

## SAN JOAQUIN REGIONAL RAIL COMMISSION TELECONFERENCE BOARD MEETING

January 8, 2021 – 8:00 am

Call-In Information: [+1 \(872\) 240-3212](tel:+18722403212) Access Code: 223-482-925  
GoToMeeting Link: <https://global.gotomeeting.com/join/223482925>

### SPECIAL NOTICE Coronavirus COVID-19

In accordance with the Governor's Executive Order N-29-20, San Joaquin Regional Rail Commission Board Members will be attending this meeting via teleconference or videoconference. Members of the public may observe the meeting by dialing [+1 \(872\) 240-3212](tel:+18722403212) with access code: 223-482-925 or log-in using a computer, tablet or smartphone at [GoToMeeting.com](https://global.gotomeeting.com/join/223482925) using link: <https://global.gotomeeting.com/join/223482925>

Please note that all members of the public will be placed on mute until such times allow for public comments to be made. If a person wishes to make a public comment during the meeting, to do so they must either 1) use GoToMeeting and will have the option to notify SJRRC staff by alerting them via the "Chat" function or they can 2) contact SJRRC staff via email at [publiccommentssjrrc@acerail.com](mailto:publiccommentssjrrc@acerail.com) in which staff will read the comment aloud during the public comment period. Emailed public comments should be limited to approximately 240 words as comments will be limited to two (2) minutes per comment.

*This Agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact San Joaquin Regional Rail Commission (SJRRC) staff, at (209) 944-6220, during regular business hours, at least twenty-four hours prior to the time of the meeting.*

*All proceedings before the Commission are conducted in English. Anyone wishing to address the SJRRC Board is advised to have an interpreter or to contact SJRRC during regular business hours at least 48 hours prior to the time of the meeting so that SJRRC can provide an interpreter. Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available upon request in both English and Spanish for public inspection at the Office of the Executive Director located at 949 East Channel Street, Stockton, California, 95202 during normal business hours or by calling (209) 944-6220. The Agenda is available on the San Joaquin Regional Rail Commission website: [www.acerail.com](http://www.acerail.com).*

## 1. Call to Order, Pledge of Allegiance, Roll Call

Chair Fugazi

Roll Call: Kuehne, Miller, Nuno, Young, Zuber, Chair Fugazi

Ex- Officios: Nguyen, Salazar, Zoslocki, Agar

## 2. Public Comments

Persons wishing to address the Commission on any item of interest to the public regarding rail shall state their names and addresses and make their presentation. Please limit presentations to two minutes. The Commission cannot take action on matters not on the agenda unless the action is authorized by Section 54954.2 of the Government Code. Materials related to an item on the Agenda submitted to the Board of Directors after distribution of the agenda packet are available for the public inspection in the Commission Office at 949 E. Channel Street during normal business hours. These documents are also available on the San Joaquin Regional Rail Commission website at <https://acerail.com/board-of-directors/> subject to staff's ability to post the documents prior to the meeting.

## 3. Consent Calendar

3.1	Minutes of SJRRC Board Meeting December 4, 2020	<b>ACTION</b>
3.2	Rail Commission/ACE Monthly Expenditure	<b>INFORMATION</b>
3.3	ACE Monthly Fare Revenue	<b>INFORMATION</b>
3.4	ACE Ridership	<b>INFORMATION</b>
3.5	ACE On-Time Performance	<b>INFORMATION</b>
3.6	Update on Positive Train Control	<b>INFORMATION</b>
3.7	Washington Update	<b>INFORMATION</b>
3.8	Blue Ribbon Task Force Letter	<b>INFORMATION</b>

4. **Approve Two (2) Resolutions of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit Grant Applications to the Alameda County Transportation Commission and the California State Transportation Agency for the Newark-Albrae Siding Connection and Execute Any and All Documents Related to the Project** **ACTION**

**Action 1. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit**

**and Execute Any and All Grant Applications, Agreements, and Any Other Documents Necessary to Obtain Alameda County Transportation Commission Funding in the Amount of \$2,000,000 for the Newark-Albrae Siding Connection and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

(David Ripperda) (All Voting Members)

**Action 2. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and Any Other Documents Necessary to the California State Transportation Agency to obtain State Rail Assistance (SRA) Funding in the Amount of \$7,800,000 for the Newark-Albrae Siding Connection Project and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

(David Ripperda) (All Voting Members)

- 5. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Chair to Accept and Sign Waiver of Potential and Actual Conflicts of Interest Letters with SJRRC Counsel, Neumiller and Beardslee (N&B), Arising from Concurrent Representation of San Joaquin Joint Powers Authority and San Joaquin Regional Rail Commission Regarding 1) a Joint Use Agreement and 2) Rail Maintenance Facility (RMF) Use Agreement and Electing One of Following Options for Each Waiver Letter:**

**ACTION**

- 1. Waive the Conflict and allow N&B to prepare the Agreements for both SJJPA and SJRRC.**
- 2. Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Agreements, but not both.**
- 3. Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.**

(Stacey Mortensen/Brian Schmidt) (Regular Voting Members)

- 6. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with O'Dell Engineering for the Ripon Station Platform Project to Increase the Total Compensation by an Amount of \$1,791,586 with the Total Contract Amount Not-To-Exceed \$3,093,868 and**

**ACTION**

**Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

(David Ripperda) (Regular Voting Members)

7. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving and Authorizing a Letter of Understanding with the City of Ripon For the Environmental and Engineering/Design Phases of the Ripon Multimodal Station and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**  
(David Ripperda) (Regular Voting Members) **ACTION**
  
8. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement AECOM Technical Services, Inc. for the Final EIR ACE Extension Ceres to Merced Project to Increase the Total Compensation by an Amount of \$160,000 with the Total Contract Amount Not-To-Exceed \$1,652,045 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**  
(David Ripperda) (Regular Voting Members) **ACTION**
  
9. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with Mark Thomas & Company, Inc. for the North Elk Grove Station Project to Increase the Total Compensation by an Amount of \$504,030 with the Total Contract Amount Not-To-Exceed \$905,690 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**  
(David Ripperda) (Regular Voting Members) **ACTION**
  
10. **Commissioner's Comments**
  
11. **Ex-Officio Comments**
  
12. **Executive Director's Report**

**13. CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9) Name of Case: Teresa Flores and Luis Flores v. San Joaquin Regional Rail Commission, Superior Court of California, County of San Joaquin, Case No. STK-CV-UPI-2009-0007884

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One (1) case.

**14. Adjournment**

The next regular meeting is scheduled for:  
February 5, 2021 – 8:00 am

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

**Item 3.1**

**ACTION**

## **Minutes of SJRRC Board Meeting December 4, 2020**

The meeting of the San Joaquin Regional Rail Commission was held at 8:00 a.m., December 4, 2020 via teleconference.

### **1 Call to Order, Pledge of Allegiance, Roll Call**

Chair Fugazi called the meeting to order at 8:00 a.m. and led the audience in the Pledge of Allegiance.

Commissioners Present: Haggerty, Marchand, Kuehne, Elliott, Young, Zuber, Chair Fugazi

Commissioners Absent: Moorhead

Ex-Officio Members Present: Mr. Dumas, Mr. Chesley, Ms. Gayle, Mr. Zoslocki

### **2 Public Comments**

John Matthew, a commuter from Lathrop/Manteca Station to San Jose, commented that his catalytic converter was stolen along with another five of them and that this has been a normal occurrence. Mr. Matthew asked what the board is doing to reduce these problems and asked that the board consider this to be a serious concern of the commuters that take the train every day and getting these car parts stolen.

Chair Fugazi responded that staff will be getting back in touch with Mr. Matthew and that we want to ensure the safety of all passengers and secure our facilities.

Mr. Matthew suggested that the old cameras be replaced with motion sensors and cameras that would alert when motion is detected at the stations.

Chair Fugazi thanked Mr. Matthew for his comment.

### **3 Consent Calendar**

- 3.1 Minutes of SJRRC Board Meeting November 6, 2020
- 3.2 Rail Commission/ACE Monthly Expenditure
- 3.3 ACE Monthly Fare Revenue
- 3.4 ACE Ridership

**ACTION  
INFORMATION  
INFORMATION  
INFORMATION**

- 3.5 ACE On-Time Performance
- 3.6 Update on Positive Train Control
- 3.7 Washington Update

**INFORMATION  
INFORMATION  
INFORMATION**

**M/S/C (Marchand/Zuber) Approve the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES: 7 Haggerty, Marchand, Kuehne, Elliott, Young, Zuber,  
Chair Fugazi

NOES: 0

ABSTAIN: 0

ABSENT: 1 Moorhead

**4 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the 2021 ACE Service Holidays**

**ACTION**

Mr. Schmidt gave a presentation on this item.

Vice Chair Zuber asked if ACE will operate on Christmas Day and New Year's Day. Mr. Schmidt responded that we do not operate on those holidays and that those holidays fall on Saturday in 2021.

There were no public comments on this item.

**M/S/C (Zuber/Marchand) Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the 2021 ACE Service Holidays.**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES: 7 Haggerty, Marchand, Kuehne, Elliott, Young, Zuber,  
Chair Fugazi

NOES: 0

ABSTAIN: 0

ABSENT: 1 Moorhead

- 5 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 03 to the ACE Operations and Maintenance of Equipment Agreement with Herzog Transit Services, Inc. Extending the Term for Two (2) years through June 30, 2023 with Two One-Year Options and Authorizing the Chair of the Board to Execute Any and All Documents Related to the Projects**

**ACTION**

Mr. Schmidt and Ms. Gowan gave a presentation on this item.

There were no comments on this item.

**M/S/C (Zuber/Marchand) Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 03 to the ACE Operations and Maintenance of Equipment Agreement with Herzog Transit Services, Inc. Extending the Term for Two (2) years through June 30, 2023 with Two One-Year Options and Authorizing the Chair of the Board to Execute Any and All Documents Related to the Projects.**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES:	7	Haggerty, Marchand, Kuehne, Elliott, Young, Zuber, Chair Fugazi
NOES:	0	
ABSTAIN:	0	
ABSENT:	1	Moorhead

- 6 Approve a Resolution of Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Use the Rail Maintenance Facility (RMF) to perform the Truck Overhaul Project as the Managing Agency for the San Joaquin Joint Powers Authority (SJJPA) for the Current Term of the Contract between SJJPA and Caltrans to Perform That Work**

**ACTION**

Mr. Schmidt and Ms. Gowan gave a presentation on this item.

There were no comments on this item.



**M/S/C (Young/Zuber) Approve a Resolution of Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Use the Rail Maintenance Facility (RMF) to perform the Truck Overhaul Project as the Managing Agency for the San Joaquin Joint Powers Authority (SJJPA) for the Current Term of the Contract between SJJPA and Caltrans to Perform That Work.**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES: 5 Kuehne, Elliott, Young, Zuber, Chair Fugazi

NOES: 0

ABSTAIN: 0

ABSENT: 1 Moorhead

- 7 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to Agreement 20-R-14-00 with Bombardier Transit Corporation to Utilize the Option Pricing and Order Four (4) Bi-Level Commuter Passenger Rail Coach Cars and Associated Costs, Not-To-Exceed \$14,411,179, and Authorizing the Executive Director to Execute Any and All Necessary Documents**

**ACTION**

Mr. Schmidt gave a presentation on this item.

Commissioner Elliott asked if the additional vehicles are needed or if they are not being purchased because it's a good deal and because we've got available funding.

Mr. Schmidt responded that the vehicles are needed as we move into the Valley Rail Service and will run up and down the valley. ACE runs ten car sets pre COVID and there is no spare equipment for Ceres to Natomas, so this is very sorely needed.

Ms. Mortensen commented that we are working with the State of California and beyond this Board, and that we need to justify that there is a need and that the timing for that meets up with the production line. The vehicles are needed and that the State agrees with us to proceed with the procurement.

Chair Fugazi asked when we can expect to get the new vehicles.

Mr. Schmidt responded that the vehicles are expected in 2022.

Commissioner Haggerty asked if these vehicles are for the entire system or just for the Valley Rail System.

Mr. Schmidt responded that Commissioner Haggerty is correct and that the vehicles are for the entire system. These will allow cars to go from Natomas down to Ceres and over the Corridor system, so we'll be able to add a fifth train going down through Lathrop, and over the hill through Livermore, Pleasanton, and down into San Jose.

**M/S/C (Marchand/Elliott) Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to Agreement 20-R-14-00 with Bombardier Transit Corporation to Utilize the Option Pricing and Order Four (4) Bi-Level Commuter Passenger Rail Coach Cars and Associated Costs, Not-To-Exceed \$14,411,179, and Authorizing the Executive Director to Execute Any and All Necessary Documents.**

**Passed and Adopted as amended by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES:	7	Haggerty, Marchand, Kuehne, Elliott, Young, Zuber, Chair Fugazi
NOES:	0	
ABSTAIN:	0	
ABSENT:	1	Moorhead

- 8 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving a Reimbursement Agreement with Central Puget Regional Transit Authority (Sound Transit) for Shared Inspection and Testing Services for an Amount Not-to-Exceed \$985,967 and Authorizing the Executive Director to Execute Any and All Documents Related to the Projects**

**ACTION**

Ms. Gowan gave a presentation on this item.

Commissioner Marchand asked what the nexus is between the car inspections and the Affordable Housing Funds.

Ms. Gowan responded that the Affordable Housing Funds is a program that we applied for the purchase of the railcars in general and that included implementation. That program allowed for those costs and Ms. Gowan can get

Commissioner Marchand more detail to share, but we included that in the application.

Commissioner Marchand commented that it's interesting and that in the city we talk a lot about transit-oriented development and that people who have affordable housing are connected to transit. It's interesting that we've got such a direct connection to the Affordable Housing Funds to allow for the purchase, inspection, and the quality control of these cars. Commissioner Marchand commented that usually government does not get into that granular detail.

There were no public comments on this item.

**M/S/C (Marchand/Young) Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving a Reimbursement Agreement with Central Puget Regional Transit Authority (Sound Transit) for Shared Inspection and Testing Services for an Amount Not-to-Exceed \$985,967 and Authorizing the Executive Director to Execute Any and All Documents Related to the Projects.**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES:	7	Haggerty, Marchand, Kuehne, Elliott, Young, Zuber, Chair Fugazi
NOES:	0	
ABSTAIN:	0	
ABSENT:	1	Moorhead

- 9 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving a Reimbursement Agreement with Capital Corridor Joint Powers Authority (CCJPA) for Design, Installation, Operation, and Maintenance of California Passenger Information Display System for an Amount Not-to-Exceed \$225,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Projects**

**ACTION**

Mr. Schmidt and Ms. Gowan gave a presentation on this item.

There were no comments on this item.

**M/S/C (Kuehne/Zuber) Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving a Reimbursement Agreement with Capital Corridor Joint Powers Authority (CCJPA) for Design, Installation, Operation, and Maintenance of California Passenger Information Display System for an Amount Not-to-Exceed \$225,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Projects.**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES:	7	Haggerty, Marchand, Kuehne, Elliott, Young, Zuber, Chair Fugazi
NOES:	0	
ABSTAIN:	0	
ABSENT:	1	Moorhead

- 10 Approve a Resolution of the Governing Board of the San Joaquin Regional Rail Commission (Commission) Approving and Authorizing the Chair to Execute an Initial Memorandum of Understanding (MOU) with the Tri-Valley – San Joaquin Valley Regional Rail Authority (Authority) to Establish the Process and Roles and Responsibilities for Managing the Operations of Future Valley Link Service and Authorizing the Executive Director to Execute Any and All Documents Related to the Projects**

**ACTION**

Mr. Leavitt gave a presentation on this item.

There were no comments on this item.

**M/S/C (Elliott/Zuber) Approve a Resolution of the Governing Board of the San Joaquin Regional Rail Commission (Commission) Approving and Authorizing the Chair to Execute an Initial Memorandum of Understanding (MOU) with the Tri-Valley – San Joaquin Valley Regional Rail Authority (Authority) to Establish the Process and Roles and Responsibilities for Managing the Operations of Future Valley Link**

**Service and Authorizing the Executive Director to Execute Any and All Documents Related to the Projects.**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 4th day of December 2020 by the following vote to wit:**

AYES: 5 Kuehne, Elliott, Young, Zuber, Chair Fugazi  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1 Moorhead

**11 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Appointing One Primary Member and One Alternate to San Joaquin Joint Powers Authority (SJPA) Board**

**ACTION**

This item will be held for a future meeting.

**12 Recognition of SJRRC Board Members and Ex-Officio Service**

Ms. Mortensen presented this item and thanked and recognized all outgoing members for their service.

Ms. Mortensen thanked board member Doug Kuehne for his service and commented that she did not realize he was only serving in the place of Bob Johnson after he passed away until the new council was seated. Ms. Mortensen spoke with Bob Johnson about three days before he passed and he told her that if for some reason he cannot serve on the board, he wanted Doug Kuehne and he made her promise that she would work to get Commissioner Kuehne.

Chair Fugazi commented that it has been a pleasure working with Commissioner Kuehne and that she is always happy to see him because she can always count on a big smile from him and thanked him for his service.

Commissioner Kuehne commented that it has been a pleasure serving and that he is sorry that it was not clear in the beginning that he was filling in for Bob Johnson. It has been a joy serving on this board and an education.

Commissioner Kuehne thanked Brian Schmidt for keeping him abreast on all of the important stuff and that behind the scenes it has been a great board to serve on. Commissioner Kuehne thanked Ms. Mortensen and Chair Fugazi for their kind words and for the opportunity to serve.

Ms. Mortensen thanked and recognized Commissioner Moorhead for her service. Ms. Mortensen added that Commissioner Moorhead has really been a board member of the people and that we have really seen that.

Lathrop/Manteca Station has been one of the biggest boarding stations, second to Great America and the riders had confidence in her in that they could call her and complain or give compliments and knew she would really listen and bring the issues to the board. Commissioner Moorhead got us into a little greener and cleaner solution as opposed to just adding more parking spaces at the station.

Kevin Sheridan commented that Commissioner Moorhead was fantastic at communicating and calling him when she had a question and he wishes that more people would call him when they have questions or need help resolving some issue. Mr. Sheridan commented that Commissioner Moorhead went to the OneVoice trip traveled back to Washington DC fourteen times to represent the region. She was fantastic to be around with her experience. With how fun those trips are, there are a lot to those schedules and she was always really great for representing the region. Mr. Sheridan wished Commissioner Moorhead the best of luck and that goes for all of the outgoing board members. Mr. Sheridan commented that it's been a pleasure working for all of them and wished them the best in all of their future endeavors.

Ms. Mortensen thanked and recognized Commissioner Elliott for his service. Ms. Mortensen commented that Supervisor Elliott is all things rail, and he is on the Rail Commission, the San Joaquin Joint Powers Authority board, and on the Valley Link board and there can't be anyone more well rounded in all of the rail issues than Supervisor Elliott. That is a huge time commitment and that it's a lot of mental real estate. The services are different, and they integrate, and it's good we have people like that to ensure that we are making the best decisions on all of the systems for the benefit of our region. Commissioner Elliott has been measured and thoughtful in some decisions that have been controversial. Commissioner Elliott is our ambassador and diplomat and the way he approaches the questions and discussions has served us well and Valley Link well, and it will serve San Joaquin Joint Powers Authority well. Ms. Mortensen thanked Commissioner Elliott for his leadership.

Dan Leavitt commented that Commissioner Elliott has really taken on a lead role in rail for San Joaquin County and that it's been important not just to our service, but to the San Joaquins and Valley Link to get that effort moving. Mr. Leavitt commented that he was lucky that he was able to walk from his office to Commissioner Elliott's office, so he got to see him more often than most board members. Commissioner Elliott really made himself available to sit down and to talk about our efforts and that he really appreciates that time. Mr. Leavitt also thanked Commissioner Elliott for making himself available to speak up in Sacramento to legislature.

