back-up project documents on CD requested by SANBAG’s outside counsel.

TASK 1 PROJECT MANAGEMENT

HDR Engineering will provide overall project management, coordination, and supervision of the project staff to facilitate the performance of the work in accordance with the scope and requirements of SANBAG. In meetings with the Stakeholders, we will act as agents of SANBAG communicating the needs and intentions of the Project with other Stakeholders. This strategy of project management depends on clear and frequent communication between SANBAG and HDR, which we accomplish through face to face meetings, telephone consultations, email, and written progress reports.

TASK 1.1 – 1.7 NOT USED

TASK 1.8 ADDITIONAL PROJECT MANAGEMENT SERVICES FOR CONTRACT AMENDEMENT 2

Additional labor hours are being requested to account for ongoing project management, coordination and project accounting due to the expanded scope and design revisions as described herein during construction.

Activities

- Added Project Management Services

Deliverables

- Monthly Invoicing and Status Report

TASK 2 RESEARCH AND DATA COLLECTION – NOT USED

TASK 3 CONCEPT DESIGN/DEFINITION – NOT USED

TASK 4 ENVIRONMENTAL DOCUMENTATION (CEQA/NEPA CLEARANCE) – NOT USED

TASK 5 DESIGN DEVELOPMENT – NOT USED

TASK 6 CONSTRUCTION DOCUMENTS

TASK 6.1 – 6.14 NOT USED

TASK 6.15 UNFORSEEN "E" ST SANITARY MANHOLE RELOCATION & LATERAL REDESIGN

Due to sBX Contractor damage to an existing sewer pipe during construction, the City of San Bernardino requested SANBAG to redesign location of the manhole on E Street. This changed sewer invert elevation at new location requiring redesign of lateral entering SBTC site.

Activities

- Research “As-Built” Condition invert
- Redesign sanitary lateral slope and integration with manhole and sewer system on SBTC site. Vertical and horizontal coordinates will be revised to meet code slope requirements.

Deliverables

- Revise, QA/QC and reissue “E” Street Utility improvements manhole.

- Document existing “As Built” Conditions.

TASK 6.16 UNFORSEEN UTILITIES COMPANIES’ MEETINGS & COORDINATION

At West Rialto, F and E Streets, additional meetings and coordination with Southern California Edison (power and natural gas), San Bernardino Water Department (domestic and fire protection) and Verizon is required due to non-responsiveness. City of San Bernardino Engineering Department also requested utility coordination beyond project limits. Project went to bid prior to full utility coordination in order to maintain federal grant funding timing. Additional Meetings and follow-up documentation are necessary to assure proper installation of new utilities both on and off site including traffic signals, controls, underground power, street lights, conduits, water, fire protection, piping, meters, telephone service.

Activities

- Organize and Attend (8) additional coordination meetings.

Deliverables

- Revise, QA/QC and reissue West Rialto Avenue Utility Drawings including additional conduits, F Street lighting, Traffic Signals, phone and water services,

TASK 6.17 LOBBY SYSTEM MAP GRAPHIC REVISION

Additional meetings and design work necessary to revise the large “map wall” graphic in the passenger waiting area requested by Omnitrans.

Activities

- Work with Omnitrans to determine new theme imagery in lieu of designed “map wall”.
- Design revised concept including Architectural Interior Elevation plans and details.

Deliverables

- Revise, QA/QC and reissue GRAPIC WALL drawings with new design.

TASK 7 BID SUPPORT

TASK 7.1 NOT USED

Task 7.2 PREPARE DIVISION 01 SPECIFICATION

This item covers the cost and additional effort to extend the duration of this task from IFB (September 28, 2013) until NTP April 1, 2014. Bidding SBTC simultaneously with Downtown San Bernardino Passenger Rail Project created additional effort to plan bid documents including Division 1 that were out of scope and to be completed by others. The effort to combine the two projects entailed four (4) workshop meetings to advance writing of Division 1 Specifications which was a deliverable for the Construction Manager. Division 1 review and coordination with SANBAG and Construction Manager added value to the project but was not anticipated in the scope and increased Bid Support. NTP was not issued for two months after bids were received and bid support services continued during this period.

Activities

- Provide additional Bid Support services for extended bid period.

Deliverables

- Bid Addendums

TASK 8 CONSTRUCTION ADMINISTRATION / DESIGN SERVICES DURING CONSTRUCTION

This task involves the provision of technical support services by the HDR team to SANBAG during the bidding and construction phases of the project. Due to the nature of performing Design Support during Construction Services is based on many unknowns including the experience of the contractor and identification of changed field conditions. The proposed cost defined in the fee estimate was developed based on historical costs in performing these types of projects. A general assumption for this Scope of Services is that fee estimate is for budget purposes only and work is performed on a time and materials basis and will invoice based on effort expended during the period of performed services. HDR will notify SANBAG if and when there is any indication of not having sufficient funds to complete this service. Construction services will include management and construction administration for each discipline along with incidental post design coordination.

Disciplines include Architecture, Civil, structural, mechanical, electrical, plumbing, landscape, photovoltaic, signage, security, communication services.

TASK 8.1 – 8.2 NOT USED

TASK 8.3 ADDITIONAL ON-SITE OBSERVATION, RFI, & SUBMITTAL REVIEW

Provide construction administration services including additional meetings, documentation and problem solving required to maintain project timeliness, quality and to assist construction manager to minimize potential change orders. Because of the disposition of the contractor, having never done a Federal Transit Administration (FTA) project, the contractor requires more than normal documentation and direction to construct project. More resources are needed to field normal construction administration review and construction design services support functions.

Activities

- Provide additional construction administration services to “full time” level

Deliverables

- Construction Observation Reports
- Meeting Notes

TASK 8.4 ADDITIONAL SWPPP REVIEW & PROCESSING

Three additional meetings with the contractor’s subconsultant to review and assist contractor to create a project SWPPP document per State of California Regulations.

Activities

- Provide three (3) additional meeting with contractor’s subconsultant

Deliverables

- Review Comments and Resolution Response

TASK 8.5 UNFORESEEN SECURITY WALL FOUNDATION REDESIGN DUE TO CONTRACTOR ERROR

Unforeseen structural review of foundation in field and alternative design and respond to incorrect rebar installation by contractor including field visit, observations, structural research, calculation, and supplemental design and CAD documentation.

Activities

- Site Visit (2 total)
- Observation Report

Provide additional structural design, QA/QC and reissue drawings.

Deliverables

- Revised and Supplemental Plans and Specifications including structural discipline

TASK 8.6 SUPPLEMENTAL CITY of SAN BERNARDINO PLANNING APPROVAL

Additional services to complete the permitting process with the City of San Bernardino. This required additional D/ERC Coordination and permit processing.

Activities

- Provide inter-departmental coordination between city agencies to assess all permitting fees for sewer, school, impact, etc. as required by the permit process.

Deliverables

- Provide additional, stamped permit documents (4 total)

TASK 9 REDESIGN OF PARKING LOT TO ACCOMMODATE PROPERTY OWNER (655 W. RIALTO AVENUE)

Owner of acquired property at 655 W. Rialto, presented an “Alternative Layout” to SANBAG and which was conceptually approved by SANBAG and later by the City of San Bernardino after construction began in March of 2014. This requires changes to the plans and specifications. Property owner has requested several other upgrades including added fencing, walls, outlets, gate operators, landscaping, irrigation and lighting. This work is known as Design Revision #1.

TASK 9.1 CHANGE ORDER COORDINATION

Added time to review contractors work to date and advise SANBAG regarding applicability of change order pricing.

Activities

- Provide added time to review constructor’s work to date and advise SANBAG regarding applicability of claim

Deliverables

- Advice to SANBAG Memorandum

TASK 9.2 REVISED PARKING LOT PLANNING SUBMITTAL TO THE CITY OF SAN BERNARDINO

Resubmittal to the City of San Bernardino for amendment to the project planning approval to accomplish 655 W. Rialto owner requested alternative layout.

Activities

- Provide additional planning amendment processing services for the City of San Bernardino
- One (1) meeting with the City of San Bernardino

Deliverables

- Meeting Notes
- Amended planning documents to City of Bernardino

TASK 9.3 ADDITIONAL PARKING LOT DESIGN REVISION

Owner of acquired property presented an “Alternative Layout” to SANBAG during construction and which was conceptually approved by City of San Bernardino and SANBAG after construction began in March of 2014. Alternative layout includes the need for significant design revision of Civil parking lot layout, drainage, erosion control, and additional coordination with revised security wall enclosure, rolling gate, architectural features, personnel gate, landscape and irrigation redesign, and electrical power and signal support along with new lighting design. This effort includes resubmittal to the City of San Bernardino for Planning permit amendment and Building Permit revision.

Activities

- Three (3) Coordination meetings with SANBAG
- One (1) Site visit for each discipline to review on-site conditions
- Provide Design Revision of parking lot including Civil, Landscape, Irrigation, Structural, Architectural, Electrical, and Lighting disciplines,

Deliverables

- Meeting Notes
- Site Observation Report
- Revised and Supplemental Plans and Specifications

TASK 9.4 ADDITIONAL STAIR & LANDING DESIGN

Alternative plan required modification to existing exterior door landing, stair, ramp and railings to maintain on site pedestrian emergency egress.

Activities

- Provide additional design for modifications of exterior doors landing, stairs, and railings

Deliverables

- Supplemental Architectural and Structural plans and specifications

TASK 9.5 REVISED BUILDING PERMIT SUBMITTAL

Alternative Layout requires resubmittal to the City of San Bernardino to confirm the changes, receive City comments and revise and resubmit plans and specifications as necessary to comply with the City concerns regarding technical design of revisions.

Activities

Provide additional permit amendment processing services for City of San Bernardino. Alternative Layout requires additional design of masonry and steel security wall separating the semi-secure parking from the secure parking area for property owner. This includes relocation of rolling gate, personnel gate including operator location. Additional steel picket fence was requested adjacent to West Rialto Avenue which was approved by SANBAG. Security wall redesign included plan and profile drawings to insure proper coordination with Alternative Layout.

- Bernardino
- Two (2) meetings with the City of San Bernardino

Deliverables

- Meeting Notes
- Copies of amended plans and specifications to City of Bernardino

TASK 9.6 SECURITY WALL & FENCE DESIGN REVISION

Activities

- Revise and supplement permit plans and specifications to accomplish revised and supplemented security wall and fencing

Deliverables

- Revised and supplemental plans and specifications including Civil, Architectural and Structural disciplines.

TASK 9.7 LANDSCAPE & IRRIGATION DESIGN REVISION

Alternative layout includes the need for significant design revision to landscape and irrigation design for property owner including coordination with new lighting design.

Activities

- Provide Design Revision of parking lot Landscape and Irrigation design,

Deliverables

- Revised and Supplemental Plans and Specifications including Landscape and Irrigation disciplines.

TASK 9.8 ELECTRICAL & LIGHTING DESIGN REVISION

Alternative Layout requires redesign of parking lot electrical system including lighting which is to meet City of San Bernardino illumination requirements and the requirements of the property owner. Alternative Layout requires complete revision to parking lot lighting concept requiring all poles and most landscaping to be removed, modified and relocation. New lighting fixtures are required to achieve necessary lighting levels including photometrics. Additional electrical design requires relocation of gate

operator card key access devices and safety loops. Site visit is required to review current construction progress and revisions necessary to achieve Alternative Layout.

Activities

- Provide Design Revision of parking lot Electrical and Lighting design,

Deliverables

- Revised and Supplemental Plans and Specifications including Electrical and Lighting disciplines.

TASK 10 POST DESIGN REAL ESTATE AND RIGHT-OF-WAY ADDITIONAL ACQUISITION SERVICES

Additional real estate services to ensure proper coordination of acquisition properties.

TASK 10.1 NOT USED

TASK 10.2 ADDITIONAL RIGHT-OF-WAY SUPPORT SERVICES

Due to the continued legal process necessary to acquire needed properties by SANBAG additional coordination and processing time is necessary for right-of-way services. This includes bi-weekly agenda and call-in meetings with SANBAG and legal council along with coordination of new property lines and easements.

Activities

- Provide sixteen (16) additional right-of-way support coordination meetings. These bi-weekly meetings are for SANBAG, the right-of-way team and legal council to review progress and outstanding issues regarding various properties including acquisition and reconfiguration of 655 W. Rialto Avenue including adjacent G Street parcel, partial corner takes at F and Rialto Street, partial corner takes at E and Rialto Streets and the lot line adjustments to the SBTC site and future development parcel required by SANBAG and OmniTrans. In addition to facilitating meetings and conference calls, action items, follow-up of those items are prepared. Acquisition has been elevated to the courts with equity hearing scheduled for early 2015 leaving this oversight open up to completion of construction.

Deliverables

- Agendas and Meeting Minutes
- Preliminary Lot Line Adjustment
- Final Lot Line Adjustment

TASK 10.3 ADDITIONAL RIGHT-OF-WAY APPRAISALS FOR ACQUISITIONS (OVER SIX MONTHS OLD)

Provide updated appraisals for six (6) parcels at the E and F Street intersections on Rialto required by City of San Bernardino for increasing corner curb radii modifications. Appraisals are required to be updated every six months which occurs because of the duration of the acquisitions.

Activities

- Provide six (6) updated appraisals

Deliverables

- Six (6) updated appraisals

TASK 10.4 ASSEMBLE COURT REQUESTED DESIGN DOCUMENTS FOR AQUISITIONS

Due to the legal acquisition process, opposing legal council has requested back-up project design documents, emails, and other support documents found in HDR archives. These voluminous documents are placed and organized on computer disks (CD) in an organized effort to respond to these requirements. This archival research and documentation effort is additional to scope of project. Every effort will be made to streamline this effort.

Activities

- Assemble and provide back-up project documents organized on computer disks (CD) for legal council as requested by the Court for the acquisition process.

Deliverables

- Back-up project documents on computer disks (CD).

TASK 11 POST DESIGN SUSTAINABILITY AND LEED COMMISSIONING SERVICES

TASK 11.1 – 11.3 NOT USED

TASK 11.4 ADDITIONAL LEED CERTIFICATION SERVICES

Additional United States Green Building Code (USGBC) processing is necessary for Omnitrans to maintain the LEED “Gold” Certification status. Project requires additional coordination work as Civil, Landscape, Irrigation, Mechanical, Electrical and Plumbing disciplines. Additionally, assistance in preparing the Owner’s commissioning report was provided.

Activities

- Provide additional general coordination with each discipline for inclusion to the Project USGBC website for detail backup of each selected LEED points proposed.
- Provide additional Civil, Landscape, Irrigation, Architectural, Mechanical, Electrical and Plumbing discipline details for inclusion to USGBC website include commissioning report services.
- Update Project USGBC website for each point per discipline.

TASK 12 ART COORDINATION – NOT USED

END OF DOCUMENT

EXHIBIT "B" - FEE ESTIMATE: HDR

Task Description	HDR TEAM - PROJECT FEE BY TASK BY PERSONNEL		Site Civil/Structures				Arch. Structural		Architecture						MEP			Right of Way		Misc.		TOTAL HOURS HDR	TOTAL FEE HDR	BASE + Blrge	TOTAL PROJECT FEE	
	Project Director	Project Manager	Senior Engineer	Project Engineer	Design Engineer	CADD	Structural Lead	Senior Engineer	Project Architect	Project Architect	Design Architect	3D Renderer	Landscape Architect	Landscape Designer	Senior MEP Manager	Project MEP Engineer	CADD MEP	Real Estate Service Manager	Right of Way Agent	QA/QC	Interior Designer					Clerical / Administrative
TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION																										
<i>Task 1.1-1.7 - NOT USED</i>																										
Task 1.8 Additional Project Management Services for Contract Amendment 2	4	40																				120	164	23,164		\$23,164
SUBTOTAL	4	40																				120	164	\$23,164		\$23,164
TASK 6: CONSTRUCTION DOCUMENTS																										
<i>Task 6.1-6.14 - NOT USED</i>																										
Task 6.15 - Unforeseen "E" ST Sanitary Manhole Relocation & Lateral Redesign.			16	8		8																4	40	6,960		\$6,960
Task 6.16 - Unforeseen Utilities Companies' Meetings & Coordination.		8	48	32		24									24							8	224	36,624		\$36,624
Task 6.17 - Lobby System Map Graphic Revision		2									40											4	62	9,680		\$9,680
SUBTOTAL		10	64	40		32					40				24						16	326	\$53,264		\$53,264	
TASK 7: BID SUPPORT (SANBAG REQUEST FOR BOILERPLATE IFB DIVISION 1 DOCUMENTS)																										
<i>Task 7.1 - NOT USED</i>																										
Task 7.2 - Prepare Division 01 Specification		40		40				40	20	80						32						120	372	52,600		\$52,600
SUBTOTAL		40		40				40	20	80					32						120	372	\$52,600		\$52,600	
TASK 8: CONSTRUCTION ADMINISTRATION / DESIGN SERVICES DURING CONSTRUCTION																										
<i>Task 8.1 - 8.2 NOT USED</i>																										
Task 8.3 - Additional On-site Observation, RFI, & Submittal Review		16							40	100												80	236	33,058	12,030	\$45,088
Task 8.4 - Additional SWPPP Review & Processing		2	16																			4	26	5,123		\$5,123
Task 8.5 - Unforeseen Security Wall Foundation Redesign		4	24		32	24																8	172	\$24,722		\$24,722
Task 8.6 - Supplemental CoSB Planning Approval, Additional D/ERC Coordination & Permit Processing		16	24						8	120													168	\$25,420		\$25,420
SUBTOTAL		38	64		32	24			48	300											12	602	\$88,323	\$12,030	100,353	
TASK 9: Redesign of Parking Lot to Accommodate Property Owner (655 W Rialto Avenue)																										
Task 9.1 - Change Order Coordination	1	4							8	40													53	\$7,829		\$7,829
Task 9.2 - Revised Parking Lot Planning Submittal to the City of San Bernardino		4							4	40	30											8	86	\$10,733		\$10,733
Task 9.3 - Additional Parking Lot Design Revision	2	20	80	40		100	20	8			80							8	20	20		398	\$63,884		\$63,884	
Task 9.4 - Additional Stair, Landing Design		8							8	40													64	\$10,460		\$10,460
Task 9.5 - Revised Building Permit Submittal		4	16						8	24												4	56	\$9,183		\$9,183
Task 9.6 - Security Wall & Fence Design Revision		20	40			40			8	40												8	156	\$26,052		\$26,052
Task 9.7 - Landscape & Irrigation Design & Revision		4									80	120										20	244	\$34,701		\$34,701
Task 9.8 - Electrical & Lighting Design Revision		8									80	80	80									8	296	43,525		\$43,525
SUBTOTAL	3	72	136	40		140	20	8	36	324	30	40	100	160	124	112	80	216	204	92	12	1,353	\$206,367		206,367	
TASK 10: POST DESIGN REAL ESTATE AND RIGHT-OF-WAY ACQUISITION SERVICES																										
<i>Task 10.1 - NOT USED</i>																										
Task 10.2 Additional Right-of-Way Support Services for Acquisitions		4																				200	160	80,112		\$80,112
Task 10.3 Additional Right-of-Way Appraisals for Acquisitions (Over Six Months Old)																						8	16	7,225		\$7,225
Task 10.4 Assemble Court Requested Design Documents for Acquisitions																						8	48	6,122		\$6,122
SUBTOTAL		4																				208	184	\$93,459		\$93,459
TASK 11: POST DESIGN SUSTAINABILITY AND LEED COMMISSIONING SERVICES																										
<i>Task 11.1 - 11.3 - NOT USED</i>																										
Task 11.4 - Additional LEED Certification Services		4									20	40	20									16	100	14,557		\$14,557
SUBTOTAL		4									20	40	20									16	100	\$14,557		\$14,557
TASK 12: ART COORDINATION																										
<i>Task 12.2 - 12.2 - NOT USED</i>																										
SUBTOTAL																										
TOTAL LABOR	7	208	264	120	32	196	20	48	104	856	30	40	100	160	124	112	80	216	204	92		552	3,565	\$531,734	\$12,030	543,764
TRANSIT CENTER PROJECT CONTINGENCIES																										
Additional Project Contingency																								100,000		\$100,000
SUBTOTAL																								\$100,000		\$100,000
TRANSIT CENTER PROJECT BUDGET FOR ODC'S																										
ODC																								\$19,000	\$2,000	\$21,000
SUBTOTAL																								\$19,000	\$2,000	\$21,000
TOTAL ESTIMATED FEE FOR ARCHITECTURE, ENGINEERING, ENVIRONMENTAL, AND ROW SERVICES PHASES 1 & 2, POST DESIGN, CONTINGENCY, ODC'S																								\$650,734	\$14,030	\$664,764

AMENDMENT NO. 2

TO

CONTRACT NO. C12077

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

HDR ENGINEERING, INC.