Chair Fugazi commented that she always appreciates that she sits with Supervisor Elliott on this board, but also on the Valley Air Control District and that she admires that when he sits down, she peers over and he has all of his notes out and his questions ready, and he really wants to make sure that the right decisions are being made for everybody. He always says, you can't have enough common sense, and Chair Fugazi appreciates all that Commissioner Elliott brought to the board and thanked him for his service.

Commissioner Elliott thanked everyone for their very kind comments and stated that it's always been an honor to serve throughout his military career and throughout his ten years of elected service. He has always tried to bring a little common sense to the conversation and tries to do the right thing and make sure that whatever organization he was apart of was heading in a direction that was going to benefit the people it was going to serve and do it in a common sense way. Commissioner Elliott commented that he has really appreciated working with the San Joaquin Regional Rail Commission in that regard because he has always had such great support there and that anytime there was a question, people there professionally and completely filled in the blanks. Commissioner Elliott wished everyone the best in the future.

Ms. Mortensen thanked Commissioner Marchand for his service and that he has a can do attitude. He approaches things with a positive attitude and that in the midst of very difficult discussions, he never gets mad and is always looking for a way to move forward. We always try to model that because that is very successful. Ms. Mortensen added that she is someone that tends to get a little passionate and that it's a good role model to say, just remain positive and remain can do and those are valuable skillsets to leave behind with the staff.

Commissioner Marchand commented that it has been an honor and privilege to serve and thanked Commissioner Elliott for the positive vibe that he always brought and that he appreciates that he always wanted to find a

solution. When he came onto the Commission, he thought that Commissioner Elliott had always been there because he had a wealth of knowledge and that he was a great mentor for him. Commissioner Marchand commented that as he looks back, we have gotten a lot done and that the passion that everyone has, has always motivated him. He has never mentioned that his grandfather was an engineer in Grand Central and so this has really come full circle. Commissioner Marchand thanked everyone for the opportunity and expressed that it has been a pleasure serving on the Commission.

Chair Fugazi thanked Commissioner Marchand for his service.

Ms. Mortensen thanked Commissioner Haggerty for his service and commented that he is a founding member of this group and the longest standing, continuously serving member related to the ACE service. You'd be hard pressed to find another person that has been as involved and committed to this program and almost all of what we have done has been with Supervisor Haggerty's help.

Dan Leavitt commented that Supervisor Haggerty is probably the only one that can say he is a founding member for ACE, San Joaquin Joint Powers Authority, and for Valley Link. Mr. Leavitt thanked Commissioner Haggerty for taking on a champion role for rail and for transportation in the bay area and for becoming a champion for the megaregional area between the valley and the bay area. Mr. Leavitt commented that we are really going to miss Commissioner Haggerty's leadership in that area and that he is so happy that we were able to have the MOU action item on the agenda for his last meeting and that it's a big day for the Commission. Mr. Leavitt congratulated Commissioner Haggerty on all of his efforts, particularly with Valley Link and that he is leaving it in a really good place. We look forward to moving the Valley Link project forward.

Chair Fugazi commented that champion is an excellent word to describe Commissioner Haggerty and that the fact that she's only been on the board a short time herself but knowing his dedication and commitment to excellence is really inspiring. Chair Fugazi thanked Commissioner Haggerty for being on this board and where we are today would not have happened without him.

Commissioner Haggerty commented that without Ed Campbell, he would not have been in this position and that he remembers when Mr. Campbell told him he needs a quick win and that he needs to get with those ACE people because they are great people and they are going to get something done.



Commissioner Haggerty also acknowledged Mr. Morrison, and that he remembers that he helped to get ACE going. Commissioner Haggerty commented that he does not know who is happier, Ms. Mortensen because he's getting off of the board, or him because he's retiring. He commented that Ms. Mortensen looks just the same as the day we started, and his hair has turned three colors since then. He knows that at times he was hard to deal with, and people have called him gruff and bulldog, but quite frankly it's just passion and wanting to get something done and wanting to do the right thing for the people that we represent. There were good times and bad times, but that's just like everything else in life. Commissioner Haggerty thanked Mr. Leavitt and commented that he is the same temperament all the way through anything that is going on. Commissioner Haggerty acknowledged Bob Cabral and commented that without him, we would not have the ACE train. Commissioner Haggerty thanked Vice Chair Zuber for his leadership and commented that he was a mentor. Commissioner Haggerty asked Vice Chair Zuber to keep Valley Link going because we really need that for the people we represent. Commissioner Haggerty thanked everyone.

Brian Schmidt commented that Commissioner Haggerty has been around for so long that he doesn't know if he's Director, Chair, Commissioner, but to him, Commissioner Haggerty is the Bob Cabral of Alameda County. He never gave up, just like Commissioner Haggerty. Mr. Schmidt thanked Commissioner Haggerty for being here for twenty-four years, for all of his service and that he would truly miss him.

Ms. Mortensen thanked Ex-Officio, Andy Chesley, for his service. Ms. Mortensen commented that Mr. Chesley is probably the only person that she and Mr. Schmidt have known longer than Commissioner Haggerty. Since the Rail Commission was formed back in 1995, that it really wouldn't have succeeded without the COG's support. Ms. Mortensen commented that every success that the Rail Commission has had, has been at least in part due to SJCOG's support and that there's no way we could do what we do and that Mr. Chesley and his team have been there from the start. They have been there for the skepticism in the early days that we all had to face, to the fact that it was actually going to work, and that we had to grow it, and that everything the COG has done has helped to set us up for support. It's not that there have not been differences, or that some members of the COG who questioned what the Rail Commission was doing, but as Supervisor Haggerty said, that's just part of life. Ms. Mortensen commented that she can't even think of her career without Mr. Chesley because they go back so far. Mr. Chesley has been a leader throughout the whole Valley and also the

Bay Area. Ms. Mortensen remembers thinking she wanted to be like that and have that kind of respect and knowledge that helps people through such a broad area. Because of Mr. Chesley's role there, he helped the Rail Commission have that role in our own industry and be a hub in the Valley. Mr. Mortensen commented that she thinks that is how Valley Rail considered the Rail Commission staff to help fulfill their vision. Ms. Mortensen thanked Mr. Chesley and commented on how she appreciates him as a sounding board and how much she respected when he had to disagree with her. His advice to this board has been solid, and yet always so promising on the next good thing we can do. Ms. Mortensen commented that they have not given many non-boardmembers the bell, but that they wanted to give him the bell to show how much they hold him in esteem as a mentor to their staff and as an advisor to this board.

Mr. Leavitt thanked Mr. Chesley for helping him personally and for helping him get established in the Valley. Mr. Chesley was a true mentor to him and he looks at everything they've worked on over the years, and that Mr. Chesley was absolutely critical. Mr. Leavitt thanked Mr. Chesley for finding time to meet with him and for everything he did for us.

Mr. Schmidt commented that he has known Mr. Chesley since he was at San Joaquin County Public Works and through his leadership, he has always been there through thick and thin and working with him to get with the elected officials. Mr. Schmidt wished Mr. Chesley a happy retirement and invited him to stop in whenever he wants to see us.

Kevin Sheridan thanked Mr. Chesley for hiring him from CalTrans and for giving him the opportunity to deliver the Highway program. Mr. Sheridan thinks back to many of the employees that have worked under Mr. Chesley and have grown into Director, Deputy Director and Executive Director positions. Mr. Sheridan wished Mr. Chesley a very happy retirement.

Mr. Chesley thanked everyone and those who are leaving the board. He gets paid to do this work and loves it, but wanted to thank the public officials who set aside time from their families, jobs, businesses to give a little bit of time to this public service. Mr. Chesley commented on Supervisor Haggerty's commitment to ACE and his interest in what is happening in San Joaquin County. Mr. Chesley commented on Supervisor Haggerty's tough negotiating and issues that he cares deeply about, but when you hear him talk about someone like Bob Cabral, someone that he cares deeply about, that really moves you. Mr. Chesley thanked Supervisor Haggerty for his service. Mr. Chesley commented that Ms. Mortensen is a great team and that he has known Mr. Schmidt for over thirty years. Mr. Schmidt is a can-do guy, and

when something needs to get done, Brian is the guy to make it happen. Mr. Chesley credited a huge component of the success of ACE to Mr. Schmidt. Mr. Chesley commented on how they wanted to share Mr. Leavitt, but that Ms. Mortensen was much quicker on the drawl. They signed Mr. Leavitt up and it's really been a boon for the San Joaquin Regional Rail Commission. Mr. Chesley commented that he has worked with Mr. Sheridan since he was over at CalTrans and that he is really the best project delivery guy he knows and that his working for the Rail Commission has been a positive in terms of talking about expanding service for ACE and the Joint Powers Authority and that he is going to do great things. Mr. Chesley commented that Ms. Mortensen is quite possibly the greatest strategic thinker he knows, and over the last thirty years, whether it was trading elbows on the basketball court, or trading elbows over negotiating financing for the ACE service to begin, Ms. Mortensen has been consistently a great strategic thinker and someone who he really relied on greatly. There is no ACE without Ms. Mortensen and she is going to leave a lasting legacy when it comes to commuter rail service, not just in the valley, but throughout the state of California. Mr. Chesley thanked everyone for this recognition and commented that he will tune into the board meetings every once in a while. He has enjoyed his time sitting on the Rail Commission as an Ex-Officio member and congratulated everyone on the success of ACE.

### **13 Commissioner's Comments**

Commissioner Marchand thanked everyone and commented that it has really been a pleasure serving with everyone.

Commissioner Haggerty commented that elected officials don't always know everything, they do the best they can and they do their homework. The best thing that they can do is surround themselves with good people. Mr. Haggerty thanked Ms. Payne for all of the work she has done. Mr. Haggerty also thanked Michael Tree.

Chair Fugazi thanked all of the board members and commented that when we come back in 2021, there will be three members and we will be filling five

of the spots, and she does not know what to anticipate with that. Chair Fugazi would like to ensure continuity and she knows that there are big shoes to fill as a result of the vacancies. Chair Fugazi wished everyone a wonderful holiday.

Commissioner Young congratulated all of the outgoing board members and that it has been an honor to serve with all of them. Commissioner Young commented that she is coming to the end of her eighth year as councilmember with the City of Tracy, but was elected as Mayor of Tracy, and so hopefully she will be continuing on with the board. Commissioner Young thanked Commissioner Kuehne and stated that she got to travel to DC with him and it was great fun. Commissioner Young commented that she got to travel to DC with Commissioner Moorhead as well. Commissioner Young commented that she has known Commissioner Elliott for years and that she has been able to work with him and his thoughtfulness and that it has been a pleasure working with him. Commissioner Young commented that she met Mayor Marchand when they first hired Troy Brown and we took him from Livermore. Commissioner Young commented that Commissioner Haggerty has always been very passionate and that it has been great knowing him. Commissioner Young commented that she has gone back to DC with Mr. Chesley six times and that it has been wonderful knowing, working with, and talking with him. Commissioner Young wished everyone the best.

#### **14 Ex-Officio Comments**

Mr. Chesley commented that the COG board filled two vacancies on the Rail Commission, beginning January 1. They appointed Vice Mayor, Jose Nuno, from the City of Manteca to serve a four-year term and Supervisor Kathy Miller will serve a two-year term for Debby Moorhead. Also, the board reappointed Chair Fugazi for another four-year term on the Rail Commission.

Mr. Zoslocki thanked all of the outgoing board members and congratulated Mr. Chesley on his retirement. He looks forward to the future of ACE and wished everyone happy holidays.

Mr. Dumas commented that they started their Move Over Campaign for families that have lost a loved one. Since 1921, CalTrans has had 189 workers that have been killed on the side of the road. Caltrans also wants to announce that their aviation plan is out for public review. Mr. Dumas applauded outgoing members and Mr. Chesley and commented that Ms.

Mortensen has taken ACE from a seed to what it is now. Mr. Dumas invited everyone to unmute themselves and stand in a standing ovation.

Due to technical issues, there were no additional comments.

## **15 Executive Director's Report**

Due to technical issues, there was no Executive Director's report.

## **16 Adjournment**

The meeting was adjourned at 9:44 am.

The next regular meeting is scheduled for:

January 8, 2021 – 8:00 am

**San Joaquin Regional Rail Commission  
Altamont Corridor Express  
Operating and Capital Expense Report  
October 2020  
33% of Budget Year Elapsed**

OPERATING EXPENSES	SJRR FY 20-21 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE	ACE FY 20-21 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
<b>Project Management, Services &amp; Supplies Subtotal</b>	1,639,567	442,591	27%	4,840,542	933,658	19%
<b>Contracted Services Subtotal</b>	472,133	127,882	27%	15,639,400	5,033,968	32%
<b>Shuttle Services</b>				742,783	247,594	33%
<b>TOTAL OPERATING EXPENSES</b>	<b>2,111,700</b>	<b>570,473</b>	<b>27%</b>	<b>21,222,725</b>	<b>6,215,220</b>	<b>29%</b>

CAPITAL PROJECTS		CAPITAL FY 20-21 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
<b>SAN JOAQUIN RAIL COMMISSION</b>				
1	East Channel Street Improvements	2,007,500	77,589	4%
2	Robert J. Cabral Station Expansion	1,979,505	102,404	5%
<b>TOTAL CAPITAL PROJECT SJRRC</b>		<b>\$ 3,987,005</b>	<b>\$ 179,993</b>	<b>5%</b>

<b>ALTAMONT CORRIDOR EXPRESS</b>				
1	SJ COG Loan Repayment	1,118,012	1,118,012	100%
2	A1 & A2 Bond Repayment	3,033,988	-	0%
3	UPRR Capital Access Fee	3,242,516	1,621,258	50%
4	UPRR Capitalized Maintenance Projects	4,000,000	391,837	10%
5	UPRR Safety Fund	500,000	-	0%
6	ACE Extension Natomas to Stockton	5,000,000	135,091	3%
7	ACE Extension Lathrop to Ceres/Merced	10,000,000	1,940,986	19%
8	Stockton Diamond Grade Separation	2,000,000	-	0%
9	Locomotives (4)	1,000,000	220,474	22%
10	Platform Extension Projects	3,000,000	311	0%
11	Cabral Track Extension	5,000,000	126,571	3%
12	Positive Train Control	1,221,823	77,198	6%
13	Rail Cars - (5) passenger rail cab cars and (12) passenger coach cars	27,000,000	27,000,000	100%
14	Railcar Midlife Overhaul	6,711,081	1,447,980	22%
15	Locomotive Overhaul	524,530	-	0%
16	Locomotive Conversion	239,328	-	0%
17	State Owned Equipment Truck Overhaul	1,000,000	-	0%
18	Sunol Quiet Zone Quad Gates	475,000	11,470	2%
19	Facility Upgrades and Capital Improvements	93,068	-	0%
20	Lathrop/Manteca Station Improvements	779,700	5,691	1%
21	Tracy ACE Station Improvements	1,223,367	-	0%
22	Capital Spares	546,138	-	0%
23	Safety/Security Projects	382,115	164,251	43%
24	Short Range Transit Plan	26,123	-	0%
25	WiFi Upgrade	820,000	362,776	44%
26	Public Information Display Systems (PIDS)	500,000	-	0%
27	Network Integration	450,000	125,020	28%
<b>TOTAL CAPITAL PROJECTS ACE</b>		<b>\$ 79,886,789</b>	<b>\$ 34,748,928</b>	<b>43%</b>

<b>TOTAL CAPITAL PROJECTS SJRRC &amp; ACE</b>		<b>\$ 83,873,794</b>	<b>\$ 34,928,921</b>	<b>42%</b>
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## **Status of FY 20/21 Capital Projects - Notes As of December 2020**

### **SAN JOAQUIN RAIL COMMISSION**

- 1 East Channel Street Improvements - SJRRC received \$2 million from the San Joaquin Council of Governments' Measure K funds to improve the pedestrian and bicycle access along Channel Street between the Downtown Transit Center and Cabral Station. SJRRC has begun the environmental clearance and final design for the project, which is anticipated to be completed in 2020. Construction is slated to begin summer 2021.
- 2 Robert J. Cabral Parking Lot Expansion -Project will construct a new parking lot at the site of the old Western Pacific depot in Stockton, as well as reconstruct the building. Environmental work has been completed and design is underway for the parking lot and building reconstruction.

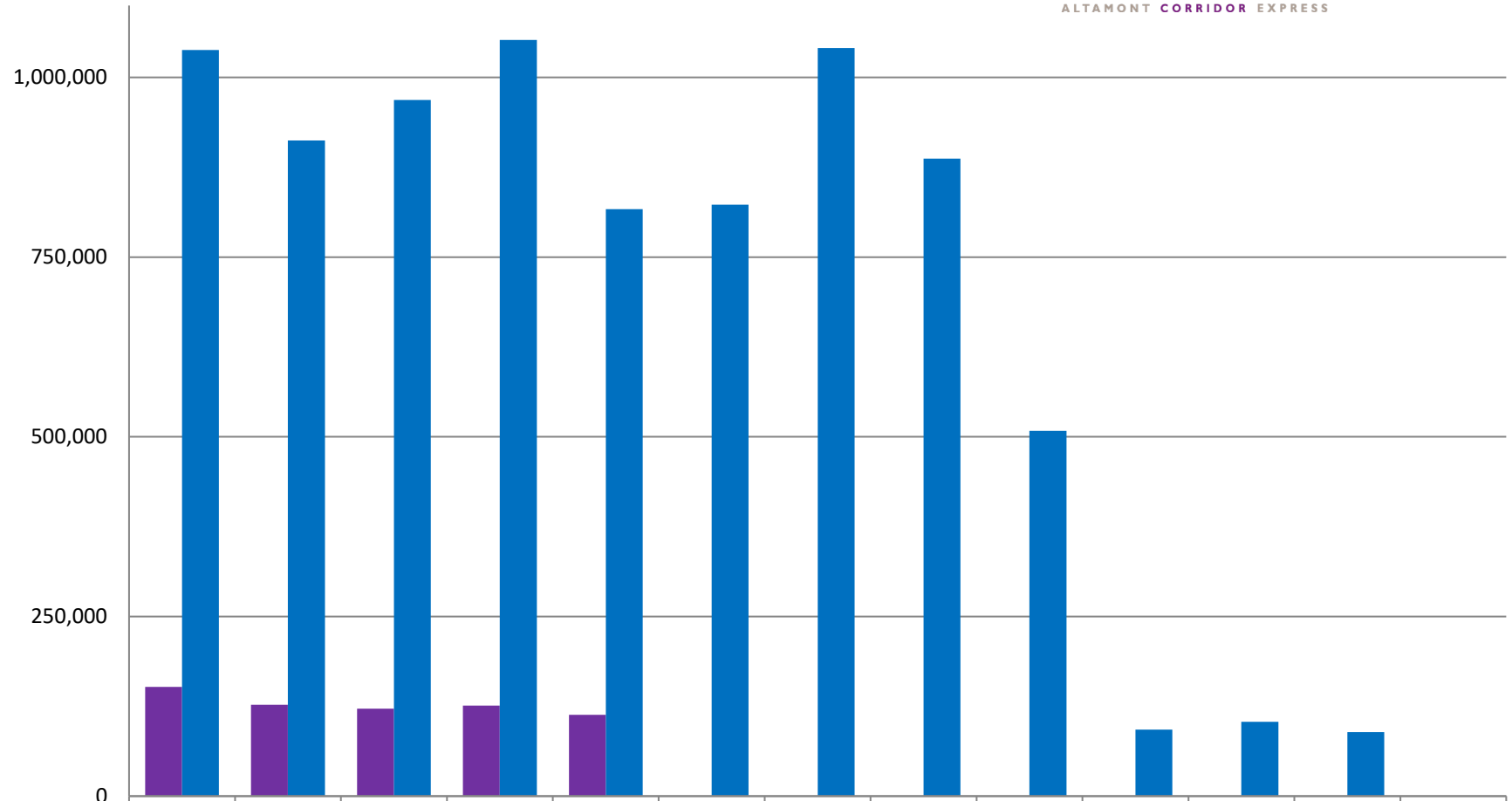
### **ALTAMONT CORRIDOR EXPRESS**

- 1 SJ COG Loan Repayment - Annual payment made July 1, 2020 per SJCOG amended loan agreement.
- 2 Bond Repayments - Bond repayments are made bi-annually, payments FY 20-21 are due in October 2020 and April 2021.
- 3 UPRR Capital Access Fee - Payment for calendar year 2021 paid in two installments. First payment to be processed in January 2021 and second payment in May 2021
- 4 UPRR Capitalized Maintenance Projects - Multi-year project is budgeted at \$4,000,000 for the year. Invoices are received throughout the year.
- 5 UPRR Safety Fund - Ongoing project.
- 6 ACE Extension Natomas to Stockton - The final Environmental Impact Report (EIR) was adopted at the October 2nd 2020 Board meeting and the Notice of Determination was filed with San Joaquin County on October 6th, 2020. The project was approved for future consideration of funding at the December 2-3, 2020 meeting of the California Transportation Commission (CTC). Final Design and Right of Way funding for early segments of the project will be allocated at the January 27-28, 2021 CTC Meeting.
- 7 ACE Extension Lathrop to Ceres/Merced - The Environmental Impact Report (EIR) was certified in August 2018. Final design is currently underway for individual projects along the corridor. Preparation of a project level EIR for Ceres to Merced is underway.
- 8 Stockton Diamond Grade Separation - The project will grade separate the existing UPRR and BNSF lines creating an uninterrupted flow of rail traffic through the crossing. Project Approval (PA) and Environmental Document (ED) services for the project are currently underway. Coordination with the host railroads and other project partners to identify a preferred flyover concept is ongoing. A Notice of Preparation for the environmental document was released on August 19th, 2020, and the public scoping period closed on October 3rd 2020. Public release of the draft environmental document is expected in Spring 2021.
- 9 Locomotives (4) - All four (4) locomotives have been delivered and have been conditionally accepted. Staff received the final CARB engine certification from Siemens and provided the certification to BAAQMD in early October. BAAQMD reimbursement was received mid-November.
- 10 Platform Extension Projects - Multi-year project to extend the existing Lathrop/Manteca, Tracy, Vasco, Livermore, and Pleasanton platforms. A contract for final design was approved in May 2018 and is currently under review by Union Pacific. Environmental and design are currently underway for construction of a 400-foot platform extension at the Fremont ACE Station.
- 11 Cabral Track Extension - In June, SJRRC received approval from FTA Region 9 for a NEPA Categorical Exclusion. Coordination with Union Pacific on design review is ongoing, with construction anticipated to begin in Spring 2021.
- 12 Positive Train Control - Multi-year project and work in progress until Caltrain and UPRR are fully FRA compliant, or December 31st, 2020, whichever comes first. On-board equipment installation is complete, and the Hosted Back Officer Server is operational. PTC is operating as designed on the UPRR and Caltrain corridors which ACE operates on.
- 13 Rail Cars - A contract with Bombardier was Approved at the April 2020 SJRRC Board meeting. The project is moving forward on schedule. This is Multi-year project for the procurement of five (5) passenger rail cab cars and 12 passenger coach cars. Delivery of the first cars is scheduled for November 2021.
- 14 Railcar Midlife Overhaul - Midlife overhauls of ACE's existing fleet of 30 railcars is underway. Currently trucks, carpeting, rubber flooring, lighting and refreshing of the exterior paint scheme to the new colors is underway. The project is scheduled to be completed over the next three years.
- 15 Locomotive Overhaul - The locomotive overhaul program is complete.
- 16 Locomotive Conversion - Staff is working with Caltrans on providing pricing for decommissioning two (2) state owned locomotives, and the conversion to Non-Powered Controlled Cars (NPCU) to be used as part of the Intercity Service.
- 17 State Owned Equipment Truck Overhaul - The overhaul project has been broken into two Phases. Phase 1 is for the purchase of 4 fully built trucks and rebuilt of an additional four or five trucks to be used as a float stock to allow cars to come into Stockton, have the old trucks removed for overhaul and use the newly purchased and rebuilt trucks to be put under the equipment and returned to service. The Phase 1 agreement has been finalized and will be executed by the end of November. This is a 6 to 9 month project. This phase is estimated at \$1,627,000. Phase 2 is completing the overhaul of the 88 State owned bi-levels.
- 18 Sunol Quiet Zone - Construction has been completed but to address public concerns, revisions need to be made. Preliminary Design for the revised project, Four Quadrant Gates on Main Street Sunol, is complete. Coordination with Alameda County for the final design and construction of the project is ongoing.
- 19 Facility Upgrades and Capital Improvements - Currently ongoing
- 20 Lathrop/Manteca Station Improvements - The construction contract was awarded at the October 2nd 2020 Board meeting. Construction is currently ongoing.
- 21 Tracy ACE Station Improvements - Consultant contract was awarded at the May 3rd 2019 Board meeting. Environmental and design are currently underway.
- 22 Capital Spares - Preventative Maintenance is ongoing.
- 23 Safety and Security/Video Cameras - The camera security project was awarded in June 2018 and is in construction.
- 24 Short Range Transit Plan - Update to FY 2018 - FY 2027 SRTP is ongoing.
- 25 WiFi Upgrade - Final equipment locations for the hardware have been selected. Bracketry and install plans are being developed. Staff has received training on the onboard Wi-Fi Portal website and is preparing content to be uploaded. Nomad's hardware procurement is still moving forward with parts arriving and being staged at the RMF. SJRRC, NOMAD, and Xentrans have worked on coordinating with the Herzog led ISC technology project to ensure compatibility and integration of the two onboard systems.
- 26 Public Information Display System (PIDS) - Currently ongoing project, PIDS system gives the ability to send train status and general information to ACE stations. CCJPA is testing a new iteration of Cal-PIDS that we discuss on bi-weekly calls and will be soon testing. We are also working with Cal-ITP on their competing project called Transit Clock; we are currently testing their software on one of our devices that will eventually allow Google Transit Feed Specification (GTFS) Real-Time train tracking.
- 27 Network Integration - Planning consulting services of integrating the ACE and SJJPA services with high-speed rail and other rail transit services.

# Fare Revenue



Item 3.3

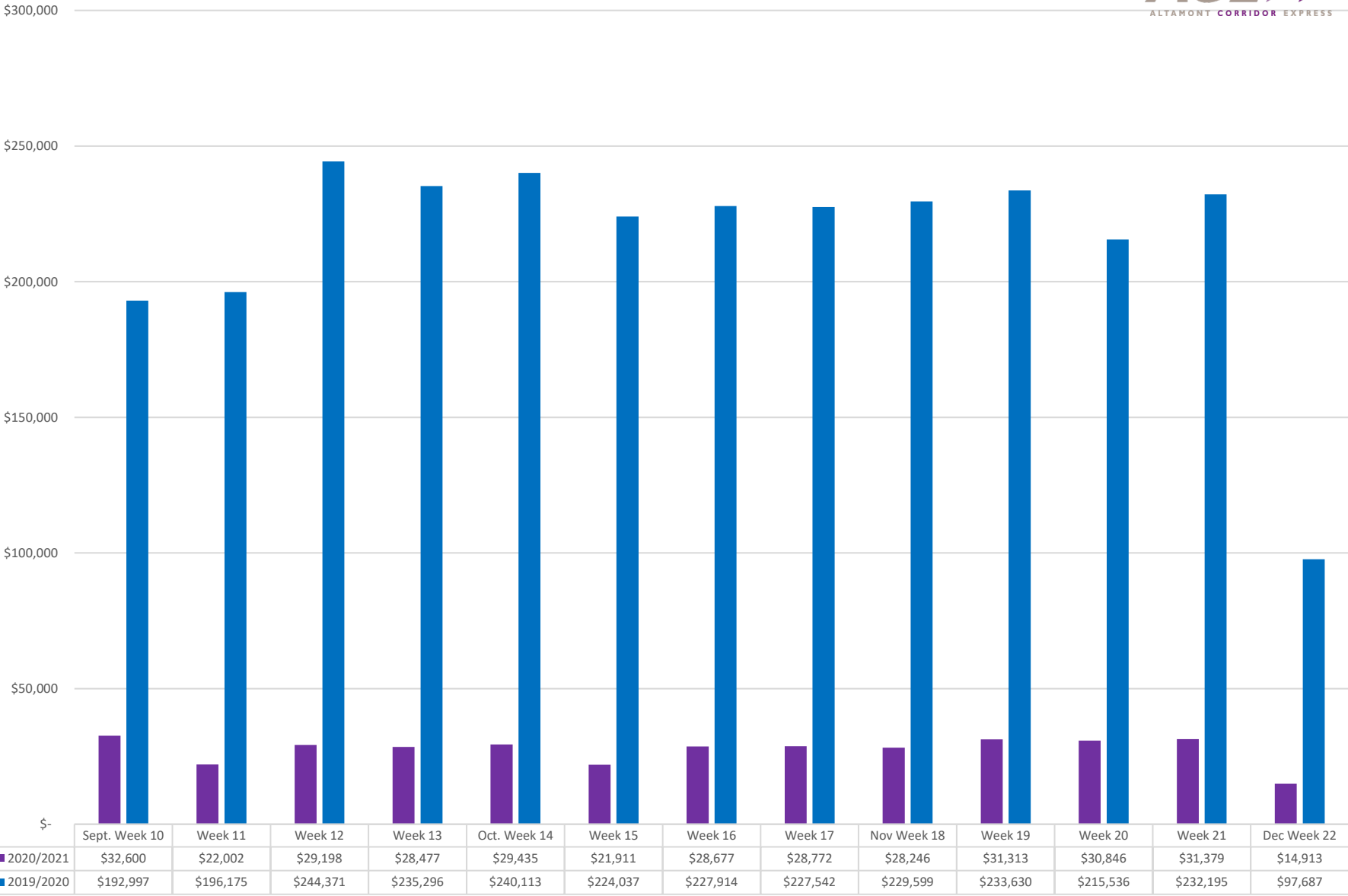


	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	FY TOTAL
FY 20-21 Fare Revenue	152,163	127,080	121,667	125,979	113,014	-	-	-	-	-	-	-	639,904
FY 19-20 Fare Revenue	1,038,170	912,427	968,729	1,052,213	816,770	822,711	1,040,903	886,822	508,211	92,586	103,410	88,932	8,331,885

% of Budget Year Elapsed: 42%  
 FY 20-21 % of Budgeted Fare Revenue Received to Date 52%  
 Projected Annual Fare Revenue: \$ 1,229,580.00



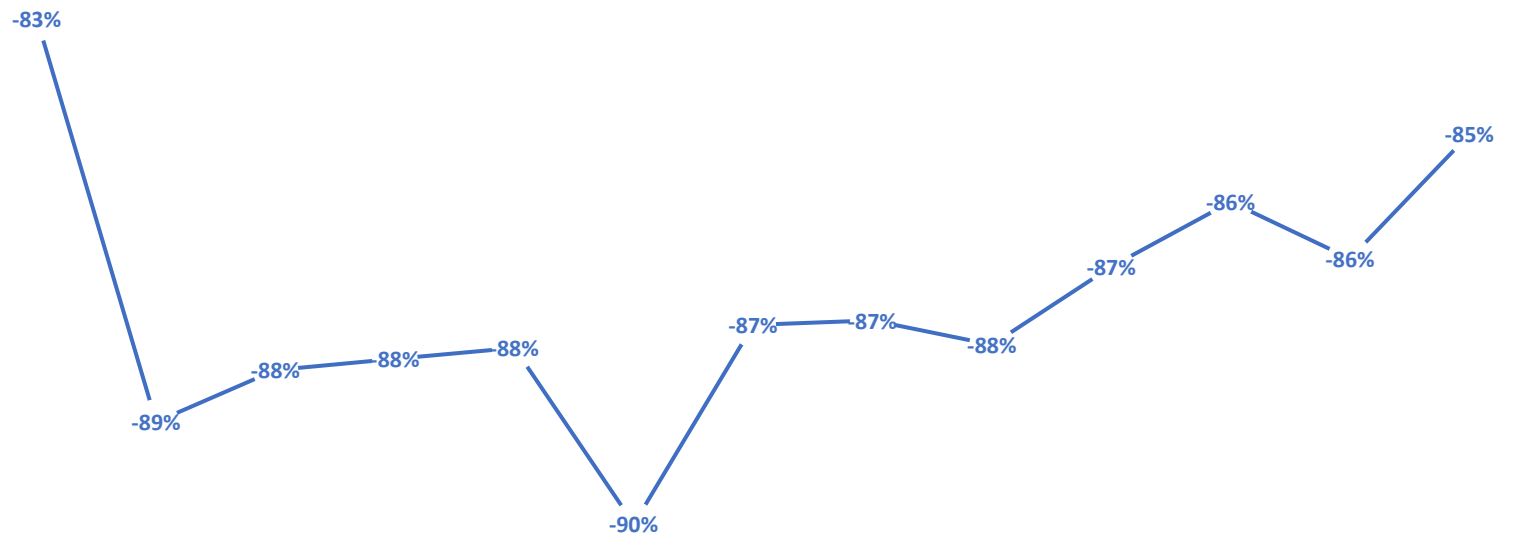
# ACE Weekly Revenue Comparison



FY 20/21 - Week 10 - 22 : Aug 31, 2020 to Nov 29, 2020  
 FY 19/20 - Week 10 - 22 : Sept 2, 2019 to Dec 1, 2019

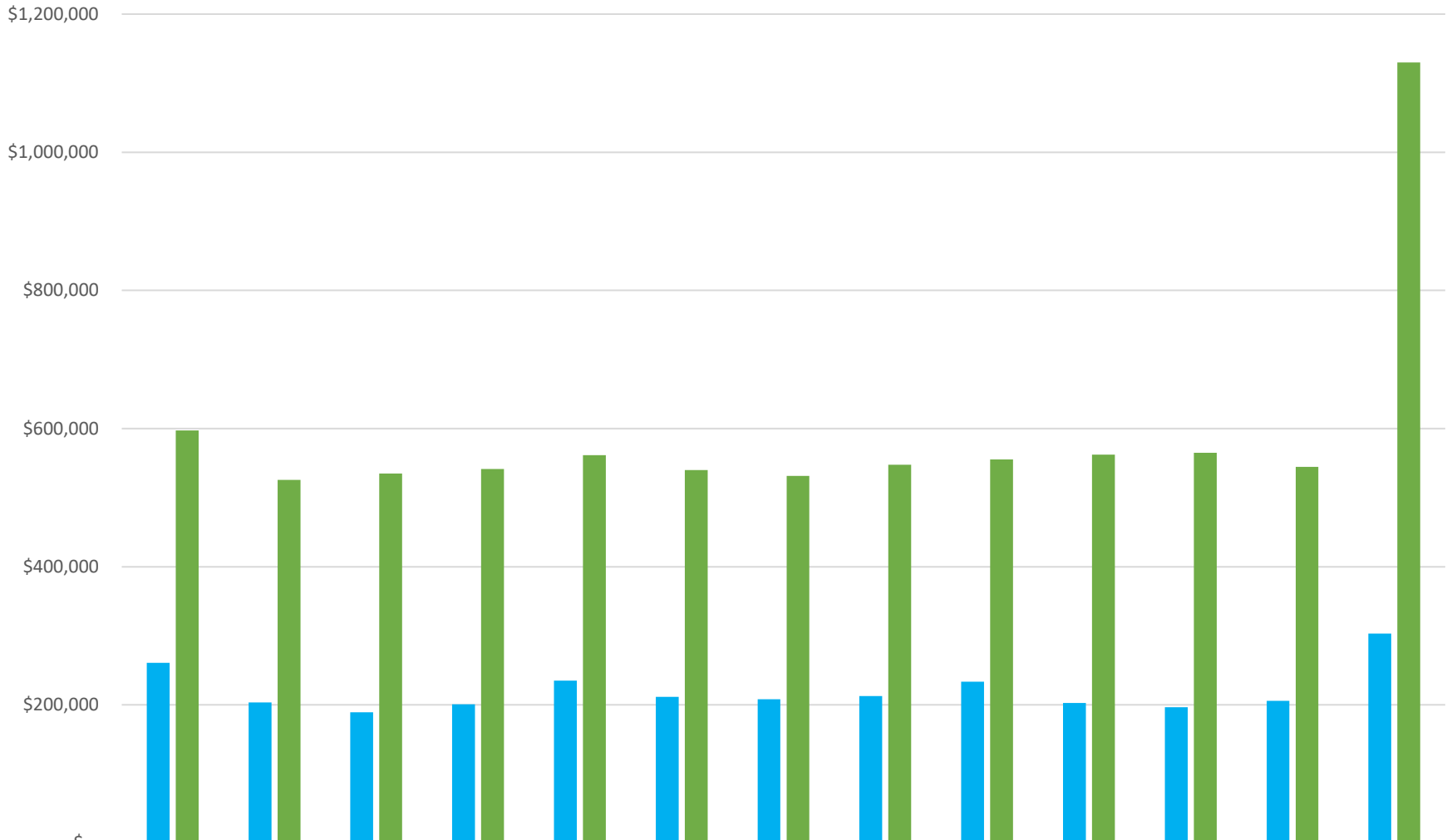
■ 2020/2021 ■ 2019/2020

# ACE REVENUE WEEKLY % DIFF. FISCAL YEAR OVER YEAR



	Sept. Week 10	Week 11	Week 12	Week 13	Oct. Week 14	Week 15	Week 16	Week 17	Nov Week 18	Week 19	Week 20	Week 21	Dec Week 22
— Revenue % Diff. YoY	-83%	-89%	-88%	-88%	-88%	-90%	-87%	-87%	-88%	-87%	-86%	-86%	-85%

# San Joaquins Weekly Revenue Comparison

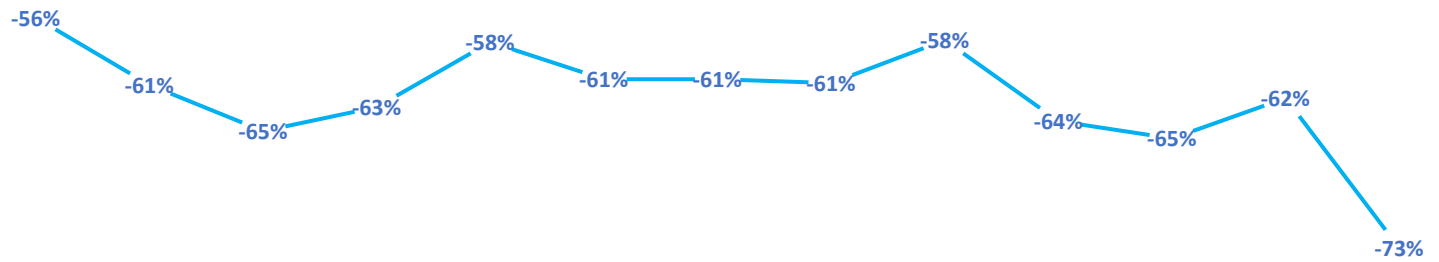


	September	Week 10	Week 11	Week 12	Week 13	October	Week 14	Week 15	Week 16	Week 17	Week 18	November	Week 19	Week 20	Week 21	Week 22
■ 2020 / 2021	\$260,838	\$203,770	\$189,250	\$201,043	\$235,195	\$211,503	\$208,209	\$212,940	\$233,440	\$202,941	\$196,847	\$205,776	\$303,307			
■ 2019 / 2020	\$597,447	\$525,911	\$534,894	\$541,649	\$561,576	\$540,117	\$531,510	\$547,499	\$555,480	\$562,098	\$564,899	\$544,662	\$1,130,04			

FY 20/21 -Week 10-22 : Aug 31, 2020 to Nov 29, 2020  
 FY 19/20 -Week 10-22 : Sept 2, 2019 to Nov 30, 2019