This AMENDMENT No. 2 to Contract No. C12077 (this “Amendment”) is made by and between HDR Engineering, Inc. (hereafter called CONSULTANT) and the San Bernardino County Transportation Authority (hereafter called AUTHORITY):

RECITALS:

- A. **WHEREAS**, AUTHORITY, under Contract No. C12077, has engaged the services of CONSULTANT to provide certain architectural and engineering services, project management, right-of-way location, and acquisition and environmental, including CEQA and NEPA compliance as well as traffic studies, geotechnical work; hydrology work and landscaping for the San Bernardino Transit Center (“Project”); and
- B. **WHEREAS**, AUTHORITY and CONSULTANT desire to amend the aforesaid contract; and
- C. **WHEREAS**, the parties agree that the net increase will be \$664,764.

NOW THEREFORE, the parties mutually agree to amend Contract No. C12077 as follows:

1. The Scope of Services for Contract No. C12077 shall be amended to reflect the changes and additions described in Attachment A.2 to this Amendment No. 2, all to be performed to AUTHORITY’S satisfaction. Except as specifically amended in Attachment A.2, the current provisions of the Scope of Services shall remain in force and effect.
2. Amend Article 3, “Price”, sub-paragraph 3.2, to delete \$3,750,467 as the not-to-exceed amount and replace with \$4,618,297 as the revised not-to-exceed amount.
3. Except as otherwise specified herein or in Attachment A.2, the modified and additional services set forth in Attachment A.2 shall be compensated in the same manner and under the same procedures as for the services under Contract No. C12077 and are subject to the amended not-to-exceed figure set forth in paragraph 2 above. Attachment B to this Amendment No. 2, contains the projected budget

for the cost components of the price increase negotiated by the parties for the completion of the modified and additional services set forth in Attachment A.2.

- 4. Contract No. C12077 is incorporated into this Amendment.
- 5. Except as amended by this Amendment No. 2, all other provisions of Contract No. C12077, as amended, remain in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 2 below.

HDR ENGINEERING, INC.

AUTHORITY

By: _____
Thomas Kim
Sr. Vice President

By: _____
L. Dennis Michael
President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Robert D. Herrick
Assistant General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Attachment: C12077-2 (1471 : Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.)

Minute Action

AGENDA ITEM: 21

Date: *December 3, 2014*

Subject:

Federal Legislative Update

Recommendation:

That the Board adopt the following positions on Federal Legislation:

- A. Support H.R. 5101, The National Freight Network Trust Fund Act of 2014
(Rep. Hahn, D-CA)
- B. Monitor H.R. 5624, The National Multimodal and Sustainable Freight Infrastructure Act
(Rep. Lowenthal, D-CA)

Background:

The National Freight Network Trust Fund Act of 2014 (H.R. 5101)
(Rep. Hahn, D-CA)

Recommendation: *Support*

Congresswoman Janice Hahn has requested SANBAG consider taking a support position on H.R. 5101. This bill aims to provide a long-term, dedicated freight funding source, by establishing the National Freight Network Trust Fund. The revenue for the trust fund would come from directing five percent of existing duties collected from the Customs and Border Protection (CBP) on imports to the U.S. Currently, CBP collects \$38 billion a year; five percent of that would equate to about \$1.9 billion to the Trust Fund annually.

The trust fund would support a National Freight Network Grant Program within the U.S. Department of Transportation (DOT). The Secretary of Transportation would provide grants to states, regional or local transportation organizations, or port authorities to fund projects that improve the performance of the national freight network. The Secretary would select projects on a competitive basis by considering their potential to:

- Generate national economic benefits;
- Improve the performance of key corridors and gateways;
- Reduce congestion;
- Improve transportation safety, and
- Enhance the network.

Staff recommends that the Board of Directors adopt a “Support” position on H.R. 5101. This recommendation is consistent with SANBAG’s 2015 adopted Federal Legislative Platform in Section III Goods Movement (a) SANBAG will advocate for federal investment in goods

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item

December 3, 2014

Page 2

movement infrastructure and policies that properly recognize Southern California and San Bernardino County's role as the nation's premier containerized freight gateway; and (b) Support targeted funding for goods movement projects of national significance that are beyond the funding capacity of local and state transportation programs and budgets.

This bill includes other California co-sponsors including Rep. Brownley (D-CA), Rep. Cardenas (D-CA), Rep. Chu (D-CA), Rep. Costa (D-CA), Rep. Farr (D-CA), Rep. Garamendi (D-CA), Rep. Honda (D-CA), Rep. Lee (D-CA), Rep. Lofgren (D-CA), Rep. Lowenthal (D-CA), Rep. McNerney (D-CA), Rep. George Miller (D-CA), Rep. Negrete McLeod (D-CA), Rep. Peters (D-CA), Rep. Swalwell (D-CA), Rep. Takano (D-CA), Rep. Vargas (D-CA), and Rep. Waxman (D-CA).

Please see Attachment A for a fact sheet for H.R. 5101, which also lists local support for the bill.

The National Multimodal and Sustainable Freight Infrastructure Act (H.R. 5624)
(Rep. Lowenthal, D-CA)

Recommendation: Monitor

Congressman Alan Lowenthal has introduced The National Multimodal and Sustainable Freight Infrastructure Act, which would create a Freight Transportation Infrastructure Fund to dedicate funding to freight-related infrastructure projects throughout the nation, with a focus on intermodal projects. The fund would establish a grant program through a national one percent fee on goods movement. The entity paying for the cargo to be shipped by ground transportation within the U.S. would be required to pay the fee. The author estimates that the set aside would provide \$8 billion annually.

H.R. 5624 creates two freight specific grant programs. One would direct funding to states based on the amount of existing freight infrastructure within the state. Under this program, states can also choose to create partnerships to receive funding for multi-state plans. Only states with existing State Freight Plans and State Freight Advisory Committees would be eligible. California has created a Freight Advisory Committee which is in the process of creating a State Freight Plan. This plan is expected to be finalized by the end of the calendar year; therefore California would be eligible for these funds.

The second funding mechanism is a competitive grant program that would be open to all local, regional, and state governments.

Projects that would be eligible to receive funding through the grant program include:

- Road, rail, air or water facility;
- An intermodal facility such as a seaport or port on the inland waterway system, an airport or a highway/rail-intermodal facility;
- First and last mile connectors; or
- A facility related to an international border crossing.

Board of Directors Agenda Item
 December 3, 2014
 Page 3

Staff recommends that the Board of Directors adopt a “Monitor” position on H.R. 5624. This recommendation is consistent with SANBAG’s 2015 adopted Federal Legislative Platform in Section III Goods Movement (e) Ensure that revenue collected on freight be administered in partnership with local and regional elected officials and entities impacted by freight movement. SANBAG should be included in any governance structure dealing with revenue collected from freight moved through San Bernardino County; and (f) Support development of a national/regional freight movement plan with clearly defined ports and corridors and inland improvement needs to provide for timely, reliable freight transport, timely implementation of freight-related strategies needed for attainment of federal health-based air quality standards and mitigation of freight-related impacts in communities.

Please see Attachment B for a fact sheet on H.R. 5624.

Financial Impact:

This item has no fiscal impact on the FY2014/2015 SANBAG Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Responsible Staff:

Wendy Strack, Director of Legislative and Public Affairs

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____



Co-Sponsor H.R. 5101, The National Freight Network Trust Fund Act of 2014

Rep. Janice Hahn (Ports Caucus Co-Chair), CA-44

Current Cosponsors: *Poe (Ports Caucus Co-Chair), Richmond, Lowenthal, G. Green, Nolan, Rush, Fudge, George Miller, Chu, Brownley, Waxman, Farr, Costa, Lofgren, Scott Peters, Johnson, Jackson Lee, Robin Kelly, Honda, Swalwell, Cardenas, Grayson, Napolitano, Garamendi, Alcee Hastings, Negrete McLeod, Hinojosa, Cicilline, Vargas, Capuano, Moran, Cartwright, Takano, Ellison, Corrine Brown, Barbara Lee, McNerney, Norton, Rangel*

Supported by the City of Long Beach, the City of Los Angeles, the California State Senate and Assembly, the American Association of Port Authorities (AAPA), the Coalition for America's Gateways & Trade Corridors, the Alameda Corridor-East Construction Authority and the San Gabriel Valley Economic Partnership

H.R. 5101 Summary

The National Freight Network Trust Fund Act of 2014 would provide a **long-term solution** by creating a dedicated funding source to better serve our freight network **at no new cost to a business or taxpayer.**

The National Freight Network Trust Fund Act of 2014

1. Will create the **National Freight Network Trust Fund**.
 - This would be funded by directing 5% of all import duties already collected by Customs and Border Protection (CBP).
 - 5% of import duties would deposit approximately **\$1.9 billion in the Trust Fund every year** at our current rate of imports.
 - This dedicated funding source is **at no new cost to business or individuals.**

2. Would provide funding for:
 - The National Freight Network
 - Roads and rail lines that connect such network to a port
 - On-dock rail
 - Projects that appear in a State freight plan
 - Projects that appear in a regional transportation plan
 - High freight volume roadway or rail corridors that provide connectivity for:
 - Ports
 - Intermodal connectors
 - Multimodal freight facilities
 - Multistate freight corridors
 - International borders
 - Airports
 - Railway-highway grade separations.

To cosponsor contact Jocelyn Rivera-Olivas at jocelyn.rivera-olivas@mail.house.gov or 202/225-8220.



Economy in Motion:
The National Multimodal and Sustainable Freight Infrastructure Act
CONGRESSMAN ALAN LOWENTHAL

The movement of goods in our country is the engine that runs our economy, yet we do not currently have a freight-specific, national infrastructure program. Without a plan of strategic investment to expand the capacity, reliability and efficiency of our nation's goods movement, we stand to lose our place as a global economic leader.

The ***Economy in Motion: National Multimodal and Sustainable Freight Infrastructure Act*** will provide a dedicated and sustainable revenue source to fund multi-modal, freight-specific formula grants to states and a multi-modal, freight-specific competitive grant program to local, regional and state governments.

Freight Act Goals:

- Strengthen the contribution of the national freight network to the economic competitiveness of the United States;
- Improve the efficiency, reliability, cost and safety of freight transportation;
- Support the connectedness of all freight modalities and relieve the bottlenecks in the freight transportation system;
- Achieve and maintain the freight transportation in a state of good repair; and
- Reduce the adverse community and environmental impacts of freight transportation, including greenhouse gas emissions, local air and water pollution.

Freight Act Provisions:

- **Establish:**
 - Freight Transportation Infrastructure Trust Fund
 - National Multimodal Freight Funding Formula Program for States
 - Tier I Projects – single state formula
 - Tier II Projects – multi-state collaborative analysis
 - National Freight Infrastructure Multimodal Competitive Grant Program for Local, Regional and State Governments
 - 5% set aside for electrification demonstration projects
- **Qualifying Projects:**
 - A road, rail, air or water facility;
 - An intermodal facility such as a seaport or port on the inland waterway system, an airport or a highway/rail-intermodal facility;
 - First and last mile connectors; or,
 - A facility related to an international border crossing.

- **Require:**
 - State Freight Advisory Committees
 - State Freight Plans which include adverse environmental reduction goals and strategies.

- **Funding:**
 - \$8 billion annually provided through a 1 percent waybill fee on goods movement, requiring the entity paying for the cargo to be shipped via ground transportation within the U.S. to pay a fee of 1 percent of total cost of that transportation.

Staff Contact: Mavonne Garrity, Mavonne.garrity@mail.house.gov, (202) 225-7926

Minute Action

AGENDA ITEM: 22

Date: *December 3, 2014*

Subject:

End of Session State Legislative Report

Recommendation:

Receive the End of Session State Legislative Report.

Background:

In the second year of the 2013-2014 Legislative Session, 1,977 bills were introduced. Of those bills, 1,074 were sent to the Governor's desk and 86.6 percent were signed. Over the course of the two-year session, these totals amounted to 4,233 introduced, 2,167 sent to the Governor, and 1,730 bills signed into law. This report will provide an overview of SANBAG's major state advocacy initiatives and outcomes in 2014, as well as a comprehensive look at bills of interest that will take effect in the coming months.

SANBAG's state advocacy efforts focused on a number of key topics including Cap and Trade/Transportation Revenues, Local Control, Innovative Project Delivery, Post-Redevelopment and Infrastructure Financing Districts, and a number of bills related to transit and rail programs.

Cap and Trade/Transportation Revenues

The fiscal year (FY) 2014/2015 State Budget deal specifically allocated Cap and Trade auction revenues for the current year and further provided a structure for the ongoing distribution of 60 percent of Cap and Trade funding in future years. The 40 percent remaining balance will be subject to the annual budget process and likely to be directed towards energy, low-carbon transportation, water, waste diversion, and weatherization projects.

Specifically, the FY 2014/2015 budget apportioned the following:

- \$250 million for High Speed Rail
- \$25 million for low-carbon transit operations
- \$25 million for transit and intercity rail capital projects
- \$130 million for affordable housing and sustainable communities projects
- \$200 million for low-carbon transportation
- \$242 million for energy and water

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item

December 3, 2014

Page 2

For FY 2015/2016 and going forward, the percentages are as follows:

- 25% - High Speed Rail
- 5% - Low-Carbon Transit Operations
- 10% - Transit and Intercity Rail Capital
- 20 % - Affordable Housing and Sustainable Communities (AHSC), with half directed towards affordable housing and half to sustainable communities.

In addition to the Cap and Trade allocations, the 2014 legislative session also saw the passage of SB 1077 (DeSaulnier, D–Concord). SB 1077 requires the California Transportation Commission (CTC), in conjunction with the Secretary of Transportation, to create a 15-member Road Usage Charge Technical Advisory Committee (TAC) to study the road usage alternatives to the gas tax and to make recommendations to the Secretary of Transportation on the design of a pilot program. The Transportation Agency must implement a road usage charge pilot program by January 1, 2017, and submit a report of its findings to the Legislature by June 30, 2018.

The pilot program is required to consider the overall availability and reliability of such systems; the relative ease and cost of administering a program, collecting fees and maintaining compliance; public acceptance; and identifying and addressing privacy concerns regarding location data and the storage of other personal and financial data. A potential pilot program in California would be tested in two regions, one in the north and one in the south, and have about 6,000 participants and begin in late 2016 to early 2017. Any implementation of a full statewide program would require additional legislation.

Innovative Project Delivery

One of SANBAG’s key priorities continues to be the continuation and expansion of alternative project delivery authorities to ensure that we are able to deliver projects in the most efficient and effective way possible. This was clearly a topic of sustained interest for the Legislature as many bills moved forward while some authorities will still need to be addressed in the coming session.

SB 983 (Hernandez, D–West Covina) would have made permanent the CTC’s authority to approve regional transportation agencies’ applications to develop and operate high-occupancy toll lanes, and additionally expand the authority to include applications submitted by the California Department of Transportation (Caltrans). This bill was unfortunately held in the Assembly Appropriations Committee due to concerns raised by Chairman Mike Gatto (D-Los Angeles) regarding the expanded authority for Caltrans. SANBAG supported this bill and participated in discussions to ensure that the language appropriately captured our agency’s potential future needs for this authority. We will continue to work with Members of the Legislature and key stakeholders in 2015 to ensure this authority is available to local agencies.

In 2014, the Los Angeles County Metropolitan Transportation Authority (LA Metro) concurrently sought approval to extend their current pilot program for a value-pricing and transit development program on Interstates 10 and 110 in the County of Los Angeles. The sunset date for this authority was repealed in SB 1298 (Hernandez, D–West Covina), which was signed by the Governor.

Another notable bill emerging on the topic of toll authority was AB 2250 (Daly, D–Anaheim), which was signed by the Governor and requires any revenue generated from a managed lane that is administered by a local agency on a state highway to be used in the corridor in which it was generated. This helps to guard against future attempts to redirect those revenues to other purposes.

Design-build authority for local agencies was a key success for 2014, seeing both the consolidation of statutes and extensions of timelines for design-build authority across a number of categories of local and state public works projects through SB 785 (Wolk, D–Davis) and the extension of transit design-build authority specifically in SB 1433 (Hill, D–San Mateo). Both bills further allow local transportation commissions that fund transit projects, such as SANBAG, to utilize design-build authority for those transit projects. This authority was previously limited to transit operators and would have otherwise been available to SANBAG for future transit and rail projects. SANBAG supported the expansion of these authorities and successfully requested the amendment seeking this extension to local transportation commissions.

Local Control

Another one of SANBAG’s key tenets is the retention of local control over revenues generated in, and projects planned or constructed in, San Bernardino County. Two bills were under consideration in the 2014 legislative session that sought to remove some of the authorities and oversight functions exercised by SANBAG over projects in our region. AB 2574 (Rodriguez, D–Pomona) was opposed by SANBAG and would have allowed the Metro Gold Line Foothill Extension Authority to extend the Gold Line light rail project to the LA/Ontario International Airport in the City of Ontario. This bill threatened the viability of SANBAG’s Measure I transit program by requiring uncontrolled expenditures on a project, with no authority over a project operated in our county. This bill was held in the Assembly Transportation Committee and did not move forward.

Following the news of several potential concerns regarding the construction of the Bay Bridge in Northern California, Senator DeSaulnier (D–Concord) introduced SB 969 which sought to define a “megaproject” as a transportation project with costs exceeding \$2.5 billion dollars. The bill would have required the agency administering a megaproject to establish a peer review group and to take other specified actions to manage the risks associated with a megaproject. SANBAG opposed SB 969 unless it was amended to apply only to state projects as the requirements contained in the bill were duplicative and unnecessary at the local level. This amendment was not incorporated and SB 969 was vetoed by the Governor.

Transit and Rail

In 2013, the U.S. Department of Labor (DOL) refused to certify California grants being released by the Federal Transit Administration (FTA) due to the state’s passage of pension reform through the Public Employees Pension Reform Act (PEPRA). The Governor signed AB 1222 (Chapter 527, Statutes of 2013) which provided a temporary exemption through January 1, 2015 for mass transit workers while a lawsuit filed by Sacramento Regional Transit and the State

worked its way through the court system. As a court decision is still pending, AB 1783 (Jones-Sawyer, D-Los Angeles) was introduced to further extend this temporary exemption through January 1, 2016 or until a federal court rules on the matter, whichever comes first. SANBAG supported this bill to ensure that critical transit operations and capital funding would not again be withheld at the start of the new calendar year.

SANBAG also co-sponsored SB 953 (Roth, R-Riverside), which was signed by the Governor. This bill grants county transportation commissions the authority to enforce parking regulations at transit and rail stations in their jurisdictions, authority that was previously granted to transit operators. This authority will allow SANBAG to access the authority, if necessary, as transit options are expanded in the county.

Another issue that continues to seek a long-term solution is the gross weight of buses on streets and highways. As regulations on clean fuels, accessibility, and safety increase, these added features continue to exceed the previous weight limits established in 1975 that have never been increased. AB 1720 (Bloom, D-Santa Monica) temporarily extends an existing exemption from the current bus-axle weight limit of 20,500 pounds per axle on streets and highways through January 1, 2016. This temporary exemption is designed to allow existing buses to operate while a longer-term solution is developed. AB 1720 was sponsored by the California Transit Association and supported by SANBAG.

Other key transit bills include SB 1236 (Monning, D-Carmel) which allows transit agencies to designate employees, or security officers, to enforce state laws relative to prohibited acts on or in public transportation systems, the property, facilities, or vehicles of a transit district. This allows transit agencies to more effectively deal with issues that occur on their systems. AB 2445 (Chau, D-Arcadia) was also signed and seeks to simplify the existing practice for community college districts to enter into a contract for transportation services, funded by a fee paid by all students and removes exemptions for specific student categories.

Post-Redevelopment/Infrastructure Financing Districts

The Legislature continues to grapple with some nature of post-redevelopment economic development authority for local agencies and has made limited progress in this area. The League of California Cities supported three major bills in this issue area, two of which were signed and one of which was vetoed.

SB 614 (Wolk, D-Davis) authorizes local agencies, until January 1, 2025, to use tax increment financing in a newly formed or reorganized district to fund infrastructure improvements in disadvantaged unincorporated communities. These revenues can be used to provide necessary upgrades of sewer, water and other systems needed to improve the living conditions within the community and would be included in the reorganization plan for how services would be provided to the area.