■ 2020 / 2021   ■ 2019 / 2020

# SAN JOAQUINS REVENUE WEEKLY % DIFF. FISCAL YEAR OVER YEAR

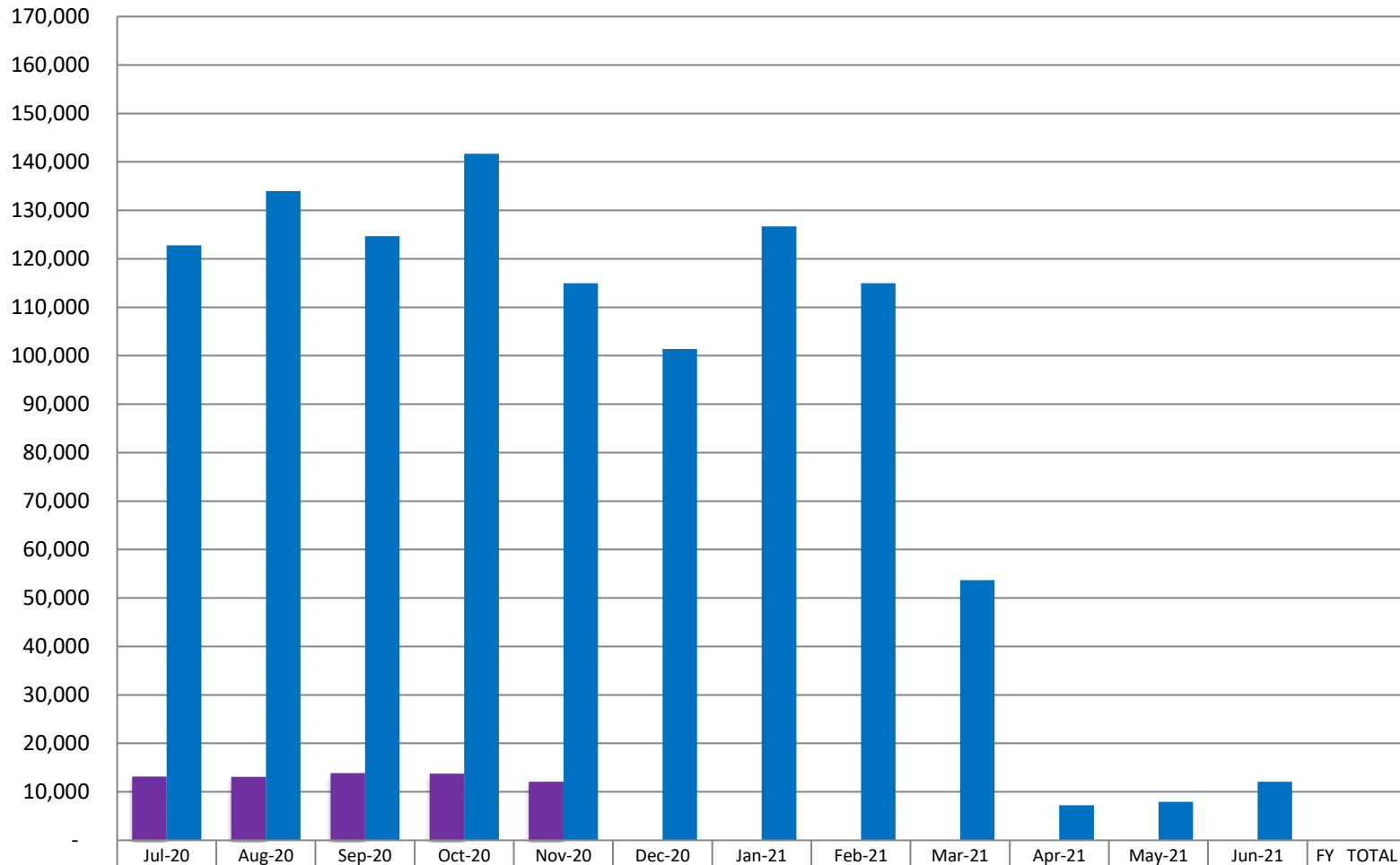


	September				October					November			
	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21	Week 22
— Revenue % Diff. YoY	-56%	-61%	-65%	-63%	-58%	-61%	-61%	-61%	-58%	-64%	-65%	-62%	-73%

# Ridership

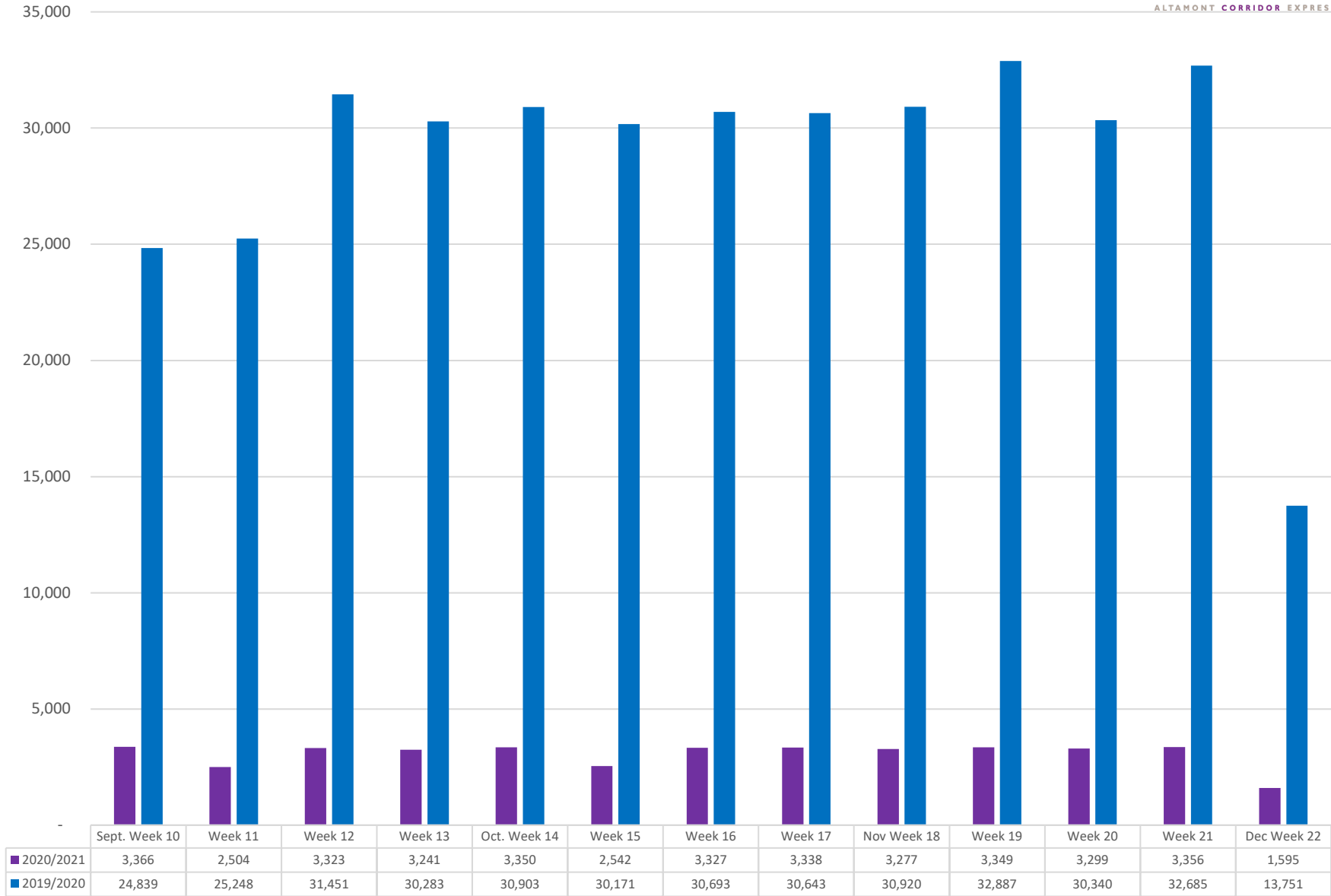


Item 3.4



■ FY 20-21 Ridership	13,126	13,121	13,847	13,760	12,085	-	-	-	-	-	-	-	65,939
■ FY 19-20 Ridership	122,770	133,972	124,677	141,701	114,973	101,363	126,661	114,984	53,665	7,252	7,908	12,064	1,061,990

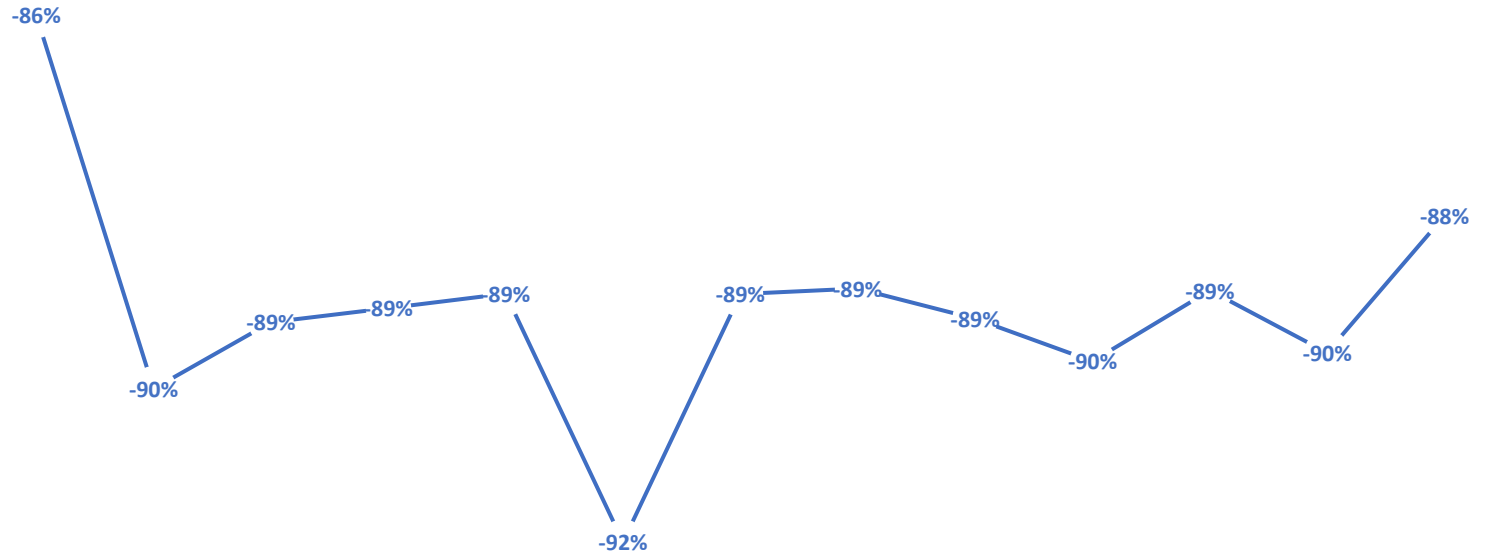
### ACE Weekly Ridership Comparison



FY 20/21 - Week 10 - 22 : Aug 31, 2020 to Nov 29, 2020  
 FY 19/20 - Week 10 - 22 : Sept 2, 2019 to Dec 1, 2019

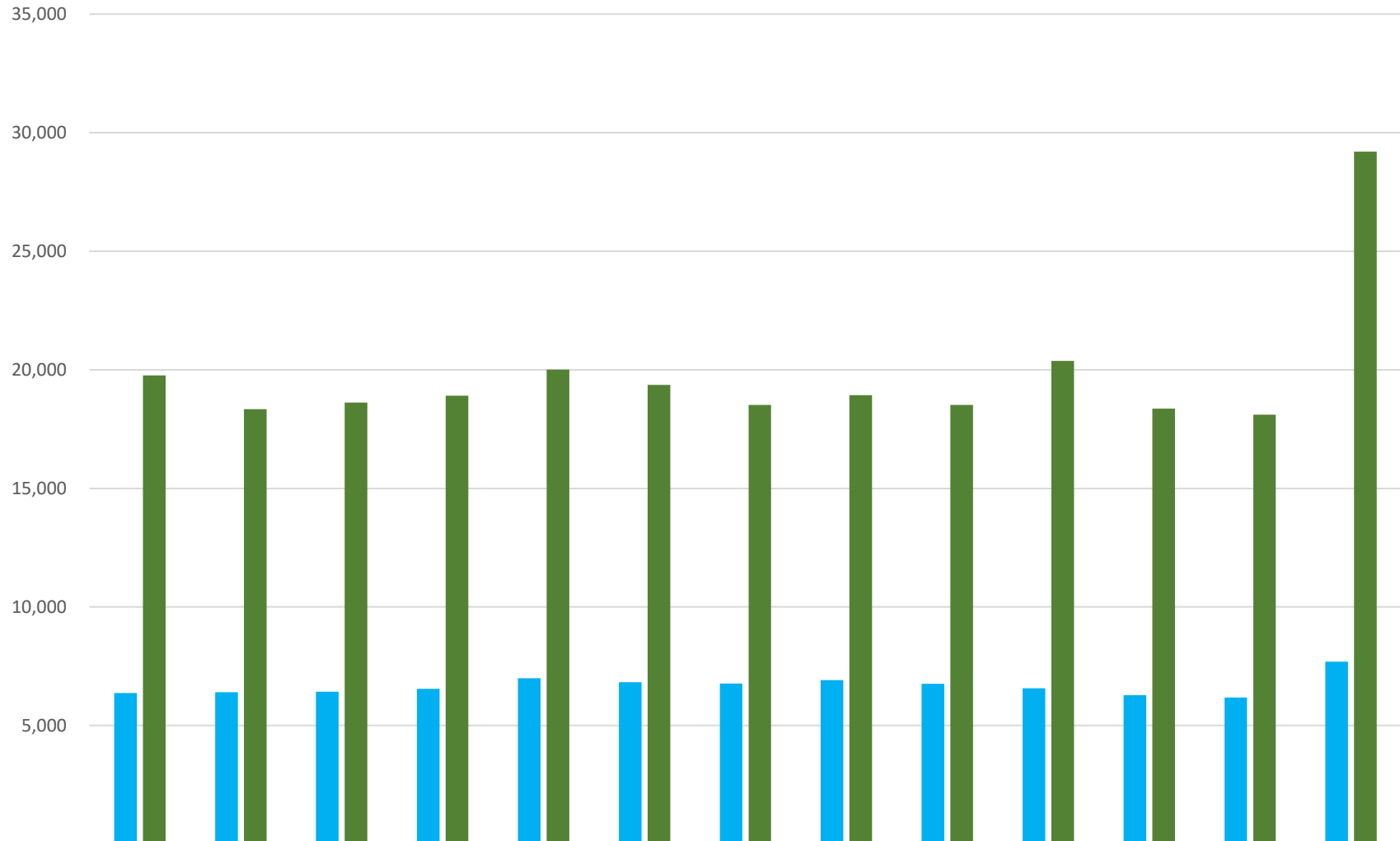
■ 2020/2021 ■ 2019/2020

# ACE RIDERHIP WEEKLY % DIFF. FISCAL YEAR OVER YEAR



	Sept. Week 10	Week 11	Week 12	Week 13	Oct. Week 14	Week 15	Week 16	Week 17	Nov Week 18	Week 19	Week 20	Week 21	Dec Week 22
— Riderhip % Diff. YoY	-86%	-90%	-89%	-89%	-89%	-92%	-89%	-89%	-89%	-90%	-89%	-90%	-88%

### San Joaquins Weekly Ridership Comparison



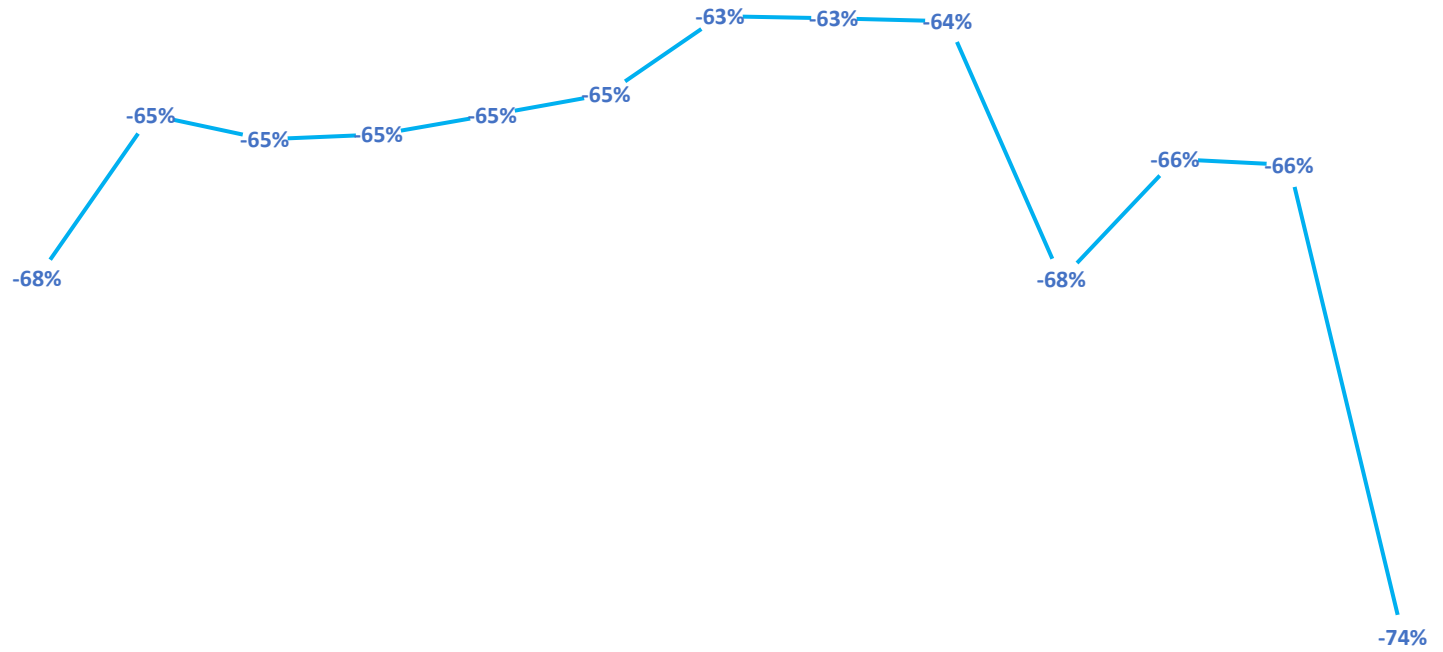
	September				October					November			
	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21	Week 22
■ 2020 / 2021	6,372	6,405	6,428	6,545	6,992	6,830	6,770	6,915	6,754	6,567	6,281	6,176	7,694
■ 2019 / 2020	19,762	18,337	18,615	18,910	20,013	19,363	18,520	18,934	18,517	20,378	18,364	18,106	29,206

FY 20/21 -Week 10-22 : Aug 31, 2020 to Nov 29, 2020  
 FY 19/20 -Week 10-22 : Sept 2, 2019 to Nov 30, 2019

■ 2020 / 2021   ■ 2019 / 2020

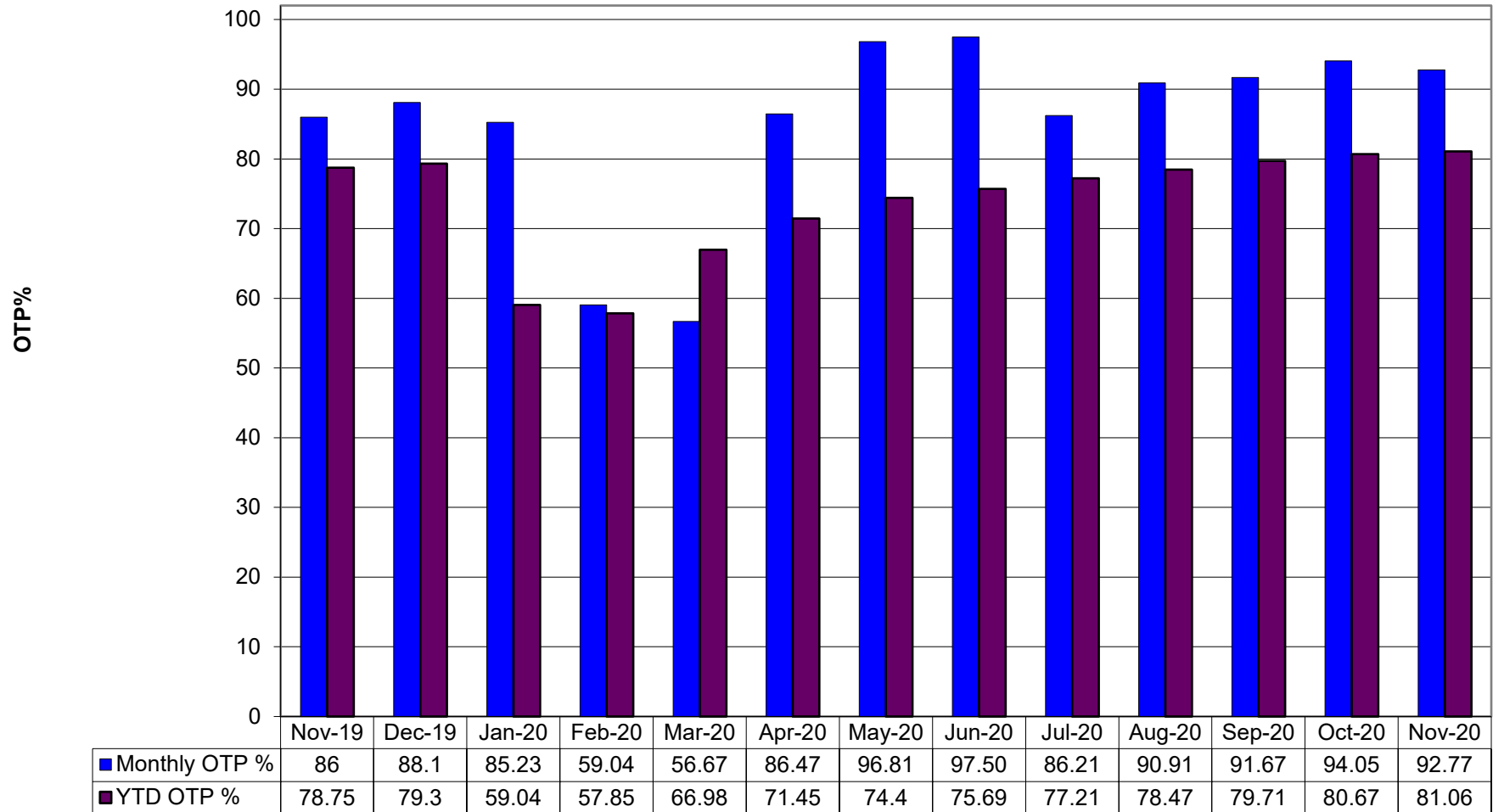


SAN JOAQUINS RIDERHIP WEEKLY % DIFF. FISCAL YEAR OVER YEAR



	September	Week 10	Week 11	Week 12	Week 13	October	Week 14	Week 15	Week 16	Week 17	Week 18	November	Week 19	Week 20	Week 21	Week 22
— Riderhip % Diff. YoY		-68%	-65%	-65%	-65%	-65%	-65%	-65%	-63%	-63%	-64%	-68%	-66%	-66%	-66%	-74%

# ACE ON TIME PERFORMANCE



# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

## STAFF REPORT

### Item 3.6

### INFORMATION

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#### **Update on Positive Train Control**

During the month of December, ACE experienced numerous Positive Train Control (PTC) issues related to initializing the locomotives with the Host Railroads PTC system. This occurred on both the Union Pacific Railroad (UPRR) and Caltrain systems. The delays were from 5 minutes to 18 minutes. The issues were related to PTC System outages as well as System upgrades. The System upgrade delay issues have been resolved, and both Host Railroads looked into the cause of the System outages.

#### Communications to Passengers:

Staff continues to provide passengers with updated information regarding delays using the following channels:

- ACE Website
- Social Media (Facebook and Twitter)
- Onboard announcements
- Via Text Alerts

#### Coordination with UPRR, Caltrain and the Federal Railroad Administration (FRA):

Staff continues bi-weekly conference calls/meetings with UPRR and Caltrain, and regular calls with the Federal Railroad Administration (FRA) on PTC.

Staff received a letter from the Federal Railroad Administration notifying us that ACE has met the PTC statutory deadline for implementing an FRA-certified and interoperable PTC system (Please see attached correspondence).



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 29, 2020

Ms. Stacey Mortensen  
Executive Director  
Altamont Corridor Express  
949 East Channel Street  
Stockton, CA 95202

Mr. Brian Schmidt  
Director of Operations  
Altamont Corridor Express  
949 East Channel Street  
Stockton, CA 95202

Dear Ms. Mortensen and Mr. Schmidt:

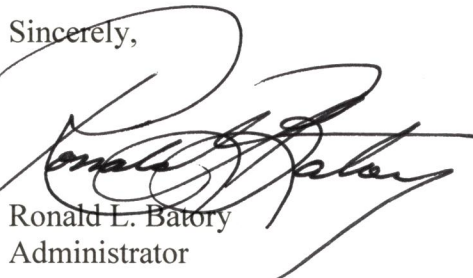
Since becoming Administrator of the Federal Railroad Administration (FRA) in February 2018, one of my highest priorities has been to help ensure that the railroad industry fully implements positive train control (PTC) systems on all required main lines by December 31, 2020, in accordance with the statutory mandate and FRA's regulations.

On behalf of FRA and myself, I want to recognize Altamont Corridor Express's significant accomplishment of fully implementing an FRA-certified and interoperable PTC system on its PTC-mandated main lines before the statutory deadline of December 31, 2020. Congratulations to you and your entire team!

Together, you and the railroad industry implemented PTC technology on over 57,500 route miles throughout the country. This achievement encompasses over a decade of sustained commitment, thousands of hours of testing and deployment, innovative technological solutions, along with a tremendous amount of coordination and collaboration among nearly 100 host and tenant railroads, railroad associations, material suppliers, and service providers. Thank you for your perseverance. FRA looks forward to overseeing the further advancements to rail safety that PTC technology will enable.

Best wishes for a safe and healthy New Year!

Sincerely,



Ronald L. Batory  
Administrator

Tai Ginsberg & Associates, LLC  
810 7<sup>th</sup> Street, NE  
Washington, DC 20002  
T 202 415 9703

Buchanan Ingersoll & Rooney PC  
1700 K Street, NW, Suite 300  
Washington, DC 20006  
T 202 452 7900

**TO:** San Joaquin Regional Rail Commission (SJRRC)  
**FROM:** TG&A Staff  
**SUBJECT:** Monthly Progress Report for DECEMBER 2020  
**DATE:** December 31, 2020

### THE TRUMP ADMINISTRATION/EXECUTIVE BRANCH

December 11-27, 2020. President Donald Trump signed into law the “[Consolidated Appropriations Act, 2021](#)” (Omnibus) the evening of December 27, 2020, before the expiration of the Continuing Resolution (CR) [[HR 1520 - 5th CR](#)] at 12:01 am on December 29, 2020. Prior to enactment of the Omnibus bill the President had signed into law several other CRs to maintain the funding of government operations since the beginning of FY 2021 on October 1, 2020, i.e. [[HR 8337 - 1st CR](#)], [[HR 8900 - 2nd CR](#)], [[HJ Res. 107 - 3rd CR](#)], and [[HJ Res. 110 - 4th CR](#)].

December 9, 2020. Environmental Protection Agency (EPA) Administrator, Andrew R. Wheeler, signed a [Final Rule](#) [also see [Fact Sheet](#)] and submitted it for publication in the Federal Register. The rule establishes processes that the EPA will be required to undertake in promulgating regulations under the Clean Air Act (CAA) to ensure that information regarding the benefits/costs of regulatory decisions is provided and considered in a consistent and transparent manner. Also see EPA [Resources Page](#).

December 8, 2020. The Administration issued a [Statement of Administration Policy](#) (SOAP) strongly opposing passage of the conference report to Accompany H.R. 6395, i.e. the National Defense Authorization Act (NDAA). The SOAP stated that, “Unfortunately, this conference report fails to include critical national security measures, includes provisions that fail to respect our veterans and our military’s history, and contradicts efforts by this Administration to put America first in our national security and foreign policy actions.” **The President vetoed the bill on 12/23/2020. The House voted to override the President’s veto on December 28, 2020.**

### PRESIDENT-ELECT BIDEN ADMINISTRATION

December 15, 2020. President-elect Joe Biden [announced](#) Pete Buttigieg as his nominee to serve as the 19th Secretary of the U.S. Department of Transportation. Buttigieg has served as the 32nd Mayor of South Bend, Indiana, for eight years. Buttigieg was also an intelligence officer in the U.S. Navy Reserve who was deployed to Afghanistan in 2014, eventually earning the rank of Lieutenant. A native of South Bend, Buttigieg graduated from Harvard University and was a Rhodes Scholar at Oxford University. House Committee on Transportation and Infrastructure Chairman Peter DeFazio (D-OR) [applauded](#) the nomination of Pete Buttigieg as Secretary of Transportation. AASHTO [congratulates](#) Pete Buttigieg on his nomination to be U.S. Secretary of Transportation. In a tweet on December 22, 2020, the nominee provided a glimpse of one of his future policy initiatives (see below).



## 2019-2020 TRANSPORTATION-RELATED NOMINATIONS/CONFIRMATIONS/RESIGNATIONS

Type in name at this URL: [Nominations](#)

Since the November 2020 Report, following are the only changes in status (**RED TYPE**) to transportation-related nominees.

A full 2019/2020 listing of "Nominations" is available from TG&A upon request.

NOMINEE	US DOT ADMINISTRATOR / OTHER	STATUS
Eric J. Soskin (VA) <a href="#">Soskin</a>	Inspector General, Department of Transportation. [Calvin L. Scovel, resigned.]	Received in the Senate and referred sequentially to the Committee on Commerce, Science, and Transportation on 6/22/2020. Committee on Commerce, Science, and Transportation. Hearings held on 8/6/2020. Approved by the Senate Commerce Committee on 9/16/2020 by a vote of 14-12. <b>Confirmed by the Senate by a vote of 48 – 47 on 12/21/2020.</b>

## 2020 GENERAL ELECTION RESULTS—See Addendum A. - at the end of the report.

### HR 133 - FINAL FY 2021 APPROPRIATIONS / COVID-19 AID PACKAGE / AND OTHER MEASURES

President Donald Trump signed into law the "[Consolidated Appropriations Act, 2021](#)" (Omnibus) the evening of December 27, 2020. The massive bill (5,593 pages) packaged together twelve annual appropriation bills valued at \$1.4 trillion (including US DOT), a pandemic aid package valued at \$900 billion (which included \$45 billion in transportation aid) and several other add-on measures.

Below are brief sketches of some of the transportation-related measures contained in the Omnibus bill.

### US DOT Appropriations - HR 133

The Transportation, Housing and Urban Development and Related Agencies (THUD) appropriations bill provided \$75.35 billion in discretionary budget authority - \$1 billion more than in FY 2020. See US DOT funding Chart below.

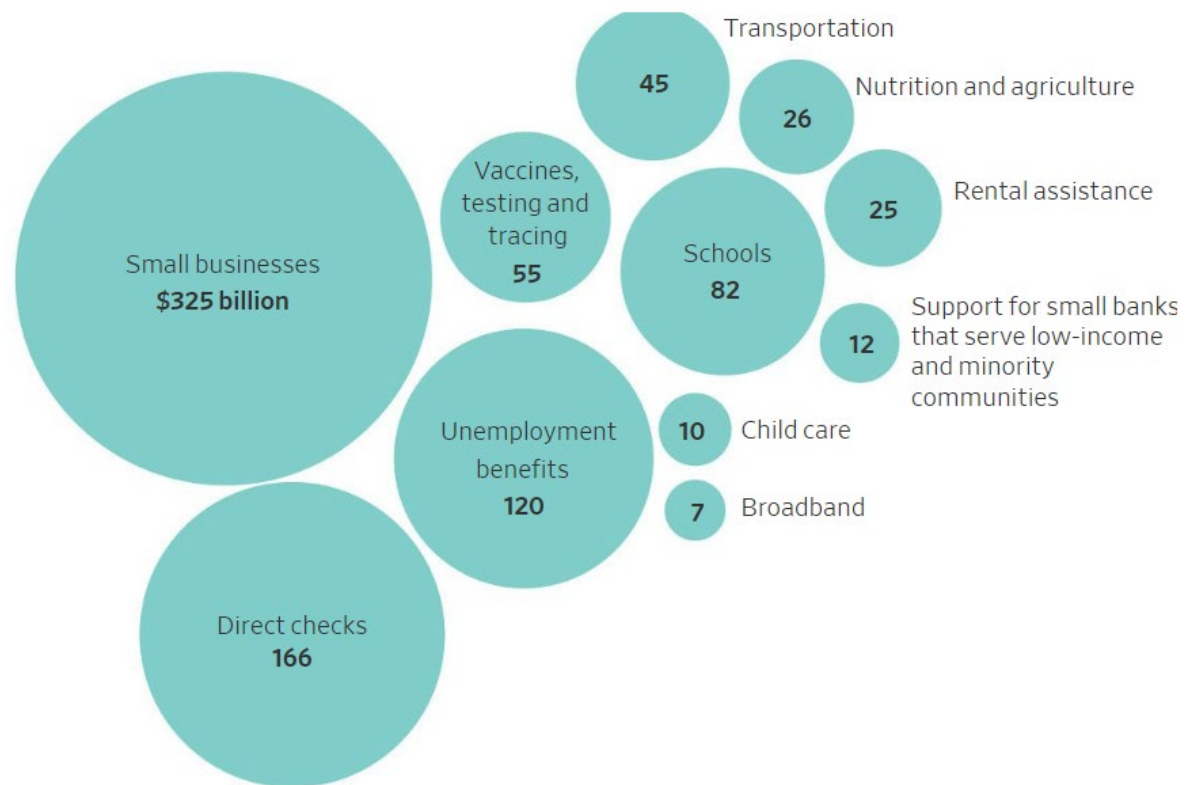
FY 2021 US DOT Appropriation Highlights - Omnibus Division L				
	(Omnibus) FY 2021	(Enacted) FY 2020	Omnibus FY 2021 Vs. FY 2020 Enacted + / - "\$" Difference	Omnibus FY 2021 Vs. FY 2020 Enacted + / - "%" Difference
<b>Office of the Secretary</b>				
National Infrastructure Investments (BUILD Grants)	1,000,000,000	1,000,000,000	No Change	No Change
Essential Air Service	319,331,553	312,512,000	6,819,553	2.18%
Small Community Air Service Development Pgm.	10,000,000	10,000,000	No Change	No Change
Railroad Rehabilitation and Improvement Financing (RRIF)	70,000,000	-	70,000,000	100%
Transportation Demonstration Program	100,000,000	-	100,000,000	100%
<b>Federal Aviation Administration</b>				
Air Traffic "Contract" Control Tower	172,800,000	170,000,000	2,800,000	1.65%
Airport Improvement Program	3,350,000,000	3,350,000,000	No Change	No Change
Grants-In-Aid For Airports (Supplemental G.F.)	400,000,000	400,000,000	No Change	No Change
<b>Federal Highway Administration</b>				
Highway Obligation Limitation	46,365,092,000	46,365,092,000	No Change	No Change
Highway Infrastructure Programs (Supplemental G.F.)	2,000,000,000	2,166,140,392	(166,140,392)	-7.67%
<b>Federal Motor Carrier Safety Administration</b>				
Motor Carrier Safety Assistance Program	308,700,000	308,700,000	No Change	No Change
Commercial Driver's License Program	33,200,000	33,200,000	No Change	No Change
High Priorities Activities Program	45,900,000	45,900,000	No Change	No Change
Commercial Motor Vehicles Operations Grant Pgm.	2,000,000	3,335,561	(1,335,561)	-40.04%
<b>National Highway Traffic Safety Administration</b>				
Highway Safety Programs (Sec. 402)	279,800,000	279,800,000	No Change	No Change
National Priority Safety Programs (Sec. 405)	285,900,000	285,900,000	No Change	No Change
High Visibility Enforcement Program	30,500,000	30,500,000	No Change	No Change
<b>Federal Railroad Administration</b>				
Northeast Corridor	700,000,000	700,000,000	No Change	No Change
National Network Grants	1,300,000,000	1,300,000,000	No Change	No Change
Federal-State Partnership - State/Good Repair Grants	200,000,000	200,000,000	No Change	No Change
Consolidated Rail Infrastructure/Safety Improvement Gnts.	375,000,000	325,000,000	50,000,000	15.38%
Restoration and Enhancement	4,720,000	2,000,000	2,720,000	136.00%
Magnetic Levitation Tech. Deployment Program	2,000,000	2,000,000	No Change	No Change
<b>Federal Transit Administration</b>				
Transit Obligation Limitation	10,150,348,462	10,150,348,462	No Change	No Change
Capital Investment Grants	2,014,000,000	1,978,000,000	36,000,000	1.82%
Transit Infrastructure Grants (Supplemental G.F.)	516,220,000	510,000,000	6,220,000	1.22%
<b>Maritime Administration</b>				
America's Marine Highway (Short Sea Transportation Pgm.)	10,819,000	9,775,000	1,044,000	10.68%
Assistance to Small Shipyards	20,000,000	20,000,000	No Change	No Change
Port Infrastructure Development Program	230,000,000	225,000,000	5,000,000	2.22%
<b>National Transportation Safety Board</b>				
NTSB	118,400,000	110,400,000	8,000,000	7.25%
<b>Surface Transportation Board</b>				
STB	37,500,000	37,100,000	400,000	1.08%

In the absence of a “Fixing America’s Surface Transportation Act” or the “FAST Act” reauthorization agreement (which expired on September 30, 2020), the Omnibus assumed the continuation of the FAST Act highway, highway safety and transit program structure as if extended through FY 2021. **A thorough 10-page analysis of FY 2021 US DOT appropriations is available from TG&A upon request.** See [Division by Division Summary](#), [Division L - Transportation Joint Explanatory Statement](#) and see Congressional Research Service (CRS) updated [Report](#) entitled, “Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY 2021: In Brief.” Also, see [NACo Analysis 12/22/2020](#).

**COVID-19 RELIEF PROVISIONS (General and Transportation) - HR 133**

The COVID-aid portion of the bill totals around \$900 billion (see circle diagram below from the WSJ) and provides a new round of direct payments worth up to \$600 (for individuals making up to \$75,000 per year and \$1,200 for couples making up to \$150,000 per year), as well as a \$600 payment for each child dependent, and jobless aid of \$300 per week for worker receiving unemployment benefits through March 14, 2021. The bill also includes \$45 billion in aid to the transportation sector. See [Division by Division Summary](#).

**Selected relief categories, in billions**



Source: Legislative text and congressional summaries

COVID-19 Relief Transportation funding splits on the next page.