SB 628 (Beall, D-San Jose) implements a proposal originally proposed by the Governor to allow local agencies to create Enhanced Infrastructure Financing Districts (EIFDs) to finance defined public infrastructure projects and facilities funded by tax increment revenue. The bill lowers the vote threshold from 2/3^{rds} to 55 percent and also only requires the vote at the time of the issuance

Board of Directors Agenda Item

December 3, 2014

Page 5

of bonds. SB 628 seeks to offer another economic tool to local agencies while removing some of the hurdles previously associated with traditional IFDs and also excluding some of the troublesome components of previous redevelopment authority as perceived by the Governor. Any approved EIFD must first receive a “finding of completion” from the State Department of Finance regarding assets managed by the successor agency to the former redevelopment agency for that area.

Lastly, AB 2280 (Alejo, D–Watsonville) was vetoed by the Governor and would have authorized certain local entities to form a Community Revitalization and Investment Authority (CRIA) in disadvantaged communities to fund infrastructure, affordable housing, and economic revitalization. The Governor perceived this authority to be too similar to previous redevelopment authority.

Other Issues of Interest

SANBAG also considered a number of other items of interest, the outcomes of which are included below.

AB 1999 (Atkins, D-San Diego) would have allowed a temporary income tax credit, up to \$50 million annually, for qualified costs paid or incurred by a taxpayer in rehabilitation of a certified historic structure. This bill was supported by SANBAG and vetoed by the Governor.

AB 2597 (Ting, D–San Francisco) reinforces local governments’ authority to utilize Property Assessed Clean Energy (PACE) programs by clarifying that PACE liens are special tax assessments and also updates the PACE underwriting standards to make PACE financing available for more middle-income homeowners. SANBAG supported this bill and it was signed by the Governor.

SB 1228 (Hueso, D–San Diego) provides for the continuation of the Trade Corridors Improvement Fund (TCIF) program’s investments in federally designated Trade Corridors of National Significance and other high-volume freight corridors. While there is no dedicated funding yet identified for this program, the bill creates the framework for the future funding of goods movement projects included in the Regional Transportation Plan. SANBAG staff recommended the Board of Directors adopt a “Support with Amendments” position. The amendments requested were to allocate funds consistent with existing TCIF corridor funding shares and to maintain the existing program guidelines and project selection process. These amendments were not included and the bill was signed by the Governor.

SANBAG had a “Work with Author” position on SB 1390 (Correa, D-Santa Ana), which establishes the Santa Ana River Conservancy Program to be administered by the State Coastal Conservancy. This bill seeks to expand public recreational opportunities along the river, restore and protect wetlands and agricultural lands, improve water quality and floodwater protections, and provide public education opportunities. The bill authorizes the Conservancy to acquire specified lands within one half mile, or greater as provided, on either side of the Santa Ana River or its tributaries and to undertake planning activities necessary to achieve the established objectives. SANBAG requested amendments to protect SANBAG’s Measure I program of projects in the area and ensure that San Bernardino County is adequately represented in

Board of Directors Agenda Item

December 3, 2014

Page 6

associated advisory and ad hoc groups. The transportation project protection language was included in the final bill and it was signed by the Governor. The final bill did not specifically allocate seats on the advisory committee as would have been preferred, however, SANBAG is an eligible entity.

SB 486 (DeSaulnier, D-Concord) authorizes the CTC to establish goals and performance measures for the Interregional Transportation Improvement Program (ITIP) and the State Highway Operations and Protection Program (SHOPP) to better align the programs with the overall state transportation plan. This bill was signed by the Governor.

SB 556 (Padilla, D-Pacoima) was opposed by SANBAG unless amended to remove its impacts on transportation services. The bill was significantly amended since its original introduction in 2013 to apply to only public health and safety labor or services. It was signed by the Governor in 2014 and will still undoubtedly place onerous requirements on local agencies providing these services through a private entity.

SB 1204 (Lara, D-Bell Gardens) creates the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. This bill requires the program to fund zero and near-zero emission truck, bus and off-road vehicle equipment and technology development, demonstration, pre-commercial and early deployment programs from moneys appropriated from Cap and Trade revenues. This bill was signed by the Governor.

Please see Attachment A for a bill matrix on signed and vetoed bills of interest.

Financial Impact:

This item has no fiscal impact on the FY2014/2015 SANBAG Budget.

Reviewed By:

This item was reviewed by the General Policy Committee on November 12, 2014.

Responsible Staff:

Wendy Strack, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Attachment A
Bill Matrix

CA AB 26	<p>AUTHOR: Bonilla [D]</p> <p>TITLE: Construction: Prevailing Wage</p> <p>FISCAL yes</p> <p>COMMITTEE:</p> <p>URGENCY no</p> <p>CLAUSE:</p> <p>INTRODUCED: 12/03/2012</p> <p>ENACTED: 09/30/2014</p> <p>DISPOSITION: Enacted</p> <p>LOCATION: Chaptered</p> <p>CHAPTER: 864</p> <p>SUMMARY: Revises the definition for construction to include postconstruction phases and cleanup work at the jobsite, for purposes of the requirements in existing law regarding the payment of prevailing wages on public works construction, alteration, demolition, installation, or repair work done under contract and paid in whole or in part out of public funds.</p> <p>STATUS: 09/30/2014 Signed by GOVERNOR. 09/30/2014 Chaptered by Secretary of State. Chapter No. 864</p> <p>Priority: High</p>
CA AB 52	<p>AUTHOR: Gatto [D]</p> <p>TITLE: Native Americans: California Environmental Quality Act</p> <p>FISCAL yes</p> <p>COMMITTEE:</p> <p>URGENCY no</p> <p>CLAUSE:</p> <p>INTRODUCED: 12/21/2012</p> <p>ENACTED: 09/25/2014</p> <p>DISPOSITION: Enacted</p> <p>LOCATION: Chaptered</p> <p>CHAPTER: 532</p> <p>SUMMARY: Amends the California Environmental Quality Act. Specifies a project that may cause substantial adverse change in a tribal cultural resource is a project that may have an environmental effect. Requires the lead agency to begin consultation with a California Native American tribe traditionally and culturally connected with the project's geographic area. Specifies examples of mitigation measures that may be considered. Requires that tribes be provided with lead agencies in their area.</p> <p>STATUS: 09/25/2014 Signed by GOVERNOR. 09/25/2014 Chaptered by Secretary of State. Chapter No. 532</p> <p>Priority: High</p>
CA AB 229	<p>AUTHOR: Perez J [D]</p> <p>TITLE: Infrastructure and Revitalization Financing Districts</p> <p>FISCAL yes</p> <p>COMMITTEE:</p> <p>URGENCY no</p> <p>CLAUSE:</p> <p>INTRODUCED: 02/04/2013</p> <p>ENACTED: 09/29/2014</p> <p>DISPOSITION: Enacted</p> <p>LOCATION: Chaptered</p>

CHAPTER: 775**SUMMARY:**

Authorizes the creation by a city, county, city and county, and joint powers authority, of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district and the issuance of debt. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 775

Priority: High

CA AB 326

AUTHOR: Morrell [R]**TITLE:** Occupational Safety and Health Reporting Requirements**FISCAL** no**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/13/2013**ENACTED:** 07/08/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 91**SUMMARY:**

Requires every employer to make an immediate report by telephone or e-mail of every case involving an employee's serious injury or illness or death to the Division of Occupational Safety and Health within the Department of Industrial Relations.

STATUS:

07/08/2014 Signed by GOVERNOR.

07/08/2014 Chaptered by Secretary of State. Chapter No. 91

Priority: High

CA AB 337

AUTHOR: Allen T [R]**TITLE:** Economic Development: International Trade: Investments**FISCAL** yes**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/13/2013**ENACTED:** 09/29/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 776**SUMMARY:**

Relates to economic development, international trade, investments and strategies for trade and investments. Requires a strategy to be based on current and emerging market conditions and the needs of investors, businesses, and workers to be competitive in global markets and to include a framework that enables the GO-Biz Office to evaluate the current needs of small and large firms. Authorizes the strategy, to the extent relevant and feasible, to be based on existing studies and reports.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 776

Priority: High

CA AB 380

AUTHOR: Dickinson [D]**TITLE:** Spill Response For Railroads**FISCAL** yes

COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/14/2013
ENACTED: 09/25/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 533

SUMMARY:

Requires a rail carrier to report specified information regarding the transportation of hazardous materials to the Office of Emergency Services. Requires each rail carrier to maintain a response management communications center. Requires each rail carrier to provide the office with a summary of the rail carrier's hazardous materials emergency response plan. Requires the office to provide a copy of each summary report to each unified program agency. Prohibits divulging the plan to those unauthorized.

STATUS:

09/25/2014 Signed by GOVERNOR.
 09/25/2014 Chaptered by Secretary of State. Chapter No. 533
Priority: High

CA AB 471

AUTHOR: Atkins [D]
TITLE: Redevelopment: Successor Agencies
FISCAL yes
COMMITTEE:
URGENCY yes
CLAUSE:
INTRODUCED: 02/19/2013
ENACTED: 02/18/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 1

SUMMARY:

Authorizes a infrastructure financing district to finance a project or portion of a project that is located in, or overlaps with, a redevelopment project area or former redevelopment project area. Authorizes a successor redevelopment agency to schedule Recognized Obligation Payment Schedule payments beyond the payment cycle upon a showing that a lender requires cash on hand beyond that cycle. Authorizes the use of estimates and projects to support payments. Relates to housing administrative costs funding.

STATUS:

02/18/2014 Signed by GOVERNOR.
 02/18/2014 Chaptered by Secretary of State. Chapter No. 1
Priority: High

CA AB 577

AUTHOR: Nazarian [D]
TITLE: Rail Construction: County of Los Angeles
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2013
ENACTED: 07/08/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 92

SUMMARY:

Repeals provisions of existing law that prohibits the construction of a mass transportation

project, other than a subway, with a specified corridor within the San Fernando Valley area of Los Angeles, and imposes other conditions in that regard and imposes certain requirements on the construction phasing of a mass transportation rail project between San Fernando Valley and downtown Los Angeles.

STATUS:

07/08/2014 Signed by GOVERNOR.

07/08/2014 Chaptered by Secretary of State. Chapter No. 92

Priority: High

CA AB 1104

AUTHOR: Salas [D]

TITLE: CEQA: Biogas Pipelines: Exemption

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/22/2013

ENACTED: 09/25/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 534

SUMMARY:

Amends the California Environmental Quality Act which provides an exemption from its requirements for projects that consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline. Provides that for purposes of that exemption the term pipeline means a pipeline located in specified counties that is used to transport biogas and that meets existing requirements for the exemption and all local, state, and federal laws.

STATUS:

09/25/2014 Signed by GOVERNOR.

09/25/2014 Chaptered by Secretary of State. Chapter No. 534

Priority: High

CA AB 1193

AUTHOR: Ting [D]

TITLE: Bikeways

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/22/2013

ENACTED: 09/20/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 495

SUMMARY:

Requires the Department of Transportation to establish and update minimum safety design criteria for each type of bikeway, with consideration for the safety of vulnerable populations. Requires the publishing of the new criteria by a specified date. Authorizes a local agency to utilize other minimum safety criteria if adopted by resolution at a public meeting. Repeals related requirements of the Department to include a report to the Legislature about the steps taken to implement certain requirements.

STATUS:

09/20/2014 Chaptered by Secretary of State. Chapter No. 495

Priority: High

CA AB 1399 **AUTHOR:** Medina [D]
TITLE: Taxation: Insurance Tax: Credits: New Market Tax Credit
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 03/11/2013
VETOED: 09/29/2014
DISPOSITION: Vetoed
LOCATION: Vetoed
SUMMARY:
 Allows a credit under the Personal Income and Corporation Tax laws, and a credit against the retaliatory tax imposed on an insured, in conformity with a federal New Markets Tax Credit, for investments in low-income communities. Imposes specified duties on the State Competes Tax Credit Committee and GO-Biz with regard to the application for, and allocation of, the credit. Requires fees for application to a New Markets Tax Credit Fund that will defray the costs of the program.
STATUS:
 09/29/2014 Vetoed by GOVERNOR.
Priority: High

CA AB 1447 **AUTHOR:** Waldron [R]
TITLE: Global Warming Solutions Act of 2006
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/06/2014
ENACTED: 09/26/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 594
SUMMARY:
 Relates to moneys in the Greenhouse Gas Reduction Fund under the Global Warming Solutions Act of 2006. Authorizes moneys in the fund to be allocated for an investment in a traffic signal synchronization component that is part of a sustainable infrastructure component if the project is designed and implemented to achieve cost-effective reductions in greenhouse gas emissions and includes specific emissions-reductions targets and metrics to evaluate the project's effect.
STATUS:
 09/26/2014 Chaptered by Secretary of State. Chapter No. 594
Priority: High

CA AB 1509 **AUTHOR:** Fox [D]
TITLE: Veterans: Transition Assistance
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/14/2014
ENACTED: 09/27/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 647
SUMMARY:
 Requires the Department of Veterans Affairs to develop a transition assistance program for

veterans who have been discharged from the Armed Forces of the United States or the National Guard of any state. Relates to transition to civilian life. Requires the program to include California-specific transition assistance information.

STATUS:

09/27/2014 Chaptered by Secretary of State. Chapter No. 647

Priority: High

CA AB 1521 **AUTHOR:** Fox [D]
TITLE: Local Government Finance: Property Tax: Vehicle Fee
FISCAL yes
COMMITTEE:
URGENCY yes
CLAUSE:
INTRODUCED: 01/16/2014
VETOED: 09/28/2014
DISPOSITION: Vetoed
LOCATION: Vetoed
SUMMARY:

Modifies a specified reduction and transfer provision for the 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

STATUS:

09/28/2014 Vetoed by GOVERNOR.

Priority: High

CA AB 1527 **AUTHOR:** Perea [D]
TITLE: Public Water Systems: Safe Drinking Water Fund
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/17/2014
VETOED: 09/28/2014
DISPOSITION: Vetoed
LOCATION: Vetoed
SUMMARY:

Amends the Safe Drinking Water State Revolving Fund Law of 1997. Requires the State Water Resources Control Board to provide incentives for the consolidation of public water systems based upon a service review development by a local agency formation commission. Provides these provisions are repealed after the Board provides notice to the Legislature and the Secretary of State and posts notice on its Internet Web site of the adopted policy handbook.

STATUS:

09/28/2014 Vetoed by GOVERNOR.

Priority: High

CA AB 1537 **AUTHOR:** Levine [D]
TITLE: General Plan Housing Element: Regional Housing Need
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/22/2014
ENACTED: 09/30/2014
DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 875

SUMMARY:

Requires a county in the San Francisco-Oakland-Fremont Metropolitan Statistical Area that has a specified maximum population to be considered suburban for purposes of determining the densities appropriate to accommodate housing for lower income households. Requires using existing housing trust funds for affordable housing. Requires certain cities incorporated within such counties to be considered suburban. Provides for related reporting. Relates to housing density requirements.

STATUS:

09/30/2014 Signed by GOVERNOR.

09/30/2014 Chaptered by Secretary of State. Chapter No. 875

Priority: High

CA AB 1586

AUTHOR: Holden [D]

TITLE: Public Contracts: Hiring: Priority Consideration

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/03/2014

VETOED: 09/17/2014

DISPOSITION: Vetoed

LOCATION: Vetoed

SUMMARY:

Requires a provision of a public contract for services to include priority consideration for qualified job applicants who are receiving or have exhausted entitlement to unemployment insurance benefits, and who are residents of a targeted employment area.

STATUS:

09/17/2014 Vetoed by GOVERNOR.

Priority: High

CA AB 1594

AUTHOR: Williams [D]

TITLE: Waste Management

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/03/2014

ENACTED: 09/28/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 719

SUMMARY:

Amends the Integrated Waste Management Act, which requires the filing of an annual report. Requires the inclusion of a status update on the adequacy of certain funding in such report. Provides that the use of green material as alternative daily cover in a solid waste landfill does not constitute diversion through recycling and would be considered disposal. Requires a local annual report to include certain information concerning diversion. Exempts certain operators from a quarterly disposal fee.

STATUS:

09/28/2014 Chaptered by Secretary of State. Chapter No. 719

Priority: High

CA AB 1650	AUTHOR:	Jones-Sawyer [D]
	TITLE:	Public Contracts: Bidders: Employment Practices
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/11/2014
	ENACTED:	09/30/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	880
	SUMMARY:	Enacts the Fair Chance Employment Act. Requires a person submitting a bid for a state contract involving certain construction services to certify that they will not ask an applicant to disclose conviction history information at the time of initial application. Applies to a position for which a person or state agency is otherwise required to conduct a conviction or criminal history background check or to any contract position with a criminal justice agency. Provides an exemption for collective bargaining.
	STATUS:	
	09/30/2014	Signed by GOVERNOR.
	09/30/2014	Chaptered by Secretary of State. Chapter No. 880
	Priority:	High
CA AB 1690	AUTHOR:	Gordon [D]
	TITLE:	Local Planning: Housing Elements
	FISCAL	no
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/13/2014
	ENACTED:	09/30/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	883
	SUMMARY:	Authorizes a city or county to accommodate the very low and low-income housing need on sites designated for mixed uses if those sites allow a total residential use and require that residential use occupy a specified percentage of the total floor area of a mixed use project.
	STATUS:	
	09/30/2014	Signed by GOVERNOR.
	09/30/2014	Chaptered by Secretary of State. Chapter No. 883
	Priority:	High
CA AB 1705	AUTHOR:	Williams [D]
	TITLE:	Public Contracts: Payment
	FISCAL	no
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/13/2014
	ENACTED:	09/27/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	670
	SUMMARY:	Amends existing law that authorizes the retention proceeds withheld from any payment by

an awarding entity from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor, to exceed a specified percentage on projects that are substantially complex. Requires that the bid documents include details explaining the basis for the finding in addition to the actual retention amount. Requires the description of unique project and why it is unique.

STATUS:

09/27/2014 Chaptered by Secretary of State. Chapter No. 670

Priority: High

CA AB 1707

AUTHOR: Wilk [R]

TITLE: Water Quality: Scientific Peer Review

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/13/2014

ENACTED: 09/28/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 722

SUMMARY:

Amends existing law that requires the State Water Resources Control Board and the regional water quality control boards to prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program. Relates to an external scientific peer review. Requires the Board to post on its Internet Web site a copy of the external scientific peer review for proposes rules of the State Board or a regional board.

STATUS:

09/28/2014 Chaptered by Secretary of State. Chapter No. 722

Priority: High

CA AB 1711

AUTHOR: Cooley [D]

TITLE: Administrative Procedures Act: Impact Assessment

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/13/2014

ENACTED: 09/29/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 779

SUMMARY:

Amends existing law that requires every state agency subject to the Administrative Procedure Act to provide an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. Requires agencies proposing such action that is not a major regulation or that is a major regulation to prepare an economic impact assessment that makes specified assessments. Requires the assessment to be included in the initial statement of reasons. Requires the adoption of related instructions.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 779

Priority: High

CA AB 1720	AUTHOR:	Bloom [D]	SANBAG Position: Support
	TITLE:	Vehicles: Bus Gross Weight	
	FISCAL	no	
	COMMITTEE:		
	URGENCY	no	
	CLAUSE:		
	INTRODUCED:	02/13/2014	
	ENACTED:	08/22/2014	
	DISPOSITION:	Enacted	
	LOCATION:	Chaptered	
	CHAPTER:	263	
	SUMMARY:	Amends existing law that prohibits a publicly owned or operated transit system from procuring a transit bus whose weight on any single axis exceeds a specified weight. Extends the provision that exempts from this prohibition a transit system that is procuring a new bus that is of the same or lesser weight than the bus it is replacing, or if it is incorporating a new fleet class. Authorizes a transit system to procure a transit bus of a certain weight if it is incorporating a new fleet class expansion.	
	STATUS:	08/22/2014 Chaptered by Secretary of State. Chapter No. 263	
	Priority:	High	
CA AB 1721	AUTHOR:	Linder [R]	
	TITLE:	Vehicles: High-Occupancy Vehicle Lanes	
	FISCAL	no	
	COMMITTEE:		
	URGENCY	no	
	CLAUSE:		
	INTRODUCED:	02/13/2014	
	ENACTED:	09/21/2014	
	DISPOSITION:	Enacted	
	LOCATION:	Chaptered	
	CHAPTER:	526	
	SUMMARY:	Amends existing law that exempts a vehicle, eligible under these provisions to use high occupancy vehicle lanes, from toll charges imposed on single-occupant vehicles in designated high-occupancy toll lanes unless prohibited by federal law. Grants a vehicle, eligible under these provisions to use HOV lanes, a toll-free or reduced-rate passage in HOT lanes.	
	STATUS:	09/21/2014 Chaptered by Secretary of State. Chapter No. 526	
	Priority:	High	
CA AB 1739	AUTHOR:	Dickinson [D]	
	TITLE:	Groundwater Management	
	FISCAL	yes	
	COMMITTEE:		
	URGENCY	no	
	CLAUSE:		
	INTRODUCED:	02/14/2014	
	ENACTED:	09/16/2014	
	DISPOSITION:	Enacted	
	LOCATION:	Chaptered	
	CHAPTER:	347	
	SUMMARY:	Provides specific authority to a groundwater sustainability agency to impose certain fees.	