<b>CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021</b>		
(DIVISIONS M and N)		
US DEPARTMENT OF TRANSPORTATION ET AL.		
FEDERAL DEPARTMENTS/AGENCIES	Notes:	\$ FUNDING
<b>Federal Aviation Administration</b>		
Grants-In-Aid For Airports	1./	2,000,000,000
Primary Airports		(1,750,000,000)
General Aviation/Commercial Airports		(45,000,000)
Primary Airports - Rent Relief/Car Rental/Concessions		(200,000,000)
Small Community Air Service Development Program		(5,000,000)
<b>Federal Highway Administration</b>		
Surface Transportation Block Grant Program	2./	10,000,000,000
Tribal Transportation Program		(9,840,057,332)
Puerto Rico Highway Program		(114,568,862)
Territorial Highway Program		(35,845,307)
		(9,528,499)
<b>Federal Railroad Administration</b>		
Northeast Corridor Grants to Amtrak	3./ 4./	1,000,000,000
National Network Grants to Amtrak	3./ 4./ 5./	(655,431,000)
		(344,569,000)
<b>Federal Transit Administration</b>		
Urbanized Areas (Formula)	6./	14,000,000,000
Seniors and Persons with Disabilities (Formula)		(13,271,310,572)
Rural Areas (Formula)		(50,034,973)
		(678,654,455)
<b>PASSENGER AIR CARRIERS</b>		15,000,000,000
<b>AVIATION WORKERS - CONTRACTORS</b>		1,000,000,000
<b>TRANSPORTATION SERVICES</b>		2,000,000,000
(Over-the-Road Bus/School Bus/Passenger Vessel)		
<b>TOTAL:</b>		<b>45,000,000,000</b>
1./ Federal Share of 100 percent.		
2./ Federal Share of 100 percent; FHWA may retain up to \$10 million for oversight.		
3./ Not less than \$109.805 million can be used by Amtrak in lieu of payments from states/commuter rail passenger providers subject to the cost allocation payments.		
4./ US DOT may retain up to \$2.030 million to fund the costs of project management and oversight activities.		
5./ Amtrak may utilize up to \$174.850 million to be apportioned toward State payments required by the cost methodology policy adopted per Section 209 of PRIIA.		
6./ No recipient may receive more than \$4 million.		

December 3, 2020. The Congressional Research Service released a [Report](#) entitled, “Tax Provisions Expiring in 2020 (“Tax Extenders”)”. Thirty-three temporary tax provisions are scheduled to expire at the end of 2020. Collectively, temporary tax provisions that are regularly extended as a group by Congress, rather than being allowed to expire as scheduled, are often referred to as “tax extenders.” Most of the temporary tax provisions scheduled to expire at the end of 2020 have been included in previous “tax extender” legislation.

### **SELECTED CONGRESSIONAL HEARINGS/BUSINESS**

December 18, 2020. House Committee on Transportation and Infrastructure Chairman Peter DeFazio (D-OR) issued a [Statement](#) in response to the news that all freight, Amtrak, intercity, and commuter railroads will meet the December 31, 2020 deadline for implementing positive train control (PTC).

December 8-28, 2020 – National Defense Authorization Act (NDAA). **On December 28, the House voted 322 to 87 to override President Trump’s veto; the bill was sent to the Senate for an override vote which may occur on December 30.** On December 23, 2020 (Wednesday) President Donald Trump vetoed the \$740.5 billion the William M. (Mac) Thornberry National Defense Authorization Act for FY 2021 [[HR 6395 / Conference Rpt 116-617](#)].



The President issued a [Veto Message](#) in which he highlighted several reasons for vetoing the bill. The \$740.5 billion NDAA contains several transportation provisions, such as:

- [SEC. 2833 LAND CONVEYANCE, SHARPE ARMY DEPOT, LATHROP CALIFORNIA.](#) – which would transfer the Sharpe Army Depot to the Port of Stockton;
- [SEC. 3504. ASSISTANCE FOR INLAND AND SMALL COASTAL PORTS AND TERMINALS.](#) – which decreases the set-aside to 18 percent from 25 percent from the port and intermodal improvement program (small ports program);
- [SEC. 9007. DEPARTMENT OF HOMELAND SECURITY LARGE SCALE NON-INTRUSIVE INSPECTION SCANNING PLAN](#) – which requires the Department of Homeland Security to develop a plan for increasing to 100 percent the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the US at land ports of entry and rail-border crossings along the border using large-scale non-intrusive inspection systems or similar technology to enhance border security.

December 10, 2020. The Senate Committee on Commerce, Science and Transportation held a hearing to discuss and receive testimony on, “The Logistics of Transporting a COVID-19 Vaccine.” [Committee Link and Testimony.](#)

### TRANSPORTATION-RELATED FULL COMMITTEE ROSTERS FOR 117<sup>TH</sup> CONGRESS (1<sup>ST</sup> Session)

Note: The Chairmanship/Ranking member selections for the Full Senate are dependent upon which party attains the majority after the two runoff elections in Georgia on January 5, 2020. Democrats need to win both seats to split control of the chamber 50-50. The Vice President (Democrat Kamala Harris beginning in January 2021) would then cast tie-breaking votes in the Senate. Republicans need to win at least one seat to maintain their majority.

### House Full Committee Selections for the 117<sup>th</sup> Congress

(As of December 6, 2020)

<b>APPROPRIATIONS</b>	Rosa DeLauro	Chairwoman	(D-CT)
	Kay Granger	Ranking	(R-TX)
<b>BUDGET</b>	John Yarmuth	Chairman	(D-KY)
	Jason Smith	Ranking	(R-MO)
<b>ENERGY AND COMMERCE</b>	Frank Pallone, Jr.	Chairman	(D-NJ)
	Cathy McMorris Rodgers	Ranking	(R-WA)
<b>HOMELAND SECURITY</b>	Bennie Thompson	Chairman	(D-MS)
	John Katko (TBD)	Ranking	(R-NY)
<b>TRANSPORTATION AND INFRASTRUCTURE</b>	Peter DeFazio	Chairman	(D-OR)
	Sam Graves	Ranking	(R-MO)
<b>WAYS AND MEANS</b>	Richard Neal	Chairman	(D-MA)
	Kevin Brady	Ranking	(R-TX)

December 1, 2020. The Senate Committee on Commerce, Science and Transportation convened an executive session to consider the following nominations: Mr. Greg Autry, of California, to be Chief Financial Officer of the National Aeronautics and Space Administration, Mr. Daniel Huff, of Massachusetts, to be Assistant Secretary of the Department of Commerce, and Mr. Nathan Simington, of Virginia, to be a Member of the Federal Communications Commission. [Committee Link and Webcast.](#)

December 1, 2020. Senator Thomas Carper (D-DE), and Congressmen Peter DeFazio (D-OR), and Raúl Grijalva (D-AZ) filed an [Amicus Brief](#) vs. the Council On Environmental Quality (CEQ) concerning the regulations issued by the CEQ Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) on July 16, 2020. The Administration or (CEQ) argued that the final NEPA rule would “modernize and accelerate environmental reviews” while the plaintiffs argue that the rule will narrow the range of impacts and alternatives that agencies consider in environmental impact analyses, impede public involvement in the NEPA process, and make it harder for amici’s constituents to challenge flawed NEPA analyses in court. Moreover, the plaintiffs argue that the rule is “is inconsistent with decades of judicial decisions, CEQ regulations and guidance, and agency practice.” The brief request that the United States District Court for the Western District of Virginia Charlottesville Division grant Plaintiffs’ Motion for Summary Judgment (to seek a judgement without a full trial because the other party has no case).

December 1, 2020. The Senate Committee on Banking, Housing, and Urban Affairs met in Open Session to conduct a hearing entitled “The Quarterly CARES Act Report to Congress.” See [Mike Crapo \(R-ID\) Statement](#) and [Committee Link, Testimony and Webcast.](#)

**SELECTED CONGRESSIONAL “TRANSPORTATION-RELATED” BILLS – DECEMBER**

<b>HOUSE &amp; SENATE - CORONAVIRUS (COVID-19) LEGISLATION</b>			
See S. Amendment to HR 133 below.			
<b>OTHER SENATE BILLS</b>			
<a href="#">S 979</a>	M. Rubio (R-FL) “Federal Advance Contracts Enhancement Act” or the “FACE Act.” Introduced 4/2/2019. Will improve FEMA’s advance contracting process, based on recommendations from the GAO, and require FEMA to ensure more effective use /management of its advance contracts for goods/services. <b>Passed the House on 12/18/2020, passed the Senate last year. The bill was presented to the President on 12/21/2020.</b>	<a href="#">S 4961</a>	T. Baldwin (D-WI) to improve the efficiency and reliability of rail transportation by reforming the Surface Transportation Board. Introduced 12/3/2020.
<b>OTHER HOUSE BILLS</b>			
<a href="#">HR 6395</a> <a href="#">HR 6395 Summary</a>	A. Smith (D-WA) “National Defense Authorization Act for Fiscal Year 2021.” Introduced 3/26/2020. Passed House 7/21/2020 295–125 and Passed Senate on 11/16/2020 by Voice Vote. <b>House passed the Conference Report by a vote of 335 to 78 on 12/8/2020, passed Senate on 12/11/2020 by a vote of 84-13. The President vetoed the bill on 12/23/2020. House voted 322 to 87 to override the President’s veto on 12/28/2020.</b>	<a href="#">S Amendment to HR 133</a>	H. Cuellar (D-TX) “FY 2021 Omnibus Appropriations and COVID Relief and Response Act.” <b>The House passed the bill on 12/21/2020, 359-53 and the Senate passed the bill 92-6. The President signed HR 133 into law on 12/27/2020.</b>
<a href="#">H. Res 1258</a>	J. “Chuy” Garcia (D-IL) Declaring that public transit is a national priority which requires funding equal to the level of highway funding. Congress uses a formula set in 1982 that allocates 80 percent of federal transportation dollars to highways, and the remaining 20 percent to public transit. The resolution calls for transit funding to be equal to highway funding. Introduced 12/10/2020.	<a href="#">HR 8926 Press Release Related White Paper</a>	S. Moulton (D-MA) “American High-Speed Rail Act.” The bill will help build a national high-speed rail system by investing \$41 billion annually in high-speed/higher-speed rail through grants administered by the FRA over 5 years, with incentives for \$38 billion in non-federal funding. Introduced 12/9/2020.
<a href="#">HR 5152</a> N. Velazquez (D-NY) “Transportation Equity Act.” To establish a grant program under which the Secretary of Transportation will reimburse public transportation agencies that offer free unlimited transportation passes to eligible individuals. Introduced 11/18/2020.			

## **FEDERAL REGISTER NOTICES OF FUNDING OPPORTUNITY (NOFOs) - GRANT AWARDS**

**See Addendum B.** - Calendar Year NOFO/AWARDS SCORECARD – at end of report.

December 17, 2020. The Federal Transit Administration (FTA) [announced](#) a total of \$544.3 million in federal funding will be allocated to seven transit infrastructure projects in Arizona, California, Indiana, Minnesota, Missouri, North Carolina and Utah. Funding is provided through FTA's Capital Investment Grants (CIG) Program. The CIG Program provides funding for major transit infrastructure capital investments nationwide. Projects accepted into the program must go through a multi-year, multi-step process according to requirements in law to be eligible for consideration to receive program funds. With this announcement, FTA has advanced funding for 41 [new CIG projects](#) throughout the nation under the Trump Administration, totaling approximately \$10.7 billion in funding commitments.

December 16, 2020. The US DOT launched a new demonstration program to establish several Regional Infrastructure Accelerators (Accelerators), which will expedite delivery of transportation infrastructure projects through innovative finance and delivery methods. The Department's Build America Bureau (the Bureau) issued a [Notice of Funding Opportunity](#) (NOFO) to solicit applications to designate Accelerators that will serve defined geographic areas, act as a resource to qualified entities within the designated areas, and demonstrate the effectiveness of these Accelerators to expedite the delivery of eligible projects through Federal credit assistance programs, including Transportation Infrastructure Finance and Innovation Act (TIFIA) and other innovative financing methods. There is no requirement for cost sharing or matching the grant funds and the Bureau intends to select at least three but no more than five RIAs, based on the number of applications. The Further Consolidated Appropriations Act, 2020, enacted on December 20, 2019, appropriated \$5 million for this Program. **Applications are due by 11:59 p.m. EST 90 days after publication of the Federal Register notice [not yet published].**

December 15, 2020. The Federal Transit Administration (FTA) [announced](#) approximately \$6.2 million to nine projects in seven states to support comprehensive planning efforts to improve access to public transportation. Funding is provided through FTA's [Pilot Program for Transit-Oriented Development \(TOD\) Planning](#), which helps communities examine ways to improve economic development and multimodal connectivity, and encourages mixed-use development near transit stations.

November 30, 2020. The Federal Transit Administration (FTA) announced grant [Awards](#) to six projects in six states totaling approximately \$1.37 million in research funding through the [Real-Time Asset Management Program](#). The primary goal of the program is to enhance asset management of infrastructure and safety by deploying innovative technologies that can provide real-time condition assessment of transit capital and facilities. See [Press Release](#).

November 27, 2020. [Note: This is the official Federal Register Notice – this NOFO was also covered in the November TG&A Report per a US DOT [Press Release](#).] The US DOT Office of the Secretary issued a [Notice of Funding Opportunity](#) (NOFO) for the Railroad Rehabilitation & Improvement Financing Program (RRIF) Express Pilot Program expanding eligibility criteria and extending the deadline for submission of Letters of Interest. The eligibility criteria is revised to increase the total project size limit to \$150 million, broaden project scope consistent with the RRIF statute, and expand the proportion of refinancing allowed to 75 percent. Letters of Interest from prospective RRIF borrowers for the RRIF Express Program will be accepted on a rolling basis until available funding is expended or the notice is superseded by another notice.

November 26, 2020. The [National Science Foundation](#) (NSF), an independent federal agency created by Congress in 1950, issued an unrestricted (open to any type of entity) [Discretionary Grant Opportunity](#) making available \$23,500,000 under the Smart and Connected Communities (S&CC) program.

The goal of the NSF S&CC program solicitation is to accelerate the creation of the scientific and engineering foundations that will enable smart and connected communities to bring about new levels of economic opportunity and growth, safety and security, health and wellness, accessibility and inclusivity, and overall quality of life. For the purposes of this solicitation, communities are defined as having geographically-delineated boundaries—such as towns, cities, counties, neighborhoods, community districts, rural areas, and tribal regions—consisting of various populations, with the structure and ability to engage in meaningful ways with proposed research activities. **The closing date for applications is February 24, 2021.**

### **OTHER TRANSPORTATION-RELATED FEDERAL REGISTER NOTICES**

December 28, 2020. The Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), and the Federal Transit Administration (FTA) issued a [Final Rule](#) to establish the regulations governing the DOT Program for Eliminating Duplication of Environmental Reviews (Pilot Program). This final rule is effective January 27, 2021.

December 22, 2020. The Federal Railroad Administration (FRA) issued a [Notice of Proposed Rulemaking](#) (NPR) proposes to issue regulations requiring certain railroads to develop and implement a Fatigue Risk Management Program, as one component of the railroads' larger railroad safety risk reduction programs. Written comments must be received by February 22, 2021.

December 18, 2020. The Federal Railroad Administration (FRA) issued a [Notice of Proposed Rulemaking](#) (NPRM) proposing to revise its regulations governing changes to positive train control (PTC) systems and reporting on PTC system functioning. The FRA is proposing to modify the process by which a host railroad must submit a request for amendment (RFA) to FRA before making certain changes to its PTC Safety Plan (PTCSP) and FRA-certified PTC system. Second, to enable more effective FRA oversight, FRA proposes to: Expand an existing reporting requirement by increasing the frequency from annual to biannual; broaden the reporting requirement to encompass positive performance-related information, not just failure-related information; and require host railroads to utilize a new, standardized Biannual Report of PTC System Performance form. **Written comments must be received by February 16, 2021.**

December 15, 2020. The Federal Railroad Administration (FRA) issued a [Notification of Determination](#) announcing FRA's minimum annual random drug and minimum annual random alcohol testing rates for covered service and maintenance-of-way (MOW) employees for calendar year 2021. **The determination takes effect December 15, 2020.**

December 14, 2020. The Federal Railroad Administration (FRA) issued a [Final Rule](#) in response to the FAST Act mandate that FRA issue a rule requiring 40 States and the District of Columbia to develop and implement highway-rail grade crossing action plans. The final rule requires ten States that were previously required to develop Action Plans by the Rail Safety Improvement Act of 2008 (RSIA) and other FRA regulation to update their plans and submit reports describing the actions they have taken to implement their plans. All 50 states and the District of Columbia are required to submit individual highway-rail grade crossing action plans to FRA for review and approval no later than 14 months after the final rule's publication date of December 14, 2020. **The final rule is effective January 13, 2021.**

December 9, 2020. The Federal Railroad Administration (FRA) issued a [Final Rule](#) amending regulations that modify the way it calculates periodic adjustments to the reporting threshold and the way it communicates each calendar year's threshold to railroads. The final rule will improve the accuracy of accident/incident data gathered from the railroads. The rule may require the railroads to report slightly more accidents/incidents in any year; however, FRA expects the results will provide more accurate and consistent train accident data for analyzing railroad safety. The final rule is effective January 8, 2021.

November 23, 2020. The US DOT proposes to update and codify its internal order establishing the responsibilities and procedures for complying with the National Environmental Policy Act (NEPA), currently found in DOT Order 5610.1C, "Procedures for Considering Environmental Impacts," which was issued in 1979 and last updated in 1985. The [Notice of Proposed Rulemaking](#) (NPRM) would update the DOT NEPA procedures in response to the Council on Environmental Quality's (CEQ's) final rule [\[Final Rule\]](#) updating its NEPA procedures and also incorporate provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); Moving Ahead for Progress in the 21st Century Act (MAP-21); and the Fixing America's Surface Transportation (FAST) Act related to the Department's environmental review process. Persons interested in submitting written comments on this NPRM must do so by [TBD - 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

November 24, 2020. The Federal Highway Administration (FHWA) published a [Notice of Proposed Rulemaking](#) (NPRM) requesting comments on a proposed revision to the design standards and standard specifications applicable to new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the National Highway System (NHS). FHWA Administrator Nicole Nason noted that, "The FHWA proposes to provide regulatory relief to states to address the immediate repair needs of our nation's roadways without compromising safety and efficiency." The proposed rule would incorporate the latest versions of design standards and standard specifications previously adopted and incorporated by the American Association of State Highway and Transportation Officials (AASHTO), the American Welding Society (AWS) and were adopted by FHWA.

November 24, 2020. The Federal Transit Administration (FTA) issued a [Notice](#) announcing the calendar year 2021 drug and alcohol random testing rates for employers. The minimum random drug testing rate will remain at 50 percent, and the random alcohol testing rate will remain at 10 percent. The FTA requires large and small transit employers to initiate drug and alcohol testing of employees performing safety-sensitive functions, and to submit annual reports by March 15 of each year. For calendar year 2021, the Deputy Administrator has determined that the random drug testing rate for covered employees will remain at 50 percent based on a verified positive rate of 1.16 percent for calendar year 2019. Further, the Deputy Administrator has determined that the random alcohol testing rate for calendar year 2021 will remain at 10 percent, because the violation rate again was lower than the rates for calendar years 2018 and 2019. The random alcohol violation rates were 0.20 percent for 2018 and 0.16 for 2019. The 2021 rates are effective on January 1, 2021. See FTA [Drug and Alcohol Program](#).

## **OTHER REPORTS/NOTICES/NEWS ARTICLES**

December 14, 2020. The National Academies Press released a [Report](#) entitled, "Improving the Health and Safety of Transit Workers with Corresponding Impacts on the Bottom Line (2020)."

December 11, 2020. The Federal Transit Administration (FTA), in response to the COVID-19 public health emergency, [announced](#) additional actions to improve access to grant funding and provide relief from certain regulatory and administrative requirements. Specifically, FTA will extend access to emergency relief funding for operations and allow more time for transit agencies to meet regulatory requirements for the Public Transportation Agency Safety Plan (PTASP), Public Transportation Safety Certification Training Program (PTSCTP) regulations, as well as several reporting and compliance reviews. FTA has extended the eligibility for formula funding under the [Emergency Relief Program](#) to be used to pay for operating expenses. Funding may now cover operating expenses related to COVID-19 recovery through January 20, 2022 at 100-percent federal share. FTA also issued two Notices of Enforcement Discretion:

- Advising FTA grantees that it will [refrain from taking enforcement action](#) regarding the Public Transportation Agency Safety Plan (PTASP) regulation until July 21, 2021.
- Advising FTA grantees that it will [refrain from taking enforcement action](#) against any grantee subject to the Public Transportation Safety Certification Training Program (PTSCTP) regulation training requirements until August 21, 2022.