Authorizes the provision of technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. Requires the publication on a Web site of sustainable management of groundwater best management practices.

Authorizes inspections and related warrants. Designates probationary basins. Establishes groundwater reporting requirements.

STATUS:

09/16/2014 Signed by GOVERNOR.

09/16/2014 Chaptered by Secretary of State. Chapter No. 347

Priority: High

CA AB 1767

AUTHOR: Holden [D]**TITLE:** Santa Monica Mountains Conservancy: Fines**FISCAL** no**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/14/2014**ENACTED:** 09/25/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 536**SUMMARY:**

Amends existing law that establishes the Santa Monica Mountains Conservancy and makes it a misdemeanor to dump any refuse matter on property owned or managed by the conservancy. Increases the related fine.

STATUS:

09/25/2014 Signed by GOVERNOR.

09/25/2014 Chaptered by Secretary of State. Chapter No. 536

Priority: High

CA AB 1783

AUTHOR: Jones-Sawyer [D]**SANBAG Position:** Support**TITLE:** Public Employees' Retirement**FISCAL** yes**COMMITTEE:****URGENCY** yes**CLAUSE:****INTRODUCED:** 02/18/2014**ENACTED:** 09/28/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 724**SUMMARY:**

Amends the California Public Employees' Pension Reform Act of 2013 which exempts from its provisions public employees whose collective bargaining rights are subject to provisions of federal law until a specified federal district court decision on a certification by the United States Secretary of Labor, or a specified date, whichever is sooner. Extend that exemption with respect to the specified date.

STATUS:

09/28/2014 Chaptered by Secretary of State. Chapter No. 724

Priority: High

CA AB 1793 **AUTHOR:** Chau [D]
TITLE: Redevelopment Housing Successor: Report
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2014
ENACTED: 09/27/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 672
SUMMARY:
Amends existing law that authorizes the funds from an old redevelopment agency to be transferred to a new agency and maintained in a separate Low and Moderate Income Housing Asset Fund and requires an audit of the fund and to post certain information on its Internet Web site. Requires the posted information include an inventory of homeownership units assisted by the former agency or the housing successor that are subject to covenants or restrictions or to a program that protects the moneys in the fund.
STATUS:
09/27/2014 Chaptered by Secretary of State. Chapter No. 672
Priority: High

CA AB 1795 **AUTHOR:** Alejo [D]
TITLE: Cities: City Council: Vacancy
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2014
ENACTED: 09/28/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 725
SUMMARY:
Provides that, in the case of the office of city council member, the office becomes vacant pursuant to a letter of resignation from the resigning council member to the city clerk. Authorizes a resigning city council member to cast a vote on the appointment of his or her successor if the resignation will go into effect upon the appointment of the successor, subject to specified conditions, where the vacancy occurs on the city council of a city that elects city council members by or from districts.
STATUS:
09/28/2014 Chaptered by Secretary of State. Chapter No. 725
Priority: High

CA AB 1811 **AUTHOR:** Buchanan [D]
TITLE: High-Occupancy Vehicle Lanes
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2014
ENACTED: 07/08/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 94
SUMMARY:

Amends the value pricing high-occupancy vehicle program that authorizes the entry and use of high-occupancy vehicle lanes by single-occupant vehicles for a fee. Authorizes the program to require a high-occupancy vehicle to have an electronic transponder or other electronic devices for law enforcement purposes.

STATUS:

07/08/2014 Signed by GOVERNOR.

07/08/2014 Chaptered by Secretary of State. Chapter No. 94

Priority: High

CA AB 1835

AUTHOR: Olsen [R]

TITLE: Recreational Off-Highway Vehicles: Helmets

FISCAL no

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/18/2014

ENACTED: 09/16/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 355

SUMMARY:

Amends existing law that prohibits a person from operating, or allowing a passenger in, a recreational off-highway vehicle unless the person and the passenger are wearing safety helmets. Prohibits those activities only on public lands.

STATUS:

09/16/2014 Signed by GOVERNOR.

09/16/2014 Chaptered by Secretary of State. Chapter No. 355

Priority: High

CA AB 1839

AUTHOR: Gatto [D]

TITLE: Income Taxes: Qualified Motion Pictures

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/18/2014

ENACTED: 09/18/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 413

SUMMARY:

Establishes tax credits for qualified motion pictures under the Person Income Tax and Corporation Tax laws. Extends the scope of the existing credits to an applicable percentage of qualified related expenditures for television pilot episodes, visual effects, and music scoring and track recording by musicians. Allows a credit against qualified state sales and use taxes, and a credit to reduce the tentative minimum tax under the Corporation Tax Law. Requires a report on the effectiveness of the credits.

STATUS:

09/18/2014 Signed by GOVERNOR.

09/18/2014 Chaptered by Secretary of State. Chapter No. 413

Priority: High

CA AB 1870	AUTHOR:	Alejo [D]
	TITLE:	Public Works: Prevailing Wage: Apprenticeship Program
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/19/2014
	ENACTED:	09/30/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	890
	SUMMARY:	Relates to the prevailing wage. Amends an existing law which requires a contractor to whom a contract is awarded and who employs journeymen or apprentices to contribute to the State Apprenticeship Council the same amount that is determined is the prevailing amount of apprenticeship training contributions in the area of the public works site. Relates to the award of certain grants in cases where there are two or more approved multiemployer apprenticeship programs serving the same craft or trade.
	STATUS:	
	09/30/2014	Signed by GOVERNOR.
	09/30/2014	Chaptered by Secretary of State. Chapter No. 890
	Priority:	High
CA AB 1897	AUTHOR:	Hernandez R [D]
	TITLE:	Labor Contracting: Client Liability
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/19/2014
	ENACTED:	09/28/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	728
	SUMMARY:	Requires a client employer to share with a labor contractor all civil legal responsibility and liability for all workers supplied by a contractor for the payment of wages and the failure to obtain workers' compensation coverage. Prohibits an employer from shifting to a labor contractor duties under workplace safety provisions. Excepts from the definition of labor contractor specified nonprofit, labor, and motion picture payroll services organizations and 3rd parties engaged in employee leasing arrangements.
	STATUS:	
	09/28/2014	Chaptered by Secretary of State. Chapter No. 728
	Priority:	High
CA AB 1933	AUTHOR:	Levine [D]
	TITLE:	Local Government: Investments
	FISCAL	no
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/19/2014
	ENACTED:	06/25/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	59

SUMMARY:

Authorizes the legislative body of a local agency to invest in United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by certain banks. Requires these investments to be rated AA or better and to not exceed a specified percentage of the agency's moneys that may be invested.

STATUS:

06/25/2014 Signed by GOVERNOR.
06/25/2014 Chaptered by Secretary of State. Chapter No. 59
Priority: High

CA AB 1939

AUTHOR: Daly [D]
TITLE: Public Works: Prevailing Wages: Contractor's Costs
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/19/2014
ENACTED: 07/21/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 161

SUMMARY:

Relates to public works and the prevailing wage. Authorizes a contractor to bring an action to recover from the hiring party, that the contractor directly contracts with, any increased costs, including labor costs, penalties, and legal fees incurred as a result of any decision by the Department of Industrial Relations, the Labor and Workforce Development Agency or a court that classifies that the work covered by the project is a public work. Provides exception circumstances.

STATUS:

07/21/2014 Signed by GOVERNOR.
07/21/2014 Chaptered by Secretary of State. Chapter No. 161
Priority: High

CA AB 1963

AUTHOR: Atkins [D]
TITLE: Redevelopment
FISCAL yes
COMMITTEE:
URGENCY yes
CLAUSE:
INTRODUCED: 02/19/2014
ENACTED: 07/18/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 146

SUMMARY:

Relates to existing law that requires successor agencies to wind down the affairs of dissolved redevelopment agencies and which suspends such requirement, except as it applies to the transfer or assets and properties for governmental use, until the Department of Finance has approved a long-range property management plan. Provides the condition that requires the property of a former redevelopment agency to be disposed of according to law. Regards the transfer of agency assets.

STATUS:

07/18/2014 Signed by GOVERNOR.
07/18/2014 Chaptered by Secretary of State. Chapter No. 146
Priority: High

CA AB 1999	AUTHOR:	Atkins [D]	SANBAG Position: Support
	TITLE:	Personal Income and Corporation Taxes: Rehabilitation	
	FISCAL	yes	
	COMMITTEE:		
	URGENCY	no	
	CLAUSE:		
	INTRODUCED:	02/20/2014	
	VETOED:	09/29/2014	
	DISPOSITION:	Vetoed	
	LOCATION:	Vetoed	
	SUMMARY:	<p>Allows to a taxpayer with a credit reservation, a credit against the Personal Income Tax and the Corporation Tax laws in an amount, determined in modified conformity with a specified section of the Internal Revenue Code, for rehabilitation of certified historical structures. Provides for a credit of specified percentage if the structure meets specified criteria. Provides a calendar year aggregate credit amount. Requires a review of the credit by the Legislative Analyst.</p>	
	STATUS:		
	09/29/2014	Vetoed by GOVERNOR.	
	Priority:	High	
CA AB 2008	AUTHOR:	Quirk [D]	
	TITLE:	Transit Village Plans: Goods Movement	
	FISCAL	no	
	COMMITTEE:		
	URGENCY	no	
	CLAUSE:		
	INTRODUCED:	02/20/2014	
	ENACTED:	07/07/2014	
	DISPOSITION:	Enacted	
	LOCATION:	Chaptered	
	CHAPTER:	88	
	SUMMARY:	<p>Amends existing law that authorizes a city or county to prepare a transit village plan for a transit village development district that addresses specified characteristics including demonstrable public benefits. Requires the plan to address demonstrable public benefits beyond the increase in transit usage including a number of specified benefits. Adds as a benefit the minimization of the impact of goods movement on air quality, traffic, and public safety through dedicated loading and unloading facilities.</p>	
	STATUS:		
	07/07/2014	Signed by GOVERNOR.	
	07/07/2014	Chaptered by Secretary of State. Chapter No. 88	
	Priority:	High	
CA AB 2013	AUTHOR:	Muratsuchi [D]	
	TITLE:	Vehicles: High-Occupancy Vehicle Lanes	
	FISCAL	yes	
	COMMITTEE:		
	URGENCY	no	
	CLAUSE:		
	INTRODUCED:	02/20/2014	
	ENACTED:	09/21/2014	
	DISPOSITION:	Enacted	
	LOCATION:	Chaptered	
	CHAPTER:	527	
	SUMMARY:		

Increases the number of identifiers that the Department of Motor Vehicles is authorized to issue under provisions authorizing the issuance of such identifiers to certain vehicles permitted to use high-occupancy vehicle lanes. Relates to a vehicle that meets the enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV) standard.

STATUS:

09/21/2014 Chaptered by Secretary of State. Chapter No. 527

Priority: High

CA AB 2022

AUTHOR: Medina [D]

TITLE: Public Contracts: Target Area Contract Preference Act

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/20/2014

ENACTED: 09/29/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 780

SUMMARY:

Amends the Target Area Contract Preference Act that establishes a preference for contracts for goods or services that are in excess of a specified amount of money for contractors that certify that a specified percentage of the hours worked on a contract will be performed on a worksite in a defined distressed area. Redefines a distressed area to be a census tract that is determined to be in the top quartile of census tracts for having the highest unemployment and poverty.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 780

Priority: High

CA AB 2040

AUTHOR: Garcia [D]

TITLE: Elected Officials Compensation: Reports and Disclosure

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/20/2014

ENACTED: 09/30/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 894

SUMMARY:

Requires a local agency to report to the Controller the annual compensation of its elected officials, officers, and employees. Requires such agency required to report and that maintains an Internet Web site to post that information on the Controller's Government Compensation in California Internet Web site. Requires the Controller to display the financial reports and the public official compensation on that Web site. Requires the entities to consult regarding the reporting requirements for such disclosure.

STATUS:

09/30/2014 Signed by GOVERNOR.

09/30/2014 Chaptered by Secretary of State. Chapter No. 894

Priority: High

CA AB 2090 **AUTHOR:** Fong [D]
TITLE: High Occupancy Toll Lanes: San Diego/Santa Clara
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/21/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 528
SUMMARY:
 Requires the San Diego Association of Governments and the Santa Clara Valley Transportation Authority to establish, with the consent of the State Department of Transportation, appropriate performance measures, such as speed or travel times, for the purpose of ensuring optimal use of the HOT lanes by high-occupancy vehicles without adversely affecting other traffic on the state highway system. Provides vehicles using these lanes may be required to have an electronic devices. Requires improvements.
STATUS:
 09/21/2014 Chaptered by Secretary of State. Chapter No. 528
Priority: High

CA AB 2119 **AUTHOR:** Stone [D]
TITLE: Local Transaction and Use Taxes
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 07/18/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 148
SUMMARY:
 Authorizes the board of supervisors of a county to levy, increase, or extend a transaction and use tax throughout the entire county or within the unincorporated area of the county, if approved by the qualified voters of the entire county or the unincorporated area of the county, if levied on the unincorporated area of the county; requires tax revenues to only be used within the area for which the tax was approved by the qualified voters.
STATUS:
 07/18/2014 Signed by GOVERNOR.
 07/18/2014 Chaptered by Secretary of State. Chapter No. 148
Priority: High

CA AB 2135 **AUTHOR:** Ting [D]
TITLE: Surplus Land: Affordable Housing
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/27/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 677
SUMMARY:

Requires an entity proposing to use local surplus land for developing low- and moderate-income housing to agree to make available less than a specified percentage of the total number of units developed on the parcels at affordable housing cost of affordable rent for a minimum number of years to lower-income households. Requires a local agency to give priority to entities that agree to these requirements. Provides requirements must be in a related recorded covenant. Provides for a lower development total.

STATUS:

09/27/2014 Chaptered by Secretary of State. Chapter No. 677

Priority: High

CA AB 2137	AUTHOR:	Quirk [D]
	TITLE:	Energy Efficiency Programs: Small Businesses
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/20/2014
	ENACTED:	08/25/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	290

SUMMARY:

Requires the Office of Small Business Advocate to include a link to the Energy Upgrade California Internet Web site on the homepage of its Internet Web site. Requires the Public Utilities Commission to ensure that the Internet Web site for the program be revised to include information related to demand-side management programs for small business customers.

STATUS:

08/25/2014 Signed by GOVERNOR.

08/25/2014 Chaptered by Secretary of State. Chapter No. 290

Priority: High

CA AB 2156	AUTHOR:	Achadjian [R]
	TITLE:	Local Agency Formation Commissions: Studies
	FISCAL	no
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/20/2014
	ENACTED:	06/04/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	21

SUMMARY:

Includes joint powers agencies and joint powers authorities among the entities from which a local agency formation commission is authorized to request land use information, studies, and plans, for purposes of conducting the studies. Includes such agreements in the list of items the local agency formation commission may request in conducting those studies.

Defines joint powers agency and joint powers authority for purposes of the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000.

STATUS:

06/04/2014 Signed by GOVERNOR.

06/04/2014 Chaptered by Secretary of State. Chapter No. 21

Priority: High

CA AB 2170	AUTHOR:	Mullin [D]
------------	----------------	------------

TITLE: Joint powers Authorities: Common Powers
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/17/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 386
SUMMARY:

Provides that parties involved in a joint powers authority agreement may exercise any power common to the contracting parties, including, but not limited to, the authority to levy a fee, assessment, or tax.

STATUS:
09/17/2014 Signed by GOVERNOR.
09/17/2014 Chaptered by Secretary of State. Chapter No. 386
Priority: High

CA AB 2188	AUTHOR: Muratsuchi [D]
	TITLE: Solar Energy: Permits
	FISCAL yes
	COMMITTEE:
	URGENCY no
	CLAUSE:
	INTRODUCED: 02/20/2014
	ENACTED: 09/21/2014
	DISPOSITION: Enacted
	LOCATION: Chaptered
	CHAPTER: 521
	SUMMARY:
	Amends an existing law which requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency and which provides for approval of applications to install specified solar energy systems. Requires a city or county or city and county to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. Requires rooftop system inspections.
	STATUS:
	09/21/2014 Signed by GOVERNOR.
	09/21/2014 Chaptered by Secretary of State. Chapter No. 521
	Priority: High

CA AB 2193	AUTHOR: Gordon [D]
	TITLE: Habitat Restoration and Enhancement Act
	FISCAL yes
	COMMITTEE:
	URGENCY no
	CLAUSE:
	INTRODUCED: 02/20/2014
	ENACTED: 09/26/2014
	DISPOSITION: Enacted
	LOCATION: Chaptered
	CHAPTER: 604
	SUMMARY:
	Enacts the Habitat Restoration and Enhancement Act and related account. Requires the

Director of Fish and Wildlife to approve a habitat restoration or enhancement project if specified conditions are met. Requires the assessment of fees for a project to be consistent with established fees but not exceeding reasonable department costs. Provides that funds in the account would be available for implementing the Habitat Restoration and Enhancement Act.

STATUS:

09/26/2014 Chaptered by Secretary of State. Chapter No. 604

Priority: High

CA AB 2222	AUTHOR:	Nazarian [D]
	TITLE:	Housing Density Bonus
	FISCAL	no
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/20/2014
	ENACTED:	09/27/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	682
	SUMMARY:	
		Amends the Planning and Zoning Law, which provides developers with a certain density bonus and other incentives for the production of lower income housing units or the donation of land within a development. Increases the number of years for which continued affordability is required. Includes very low and low-income persons among the initial occupants of for-sale units. Prohibits density bonuses unless certain conditions are met. Relates to conversion of apartments to condominium projects.
	STATUS:	
		09/27/2014 Chaptered by Secretary of State. Chapter No. 682
	Priority:	High

CA AB 2227	AUTHOR:	Quirk [D]
	TITLE:	Citizens Oversight Board: Implementation
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/20/2014
	ENACTED:	09/27/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	683
	SUMMARY:	
		Requires members of the Citizens Oversight Board to reviews all expenditures from the Clean Energy Job Creation Fund, to serve a specified number of terms. Provides for the appointment of a Board Chair and Vice Chair and each person's duties. Provides Board meeting requirements. Authorizes the Board to form committees. Requires the Board to prepare an annual report.
	STATUS:	
		09/27/2014 Chaptered by Secretary of State. Chapter No. 683
	Priority:	High

CA AB 2250	AUTHOR: Daly [D] TITLE: Toll Facilities: Revenues FISCAL yes COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 02/21/2014 ENACTED: 09/20/2014 DISPOSITION: Enacted LOCATION: Chaptered CHAPTER: 500 SUMMARY: Requires any toll revenues generated from a managed lane on the state highway system that is administered by a local agency to be expended only within the respective corridor in which the managed lane is located. Defines managed lane for these purposes. STATUS: 09/20/2014 Chaptered by Secretary of State. Chapter No. 500 Priority: High
CA AB 2272	AUTHOR: Gray [D] TITLE: Public Works: Prevailing Wage FISCAL yes COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 02/21/2014 ENACTED: 09/30/2014 DISPOSITION: Enacted LOCATION: Chaptered CHAPTER: 900 SUMMARY: Relates to the prevailing wage. Revises the definition of public works to also include infrastructure grants from the California Advanced Services Fund. Specifies that for purposes of this provision, the Public Utilities Commission is not the awarding body or body awarding the contract. STATUS: 09/30/2014 Signed by GOVERNOR. 09/30/2014 Chaptered by Secretary of State. Chapter No. 900 Priority: High
CA AB 2280	AUTHOR: Alejo [D] TITLE: Community Revitalization and Investment Authorities FISCAL yes COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 02/21/2014 VETOED: 09/29/2014 DISPOSITION: Vetoed LOCATION: Vetoed SUMMARY: Authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, to carry out provisions of the Community Redevelopment Law. Provides for the financing of these activities by the issuance of bonds serviced by tax increment revenues. Provides for periodic audits of the authority with respect to affordable housing.

STATUS:
09/29/2014 Vetoed by GOVERNOR.
Priority: High

CA AB 2292 **AUTHOR:** Bonta [D]
TITLE: Infrastructure Financing Districts: Broadband
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/29/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 783
SUMMARY:
Authorizes an infrastructure financing district to finance public capital facilities or projects that include broadband.
STATUS:
09/29/2014 Chaptered by Secretary of State. Chapter No. 783
Priority: High

CA AB 2298 **AUTHOR:** Rodriguez [D]
TITLE: Local Agency Funds
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 08/19/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 214
SUMMARY:
Amends existing law that authorizes the administrator of Local Agency Security of the state to examine a depository, in which the moneys of local agencies are deposited, and requires specified reports and information, including a weekly report. Authorizes the weekly report to be delivered to the administrator electronically via email or other electronic means approved by the administrator.
STATUS:
08/19/2014 Signed by GOVERNOR.
08/19/2014 Chaptered by Secretary of State. Chapter No. 214
Priority: High

CA AB 2355 **AUTHOR:** Levine [D]
TITLE: Local Agencies: Streets and Highways: Recycled Material
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/26/2014
DISPOSITION: Enacted
LOCATION: Chaptered

CHAPTER: 609

SUMMARY:

Requires a local agency that has jurisdiction over a street or highway to either adopt the standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and previous backfill materials, or discuss at a regularly scheduled public hearing of the local agency's legislative or other governing body why the standards are not being adopted.

STATUS:

09/26/2014 Chaptered by Secretary of State. Chapter No. 609

Priority: High

CA AB 2363

AUTHOR: Dahle [R]

TITLE: Electricity Procurement

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2014

ENACTED: 09/26/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 610

SUMMARY:

Requires the Public Utilities Commission to direct electrical corporations to include in their proposed procurement plans the cost of integrating an eligible renewable energy resource. Requires the Commission to adopt a methodology for determining the costs of integrating an eligible renewable energy resources.

STATUS:

09/26/2014 Chaptered by Secretary of State. Chapter No. 610

Priority: High

CA AB 2376

AUTHOR: Weber [D]

TITLE: State Construction Projects: Insurance

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2014

ENACTED: 07/10/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 115

SUMMARY:

Amends existing law that authorizes the Director of General Services to establish a master builder's risk insurance program for all state construction projects during construction and requires a deductible from a contractor. Requires the contractor's deductible under a master policy to be outlined in the request for bids or proposals.

STATUS:

07/10/2014 Signed by GOVERNOR.

07/10/2014 Chaptered by Secretary of State. Chapter No. 115

Priority: High

CA AB 2393 **AUTHOR:** Levine [D]
TITLE: Vehicle Registration Fees
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 08/25/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 292
SUMMARY:
Relates to disbursement of vehicle registration fees. Authorizes a county to impose the fee, to increase that fee and impose an additional fee. Increases the additional fee on commercial vehicles. Requires the county to submit resolutions to impose or increase fees to the Department of Motor Vehicles prior to the operative date of the fee.
STATUS:
08/25/2014 Signed by GOVERNOR.
08/25/2014 Chaptered by Secretary of State. Chapter No. 292
Priority: High

CA AB 2414 **AUTHOR:** Ting [D]
TITLE: Parking Facilities: Electric Vehicle Charging
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 08/19/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 215
SUMMARY:
Specifies that the use of electricity by state government and other government entities, state officers and employees, or other persons for the charging of an electric vehicle in a department maintained or joint use motor vehicle parking facility is not a gift of public funds that is prohibited by the California Constitution.
STATUS:
08/19/2014 Signed by GOVERNOR.
08/19/2014 Chaptered by Secretary of State. Chapter No. 215
Priority: High

CA AB 2415 **AUTHOR:** Ting [D]
TITLE: Property Tax Agents
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
VETOED: 09/29/2014
DISPOSITION: Vetoed
LOCATION: Vetoed
SUMMARY:
Prohibits a property tax agent from communicating directly with any county official for the purpose of influencing official action relating to the establishment of a taxable value for any property subject to taxation, including representing a taxpayer without being registered.

Provides a violation is a misdemeanor or felony. Requires a list of such agents and of agents who have been fined or had their license revoked and to put the lists on a specified Web site. Provides civil penalties for violations.

STATUS:

09/29/2014 Vetoed by GOVERNOR.

Priority: High

CA AB 2445

AUTHOR: Chau [D]**TITLE:** Community Colleges: Transportation Fees**FISCAL** no**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/21/2014**ENACTED:** 06/25/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 63**SUMMARY:**

Specifies that a community college district is authorized to enter into a contract for transportation services if a majority of the students of that district, or campus of that district, approve the payment of a certain fee within the same time period.

STATUS:

06/25/2014 Signed by GOVERNOR.

06/25/2014 Chaptered by Secretary of State. Chapter No. 63

Priority: High

CA AB 2472

AUTHOR: Bonta [D]**TITLE:** Public Employees: Retirement and Health Benefits**FISCAL** yes**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/21/2014**ENACTED:** 08/21/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 237**SUMMARY:**

Amends existing law which requires the Public Employees' Retirement System Board of Administration to file a separate report with the Governor and Legislature on all matters under its jurisdiction to repeal that reporting requirement. Revises the employer contribution rate. Relates to the employee election of retirement benefits. Relates to Board member elections. Repeals a requirement to study a statewide public school health care pool. Relates to reinstatement for retired individual in service as a judge.

STATUS:

08/21/2014 Signed by GOVERNOR.

08/21/2014 Chaptered by Secretary of State. Chapter No. 237

Priority: High

CA AB 2473 **AUTHOR:** Bonta [D]
TITLE: County Employees Retirement Law, Compliance
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/28/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 740
SUMMARY:
Revises various provisions of the County Employees Retirement Law to explicitly conform with federal law. Provides that a member's accrued retirement benefits are nonforfeitable in accordance with federal law, upon termination of, or discontinuance of, contributions under the system. Prohibits a refund, distribution, or transfer of contributions or other funds unless certain compliance is met. Relates to health benefits. Provides military service credit. Relates to long-term care and vision benefits.
STATUS:
09/28/2014 Chaptered by Secretary of State. Chapter No. 740
Priority: High

CA AB 2474 **AUTHOR:** Bonta [D]
TITLE: County Employees Retirement: Benefits
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/28/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 741
SUMMARY:
Amends the County Employees Retirement Law of 1937. Clarifies the definition of final compensation for members whose services are on a tenure that is temporary, seasonal, intermittent, or part time. Relates to final compensation under the Public Employees' Pension Reform Act. Relates to forfeiture of service under the County Retirement Law. Relates to an absence computation in final compensation determination. Relates to the pensionable compensation earned by a deceased member.
STATUS:
09/28/2014 Chaptered by Secretary of State. Chapter No. 741
Priority: High

CA AB 2476 **AUTHOR:** Bonta [D]
TITLE: Public Employees' Retirement
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 08/21/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 238
SUMMARY:

Amends the California Public Employees' Pension Reform Act of 2013. Relates to eligibility for employment after retirements. Relates to an appointment that is necessary to fill a critically needed state employment position and which entity is responsible for certification. Provides that a member who is convicted of a state or federal felony crime while in appointed or elected public office would forfeit all rights and benefits of the position. Makes technical, clarifying changes.

STATUS:

08/21/2014 Signed by GOVERNOR.

08/21/2014 Chaptered by Secretary of State. Chapter No. 238

Priority: High

CA AB 2551

AUTHOR: Wilk [R]**TITLE:** Local Ballot Measures: Bond Issues**FISCAL** no**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/21/2014**ENACTED:** 09/30/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 908**SUMMARY:**

Amends existing law requiring all bond issues proposed by a county, city and county, city, district, or other political subdivision, or by any agency, department, or board, to be submitted to the voters for approval, and which requires all official materials for the bond issue proposal to contain a statement of specified tax rate data. Requires the statement to include the best estimate from official sources of the total debt service that would be required to be repaid if all the bonds are issued and sold.

STATUS:

09/30/2014 Signed by GOVERNOR.

09/30/2014 Chaptered by Secretary of State. Chapter No. 908

Priority: High

CA AB 2597

AUTHOR: Ting [D]**SANBAG Position:** Support**TITLE:** Energy: PACE Program**FISCAL** yes**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/21/2014**ENACTED:** 09/26/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 614**SUMMARY:**

Amends existing law requiring the establishment of a Property Assessed Clean Energy Reserve Program to assist local jurisdictions in financing the installation of distributed generation renewable energy sources or energy or water efficiency improvements on residential projects, and which requires a specified authority, in considering the eligibility of a public agency's program for assistance, to consider whether the program provides a specified loan. Provides the loan maximums based on property value.

STATUS:

09/26/2014 Chaptered by Secretary of State. Chapter No. 614

Priority: High

CA AB 2687 **AUTHOR:** Bocanegra [D]
TITLE: Vehicles: Confidential Home Address
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 08/22/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 273
SUMMARY:
Includes a state employee classified as a Licensing Program Analyst with the Department of Social Services in the provisions of existing law that makes confidential, upon request, the home addresses of specified governmental officials that appear in the records of the Department of Motor Vehicles.
STATUS:
08/22/2014 Chaptered by Secretary of State. Chapter No. 273
Priority: High

CA AB 2707 **AUTHOR:** Chau [D]
TITLE: Vehicles: Buses: Bicycle Transportation Devices
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/09/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 310
SUMMARY:
Amends an existing law which imposes a limitation on the length of vehicles that may be operated on the highways, and which exempts from the limitation a bus, except a schoolbus, operated by a public agency or a passenger stage corporation, used in transit system service, and provides an exemption therefor. Increases the lengths described in the exemption.
STATUS:
09/09/2014 Signed by GOVERNOR.
09/09/2014 Chaptered by Secretary of State. Chapter No. 310
Priority: High

CA AB 2720 **AUTHOR:** Ting [D]
TITLE: State Agencies: Meetings: Record of Action Taken
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/20/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 510
SUMMARY:
Amends the Bagley-Keene Open Meeting Act that requires that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. Requires a State body to publicly report any action taken and the vote or abstention on that

action of each member present for the action.

STATUS:

09/20/2014 Chaptered by Secretary of State. Chapter No. 510

Priority: High

CA AB 2744

AUTHOR: Hernandez R [D]

TITLE: Public Works: Apprenticeship Program

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/27/2014

ENACTED: 08/25/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 297

SUMMARY:

Amends existing law that provides when a contractor or subcontractor performing a public works project is found by the Labor Commissioner to be in violation of the requirements relating to public works contracts, except with regard to the employment of apprentices, with intent to defraud, or within a 3-year period of having committed 2 or more separate willful violations of these provisions. Makes these provisions applicable to violations of provisions related to the employment of apprentices.

STATUS:

08/25/2014 Signed by GOVERNOR.

08/25/2014 Chaptered by Secretary of State. Chapter No. 297

Priority: High

CA AB 2749

AUTHOR: Medina [D]

TITLE: Economic Development

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 03/11/2014

ENACTED: 07/16/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 132

SUMMARY:

Amends existing law that defining terms relating to economic development. Authorizes the Business, Transportation and Housing Agency and its Secretary to expend specified funds. Renumbers these provisions. Authorizes the Governor's Office of Business and Economic Development and its Director to expend these funds. Modifies the Infrastructure and Economic Development Bank's reporting requirements. Modifies the Legislature's review of the bank relating to the infrastructure bank fund credit liabilities.

STATUS:

07/16/2014 Signed by GOVERNOR.

07/16/2014 Chaptered by Secretary of State. Chapter No. 132

Priority: High

CA AB 2752	AUTHOR:	Lowenthal B [D]
	TITLE:	Transportation
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	03/19/2014
	ENACTED:	09/15/2014
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	CHAPTER:	345
	SUMMARY:	Corrects obsolete references in provisions regarding the State Transportation Improvement Program. Revises provisions governing new county road construction and reconstruction work done by day labor under a force account. Allows an applicant for legacy plates, upon payment of associated fees, to request that the plate contain a particular combination of letter or numbers, or both. Relates to the regulation of vehicles transporting hazardous materials. Relinquishes certain route portions.
	STATUS:	
	09/15/2014	Signed by GOVERNOR.
	09/15/2014	Chaptered by Secretary of State. Chapter No. 345
	Priority:	High
CA AJR 53	AUTHOR:	Rendon [D]
	TITLE:	National Freight Network Trust Fund Act of 2014
	INTRODUCED:	08/11/2014
	ENACTED:	09/09/2014
	DISPOSITION:	Adopted
	LOCATION:	Chaptered
	CHAPTER:	167
	SUMMARY:	Memorializes the Congress and President of the United States to enact HR 5101, the National Freight Network Trust Fund Act of 2014.
	STATUS:	
	09/09/2014	Chaptered by Secretary of State.
	09/09/2014	Resolution Chapter No. 167
	Priority:	High
CA SB 69	AUTHOR:	Roth [D]
	TITLE:	Property Tax Revenue: Vehicle License Fee
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	01/10/2013
	VETOED:	09/28/2014
	DISPOSITION:	Vetoed
	LOCATION:	Vetoed
	SUMMARY:	Amends existing law that requires each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount for a Vehicle License Fee Property Tax Compensation Fund in each county treasury. Modifies the reduction and transfer provisions for the a specified fiscal year and for each year thereafter by providing for a vehicle license fee adjustment calculated on the basis of changes in assessed valuation.
	STATUS:	

09/28/2014 Vetoed by GOVERNOR.
Priority: High

CA SB 133

AUTHOR: DeSaulnier [D]
TITLE: Redevelopment
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
VETOED: 09/29/2014
DISPOSITION: Vetoed
LOCATION: Vetoed

SUMMARY:

Amends the Community Redevelopment Law. Requires a redevelopment agency to include additional information relating to any major audit violations, any corrections of those violations, and planning and general administrative expenses of the Low and Moderate Income Housing Fund. Authorizes quality control reviews by the Controller and the publishing of those reviews. Requires audits of such agencies to ensure compliance with the law. Relates to funding for housing construction and/or rehabilitation.

STATUS:

09/29/2014 Vetoed by GOVERNOR.
Priority: High

CA SB 266

AUTHOR: Lieu [D]
TITLE: Prevailing Wages
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/13/2013
ENACTED: 09/30/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 916

SUMMARY:

Requires the body awarding a contract for public work to furnish a copy of the valid notice of completion for the public work or a document evidencing the awarding body's acceptance of the public work on a particular date, whichever occurs later. Requires that body to notify the Labor Commissioner if there has been no valid notice of completion filed, and no document evidencing the acceptance of the public work on a particular date. Requires civil wage assessments until an applicable document is received.

STATUS:

09/30/2014 Signed by GOVERNOR.
09/30/2014 Chaptered by Secretary of State. Chapter No. 916
Priority: High

CA SB 486

AUTHOR: DeSaulnier [D]
TITLE: Department of Transportation: Goals and Performance
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2013
ENACTED: 09/30/2014
DISPOSITION: Enacted

LOCATION: Chaptered**CHAPTER:** 917**SUMMARY:**

Authorizes the State Transportation Commission to prescribe study areas for analysis and evaluation by the Department of Transportation and to establish guidelines for the State Transportation Plan. Requires the Department to submit to the Commission an interregional transportation strategic plan directed at a high-functioning and balanced interregional transportation system and to prepare an assess management plan to guide for state highway operation and protection including budgeting.

STATUS:

09/30/2014 Signed by GOVERNOR.

09/30/2014 Chaptered by Secretary of State. Chapter No. 917

Priority: High

CA SB 556

AUTHOR: Padilla [D]**TITLE:** Providers of Health and Safety Labor or Services**FISCAL** no**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/22/2013**ENACTED:** 09/29/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 832**SUMMARY:**

Relates to third person contracts and ostensible agencies. Prohibits a person, a nongovernmental person, firm, corporation, or association that contracts to perform labor or services relating to public health and safety labor or services for a public agency from displaying on a vehicle or uniform a logo that reasonably could be interpreted as implying the labor or services are being performed by employees of a public agency, unless certain conditions are met. Prohibits mandating such activity.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 832

Priority: High

CA SB 605

AUTHOR: Lara [D]**TITLE:** Short-Lived Climate Pollutants**FISCAL** yes**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/22/2013**ENACTED:** 09/21/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 523**SUMMARY:**

Requires the State Air Resources Board to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State.

STATUS:

09/21/2014 Signed by GOVERNOR.

09/21/2014 Chaptered by Secretary of State. Chapter No. 523

Priority: High

CA SB 614

AUTHOR: Wolk [D]

TITLE: Local Government: Changes: Infrastructure Financing
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/22/2013
ENACTED: 09/29/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 784
SUMMARY:

Requires that a proposal for a change of organization or reorganization is submitted to a local government organization commission, that the applicant submit a plan for providing services within the affected territory, and to include a annexation plan to improve or upgrade structures, roads, sewers and water facilities to a serve a disadvantaged, unincorporated community, and to agree on financing services that may provide that levied taxes, be divided between the entities that consent to the plan.

STATUS:
09/29/2014 Chaptered by Secretary of State. Chapter No. 784
Priority: High

CA SB 628

AUTHOR: Beall [D]
TITLE: Enhanced Infrastructure Financing Districts
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/22/2013
ENACTED: 09/29/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 785
SUMMARY:

Authorizes a local government body to establish an enhanced infrastructure financing district to finance capital facilities and other project to include brownfield restoration, projects on a former military base, and low and moderate income housing. Requires specific events to occur before the district can implement a financing plan. Authorizes projects through tax increment financing. Authorizes projects that are located or overlap in a redevelopment area or a former redevelopment project area.

STATUS:
09/29/2014 Chaptered by Secretary of State. Chapter No. 785
Priority: High

CA SB 674

AUTHOR: Corbett [D]
TITLE: CEQA: Exemption: Residential Infill Projects
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/22/2013
ENACTED: 09/25/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 549
SUMMARY:

Relates to California Environmental Quality Act exemptions for residential infill projects;

exempts as residential a use consisting of residential units and primary neighborhood-serving goods, services, and retail uses that do not exceed a specified percentage of the total building square footage of the project.

STATUS:

09/25/2014 Signed by GOVERNOR.

09/25/2014 Chaptered by Secretary of State. Chapter No. 549

Priority: High

CA SB 785

AUTHOR: Wolk [D]

TITLE: Design-Build

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/22/2013

ENACTED: 09/30/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 931

SUMMARY:

Repeals certain authorizations and enacts provisions that would authorize the Department of General Services, the Department of Corrections and Rehabilitation, and certain local agencies to use the design-build procurement process for specified public works. Authorizes the use of such process by the Marin Healthcare District when contracting for building and improvements construction to a hospital or health facility at the Marin General Hospital. Includes the San Diego Unified Port District.

STATUS:

09/30/2014 Signed by GOVERNOR.

09/30/2014 Chaptered by Secretary of State. Chapter No. 931

Priority: High

CA SB 853

AUTHOR: Budget and Fiscal Review Cmt

TITLE: Transportation

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/09/2014

ENACTED: 06/20/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 27

SUMMARY:

Relates to Aid to Airports Program funding, transfers to the Off-Highway Vehicle Trust Fund, a Motor Vehicle Fuel Account-related study, the State transportation improvement program project construction, high-occupancy lane vehicle identifiers, driver's license eligibility, electronic changeable message sign advertising, use of gasoline sales tax revenues by a specified county, and an appropriation for Highway Patrol dispatch radio consoles.

STATUS:

06/20/2014 Chaptered by Secretary of State. Chapter No. 27

Priority: High

CA SB 854 **AUTHOR:** Budget and Fiscal Review Cmt
TITLE: State and Local Government
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/09/2014
ENACTED: 06/20/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 28
SUMMARY:
Includes the School Site Utilization Fund, public works project wages and contractor bidding, the Public Employees' Retirement System, State archives and records, Workers' Compensation, State information systems, the State financial information system, warrant processing, capital outlay projects, local agency investing, state obligation bonds sale, public employees' health care, school facilities funding, emergency housing, property tax revenue to schools, and personal income tax withholding.
STATUS:
06/20/2014 Chaptered by Secretary of State. Chapter No. 28
Priority: High

CA SB 861 **AUTHOR:** Budget and Fiscal Review Cmt
TITLE: Public Resources: Trailer Bills
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/09/2014
ENACTED: 06/20/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 35
SUMMARY:
Includes collection fee of a timber assessment, Fisheries Restoration Grant Program, fish and game code violation regarding a controlled substance civil penalties, provisions governing the responsibilities regarding oil spills and related fees, wildlife rehabilitation after oil spill, well stimulation treatment permits, state parks funding, beverage container recycling fee, the use of rubberized asphalt, coastal zone management, environmental justice grants, utility hearing advocates, and drinking water.
STATUS:
06/20/2014 Chaptered by Secretary of State. Chapter No. 35
Priority: High

CA SB 862 **AUTHOR:** Budget and Fiscal Review Cmt
TITLE: Greenhouse Gases: Emissions Reduction
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/09/2014
ENACTED: 06/20/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 36
SUMMARY:

Includes a greenhouse gas reduction loan program, low-income weatherization program, high-speed rail funding, transit and intercity rail funding and transit agency emission reduction, state building energy retrofiting, timberland environmental impact report funding, state forestry appointments, the Forest Legacy Program, clean vehicle rebates and zero emission vehicle vouchers, and the export of electricity from wind technologies of customer-generators.