December 11, 2020. The Federal Railroad Administration (FRA) issued a [final rule](#), extending the amount of time freight rail equipment can be left off-air (meaning parked with its air brake system depressurized) before requiring a new brake inspection, which is expected to reduce the number of idling locomotives. The final rule incorporates longstanding waivers for brake inspections, tests and equipment, while clarifying existing regulations and removing outdated provisions. These revisions contemporize Brake System Safety requirements by incorporating safer, newer technologies, reduce unnecessary costs and increase consistency between U.S. and Canadian regulations. **The final rule is effective December 11, 2020.**

December 9, 2020. The Competitive Enterprise Institute issued a [Report](#) entitled, “Reforming Surface Transportation for Long-Term Sustainability - How Restructuring Federal Highway Funding Can Prepare Us for Future Transportation Challenges.” The report delves into the problems—namely, a long-term Highway Trust Fund shortfall (with inevitable bailouts) and a fundamental mismatch between who pays for roads and who uses them.

December 8, 2020. The American Public Transportation Association (APTA) and the Transit app [released](#) the APTA Ridership Trends [dashboard](#), a new resource providing up-to-date, week-by-week estimations of public transit ridership for agencies across the United States.

December 7, 2020. The National Academies Press released a [Report](#) entitled, “Maintenance Planning for Rail Asset Management Current Practices (2020).”

December 2, 2020. The National Association of Counties (NACo) sent a letter [link](#) to Congressional leaders “urge[ing] our federal partners to ensure that counties of all sizes have access to additional direct, flexible funding to fight this pandemic, rebuild the economy and strengthen our communities. To give counties certainty as we grapple with a nationwide spike in infections, we urge Congress to also immediately pass legislation that would extend the Coronavirus Relief Fund (CRF) deadline.” The letter also states that, “if Congress fails to act on coronavirus relief, millions of jobs will be lost, small businesses will permanently close and vital government services will be cut.”

December 1, 2020. The US DOT today [Announced](#) that all of its necessary regulatory measures have been taken for the safe, rapid transportation of the coronavirus disease 2019 (COVID-19) vaccine by land and air. With the unprecedented pace of vaccine development through Operation Warp Speed, the Department has made preparations to enable the immediate mass shipment of the COVID-19 vaccine.

November 30, 2020. The American Association of State Highway and Transportation Officials (AASHTO) urged Congressional leadership in a [Letter](#) to “to provide as much supplemental general fund revenue as possible to support the Federal-aid highway and transit formula grants programs as you finalize the full-year FY 2021 appropriations packages this week.”

November 24, 2020. The Congressional Research Service (CRS) released a Memorandum entitled, “Expiring Provisions in the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).” The memorandum presents information on provisions that were included in the Families First Coronavirus Response Act (P.L. 116-127; FFCRA) or in the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136; CARES Act) that are set to expire by the end of calendar year 2020. **The Memo is not available by URL but is available via a request to TG&A.**

November 19, 2020. U.S. Treasury Secretary Steven Mnuchin sent a [Letter](#) to the Federal Reserve Chairman requesting that any unused funds from the Municipal Liquidity Facility (MLF) be returned to the U.S. Treasury. The MLF, established under the CARES Act, is currently set to expire on December 31, 2020. To date, the amount returned to the Treasury would be \$455 billion dollars. Secretary Mnuchin stated in the letter that the return of the funds, “will allow Congress to re-appropriate \$455 billion, consisting of \$429 billion in excess Treasury funds for the Federal Reserve facilities and \$26 billion in unused Treasury direct loan funds.”

### UPCOMING CONGRESSIONAL CALENDAR – JANUARY 2021

House Majority Leader Steny Hoyer (D-MD) released the [US House Legislative Calendar](#) for the 117<sup>th</sup> Congress. In his [press release](#), Congressman Hoyer states, “As stated in the 20th Amendment to the Constitution, a new Congress begins on January 3 unless otherwise specified by law. At this time, it is expected that the House will convene on Sunday, January 3, 2021.” Moreover, Hoyer continued by saying in the press release that, “The House is scheduled to have 101 voting days and 59 committee work days, for a total of 160 days.” Likewise, the Senate calendar for January was released and it includes just one day of session prior to the inauguration, i.e. to accept the results of the Electoral College.

#### January

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					<b>1</b> New Year's Day	<b>2</b>
<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
<b>17</b>	<b>18</b> MLK Day	<b>19</b>	<b>20</b> Inauguration Day	<b>21</b>	<b>22</b>	<b>23</b>
<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
<b>31</b>						

Both chambers are in session
  Senate only is in session
  House only is in session
  House committee work only
  House committee work only / Senate in session

### UPCOMING DEADLINES/EVENTS

Note: Given the recommendations from the Centers for Disease Control and Prevention, many upcoming events have/are being cancelled or conducted “virtually” to prevent the spread of COVID-19.

- January 6-9      [NRC - 2021 ANNUAL CONFERENCE & EXHIBITION](#);
- January 5-29    [TRB 100th Annual Meeting](#) - a virtual event over a series of dates throughout January 2021;
- April 6, 7 & 8    TRB - [Measuring and Managing Freight System Resilience Workshop](#);
- May 18-21      American Public Transportation Association Legislative Conference;
- TBA              [17th Annual NRC Railroad Equipment Auction](#).

### SCUTTLEBUTT

November 30, 2020. Federal Communications Commission (FCC) Chairman Ajit Pai [Announced](#) that he intends to leave the FCC on January 20, 2021. The FCC regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia and U.S. territories. The FCC is an independent U.S. government agency overseen by Congress. The five-person commission currently has three Republican members (Ajit Pai, Michael O’Rielly, and Brendan Carr) and two Democratic members (Jessica Rosenworcel and Geoffrey Starks – both contenders to replace Mr. Pai). President-elect Joe Biden will choose a successor to fill Mr. Pai’s Chairman Seat on the FCC. Update December 8, 2020 – The Senate confirmed [Nathan A. Simington](#) (a Republican lawyer currently serving in the Trump Administration) to the FCC for a five-year term by a vote of 49-46.

## Addendum A.

### 2020 GENERAL ELECTION – HOUSE CONTESTS RESULTS AS OF 12/28/2020

The Electoral College met on December 14, 2020, as a result of the November 3, 2020 General Election for President and Vice-President, and formally fulfilled its Constitutional role wherein 538 electors, met in all 50 states and the District of Columbia, and cast their “Electoral Vote” for, separately, President and Vice President of the United States. The tally of electors determined on December 14, that Joseph Robinette Biden Jr. and Kamala Devi Harris are ascertained as President-elect and Vice-president-elect, respectively having amassed more than the 270 votes needed with a total of 306 electoral votes to Donald John Trump, Sr.’s tally of 232 electoral votes. On Monday, January 6, 2021 the Electoral Votes are to be tabulated, with Vice President Mike Pence presiding over a joint session of Congress, in which the totals from each state will be counted and Joe Biden and Kamala Harris are to be declared elected. As per the US constitution, inauguration day is Wednesday January 20, 2021, and Joe Biden and Kamala Harris will be sworn in as President and Vice-President, respectively.

U.S. CONGRESS - GENERAL ELECTION 2020 BALANCE OF POWER SCORECARD							
As of 12/28/2020							
	<b>HOUSE - 218 NEEDED FOR CONTROL</b>						
	Republican	Democrat	Libertarian	Independent	Vacancies/Undecided		Total
Before Election (116 <sup>th</sup> - 2nd Session)	197	232	1	¥	0	5	435
<b>After Election (117<sup>th</sup>- 1st Session)</b>	<b>211</b>	<b>222</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>Ø</b>	<b>435</b>
<b>House Notes:</b>							
All 435 House Seats are up for election on 3 November 2020.							
¥ Justin Amash (L-MI). Peter Meijer won Amash's seat in the 2020 election after Amash decided not to seek reelection.							
Ø U.S. House contests to close to call: Iowa CD 2 and NY CD 22.							
	<b>SENATE - 51 NEEDED FOR CONTROL</b>						
	Republican	Democrat	Libertarian	Independent	Vacancies/Undecided		Total
Before Election (116 <sup>th</sup> - 2nd Session)	53	45	0	2	Ġ		100
<b>After Election (117<sup>th</sup>- 1st Session)</b>	<b>50</b>	<b>46</b>	<b>0</b>	<b>2</b>	<b>Ġ</b>	<b>2</b>	<b>Æ</b> 100
<b>Senate Notes:</b>							
There were 35 Senate Seats up for election, including AZ and GA special elections, with 23 belonging to Republicans and 12 to Democrats.							
Ġ Two independents caucus with the Democrats, i.e. Bernie Sanders (VT) and Angus King (ME).							
Æ Incumbent Senator Kelly Loeffler (R-GA) fell short of the 50%-plus-one threshold needed against Raphael Warnock (D) - a January 5, 2021 runoff election is scheduled.							
Æ Incumbent Senator David Perdue (R-GA) fell short of the 50%-plus-one threshold needed against Jon Ossoff (D) - a January 5, 2021 runoff election is scheduled.							



Addendum B. – Calendar Year NOFO/AWARDS SCORECARD. **An Excel spreadsheet with “hot-links” is available from TG&A upon request.**

SELECTED TRANSPORTATION NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS (SCORECARD for CY 2020)										
12/30/2020	NOFO TITLE	TYPE (NOFO / AWARD)	NOFO ISSUANCE DATE	NOFO URL	NOFO \$s MADE AVAILABLE	APPLICATION DEADLINE	NOFO \$ AWARDS	AWARDS URL	AWARDED - DATE	COMMENTS
<b>US DOT</b>	FY 2020 INFRA Grants	NOFO/AWARD	1/13/2020	<a href="#">NOFO URL</a>	906,000,000	2/25/2020	906,000,000	<a href="#">Awards URL</a>	6/18/2020	\$150 m. in prior year available.
	FY 2020 National Infrastructure Investments (BUILD)	NOFO/AWARD	2/19/2020	<a href="#">NOFO URL</a>	1,000,000,000	5/18/2020	1,000,000,000	<a href="#">Awards URL</a>	9/16/2020	<a href="#">Press Release</a>
	FY 2020 University Transportation Centers Program	NOFO	3/30/2020	<a href="#">NOFO URL</a>	4,925,000	5/29/2020	TBD	TBD	TBD	
	Inclusive Design Challenge (FY 2018 Funding)	NOFO	4/21/2020	<a href="#">NOFO URL</a>	5,000,000	10/30/2020	TBD	TBD	TBD	\$5 m. prize purse from FY 2018 "Highly Automated Vehicle Research & Dev. Pgm."
	Regional Infrastructure Accelerators Program	NOFO	12/16/2020	<a href="#">NOFO URL</a>	5,000,000	TBD - 3/??/21	TBD	TBD	TBD	<a href="#">US DOT Announcement</a>
<b>US DHS/ FEMA</b>										
	FY 2019 Assistance to Firefighter Grants	NOFO	1/27/2020	<a href="#">NOFO URL</a>	315,000,000	3/20/2020	TBD	TBD	TBD	
	FY 2020 Transit Security Grant Program	NOFO	2/15/2020	<a href="#">NOFO URL</a>	88,000,000	4/15/2020	TBD	TBD	TBD	
	FY 2020 Port Security Grant Program	NOFO	2/15/2020	<a href="#">NOFO URL</a>	100,000,000	4/15/2020	TBD	TBD	TBD	
	FY 2020 Intercity Bus Security Grant Program	NOFO	2/15/2020	<a href="#">NOFO URL</a>	2,000,000	4/15/2020	TBD	TBD	TBD	
	FY 2020 Intercity Passenger Rail - Amtrak	NOFO	2/15/2020	<a href="#">NOFO URL</a>	10,000,000	4/15/2020	TBD	TBD	TBD	
	FY 2020 Nonprofit Security Grant Program	NOFO	2/15/2020	<a href="#">NOFO URL</a>	90,000,000	4/15/2020	TBD	TBD	TBD	
	FY 2019 Staffing for Adequate Fire and Emergency Response (SAFER)	NOFO	4/7/2020	<a href="#">NOFO URL</a>	350,000,000	5/15/2020	TBD	TBD	TBD	Due date extended to 5/27/2020.
	FY 2019 Fire Prevention and Safety (FP&S) grants	NOFO	4/21/2020	<a href="#">NOFO URL</a>	35,000,000	5/29/2020	TBD	TBD	TBD	
	FY 2020 Assistance to Firefighters Grant Program - CARES Act	NOFO/AWARD	4/23/2020	<a href="#">NOFO URL</a>	100,000,000	5/15/2020	TBD	<a href="#">Award URL</a>	6/19/2020	
	FY 2020 Flood Mitigation Assistance program	NOFO	8/4/2020	<a href="#">NOFO URL</a>	160,000,000	1/29/2021	TBD	TBD	TBD	
	FY 2020 Building Resilient Infrastructure and Communities Program	NOFO	8/4/2020	<a href="#">NOFO URL</a>	500,000,000	1/29/2021	TBD	TBD	TBD	
	FY 2020 Assistance to Firefighters Grant Program - Round 2	NOFO	10/6/2020	<a href="#">NOFO URL</a>	31,000,000	11/13/2020	TBD	TBD	TBD	<a href="#">Notice of Availability FR 17 Nov 2020</a>
	FY 2020 Assistance to Firefighters Grant	NOFO	12/30/2020	<a href="#">NOFO URL</a>	319,500,000	2/12/2021	TBD	TBD	TBD	
<b>DOE</b>										
	FY 2020 Bioenergy Technologies Multi-Topic FOA	NOFO	1/23/2020	<a href="#">NOFO URL</a>	97,000,000	4/30/2020	TBD	TBD	TBD	
	FY 2020 Advanced Vehicle Technologies Research FOA	NOFO	1/23/2020	<a href="#">NOFO URL</a>	133,200,000	4/14/2020	TBD	TBD	TBD	
	FY 2020 H2@Scale New Markets FOA	NOFO	1/23/2020	<a href="#">NOFO URL</a>	64,000,000	4/20/2020	TBD	TBD	TBD	2/25/20 Deadline/Concept Papers.
	FY 2021 Vehicle Technologies Office Research Funding Opportunity	NOFO	12/10/2020	<a href="#">NOFO URL</a>	60,200,000	4/7/2021	TBD	TBD	TBD	<a href="#">Additional Resources Link</a>
<b>EPA</b>										
	FY 2020 – FY 2021 Pollution Prevention Grant Program	NOFO	1/29/2020	<a href="#">NOFO URL</a>	9,380,000	3/31/2020	TBD	TBD	TBD	
	FY 2020 Water Infrastructure Finance and Innovation Act	NOFO	7/17/2020	<a href="#">NOFO URL</a>	50,000,000	10/15/2020	TBD	TBD	TBD	
	FY 2020 State Water Infrastructure Finance and Innovation Act	NOFO	7/17/2020	<a href="#">NOFO URL</a>	5,000,000	9/15/2020	TBD	TBD	TBD	
	FY 2021 Brownfield Assessment Grants	NOFO	8/18/2020	<a href="#">NOFO URL</a>	32,000,000	10/28/2020	TBD	TBD	TBD	
	FY 2021 Brownfield Multipurpose Grants	NOFO	8/18/2020	<a href="#">NOFO URL</a>	8,000,000	10/28/2020	TBD	TBD	TBD	
	FY 2021 Brownfield Cleanup Grants	NOFO	8/18/2020	<a href="#">NOFO URL</a>	13,000,000	10/28/2020	TBD	TBD	TBD	
	Technical Assistance to Brownfields Communities Program	NOFO	11/10/2020	<a href="#">NOFO URL</a>	11,000,000	12/22/2020	TBD	TBD	TBD	
<b>FAA</b>										
	FY 2018 Small Community Air Service Development Program	NOFO/AWARD	5/6/2019	<a href="#">NOFO URL</a>	12,500,000	7/15/2019	12,500,000	<a href="#">Award URL</a>	2/24/2020	
	FAA Aviation Research Grants Program	NOFO	9/8/2020	<a href="#">NOFO URL</a>	6,000,000	9/7/2027	TBD	TBD	TBD	
	FY 2021 Military Airport Program	NOFO	11/2/2020	<a href="#">NOFO URL</a>	8,500,000	12/17/2020	TBD	TBD	TBD	
	FY 2019 Small Community Air Service Development Program	NOFO	11/25/2020	<a href="#">NOFO URL</a>	13,000,000	1/26/2021	TBD	TBD	TBD	
<b>FHWA</b>										
	Accelerated Innovative Deployment Demonstration Program	NOFO/AWARD	10/21/2019	<a href="#">Amended NOFO URL</a>	10,000,000	Rolling Solicitation	8,091,503	<a href="#">Award URL</a>	1/21/2020	<a href="#">Initial NOFO URL</a>
	FY 2020 Dwight David Eisenhower Transportation Fellowship Program	NOFO	1/31/2020	<a href="#">NOFO URL</a>	1,000,000	3/16/2020	TBD	TBD	TBD	
	FY 2020 Dwight David Eisenhower Transportation Fellowship Program	NOFO	3/10/2020	<a href="#">NOFO URL</a>	720,000	4/27/2020	TBD	TBD	TBD	
	Highway Use Tax Evasion Program	NOFO	3/17/2020	<a href="#">NOFO URL</a>	8,000,000	5/22/2020	TBD	TBD	TBD	
	Work Zone Data Exchange Demonstration Program	NOFO	6/17/2020	<a href="#">NOFO URL</a>	2,400,000	8/3/2020	TBD	TBD	TBD	
	FY 2019 Advanced Transpo. & Congestion Mgt. Tech. Deployment Initiative	NOFO/AWARD	6/6/2019	<a href="#">NOFO URL</a>	60,000,000	8/5/2019	43,311,364	<a href="#">Award URL</a>	6/16/2020	
	FY 2020 Advanced Transpo. & Congestion Mgt. Tech. Deployment Initiative	NOFO	7/2/2020	<a href="#">NOFO URL</a>	60,000,000	8/31/2020	TBD	TBD	TBD	
	FY 2019/FY 2020 Surface Transportation System Funding Alternatives	NOFO/AWARD	8/8/2019	<a href="#">NOFO URL</a>	38,020,000	See Comment	15,120,000	<a href="#">Award URL</a>	7/9/2020	10/15/2019 and 4/3/2020.
	Commuter Authority Rail Safety Improvement (CARSI) Grants Program	NOFO	8/26/2020	<a href="#">NOFO URL</a>	50,000,000	10/26/2020	TBD	TBD	TBD	
	Accelerated Innovative Deployment Demonstration Program	AWARD		<a href="#">Amended NOFO URL</a>	10,000,000	Rolling Solicitation	6,468,025	<a href="#">Award URL</a>	10/22/2020	
	Highway Research and Development Program	NOFO	12/16/2020	<a href="#">URL Not Functioning</a>	2,500,000	2/15/2021	TBD	TBD	TBD	AASHTO only eligible applicant.