STATUS:

06/20/2014 Chaptered by Secretary of State. Chapter No. 36

Priority: High

CA SB 953 **AUTHOR:** Roth [D] **SANBAG Position: Support**

TITLE: Vehicles: Parking: Public Grounds

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/06/2014

ENACTED: 08/15/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 192

SUMMARY:

Amends existing law prohibiting a person from driving a vehicle or animal, or stopping, or leaving standing a vehicle or animal, whether attended or not, upon the driveways, paths, parking facilities, or ground of specified public entities, including a transit district and a public transportation agency, except with the permission of, and upon and subject to specified conditions, of the governing body of a specified public body. Includes specified county transportation commissions with the listed entities.

STATUS:

08/15/2014 Signed by GOVERNOR.

08/15/2014 Chaptered by Secretary of State. Chapter No. 192

Priority: High

CA SB 969 **AUTHOR:** DeSaulnier [D] **SANBAG Position: Oppose Unless Amended**

TITLE: Public Works

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/10/2014

VETOED: 09/30/2014

DISPOSITION: Vetoed

LOCATION: Vetoed

SUMMARY:

Authorizes provisions of existing law to be known and cited as the Public Works Project Oversight Improvement Act. Defines a megaproject as a specified transportation project. Requires the agency administering a megaproject to establish a peer review group and to take specified actions to manage the risks associated with a megaproject including establishing a comprehensive risk management plan, and regularly reassessing its reserves. Requires project-related information to be posted on an agency's Web site.

STATUS:

09/30/2014 Vetoed by GOVERNOR.

Priority: High

CA SB 1036 **AUTHOR:** Pavley [D]
TITLE: Urban Water Management Plans
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2014
ENACTED: 09/19/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 485
SUMMARY:
 Authorizes an urban water supplier to include within an urban water management plan certain energy-related information, including, but not limited to, an estimate of the amount of energy used to extract or divert water supplies. Requires the Department of Water Resources to include in its guidance for the preparation of such plans, a methodology for the voluntary calculation or estimation of the energy intensity of urban water systems.
STATUS:
 09/19/2014 Signed by GOVERNOR.
 09/19/2014 Chaptered by Secretary of State. Chapter No. 485
Priority: High

CA SB 1037 **AUTHOR:** Hernandez E [D]
TITLE: Los Angeles County MTA: Transactions and Use Tax
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2014
ENACTED: 08/15/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 196
SUMMARY:
 Requires the Los Angeles County Metropolitan Transportation Authority, before submitting an ordinance or amended ordinance to voters, to amend an expenditure plan previously prepared for certain transactions and use taxes with respect to matters relating to certain projects and programs, and to develop a transparent process to determine certain cost estimates. Requires the MTA to include the amended plan in the Long Range Transportation Plan. Requires such plan to include certain projects and programs.
STATUS:
 08/15/2014 Signed by GOVERNOR.
 08/15/2014 Chaptered by Secretary of State. Chapter No. 196
Priority: High

CA SB 1064 **AUTHOR:** Hill [D]
TITLE: PUC: Railroads: Natural Gas Pipelines: Safety
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/18/2014
ENACTED: 09/25/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 557

SUMMARY:

Relates to National Transportation Safety Board (NTSB) safety recommendations and Federal Transit Administration (FTA) safety advisories concerning rail facilities. Requires, with respect to natural gas pipelines, if the Public Utilities Commission receives a correspondence from NTSB that indicates that a recommendation from NTSB has been closed following an action that the NTSB finds unacceptable, that fact is to be noted in the annual report to the Legislature.

STATUS:

09/25/2014 Signed by GOVERNOR.

09/25/2014 Chaptered by Secretary of State. Chapter No. 557

Priority: High

CA SB 1077

AUTHOR: DeSaulnier [D]**TITLE:** Vehicles: Road Usage Charge Pilot Program**FISCAL** yes**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/19/2014**ENACTED:** 09/29/2014**DISPOSITION:** Enacted**LOCATION:** Chaptered**CHAPTER:** 835**SUMMARY:**

Requires the Chair of the State Transportation Commission to create a Road Usage Charge Technical Advisory Committee to study the charge alternatives to the gas tax and make recommendations on the design of a pilot program. Authorizes the Committee to make recommendations on the criteria to be used to evaluate the program. Requires the preparation and submission of a program related report to Legislative committees. Requires the Commission to include same in its annual report to the Legislature.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 835

Priority: High

CA SB 1129

AUTHOR: Steinberg [D]**TITLE:** Successor Agencies to Redevelopment Agencies**FISCAL** yes**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 02/19/2014**VETOED:** 09/29/2014**DISPOSITION:** Vetoed**LOCATION:** Vetoed**SUMMARY:**

Relates to the procedures of an successor redevelopment agency regarding the receipt of a finding of completion of a project entered into by the previous redevelopment agency. Relates to the recalculation of the accumulated on the remaining balance of a loan. Relates to the rejection of an enforceable obligation from a recognized obligation payment scheduled for a successor agency that has received a finding of completion. Provides an agency officer or employee may acquire an interest in project property.

STATUS:

09/29/2014 Vetoed by GOVERNOR.

Priority: High

CA SB 1154

AUTHOR: Hancock [D]

TITLE: San Francisco Bay Area Rapid Transit District Police
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/25/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 559
SUMMARY:

Includes a member of the San Francisco Bay Area Rapid Transit District Police Department in the definition of officer for the purposes of existing law. Authorizes the District to issue a probation order to a person who has been cited on at least three separate occasions for specified infractions in or on a vehicle, bus stop, or train, or light rail station, until a specified date.

STATUS:
09/25/2014 Signed by GOVERNOR.
09/25/2014 Chaptered by Secretary of State. Chapter No. 559
Priority: High

CA SB 1168

AUTHOR: Pavley [D]
TITLE: Groundwater Management
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/16/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 346
SUMMARY:

Relates to groundwater management. Requires the development of prioritization criteria for identifying groundwater basins and subbasins that should be prioritized based on impacts to habitat and surface water resources. Prohibits the adoption of groundwater management plans by local agencies after a specified date. Provides for sustainability plans and for the authority of local agencies that elect to become groundwater sustainability agencies. Provides for inspections and warrants.

STATUS:
09/16/2014 Signed by GOVERNOR.
09/16/2014 Chaptered by Secretary of State. Chapter No. 346
Priority: High

CA SB 1175

AUTHOR: Walters [R]
TITLE: Vehicles: Length Limitations: Motorsports
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/29/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 786
SUMMARY:

Extends the operation of existing law that exempts from vehicle length limits a combination of vehicles consisting of a truck tractor semitrailer combination with a kingpin to rearmost axle measurement limit. Requires such permit for vehicles on specific routes. Requires field tests of motorsports trucks of a specified size to evaluate their performance on all segments of Interstate highways and transition routes, except raceways. Requires roadway improvements to accommodate vehicles of a specified length.

STATUS:

09/29/2014 Chaptered by Secretary of State. Chapter No. 786

Priority: High

CA SB 1183

AUTHOR: DeSaulnier [D]

TITLE: Surcharge for Bicycle Infrastructure

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/20/2014

ENACTED: 09/20/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 516

SUMMARY:

Authorizes a city, county, or regional park district to impose and collect, as a special tax, a motor vehicle registration surcharge for bicycle infrastructure purposes. Requires the Department of Motor Vehicles to administer the surcharge and to transmit the net revenues to the local agency. Requires the local agency to use the revenues for improvements to paved and natural surface trails and bikeways, including existing and new trails, and for associated maintenance purposes. Requires related reports.

STATUS:

09/20/2014 Chaptered by Secretary of State. Chapter No. 516

Priority: High

CA SB 1200

AUTHOR: Padilla [D]

TITLE: Public Postsecondary Education: Academic Standards

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/20/2014

ENACTED: 09/20/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 518

SUMMARY:

Requires the Trustee of the California State University and requests the Regents of the University of California to develop guidelines for high school computer-science courses to be approved for purposes of recognition for admission to the respective systems. Encourages the University of California to ensure such courses that satisfy the mathematics subject area requirements for admission build upon fundamental mathematics content that align with the standards of the Academic Content Standards Commission.

STATUS:

09/20/2014 Chaptered by Secretary of State. Chapter No. 518

Priority: High

CA SB 1204 **AUTHOR:** Lara [D]
TITLE: Clean Truck, Bus, and Off-Road Vehicle: Equipment
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/21/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 524
SUMMARY:
Creates the State Clean Truck, Bus and Off-Road Vehicle and Equipment Technology Program to be funded from cap and trade revenues, to fund near-zero emission truck, bus, and off-road vehicle and equipment technologies and related projects, with priority to be given to certain projects, including project that benefit disadvantaged communities. Requires the State Air Resources Board to create an annual framework and plan, and to develop guidance from program implementation.
STATUS:
09/21/2014 Signed by GOVERNOR.
09/21/2014 Chaptered by Secretary of State. Chapter No. 524
Priority: High

CA SB 1228 **AUTHOR:** Hueso [D] **SANBAG Position: Support with Amendments**
TITLE: Trade Corridors Improvement Fund
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 09/29/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 787
SUMMARY:
Provides for the continuation of the Trade Corridors Improvement Fund for the purpose of receipt and expenditure of revenues from sources other than a specified bond act. Provides for allocation of those revenues for similar purposes as the bond act, but specifically for infrastructure improvements that benefit the State's land ports of entry, seaports, and airports. Requires funded projects to be subject to specified requirements related to the Greenhouse Gas Reduction Fund.
STATUS:
09/29/2014 Chaptered by Secretary of State. Chapter No. 787
Priority: High

CA SB 1236 **AUTHOR:** Monning [D]
TITLE: Transit Districts: Transit Offenses and Enforcement
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/20/2014
ENACTED: 08/22/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 253

SUMMARY:

Authorizes transit district employees or security officers to enforce State laws regarding prohibited acts on or in public transportation systems or property, facilities, or vehicles. Prohibits giving false information to district employees or security officers and violating district rules regarding having bicycles on district vehicles.

STATUS:

08/22/2014 Signed by GOVERNOR.

08/22/2014 Chaptered by Secretary of State. Chapter No. 253

Priority: High

CA SB 1253

AUTHOR: Steinberg [D]

TITLE: Initiative Measures

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/20/2014

ENACTED: 09/27/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 697

SUMMARY:

Requires the Attorney General, upon receipt of a request to prepare the circulating title and summary, to initiate a 30-day public review process for the proposed initiative measure. Requires that a fiscal estimate be prepared. Extends the date for filing a measure with the county elections official. Provides related requirements for the Secretary of State. Provide legislative requirements on the initiatives. Provides requirements for removal of an initiative. Requires a related Web site.

STATUS:

09/27/2014 Chaptered by Secretary of State. Chapter No. 697

Priority: High

CA SB 1292

AUTHOR: Hueso [D]

TITLE: Safe Drinking water State Revolving Fund

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2014

VETOED: 09/29/2014

DISPOSITION: Vetoed

LOCATION: Vetoed

SUMMARY:

Relates to the Safe Drinking Water State Revolving Fund. Increases the maximum amount of a construction grant award for a water system serving severely disadvantaged communities.

STATUS:

09/29/2014 Vetoed by GOVERNOR.

Priority: High

CA SB 1298

AUTHOR: Hernandez E [D]

TITLE: High Occupancy Toll Lanes

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2014
ENACTED: 09/21/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 531

SUMMARY:

Revises and recasts provisions authorizing a value-pricing and transit development demonstration program involving high-occupancy toll lanes to be conducted, administered, developed, and operated on specified State highway routes. Specifies additional requirements for agreements between specified agencies. Requires the agreements to provide for reimbursement of agencies from toll revenues for costs incurred in the implementation or operation of the program and maintenance of specified facilities.

STATUS:

09/21/2014 Chaptered by Secretary of State. Chapter No. 531
Priority: High

CA SB 1312

AUTHOR: Steinberg [D]
TITLE: Transportation Commission: Annual Report
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/16/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 374

SUMMARY:

Amends existing law requiring California Transportation Commission to adopt an annual report for submission to the Legislature. Deletes the provision relating to the loan and transfer summary and discussion that was to be included in the reports submitted between certain calendar years.

STATUS:

09/16/2014 Signed by GOVERNOR.
09/16/2014 Chaptered by Secretary of State. Chapter No. 374
Priority: High

CA SB 1319

AUTHOR: Pavley [D]
TITLE: Groundwater
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/16/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 348

SUMMARY:

Requires the categorizing of each groundwater basin as high-, medium-, low- or very low priority. Authorizes the designation of certain high- and medium-priority basins as a probationary basin, if certain criteria are met. Authorizes the development of an interim plan for a probationary basin if a local agency has not remedied a deficiency. Removes the authority to implement parts of the plan or program that is determined to be adequate. Relates to sustainability goals for each basin.

STATUS:

09/16/2014 Signed by GOVERNOR.
 09/16/2014 Chaptered by Secretary of State. Chapter No. 348
Priority: High

CA SB 1368 **AUTHOR:** Wolk [D]
TITLE: State Highways: Relinquishment
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/09/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 315
SUMMARY:
 Authorizes the State Transportation Commission to relinquish a park and ride lot to a transit district or a joint powers authority formed for purposes of providing transportation services in the manner described in existing law.
STATUS:
 09/09/2014 Signed by GOVERNOR.
 09/09/2014 Chaptered by Secretary of State. Chapter No. 315
Priority: High

CA SB 1390 **AUTHOR:** Correa [D] **SANBAG Position: Work with Author**
TITLE: Santa Ana River Conservancy Program
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/25/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 562
SUMMARY:
 Establishes the Santa Ana River Conservancy Program to address the resource and recreational goals of the region, and to acquire interests and options in real property and would prescribe the management, powers, and duties of the conservancy. Creates the Santa Ana River Conservancy Program Account in the State Coastal Conservancy Fund. Requires a report describing progress made in achieving coastal conservancy goals.
STATUS:
 09/25/2014 Signed by GOVERNOR.
 09/25/2014 Chaptered by Secretary of State. Chapter No. 562
Priority: High

CA SB 1415 **AUTHOR:** Hill [D]
TITLE: Bay Area Air Quality Management District: Council
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 09/27/2014
DISPOSITION: Enacted
LOCATION: Chaptered

CHAPTER: 696

SUMMARY:

Relates to the Bay Area Air Quality Management District and establishes the Bay Area Air Quality Management Council. Abolishes and reconstitutes the membership of the council to include members who are skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution and to include a diversity of perspectives, expertise, and backgrounds.

STATUS:

09/27/2014 Chaptered by Secretary of State. Chapter No. 696

Priority: High

CA SB 1420

AUTHOR: Wolk [D]

TITLE: Urban Water Management Plans

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2014

ENACTED: 09/19/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 490

SUMMARY:

Requires an urban water management plan to quantify and report on distribution system water loss. Authorizes water use projections to display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans, when the information is available and applicable to the supplier. Requires the plan, or amendments to be submitted electronically to the Department of Water Resources and include department forms, tables, or displays.

STATUS:

09/19/2014 Signed by GOVERNOR.

09/19/2014 Chaptered by Secretary of State. Chapter No. 490

Priority: High

CA SB 1433

AUTHOR: Hill [D]

TITLE: Local Agency Public Construction: Design-Build Contract

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2014

ENACTED: 09/30/2014

DISPOSITION: Enacted

LOCATION: Chaptered

CHAPTER: 929

SUMMARY:

Relates to the Local Agency Public Construction Act. Extends the authorization for a transit operator to enter into a design-build contract and to submit required information.

STATUS:

09/30/2014 Signed by GOVERNOR.

09/30/2014 Chaptered by Secretary of State. Chapter No. 929

Priority: High

CA SB 1446 **AUTHOR:** DeSaulnier [D]
TITLE: Health Care Coverage: Small Employer Market
FISCAL yes
COMMITTEE:
URGENCY yes
CLAUSE:
INTRODUCED: 02/21/2014
ENACTED: 07/07/2014
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 84
SUMMARY:
Allows a small employer health care service plan contract or small employer health insurance policy that does not qualify as a grandfathered health plan under the federal Patient Protection Act to be renewed until a specified date and to continue to be in force until a specified date. Exempts those health care service plan contracts and health insurance policies from various provisions of State law that implement the federal act reforms.
STATUS:
07/07/2014 Signed by GOVERNOR.
07/07/2014 Chaptered by Secretary of State. Chapter No. 84
Priority: High

CA SJR 24 **AUTHOR:** DeSaulnier [D]
TITLE: Federal Highway Trust Fund
INTRODUCED: 04/21/2014
ENACTED: 06/16/2014
DISPOSITION: Adopted
LOCATION: Chaptered
CHAPTER: 66
SUMMARY:
Urges the President and the Congress of the United States to stabilize the Federal Highway Trust Fund by developing a long-term plan to promote adequate federal Highway Trust fund revenues.
STATUS:
06/16/2014 Chaptered by Secretary of State.
06/16/2014 Resolution Chapter No. 66
Priority: High

Minute Action

AGENDA ITEM: 23

Date: *December 3, 2014*

Subject:

Coalition for America's Gateways and Trade Corridors Membership

Recommendation:

That the Board withdraw from the Coalition for America's Gateways and Trade Corridors

Background:

The Coalition for America's Gateways and Trade Corridors (CAGTC) is a Washington, D.C. based organization that was established to raise Congressional awareness of the need to increase federal funding for goods movement. The Coalition is comprised of representative organizations, including state Department of Transportations, Metropolitan Planning Organizations, ports, engineering firms, and other freight advocacy groups.

SANBAG joined the Coalition in 2001 to focus attention on the importance of a federal role in interstate commerce, international trade, and the development and maintenance of the transportation infrastructure and logistics systems that support them. The federal role in the system was largely unrecognized until a Freight Title was included for the first time in Moving Ahead for Progress in the 21st Century (MAP-21). CAGTC and SANBAG collectively advocated for this inclusion and although it was an improvement from past bills which failed to acknowledge freight as a federal issue, it still lacked funding to truly implement its provisions. In addition, given the current state of federal transportation funding, an extension or reauthorization of the federal surface transportation bill seems unlikely to contain new or expanded programs and thus new funding for the freight title seems a few years off.

In the years since the passage of MAP-21, SANBAG staff has experienced some concerns with the current operations of the Coalition. The Coalition now operates differently than when SANBAG originally joined in regard to how policy positions are formed. As the Coalition has expanded to over 70 members, the Executive Board is now the sole decision making entity for taking policy positions. There are sometimes occasional regular member conference calls aimed at reaching consensus on positions, however this is not a frequent occurrence. Previously, all members were polled before the organization would take a formal policy position.

One example of how this shift in policy setting has been problematic is over the Coalition's support for a bill by Congressman Earl Blumenauer (D-OR) on his proposed legislation to incrementally increase both the gas and diesel fuel taxes by 15 cents. In the fall of 2013, the Coalition was asked to support this bill. The Coalition emailed its members requesting feedback the week of Thanksgiving regarding the bill. The Board of Directors then moved forward with a support position the following Monday. Several agencies, including SANBAG, were not given adequate time to review and weigh in on the bill. This process put SANBAG in an uncomfortable position due to the perceived urgency by the Coalition, despite the bill's lack of movement since its introduction in December 2013. The SANBAG Board of Directors had not taken a position on the bill and would have not been able to take a position in the timeframe given. After the support position was taken, Coalition staff indicated they thought all of the

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item

December 3, 2014

Page 2

members supported a gas tax increase. SANBAG and Coalition staff disagreed that there was sufficient time to respond, particularly given the sensitivity of the subject matter.

Following this action and given the change in the policy setting process, SANBAG asked the Coalition about potential new openings in the Executive Board so that we could more appropriately engage at that level. The current Board Membership is as follows: Parson Brinckerhoff, Southern California Association of Governments, Capitol Strategies, Chambers, Conlon & Hartwell, Port of Los Angeles, Intermodal Association of North America, Port of Seattle, Will County Center for Economic Development, Alameda Corridor-East Construction Authority, AECOM Transportation, Port Miami, Metropolis Strategies, Florida East Coast Railway, Kootenai Metropolitan Planning Organization, Ohio-Kentucky-Indiana Regional Council of Governments and the Port of Long Beach. This current membership reflects a port and coastal focus, with less than complete advocacy for the needs of more inland areas.

SANBAG requested a meeting, along with representatives from the Riverside County Transportation Commission (RCTC) and the San Diego Association of Governments (SANDAG), to examine new representation on the Board. Unfortunately, the number of openings on the current Board was not clearly outlined and within weeks, the four openings were filled by three incumbents and another Member who had been requesting a spot for some time. Thus, it is unclear when or if SANBAG's concerns over the make-up of the Board and the policy making process will ever be resolved.

Lastly, SANBAG had previously requested that the Coalition partner with Mobility 21 on advocacy issues and include them in information provided to member agencies. SANBAG's perspective was that since many organizations were already dues paying members in both organizations, it seemed counterproductive to require Mobility 21 to pay additional dues as well. This request was denied and this collaboration was not able to move forward.

In conclusion, the Coalition states that its strategy is to develop consensus for federal investment policy that supports intermodal connectors, trade corridors, freight facilities and gateway access. At this time SANBAG staff does not feel that those goals are being achieved and recommends that the Board consider withdrawing its membership.

Financial Impact:

The Fiscal Year 2014/2015 SANBAG budget contains \$6,500 for this membership.

Reviewed By:

The General Policy Committee reviewed this item on November 12, 2014 and unanimously recommended withdrawal from the Coalition for America's Gateways and Trade Corridors.

Responsible Staff:

Wendy Strack, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Minute Action

AGENDA ITEM: 24

Date: *December 3, 2014*

Subject:

Summary of Measure I Capital Improvement Plans of Member Agencies

Recommendation:

That the Board, acting in its capacity as the San Bernardino County Transportation Authority accept the Measure I Summary Report of the Five-Year Capital Improvement Plans for Local Pass-Through Funds for Fiscal Year 2014/2015 through Fiscal Year 2018/2019.

Background:

The Measure I Expenditure Plan requires each local jurisdiction to annually adopt a Five-Year Capital Improvement Plan (CIP) that details the specific projects to be funded using Measure I Local Pass-Through Funds. Expenditures must be detailed in the CIP and adopted by resolution of the governing body.

In accordance with Measure I Strategic Plan Policy, the CIP shall:

- (1) Specifically identify improvements to be funded with Measure I Local Pass-Through Funds by street name, boundaries, and project type and must be adopted by resolution of the governing body.
- (2) Constrain the total amount of planned expenditures to 150% of SANBAG forecasted revenue for Measure I Local Pass-Through Funds plus any fund balances and/or revenue resulting from bonds secured by Measure I revenue.
- (3) Include no more than 50% of estimated annual revenue to general program categories, which are programs or projects without any identified streets (examples are pavement management programs, general maintenance and system improvements).
- (4) Include total estimated cost of capacity enhancing projects to Nexus Study roadways, the Measure I share of project cost and the development share of cost. Maintenance projects or projects that do not enhance the capacity of a roadway do not require a development contribution in the Five-Year Plan.
- (5) List any single project expenditure in excess of \$100,000 as an individual project and not in a general program category.

In the San Bernardino Valley subarea, 20% of the total Measure I revenue is distributed monthly to the jurisdictions for their Local Streets projects.

Entity: *CTA*

Board of Directors Agenda Item
 December 3, 2014
 Page 2

In the Mountain/Desert subarea, 70% of the total Measure I revenue is distributed monthly to the jurisdictions for their Local Streets projects, after reservation of 2% by SANBAG to fund future Project Development/Traffic Management Systems projects.

Jurisdictions have flexibility to move projects around in their CIP based on the necessities of the jurisdiction. However, in order for a project to be eligible for expenditure of Local Streets funds, the project must be included in the Five-Year CIP. If the change happens after the plan has been approved, a revised plan must be prepared and submitted to SANBAG prior to the end of the fiscal year. As the CIP is the basis for the annual audit, if a revised plan is not submitted it will result in an audit finding.

Attachment 1 summarizes the revenue available and the amount programmed for projects by each jurisdiction for 2014/2015 through 2018/2019. The CIPs contain locally prioritized and eligible projects for road maintenance, repair and construction. Staff has confirmed that the plans meet the eligibility requirements of Measure I.

A copy of the submittals from all of the Member Agencies has been posted on the SANBAG website, www.sanbag.ca.gov.

Financial Impact:

This item has no direct impact upon the adopted SANBAG Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on November 12, 2014.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____

Attachment 1
CAPITAL IMPROVEMENT PLAN SUMMARY REPORT

All Member Agencies
FY 2014/2015 - FY 2018/2019

Agency	MI Local Pass-through Ending Balance @ 6/30/14 (unaudited)	5 Year MI Local Pass-Through Revenue Estimate	Total 5 Year MI Local Pass-Through Available for Projects	150% of Estimated Measure I Plus Ending Balance @ 6/30/14	5 Year Total CIP Projected Projects	Do Projects Meet Measure Eligibility Requirements?	Resolution Number
Adelanto	\$1,119,934	\$3,040,405	\$4,160,339	\$ 6,240,509	\$ 4,160,000	Yes	14-48
Apple Valley	\$4,695,095	\$9,151,373	\$13,846,468	\$ 20,769,702	\$ 20,563,814	Yes	2014-36
Barstow ⁽¹⁾	\$5,269,254	\$11,639,506	\$16,908,760	\$ 25,363,140	\$ 14,092,981	Yes	4774-2014
Big Bear Lake	\$0	\$1,712,271	\$1,712,271	\$ 2,568,407	\$ 1,980,000	Yes	2014-29
Chino	\$914,757	\$6,202,454	\$7,117,211	\$ 10,675,817	\$ 7,152,754	Yes	2014-057
Chino Hills	\$3,101,721	\$5,898,182	\$8,999,903	\$ 13,499,855	\$ 8,509,600	Yes	14R-36
Colton	\$2,157,841	\$4,107,663	\$6,265,504	\$ 9,398,256	\$ 6,265,504	Yes	R-92-14
Fontana	\$4,763,842	\$15,599,756	\$20,363,598	\$ 30,545,397	\$ 12,134,090	Yes	2014-093
Grand Terrace	\$368,290	\$947,922	\$1,316,212	\$ 1,974,318	\$ 1,316,213	Yes	2014-63
Hesperia	\$2,586,596	\$13,107,464	\$15,694,060	\$ 23,541,090	\$ 11,345,117	Yes	2014-045
Highland	\$7,294,980	\$4,189,582	\$11,484,562	\$ 17,226,843	\$ 11,438,980	Yes	2014-046
Loma Linda	\$473,000	\$1,825,628	\$2,298,628	\$ 3,447,942	\$ 1,819,313	Yes	R2014-35
Montclair	\$606,680	\$2,902,280	\$3,508,960	\$ 5,263,440	\$ 4,095,000	Yes	14-3048
Needles	\$494,000	\$631,325	\$1,125,325	\$ 1,687,988	\$ 1,125,295	Yes	2014-50
Ontario	\$740,863	\$12,954,936	\$13,695,799	\$ 20,543,699	\$ 12,845,505	Yes	2014-072
Rancho Cucamonga	\$6,566,470	\$13,282,613	\$19,849,083	\$ 29,773,625	\$ 17,847,190	Yes	14-161
Redlands	\$7,570,000	\$5,418,370	\$12,988,370	\$ 19,482,555	\$ 5,418,370	Yes	7456
Rialto	\$4,531,350	\$7,864,243	\$12,395,593	\$ 18,593,390	\$ 12,393,278	Yes	6589
San Bernardino	\$5,484,105	\$16,512,570	\$21,996,675	\$ 32,995,013	\$ 23,824,543	Yes	2014-374
Twentynine Palms	\$2,034,000	\$2,393,391	\$4,427,391	\$ 6,641,087	\$ 3,451,000	Yes	14-11
Upland	\$1,445,088	\$5,816,263	\$7,261,351	\$ 10,892,027	\$ 7,290,000	Yes	6241
Victorville ⁽²⁾	\$1,457,200	\$22,628,950	\$24,086,150	\$ 36,129,225	\$ 25,461,411	Yes	14-068
Yucaipa	\$1,041,739	\$3,605,225	\$4,646,964	\$ 6,970,446	\$ 6,856,486	Yes	2014-41
Yucca Valley	\$1,897,095	\$4,084,257	\$5,981,352	\$ 8,972,028	\$ 3,115,975	Yes	14-20
San Bernardino County				\$ -			
--Colorado River Subarea	\$225,918	\$411,459	\$637,377	\$ 956,066	\$ 349,011	Yes	2014-193
--Morongo Basin Subarea	\$1,416,200	\$3,180,648	\$4,596,848	\$ 6,895,272	\$ 2,257,696	Yes	2014-193
--Mountains Subarea	\$1,523,464	\$5,989,016	\$7,512,480	\$ 11,268,720	\$ 4,945,000	Yes	2014-193
--North Desert Subarea	\$6,088,549	\$20,379,871	\$26,468,420	\$ 39,702,630	\$ 18,670,070	Yes	2014-193
--Valley Subarea	\$8,220,074	\$17,640,116	\$25,860,190	\$ 38,790,285	\$ 17,103,043	Yes	2014-193
--Victor Valley Subarea	\$5,460,198	\$12,362,992	\$17,823,190	\$ 26,734,785	\$ 11,607,752	Yes	2014-193
TOTALS	\$89,548,303	\$235,480,731	\$325,029,034	\$487,543,552	\$ 279,434,991		

NOTES:

(1) Acceleration of projects due to Barstow's Total Road Improvement Pooled Financing Program

(2) Victorville's MI local pass-through funds will be used to pay down the LaMesa/Nisqualli Interchange costs per Agreement C11200-2.

- 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: 25

Date: *December 3, 2014*

Subject:

Allocation to I-15 Phase 2 Widening

Recommendation:

That the Board, acting as the San Bernardino County Transportation Commission, approve an allocation of \$91,012 in Regional Improvement Program funds for construction of Phase 2 of the Interstate 15 Widening project, increasing the total construction allocation from \$27,201,000 to \$27,292,012.

Background:

Beginning in 1998, San Bernardino Associated Governments (SANBAG) partnered with California Department of Transportation (Caltrans) to fund the 28.7 mile widening of the Interstate 15 (I-15) from the Mojave Drive in Victorville to the junction of SR-58 Interchange in Barstow. The project was split into two phases by Caltrans because of the environmental complexity associated with widening the Mojave River Bridge. Phase 1 of the widening project, which was completed in July 2005, added one additional mixed flow lane in each direction between Mojave Drive and SR-58 and realigned the Mojave Northern Rail underpass. However, the third lane that was added between Mojave Drive and the existing Stoddard Wells Road Interchange was not built according to Federal Highway Administration (FHWA) design standards and resulted in substandard median and outside shoulders. Phase 2 of the I-15 widening project is currently scoped to include reconstruction and access modifications at the “D” Street, “E” Street, and Stoddard Wells Interchanges and to widen the Mojave River Bridge so that the I-15 median and outside shoulders could be brought up to FHWA design standards.

In July 2011, Caltrans agreed to down-scope Phase 2 of the project to delay relocation of the existing Stoddard Wells Road interchange. This change in scope allowed Caltrans to meet the commitment to FHWA to correct the design exceptions while freeing \$12.8 million of Regional Improvement Program (RIP) funds for the Devore Interchange project and \$25.6 million of Interregional Improvement Program (IIP) funds for the State Route 58 widening projects. This strategy was unanimously approved by the Mountain/Desert Policy and Major Projects Committees in August 2011 and incorporated into the 10-Year Delivery Plan. The relocation of the Stoddard Wells Road interchange, referred to as Phase 2B, will be initiated by Caltrans in the future.

In 2013 Caltrans completed an updated construction cost estimate for the project based on detailed information obtained through development of the Geometric Approval Drawings (GADs), Bridge Site Submittal, and General Plans and found that the estimate had increased by \$8 million from the 2011 estimate to a total construction capital cost estimate of \$73 million. The cost increase was a result of quantities and unit costs updates, cost increases for storm water control and drainage systems, and construction requirements not anticipated in the 2011 estimate, such as:

Entity: *CTC*

Board of Directors Agenda Item

December 3, 2014

Page 2

- Additional improvements to the Mojave River bridge, including temporary trestle, cofferdams, and a revised span configuration with an additional pier to minimize impact to the Waters of the USA;
- Widening of the Stoddard Wells Road bridge to accommodate standard shoulders and sidewalks;
- Modification of the existing ramps at Stoddard Wells Road interchange; and
- Construction of a retaining wall near the existing Stoddard Wells Road overcrossing to avoid right of way impacts to an existing gas station and to the Waters of the USA.

In addition, there were \$1.76 million in federal earmarks and State of Nevada contributions that were estimated to be available for Phase 2 that were instead used for Phase 1, leaving a total increased funding need of \$9.76 million. In May 2013, the SANBAG Board approved an allocation of \$3.637 million in Surface Transportation Program funds toward this cost increase.

In June 2014 the design for the project was completed and the construction capital cost has been estimated at \$73,244,000, which is an increase of \$244,000 over the 2013 cost estimate. This cost increase is a result of:

- Unit cost increases;
- Cost increase in the reconstruction of the D, E, Stoddard Wells Road, Railroad Bridge and Mojave River Bridges;
- Increase in the utility relocation costs;
- The cost of water usage during construction to reflect drought condition of the State were not included in the May, 2013 estimate;
- Upgrade of Safety Barriers; and
- Increase in the cost to modify existing drainage systems

Throughout both I-15 projects, Phase 1 and Phase 2, SANBAG has been a funding partner with Caltrans. SANBAG's current commitment to Phase 2 represents 37.3% of the construction capital costs; therefore Caltrans has requested, and staff recommends, an additional \$91,012 RIP funds for this project to cover the SANBAG share of the cost increase, subject to approval by the California Transportation Commission.

Financial Impact:

This item has no impact on the adopted Fiscal Year 2014/2015 budget. Caltrans is the lead agency for this project, so these funds will not flow through the SANBAG budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on November 14, 2014.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

Minute Action

AGENDA ITEM: 27

Date: December 3, 2014

Subject:

Announcement of Appointments and Vacancies or Expiring Terms to SANBAG Committees and External Boards

Recommendation:

- A. Note the appointment of Mayor Ed Graham, City of Chino Hills, as a member of the Southern California Association of Governments (SCAG) Energy and Environment Committee.
- B. Note the following vacancies or expiring terms of appointment and request Board Members to express their interest in serving or being reappointed to the following:
 - a. SANBAG Transit and Commuter Rail Committee
 - b. Alameda Corridor-East Construction Authority
 - c. Metro Gold Line Phase II JPA – Alternate Member
 - d. Mobile Source Air Pollution Reduction Review Committee – Primary and Alternate Member
 - e. SR 91 Advisory Committee – Ex Officio Member
- C. Announce the results of the Mountain/Desert Sub Region cities' caucus to select a member to serve on the SANBAG General Policy Committee.

Background:

- A. **Appointment to SCAG Energy and Environment Committee** - SANBAG Policy provides for the Board President to make certain appointments to outside committees and Boards and that those appointments be announced at the next SANBAG Board Meeting. SANBAG President Dennis Michael has appointed Chino Hills Mayor Ed Graham to the SCAG Energy and Environment Committee.
- B. **Vacancies and Expiring Terms** – SANBAG has a number of expiring terms of appointment or vacancies to SANBAG Committees or outside agencies. Listed below is the list along with a description of whether the position is vacant or if it is an expiring term of appointment and the current incumbent in the position. SANBAG Board Members should make their interest known to the Board President if they would like to be appointed or reappointed for any of these positions.
 - a. SANBAG Transit and Commuter Rail Committee (Expiring Terms of Appointment) – This Committee provides policy guidance and recommendations to the Board of Directors and our delegates to the Southern California Regional Rail Authority on issues involving commuter rail and transit services. These are presidential appointments and terms for these positions will expire December 31, 2016.
 - i. Mayor Pete Aguilar, Redlands
 - ii. Mayor Deborah Robertson, Rialto
 - iii. Council Member Dick Riddell, Yucaipa

Entity: COG, CTA, CTC

Board of Directors Agenda Item

December 3, 2014

Page 2

- b. Alameda Corridor-East Construction Authority – Primary Ex Officio Member (Expiring Term of Appointment) – The Authority addresses issues related to the transportation corridor running from Los Angeles to San Bernardino County. This is a presidential appointment and the term for this position will expire December 31, 2016.
 - i. Mayor Paul Eaton, Montclair
 - c. Metro Gold Line Phase II JPA – Alternate Member (Vacant) – The JPA serves as the forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. This is a Board appointment and the term for this position will expire December 31, 2016.
 - d. Mobile Source Air Pollution Reduction Review Committee – Primary and Alternate Member (Expiring Term of Appointment) – Develops and implements work programs which reduce mobile emissions, funded by AB2766 fee on vehicle registrations. These are Board appointments and the terms for these positions expire December 31, 2016.
 - i. Mayor Pro Tem Larry McCallon, Highland (Primary)
 - ii. Mayor Ed Graham, Chino Hills (Alternate)
 - e. SR 91 Advisory Committee – Primary Ex Officio Member (Expiring Term of Appointment) – Reviews issues and makes recommendations to OCTA regarding maintenance, operations, improvements and use of toll revenues from the SR 91 express lanes. This is a Board appointment and the term for this position expires December 31, 2016.
 - i. Mayor Ed Graham, Chino Hills
- C. **Results of the Mountain/Desert Subregion Cities’ Caucus** – The Mountain/Desert Cities held a caucus among their members to select a member to serve on the General Policy Committee. The results of the caucus will be announced at the Board meeting. This position was previously held by Council Member Jim Harris of Twentynine Palms.

Financial Impact:

This item is consistent with the adopted SANBAG budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review.

Responsible Staff:

Duane Baker, Director of Management Services

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
 Phone: (909) 884-8276 Fax: (909) 885-4407
 Web: www.sanbag.ca.gov



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

Minute Action

AGENDA ITEM: 28

Date: December 3, 2014

Subject:

Appointment of SANBAG Representative to Valley Transportation Services (VTrans)

Recommendation:

Select a SANBAG representative for the VTrans Board of Directors.

Background:

The SANBAG Board of Directors, as the County Transportation Authority, is authorized to appoint three members representing the Valley Region to serve on the VTrans Board of Directors. VTrans is a non-profit organization created and designated by SANBAG to be the Consolidated Transportation Services Agency in the Valley portion of the County. As such, VTrans is eligible to receive 2% of Measure I Senior/Disabled Transportation funds collected in the Valley and use those funds for transportation programs serving those communities.

At the November 5, 2014, SANBAG Board of Directors meeting it was requested that time be given to solicit interest from candidates to serve on the VTrans Board. As of the writing of this report, two candidates have been identified. Mayor Ray Musser, City of Upland is the incumbent on the VTrans Board and has expressed interest in being reappointed. In addition, Council Member John Roberts, City of Fontana, has expressed interest in representing SANBAG on the VTrans Board.

This is a Board of Directors appointment and the term for this position ends on September 30, 2017.

Financial Impact:

This item is consistent with the adopted SANBAG budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review.

Responsible Staff:

Duane Baker, Director of Management Services

Approved
 Board of Directors
 Date: December 3rd, 2014

Witnessed: _____

Entity: CTA

Minute Action

AGENDA ITEM: 29

Date: *December 3, 2014*

Subject:

Express Lane and Design-Build Legislative Authority for the I-10 and I-15 Corridor Projects

Recommendation:

That the Board of Directors:

- A. Approve sponsorship of a bill in the 2015-2016 State Legislative Session to provide SANBAG with Express Lane and Design-Build Authority for the I-10 and I-15 Corridor Projects.
- B. Concurrently work with key stakeholders to secure statewide legislative authority that includes SANBAG's I-10 and I-15 Corridor Projects.

Background:

In order to meet the future travel demands of the Interstate 10 (I-10) and Interstate 15 (I-15) corridors while taking into account the limited availability of funds to address the growing demands of these corridors, in July 2014 the SANBAG Board of Directors (Board) selected the Express Lanes option as the Locally Preferred Alternative (LPA) for the I-10 Corridor Project in San Bernardino County. SANBAG is also moving forward with environmental studies for an express lanes option for the I-15 Corridor Project, as the funding scenario for that corridor is even more limited.

Project development work for these corridors thus far includes preliminary design, cost estimates, a detailed equity assessment, traffic and revenue studies, financial planning and a comprehensive public outreach program. The next steps for these projects include continued development of the I-10 environmental document, initiating the development of the I-15 environmental document, and continued public outreach. In the next few years, the Board will be presented with completed environmental studies, investment grade traffic and revenue studies, and updated financial analyses. Following approval by the Board, a Transportation Infrastructure Finance and Innovation Act (TIFIA) loan is anticipated as part of the project financing package. TIFIA is a federal program that helps finance large, complex projects of national and regional significance. This financing can come in the form of direct loans, loan guarantees, and lines of credit. In federal fiscal year (FFY) 2013, \$750 million was available for this program and \$1 billion was available in FFY 2014.

In order to ensure that these projects stay on track for this potential TIFIA loan in mid-2016, toll authority must be secured and take effect by January 1, 2016. The process for securing legislative approval is lengthy and involves a number of steps to move through the process. The dates given below are estimated, as the 2015 calendar has not yet been released.

Entity: CMA, COG, CTA, CTC, SAFE

Board of Directors Agenda Item
December 3, 2014
Page 2

Legislative Counsel Deadline: January 23, 2015
Bill Introduction Deadline: February 20, 2015
First House Policy Committee: May 1, 2015
First House Appropriations Committee: May 22, 2015
Summer Recess: July 3 – August 3, 2015
Second House Policy Committee: August 14, 2015
Second House Appropriations Committee: August 28, 2015
Last day to pass off floor: September 11, 2015
Governor Signing Deadline: October 10, 2015

The timelines shown above demonstrate the need to begin work towards securing legislative approval in the near-term in order to meet the January Legislative Counsel and February Bill Introduction deadlines.

Concurrent Considerations

AB 401 (Chapter 586, Statutes of 2013) was authored by Assembly Member Tom Daly and provides unlimited design-build authority to regional transportation agencies through 2024 and up to 10 projects for the California Department of Transportation (Caltrans) during that same time period. The bill also specifically states that construction inspection services for these projects shall be performed by Caltrans.

Since the bill's passage, the American Council of Engineering Companies (ACEC) has filed a lawsuit to challenge the specific allocation of construction inspection work to Caltrans as being at odds with Proposition 35 (2000). Proposition 35 specifically allows architectural and engineering services to be contracted out for public works projects. This trial is expected to occur in early 2015, with a possible decision in spring 2015. Should the objected provision be invalidated, the entire bill could be declared invalid. If this occurs, new authority would need to be secured. As SANBAG's two corridor project timelines were developed assuming the design-build procurement method could be utilized, having this authority in place is also an important element of project delivery.

Another issue that we are also closely monitoring is the potential re-introduction of statewide express lane authority. SB 983 (Hernandez, D-West Covina) would have eliminated the sunset date for the California Transportation Commission to approve express lane projects led by regional transportation agencies, as well as authority for potential Caltrans projects. The bill was held in the Assembly Appropriations Committee and is expected to be reintroduced in 2015. SANBAG will be working with Members of the Legislature and key stakeholders to ensure this authority is available to local agencies.

Recommended Approach

In order to ensure that SANBAG secures the required authorities in the timelines needed for the projects to remain on schedule, staff is recommending a two-pronged approach. First, SANBAG would continue to work with statewide entities and partners on a universal extension of toll authority and a potential AB 401 fix.

Board of Directors Agenda Item

December 3, 2014

Page 3

Concurrently, SANBAG would introduce a SANBAG-specific bill that provided both toll and design-build authority for the I-10 and I-15 corridor projects, as well as to govern the use of toll revenues and define the appropriate categories for excess revenue investments.

Utilizing both options helps to provide the highest opportunity for a successful pursuit of legislative authority. Pursuing legislative authority in 2015 ensures that the Board is able to continue decisions related to project development for these two corridors without delay. It is important to note that securing legislative authority in no way binds the Board to any future project decisions down the road and does not lock the Board into any specific alternative going forward.

This information was presented to the Express Lanes Ad Hoc Committee on November 13, 2014. The item was recommended for further consideration by the Board of Directors at the next Board Meeting.

Financial Impact:

This item has no fiscal impact on the FY2014/2015 SANBAG Budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review.

Responsible Staff:

Wendy Strack, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: December 3rd, 2014

Witnessed: _____

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

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

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

BOARD OF DIRECTORS ATTENDANCE RECORD – 2014

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Gary Ovitt Board of Supervisors	X	X		X	X	X	X		X	X	X	
James Ramos Board of Supervisors	X	X			X	X	X					
Janice Rutherford Board of Supervisors	X	X	X	X	X	X	X		X	X	X	
Josie Gonzales Board of Supervisors	X	X	X	X	X	X	X			X	X	
Robert A. Lovingood Board of Supervisors	X	X		X	X	X	X		X		X	
Cari Thomas City of Adelanto	X	X	X	X	X	X			X	X	X	
Curt Emick Town of Apple Valley	X	X	X	X	X	X	*			X	*	
Julie McIntyre City of Barstow	X	X	X	X	X				X		X	
Bill Jahn City of Big Bear Lake	X	X	X	X	X	X	X			X	X	
Dennis Yates City of Chino	X	X	X	X	X	X	X		X	X	X	
Ed Graham City of Chino Hills	X	X	X	X	X	X	*		X	X	X	
Frank Navarro City of Colton	X	X	X	X	X	X	X		X	X	X	
Michael Tahan City of Fontana	*	X	X	X	X	X	X		X	X	X	
Walt Stanckiewitz City of Grand Terrace	X	X	X	X	X	X			X	X	X	
Mike Leonard City of Hesperia	X	X		*	X	X			*	*	X	
Larry McCallon City of Highland	X	X	X	X	X	X	X		X	X	X	

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting. Crossed out box = not a Board Member at the time.

Communication: Attendance (Additional Information)

BOARD OF DIRECTORS ATTENDANCE RECORD – 2014

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Rhodes 'Dusty' Rigsby City of Loma Linda	X	X	X	X	X	X	X		X	X	X	
Paul Eaton City of Montclair	X	X	X	X	X	X	X		X	X	X	
Edward Paget City of Needles	X	X	X	X	X	X	X		X	X	X	
Alan Wapner City of Ontario	X	X	X	X	X	X	X			X	X	
L. Dennis Michael City of Rancho Cucamonga	X	X	X	*	X	X	X		X	X	X	
Pete Aguilar City of Redlands	X	X	X	X	X	X	X		X	X	X	
Deborah Robertson City of Rialto	X	X	X	X	X	X	X		X	X	X	
Patrick Morris City of San Bernardino	X	X	X	X	X	X	X		X	X	X	
R. Carey Davis City of San Bernardino	X	X	X	X	X	X	X		X	X	X	
Jim Harris City of Twentynine Palms	X	X	X	X	X	X	X		X	X	X	
Ray Musser City of Upland	X	X	X	X	X	X	X		X	X	X	
Ryan McEachron City of Victorville	X	X	X	X	X	X	X		X	X	X	
Dick Riddell City of Yucaipa	X	X	X	X	X	X	X		X	X	X	
George Huntington Town of Yucca Valley	X	X	X	X	X	X	X		*	X	X	
Basem Muallem Ex-Official Member	X	X	X	Christy Connors	X	X	X		X	Christy Connors	X	

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting. Crossed out box = not a Board Member at the time.

brd

Page 2 of 2

Communication: Attendance (Additional Information)

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

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

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

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

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

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

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

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



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

November 13, 2014

To: Mayors and Councilmembers

From: Dennis R. Yates
Mayor, City of Chino *Dennis Yates*
Vice Chairman, South Coast AQMD Governing Board /
Representative, Cities of San Bernardino County

Members of the Governing Board:

Chairman
Dr. William A. Burke
Speaker of the Assembly
Appointee

Vice Chairman
Dennis R. Yates
Mayor, Chino
Cities of San Bernardino County

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles

Ben Benoit
Mayor Pro Tem, Wildomar
Cities of Riverside County

John J. Benoit
Supervisor, Fourth District
County of Riverside

Joe Buscaino
Councilmember, 15th District
City of Los Angeles Representative

Michael A. Cacciotti
Councilmember, South Pasadena
Cities of Los Angeles County/
Eastern Region

Josie Gonzales
Supervisor, Fifth District
County of San Bernardino

Joseph K. Lyou, Ph.D.
Governor's Appointee

Judith Mitchell
Mayor, Rolling Hills Estates
Cities of Los Angeles County/
Western Region

Shawn Nelson
Supervisor, Fourth District
County of Orange

Dr. Clark E. Parker, Sr.
Senate Rules Appointee

Miguel A. Pulido
Mayor, Santa Ana
Cities of Orange County

Below is the agenda item and outcome of the November 7, 2014 SCAQMD Governing Board meeting, and a preview of item(s) for discussion at the December 5, 2014 meeting.

PUBLIC HEARING ITEM AT NOVEMBER 7 BOARD MEETING:

Adopt Proposed Rule 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens (*Continued from October 3, 2014 Board Meeting*)

Staff is proposing a new rule which reduces NOx emissions from food ovens, equipment that is currently subject to Rule 1147. Proposed Rule (PR) 1153.1 has higher NOx emission limits than Rule 1147. Compared with Rule 1147, PR 1153.1 delays NOx emission limit compliance dates for existing (in-use) permitted equipment and includes a carbon monoxide emission limit. PR 1153.1 also establishes test methods and provides alternate compliance options. Other proposed requirements include equipment maintenance and recordkeeping. PR 1153.1 is expected to result in a maximum of 120 pounds per day of NOx emission reductions forgone in 2023. This action is to adopt the resolution: 1) Certifying the Final Environmental Assessment for Proposed Rule 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens; and 2) Adopting Rule 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens.

Vote: 8 Yes; 0 No; 0 Abstain; 5 Absent

PUBLIC HEARING(S) SET FOR DECEMBER MEETING:

Amend Rule 1325 - Federal PM2.5 New Source Review Program

Rule 1325 incorporates U.S. EPA's requirements for PM2.5 into Regulation XIII – New Source Review. The rule mirrors federal requirements and is applicable to major polluting facilities, which are defined by rule as sources with actual emissions, or the potential to emit, 100 tons per year or more of PM2.5 or its precursors. Based on comments received from the U.S. EPA regarding SIP approvability of Rule 1325, the proposed amended rule will incorporate administrative changes to definitions, provisions and exclusions. Typographical errors and other minor clarifications are also included.



REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SANBAG Representative to the MSRC

SYNOPSIS: Below is a summary of key issues addressed at the MSRC's meeting on October 16, 2014. The next meeting is scheduled for Thursday, November 20, 2014, at 2:00 p.m. in Conference Room CC8.

Meeting Minutes Approved

The MSRC unanimously approved the minutes from its August 21, 2014 meeting.

Programmatic Outreach

Through a competitive process in 2011, the MSRC selected the Better World Group to serve as their Programmatic Outreach Coordinator. Contract #MS11056 was executed to effectuate the award. From the time of contract execution, there has been a high demand from MSRC contractors for outreach assistance and a substantial need for the Better World Group to prepare material for inclusion on the MSRC's website. Additionally, the Better World Group has been helping the MSRC to liaise with key stakeholders. As a result of these efforts, the contract's balance is nearly depleted. The MSRC approved a \$10,000 contract value augmentation to cover programmatic outreach costs for the remainder of the contract term. The Better World Group will only be paid based upon actual hours expended and direct costs incurred; any funds not expended at the close of the contract will revert to the AB 2766 Discretionary Fund. The SCAQMD Board will consider this contract value increase at its November 7, 2014 meeting.

Alternative Fuel School Bus Incentives Program

As part of the FYs 2012-14 Work Program, the MSRC allocated \$2.0 million for the implementation of an Alternative Fuel School Bus Incentives Program. The MSRC previously deemed BusWest qualified for Program participation and authorized them to offer buy-down incentives to qualifying school districts or private providers of pupil transportation. The MSRC approved an initial award to BusWest in January 2014, and in subsequent actions the MSRC approved contract value increases to incentivize additional buses ordered. In October, the MSRC approved a new request from BusWest for an additional \$31,000 to incentivize a full-sized CNG school bus ordered by Certified Transportation of Orange County as part of the FYs 2012-14 AB 2766 Discretionary Fund Work Program. This award will be considered by the SCAQMD Board at its November 7, 2014 meeting.

FYs 2014-16 Work Program

A summary of the 2014 MSRC/MSRC-TAC joint retreat presentations was given to initiate discussions for the development of the upcoming FYs 2014-16 AB 2766 Discretionary Fund Work Program, for which \$45 million will be available for projects. Among the topics discussed were the priorities of the CEC, CARB, and SCAQMD, as well as the recommendations resulting from the MSRC-hosted workshops. To begin the dialogue, some MSRC options and priorities were outlined from the information gathered at the joint retreat. Three programs remain of high interest: Local Government Match, Event Center Transportation, and Infrastructure. Other ideas included: an option to expand “infrastructure” to include electric vehicle charging infrastructure; a broad-based Traffic Control Measure category to encompass signal coordination, Freeway Service Patrol, transit passes, etc.; to open dialogue with regulatory agencies to determine the MSRC role in implementing their air quality vision; and to solicit program ideas for potential funding consideration. The MSRC will also be looking at programs that no longer be necessary because funding is available through other sources or programs.

At its next meeting the MSRC will continue discussing parameters and priorities for the upcoming FYs 2014-16 Work Program.

Received and Approved Final Reports

The MSRC received and unanimously approved two final report summaries this month as follows:

1. Linde LLC, Contract #MS10004, which provided \$56,932 for the purchase of 3 trucks equipped with advanced natural gas engines; and
2. Ryder Truck Rental, Inc., Contract #MS10017, which provided \$651,377 for the purchase of 19 trucks equipped with advanced natural gas engines.

Contract Modification Requests

The MSRC considered three contract modification requests and took the following unanimous actions:

1. For City of Santa Ana, Contract #MS11041, which provides \$265,000 for the purchase of 7 heavy-duty LPG vehicles and retrofit of 6 heavy-duty diesel vehicles, approval of an 18-month contract term extension;
2. For City of Newport Beach, Contract #ML11045, which provides \$30,000 for the purchase of 1 heavy-duty natural gas vehicle, approval of a 12-month contract term extension; and
3. For California Cartage Company, Contract #MS11091, which provides \$55,000 to demonstrate retrofit devices on off-road vehicles under the “Showcase II” Program, approval of an 18-month contract term extension.

Contracts Administrator’s Report

The MSRC’s AB 2766 Contracts Administrator provides a written status report on all open contracts from FY 2004-05 through the present.

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:00 noon)	POLICY COMMITTEES (Regional Council Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa) District 7 (San Bernardino, Highland) District 8 (Rialto, Fontana) District 9 (Rancho Cucamonga, Upland, Montclair) District 10 (Chino, Chino Hills, Ontario) District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley) District 65 (Adelanto, Apple Valley, Hesperia, Victorville) San Bernardino County	F. Navarro L. McCallon D. Robertson P. Eaton R. Marquez B. Jahn R. McEachron G. Ovitt	L. McCallon B. Jahn	D, Robertson R. Marquez	F. Navarro P. Eaton R. McEachron G. Ovitt
†SANBAG Acting as County Transportation Commission	A. Wapner			A. Wapner
SANBAG Subregional Appointees* *One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SANBAG has a total of seven subregional appointees to the policy committees.		Julie McIntyre Ray Musser Ed Paget	Diane Williams Eric Schmidt	Vacant B. Stanton

Rules of Appointment

1. SANBAG policy stipulates that all SANBAG appointees be SANBAG Board Members.
2. SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment

Terms of appointment are two years, commencing on adjournment of the annual General Assembly in May of each year. Even-numbered District representatives' terms expire in even-numbered years; odd-numbered District representatives expire in odd-numbered years. †SANBAG's Regional Council Representative serves a two-year term from the date of appointment.

Stipend Summary

SCAG Regional Council members receive a \$120 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement (\$150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a \$120 stipend for up to four Policy or Task Force meetings per month.

Meeting Information

The regular meetings of SCAG Regional Council and Policy Committees are on the 1st Thursday of each month at the SCAG offices located at 818 West 7th Street, 12th Floor in Los Angeles. Generally, the Policy Committee meetings start at 10 AM and Regional Council meetings start at 12:15 PM.

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation.

Transportation and Communications: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

Communication: Representatives on SCAG Committees (Committee Memberships)

SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>General Policy Committee Membership consists of the following: SANBAG President, Vice President, and Immediate Past President 4 East Valley (3 City, 1 County) 4 West Valley (3 City, 1 County) 4 Mt/Desert (3 City, 1 County) City members shall be SANBAG Board Members elected by caucus of city SANBAG Board Members within the subarea. All Policy Committee and Board Study Session Chairs are included in this policy committee. All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives. The SANBAG Vice President shall serve as Chair of the General Policy Committee.</p>	<p>Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors.</p>	<p>Ryan McEachron, Victorville, Vice President (Chair) L. Dennis Michael, Rancho Cucamonga, President (Vice Chair) Bill Jahn, Big Bear Lake, Past President <u>West Valley</u> L. Dennis Michael, Rancho Cucamonga Paul Eaton, Montclair (Chair – CRTCC) Michael Tahan, Fontana (Chair – MVSS) Janice Rutherford, Supervisor <u>East Valley</u> Larry McCallon, Highland Dick Riddell, Yucaipa Rhodes “Dusty” Rigsby, Loma Linda James Ramos, Supervisor <u>Mountain/Desert</u> Bill Jahn, Big Bear Lake Ryan McEachron, Victorville, Vice President (Chair - MDC) Jim Harris, Twentynine Palms Robert Lovingood, Supervisor</p>	<p>6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015 6/30/2015</p>
<p>Commuter Rail & Transit Committee Membership consists of 11 SANBAG Board Members: 9 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members. 2 Mountain/Desert Board Members who serve on the Board of a Mountain/Desert transit agency. SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SANBAG Board. Other members are appointed by the SANBAG President for 2-year terms.</p>	<p>Provides policy guidance and recommendations to the SANBAG Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service. * SCRRA Primary Member ** SCRRA Alternate Member</p>	<p>Paul Eaton, Montclair* (Chair) James Ramos, Supervisor**(Vice Chair) Pete Aguilar, Redlands Bill Jahn, Big Bear Lake Mike Leonard, Hesperia Larry McCallon, Highland* L. Dennis Michael, Rancho Cucamonga Deborah Robertson, Rialto Ray Musser, Upland Dick Riddell, Yucaipa Alan Wapner, Ontario**</p>	<p>Indeterminate (6/30/2015 Indeterminate (6/30/2015 12/31/2014 12/31/2015 12/31/2015 Indeterminate 12/31/2015 12/31/2014 12/31/2015 12/31/2014 Indeterminate</p>

Communication: SANBAG Committee Memberships (Committee Memberships)

SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Mountain/Desert Committee Membership consists of 12 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>Ryan McEachron, Victorville (Chair) Cari Thomas, Adelanto (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 Edward Paget, Needles James Ramos, Supervisor Janice Rutherford, Supervisor</p>	<p>Indeterminate (6/30/2015) Indeterminate (6/30/2015) 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, 10:00 a.m., 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).

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 Michael Tahan, Fontana (Chair) Ray Musser, Upland (Vice Chair)</p>	<p>6/30/2015 6/30/2015</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>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan 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 12/31/18 12/31/18 12/31/18</p>

SANBAG Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Audit Subcommittee of the General Policy Committee 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"> • Provide a direct contact between the independent auditor and the Board of Directors before, during and after the annual audit. • Work with the auditor and SANBAG staff on reviewing and implementing practices and controls identified in the annual audit. 	<p>Audit Subcommittee (for FY 2013/2014 Audit) - SANBAG President – L. Dennis Michael, Rancho Cucamonga - Vice President – Ryan McEachron, Victorville - Immediate Past President – Bill Jahn, Big Bear Lake - Presidential Appointment – Walt Stanckiewicz, Grand Terrace</p>
<p>Ad Hoc Committee on Litigation with San Bernardino County Flood Control District 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>Larry McCallon, Highland Dick Riddell, Yucaipa</p>
<p>Budget Process 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>Express Lanes Ad Hoc Committee 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>

Communication: SANBAG Committee Memberships (Committee Memberships)

SANBAG Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Legislative 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 – L. Dennis Michael, Rancho Cucamonga Vice President – Ryan McEachron, Victorville Immediate Past President – Bill Jahn, City of Big Bear Lake</p>
<p>Transit Review Ad Hoc Committee 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>

Communication: SANBAG Committee Memberships (Committee Memberships)

SANBAG Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
<p>Transportation Technical Advisory Committee (TTAC) 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. 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>City/County Manager’s Technical Advisory Committee (CCM TAC) 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. 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>Public and Specialized Transportation Advisory and Coordinating Council (PASTACC) 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: (1) Review and make recommendations to SANBAG on annual Unmet Transit Needs, Federal Transit Administration and Measure I Program applications and reports. (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. (3) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit. (4) Address any special issues of PASTACC voting and non-voting members. 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>Planning and Development Technical Forum (PDTF) 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 multijurisdictional importance. 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>

Communication: SANBAG Committee Memberships (Committee Memberships)

SANBAG Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
<p>Project Development Teams</p>	<p>Project Development Teams (PDTs) are assembled for all major project development activities by SANBAG staff.</p> <p>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.</p> <p>PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions.</p> <p>PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development.</p> <p>The PDTs are not Brown Act Committees.</p>	<p>Varies with the PDT, at SANBAG.</p>

Communication: SANBAG Committee Memberships (Committee Memberships)

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