**SELECTED TRANSPORTATION NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS**

(SCORECARD for CY 2020)

12/30/2020											
	<b>NOFO TITLE</b>	<b>TYPE (NOFO / AWARD)</b>	<b>NOFO ISSUANCE DATE</b>	<b>NOFO URL</b>	<b>NOFO \$s MADE AVAILABLE</b>	<b>APPLICATION DEADLINE</b>	<b>NOFO \$ AWARDS</b>	<b>AWARDS URL</b>	<b>AWARDED - DATE</b>	<b>COMMENTS</b>	
<b>FRA</b>	FY 2019/2020 Restoration and Enhancement Grants	NOFO/AWARD	1/2/2020	<a href="#">Amended NOFO URL</a>	26,337,600	2/5/2020	22,414,816	<a href="#">Award URL</a>	5/5/2020	<a href="#">Initial NOFO URL</a>	
	FY 2019 Consolidated Rail Infrastructure and Safety Improvements	NOFO/AWARD	8/19/2019	<a href="#">NOFO URL</a>	244,621,500	10/18/2019	248,500,000	<a href="#">Award URL</a>	3/12/2020		
	Railroad Rehabilitation & Improvement Financing (RRIF)	NOFO	3/16/2020	<a href="#">NOFO URL</a>	35,000,000,000	6/15/2020	TBD	TBD	TBD	Deadline extended to 8/15/2020.	
	FY 2020 Consolidated Rail Infrastructure and Safety Improvements	NOFO/AWARD	4/20/2020	<a href="#">NOFO URL</a>	311,772,500	6/19/2020	320,600,000	<a href="#">Award URL</a>	9/23/2020	<a href="#">FRA Press Release</a>	
	FY 2020 Supplemental State-Amtrak Intercity Passenger Rail Committee	NOFO	5/7/2020	<a href="#">NOFO URL</a>	4,000,000	5/15/2020	TBD	TBD	TBD	Northern New England Passenger Rail Auth.	
	FY 2018-2020 Special Transportation Circumstances Projects	NOFO	5/8/2020	<a href="#">NOFO URL</a>	23,108,458	7/7/2020	TBD	TBD	TBD	Funding - AK, WY, and SD.	
	FY 2020 Short Line Safety Institute Program	NOFO	5/20/2020	<a href="#">NOFO URL</a>	2,500,000	5/29/2020	TBD	TBD	TBD		
	FY 2020 Rail Safety Innovations Deserving Exploratory Analysis	NOFO	5/27/2020	<a href="#">NOFO URL</a>	400,000	6/5/2020	TBD	TBD	TBD	Nat'l. Academy/Sciences only eligible to apply.	
	FY 2019 State of Good Repair Program (Partnership Program)	AWARD	10/8/2019	<a href="#">NOFO URL</a>	396,000,000	12/9/2019	302,600,000	<a href="#">Award URL</a>	5/27/2020	Remaining \$93 m. per NOFO/FY 2020 SOGR.	
	FY 2019/2020 Railroad Trespassing Suicide Prevention Grant Program	NOFO	6/9/2020	<a href="#">NOFO URL</a>	293,000	8/10/2020					
	FY 2019/2020 Federal-State Partnership for State of Good Repair Program	NOFO/AWARD	6/10/2020	<a href="#">NOFO URL</a>	291,422,706	7/27/2020	291,422,706	<a href="#">Award URL</a>	10/28/2020	<a href="#">Press Release</a>	
	FY 2020 Railroad Safety State Participation Grant Program	NOFO	6/18/2020	<a href="#">NOFO URL</a>	424,500	7/17/2020	TBD	TBD	TBD		
	FY 2020 Magnetic Levitation Technology Deployment Program	NOFO	7/1/2020	<a href="#">NOFO URL</a>	2,000,000	7/31/2020	TBD	TBD	TBD		
	FY 2019 - 2020 Railroad Trespassing Enforcement Grant Program	NOFO/AWARD	10/22/2019	<a href="#">NOFO URL</a>	150,000	12/23/2019	528,028	<a href="#">Award URL</a>	7/7/2020	<a href="#">Press Release</a>	
	FY 2020 Magnetic Levitation Technology Deployment Program	NOFO	7/16/2020	<a href="#">NOFO URL</a>	2,000,000	7/31/2020	TBD	TBD	TBD		
	FY 2020 Highway-Rail Grade Crossing Safety Education & Enforcement Pgm.	NOFO	8/4/2020	<a href="#">NOFO URL</a>	1,000,000	8/31/2020	TBD	TBD	TBD		
	Railroad Rehabilitation and Improvement Financing Express Program	NOFO	10/30/2020	<a href="#">NOFO URL</a>	150,000,000	See Note	TBD	TBD	TBD	LOIs accepted until financing is exhausted.	
	FY 2021 National Railroad Passenger Corporation Grants (National Network)	NOFO	11/19/2020	<a href="#">NOFO URL</a>	254,812,950	12/11/2020	TBD	TBD	TBD	Only Amtrak is eligible to apply.	
	FY 2021 National Railroad Passenger Corporation Grants (Northeast Corridor)	NOFO	11/19/2020	<a href="#">NOFO URL</a>	136,432,950	12/11/2020	TBD	TBD	TBD	Only Amtrak is eligible to apply.	
<b>FTA</b>	FY 2020 Low or No Emission Grant Program	NOFO	1/24/2020	<a href="#">NOFO URL</a>	130,000,000	3/17/2020	130,000,000	<a href="#">Award URL</a>	6/2/2020		
	FY 2020 Passenger Ferry Grant Program	NOFO/AWARD	1/30/2020	<a href="#">NOFO URL</a>	30,000,000	3/30/2020	47,532,044	<a href="#">Award URL</a>	7/24/2020	Awards included prior year funding.	
	FY 2020 Buses and Bus Facilities Program	NOFO/AWARD	1/30/2020	<a href="#">NOFO URL</a>	454,600,000	3/30/2020	463,848,929	<a href="#">Award URL</a>	8/11/2020		
	FY 2018 Public Transportation Innovation Program	NOFO	2/11/2020	<a href="#">NOFO URL</a>	2,000,000	3/24/2020	TBD	TBD	TBD		
	FY 2018/2019 Public Transportation Innovation Funds	NOFO	2/13/2020	<a href="#">NOFO URL</a>	7,300,000	3/24/2020	TBD	TBD	TBD		
	FY 2019 Bus/Bus Facilities Program	NOFO/AWARD	5/15/2019	<a href="#">NOFO URL</a>	423,350,240	6/21/2019	423,350,240	<a href="#">Award URL</a>	3/2/2020		
	FY 2020 Helping Obtain Prosperity for Everyone (HOPE) Program	NOFO/AWARD	3/3/2020	<a href="#">NOFO URL</a>	8,500,000	5/4/2020	8,460,386	<a href="#">Award URL</a>	10/7/2020		
	FY 2017/2018 Integrated Mobility Innovation Demonstration Program	NOFO/AWARD	5/8/2019	<a href="#">NOFO URL</a>	15,000,000	8/6/2019	20,355,847	<a href="#">Award URL</a>	3/16/2020	FY 2017/FY 2018 FTA research funds.	
	FY 2019 Accelerating Innovative Mobility (AIM) Challenge Grants	NOFO/AWARD	3/18/2020	<a href="#">NOFO URL</a>	11,000,000	4/17/2020	14,000,000	<a href="#">Award URL</a>	8/27/2020	<a href="mailto:christina.gikakis@dot.gov">christina.gikakis@dot.gov</a>	
	Public Transportation on Indian Reservations Pgm. (Tribal Transit Pgm.)	NOFO/AWARD	5/26/2020	<a href="#">NOFO URL</a>	5,000,000	8/24/2020	7,720,321	<a href="#">Award URL</a>	11/17/2020	<a href="#">Press Release</a>	
	FY 2016 Public Transportation Innovation Program	NOFO	5/26/2020	<a href="#">NOFO URL</a>	1,250,000	7/17/2020	TBD	TBD	TBD		
	Real-Time Transit Infrastructure/Rolling Stock Condition Ass't. Demo. Pgm.	NOFO/AWARD	5/27/2020	<a href="#">NOFO URL</a>	1,250,000	7/17/2020	1,368,816	<a href="#">Award URL</a>	11/20/2020	<a href="#">Press Release</a>	
	FY 2018/19/2020 Capital Investment Grants (CIG) program	AWARD					891,000,000	<a href="#">Award URL</a>	5/29/2020	<a href="#">\$544 Million Award on 12/17/2020</a>	
	Technical Assistance and Workforce Development Program	NOFO	6/2/2020	<a href="#">NOFO URL</a>	1,900,000	7/2/2020	TBD	TBD	TBD	Option to extend funding for up to 4 years.	
	FY 2020 Mobility for All Pilot Program Grants	NOFO/AWARD	11/1/2019	<a href="#">NOFO URL</a>	3,500,000	1/6/2020	3,502,820	<a href="#">Award URL</a>	6/5/2020		
	Pilot Program for Transit-Oriented Development Planning	NOFO/AWARD	9/18/2019	<a href="#">NOFO URL</a>	19,190,000	11/18/2019	22,970,124	<a href="#">Award URL</a>	6/11/2020		
	FY 20/19/17/16 Expedited Project Delivery Pilot Program	NOFO	7/28/2020	<a href="#">NOFO URL</a>	225,000,000	Rolling	TBD	TBD	TBD		
	FY 2020 Pilot Program for Transit-Oriented Development (TOD) Planning	NOFO/AWARD	9/25/2020	<a href="#">NOFO URL</a>	6,220,000	10/26/2020	6,169,568	<a href="#">Award URL</a>	12/15/2020	<a href="#">Press Release</a>	
	Public Transportation COVID-19 Research Demonstration Grant Program	NOFO	10/5/2020	<a href="#">NOFO URL</a>	10,000,000	11/2/2020	TBD	TBD	TBD		
<b>HUD</b>	HOPE VI Main Street Grant Program	NOFO	10/30/2020	<a href="#">NOFO URL</a>	1,000,000	1/19/2021	TBD	TBD	TBD		
<b>MARAD</b>	FY 2019 Short Sea Transportation Program (America's Marine Hwy. Pgm.)	NOFO/AWARD	6/14/2019	<a href="#">NOFO URL</a>	7,000,000	6/14/2019	7,503,000	<a href="#">Award URL</a>	1/7/2020	<a href="#">Deadline Extension URL</a>	
	FY 2020 Small Shipyard Grants	NOFO/AWARD	1/6/2020	<a href="#">NOFO URL</a>	19,600,000	2/18/2020	19,600,000	<a href="#">Award URL</a>	4/20/2020		
	FY 2019 Port Infrastructure Development Program	NOFO/AWARD	6/18/2019	<a href="#">NOFO URL</a>	292,730,000	9/16/2019	287,303,341	<a href="#">Award URL</a>	2/14/2020		
	FY 2020 Port Infrastructure Development Grants	NOFO/AWARD	2/19/2020	<a href="#">NOFO URL</a>	225,000,000	5/18/2020	221,067,194	<a href="#">Award URL</a>	10/15/2020	<a href="#">FR NOFO 3 March 2020</a>	
	FY 2020 Short Sea Transportation Program (America's Marine Hwy. Pgm.)	NOFO/AWARD	3/5/2020	<a href="#">NOFO URL</a>	9,481,750	4/24/2020	9,555,750	<a href="#">Award URL</a>	6/15/2020	<a href="#">Updated NOFO URL</a>	
	Maritime Energy Efficiency Pilot/Demonstration Project	NOFO	3/14/2020	<a href="#">NOFO URL</a>	1,000,000	5/13/2020	TBD	TBD	TBD		
<b>NAT'L SCIENCE FOUNDATION</b>	Smart and Connected Communities	NOFO	11/26/2020	<a href="#">NOFO URL</a>	23,500,000	2/24/2021	TBD	TBD	TBD		

**SELECTED TRANSPORTATION NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS  
(SCORECARD for CY 2020)**

12/30/2020

	NOFO TITLE	TYPE (NOFO / AWARD)	NOFO ISSUANCE DATE	NOFO URL	NOFO \$s MADE AVAILABLE	APPLICATION DEADLINE	NOFO \$ AWARDS	AWARDS URL	AWARDED - DATE	COMMENTS
<b>NHTSA / FMCSA</b>										
	FY 2020 High Priority Program - Commercial Motor Vehicle (HP-CMV)	NOFO	1/7/2020	<a href="#">NOFO URL</a>	25,211,500	2/21/2020	TBD	TBD	TBD	
	Prosecutor Support for Impaired Driving	NOFO	4/15/2020	<a href="#">NOFO URL</a>	1,240,743	5/14/2020	TBD	TBD	TBD	
	Support for Alcohol Law Enforcement to Prevent Impaired Driving	NOFO	4/15/2020	<a href="#">NOFO URL</a>	500,000	5/13/2020	TBD	TBD	TBD	
	Judicial Education Discretionary Grant	NOFO	4/23/2020	<a href="#">NOFO URL</a>	1,273,879	5/22/2020	TBD	TBD	TBD	
	Support for Probation Services for DWI Offenders	NOFO	4/23/2020	<a href="#">NOFO URL</a>	650,000	5/25/2020	TBD	TBD	TBD	
	State Ignition Interlock Support and Resources	NOFO	5/7/2020	<a href="#">NOFO URL</a>	650,000	6/4/2020	TBD	TBD	TBD	An award will be made in August 2020.
	State Notification to Consumers of Motor Vehicle Recall Status	NOFO	5/7/2020	<a href="#">NOFO URL</a>	1,500,000	9/15/2020	TBD	TBD	TBD	
	FY 2021 Motor Carrier Safety Assistance Program (MCSAP)	NOFO	5/29/2020	<a href="#">NOFO URL</a>	304,069,500	8/7/2020	TBD	TBD	TBD	State governments eligible.
	FY 2020 High Priority Grant Program	AWARD					45,163,660	<a href="#">Award URL</a>	8/19/2020	<a href="#">Press Release</a>
	FY 2020 Commercial Driver's License Program Implementation Grants	AWARD					32,702,000	<a href="#">Award URL</a>	8/19/2020	<a href="#">Press Release</a>
	FY 2020 – Commercial Motor Vehicle Operator Safety Training Grants	AWARD					1,994,541	<a href="#">Award URL</a>	8/19/2020	<a href="#">Press Release</a>
<b>DOC/EDA</b>										
	FY 2020 EDA Public Works and Economic Adjustment Assistance Program	NOFO	5/7/2020	<a href="#">NOFO URL</a>	30,000,000	No Deadline.	TBD	TBD	TBD	Applications accepted ongoing until new NOFO.
<b>OSHA</b>										
	FY 2020 Susan Harwood Training Grants	NOFO	5/19/2020	<a href="#">NOFO URL</a>	11,500,000	7/20/2020	TBD	TBD	TBD	
<b>USDA</b>										
	Business and Industry (B&I) Guaranteed Loan Program	NOFA	5/22/2020	<a href="#">NOFA URL</a>	20,500,000	9/15/2021	TBD	TBD	TBD	



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Bay Area Metro Center  
375 Beale Street, Suite 800  
San Francisco, CA 94105  
415.778.6700  
www.mtc.ca.gov

December 24, 2020

*Scott Haggerty, Chair*  
Alameda County

*Alfredo Pedroza, Vice Chair*  
Napa County and Cities

*Eddie Abn*  
San Francisco Bay Conservation  
and Development Commission

*Jeannie Bruins*  
Cities of Santa Clara County

*Damon Connolly*  
Marin County and Cities

*Dave Cortese*  
Santa Clara County

*Carol Dutra-Vernaci*  
Cities of Alameda County

*Dorene M. Giacomini*  
U.S. Department of Transportation

*Federal D. Glover*  
Contra Costa County

*Nick Josefowitz*  
San Francisco Mayor's Appointee

*Sam Liccardo*  
San Jose Mayor's Appointee

*Jake Mackenzie*  
Sonoma County and Cities

*Gina Papan*  
Cities of San Mateo County

*David Rabbitt*  
Association of Bay Area Governments

*Hillary Ronen*  
City and County of San Francisco

*Libby Schaaf*  
Oakland Mayor's Appointee

*Warren Stocum*  
San Mateo County

*James P. Spring*  
Solano County and Cities

*Jimmy Stracner*  
U.S. Department of Housing  
and Urban Development

*Tony Tavares*  
California State  
Transportation Agency

*Amy R. Worth*  
Cities of Contra Costa County

*Therese W. McMillan*  
Executive Director

*Alix Bockelman*  
Deputy Executive Director, Policy

*Andrew B. Fremier*  
Deputy Executive Director, Operations

*Brad Paul*  
Deputy Executive Director,  
Local Government Services

Mr. Vito Chiesa  
Chair, Board San Joaquin Joint Powers Authority  
949 East Channel Street  
Stockton, CA 95202

RE: Blue Ribbon Transit Recovery Task Force

Dear Chair Chiesa:

I wanted to provide you and your colleagues an update on the activities of the Blue Ribbon Transit Recovery Task Force (Task Force) convened by MTC as part of our action last spring to distribute the first phase of CARES Act funding to transit operators. After focusing initially on COVID-19 health and safety protocols and encouraging the adoption of common messaging that all of the region's transit operators could agree upon, the Task Force has now moved to the next critical stage—long-term recovery and transformation. The Task Force's vision of transit transformation is to:

Design, adequately invest in and effectively manage a public transit network that is equitable, inclusive, frequent, affordable, accessible, reliable; is integrated with unified service, fares, schedules, customer information and identity; and serves all Bay Area populations, resulting in increased transit ridership and reduced growth in vehicle miles traveled.

At its meeting on November 16, the Task Force adopted four specific goals and objectives for the Transformation Action Plan, attached. Goals 1 and 2 are foundational to the remainder of the plan: First, acknowledge the fiscal crisis facing operators and defer post-recovery service planning to allow agencies to prioritize difficult fiscal and service choices in the midst of increasing uncertainty. Second, prioritize equity. Third, identify near-term actions to implement network management & governance reforms, and fourth, identify how current MTC and state initiatives can help advance those reforms.

Notably, this effort is related to, but separate from, two other initiatives that MTC is working on with the Bay Area's transit operators of which you may also be aware: A Fare Coordination/Integration Study and a Transit Mapping and Wayfinding Project, both of which seek to improve the transit rider experience and encourage ridership as we recover from the pandemic. Work on those efforts is ongoing, with updates to the Task Force planned for January 2021.

The Task Force currently consists of 32 members, including California State Transportation Agency Secretary David Kim and, Assemblymember David Chiu, eight MTC Commissioners, nine transit agency general managers and 9 stakeholders representing various interests, including labor, business, social equity, and persons with disabilities. Knowing what a difficult time this is for your organization, we very much appreciate the time your staff are devoting to this effort.

MTC staff will schedule a virtual meeting for the region's transit agency board members early next year to provide an opportunity for you to learn more and ask questions. In the meantime, meetings of the Task Force are open to the public and held via Zoom. Prior meeting materials are available for review on MTC's website [here](#). The final Transformation Action Plan, anticipated to be completed in June 2021, will likely include legislative recommendations and Assemblymember Chiu has made it clear he is interested in authoring legislation on this subject. If you have questions or would like to request a presentation regarding the work of the Task Force work at a future board meeting, please contact Rebecca Long, MTC Manager of Government Relations at [rlong@bayareametro.gov](mailto:rlong@bayareametro.gov) or 510-504-7914.

Sincerely,

  
Scott Haggerty  
Chairman



cc: MTC Commissioner Jim Sperring (Blue Ribbon Transit Recovery Task Force Chair)  
Stacey Mortensen, Executive Director, San Joaquin Joint Powers Authority



## TRANSIT RECOVERY TASK FORCE

### Transformation Action Plan Goals & Objectives Adopted November 16, 2020

#### **Transit Transformation Definition:**

Design, adequately invest in and effectively manage a public transit network that is equitable, inclusive, frequent, affordable, accessible, and reliable; is integrated with unified service, fares, schedules, customer information and identity; and serves all Bay Area populations, resulting in increased transit ridership and reduced growth in vehicle miles traveled.

#### **Goal 1: Recognize Critical Recovery Challenges Facing Transit Agencies**

*Defer post-recovery service planning to allow Bay Area transit agencies to prioritize difficult fiscal and service choices in the midst of increasing uncertainty.*

- A. Encourage timely additional MTC funding and regulatory relief during the Transit Recovery period.
- B. Advocate for timely additional federal and state funding to support Recovery.
- C. Receive quarterly Stage 2 updates from Operators and MTC.
- D. Support regional funds for inclusive rider research and return-to-transit communications.

#### **Goal 2: Advance Equity**

*Integrate and be accountable to equity in policy, service delivery and advocacy recommendations, as embodied in MTC's Equity Platform.*

- A. Develop specific Equity Principles to guide Transit Transformation planning.
- B. Include focused outreach to current riders, underserved populations, and persons with disabilities to inform the Transformation Action Plan.

#### **Goal 3: Identify near-term actions to implement beneficial long-term Network Management & Governance reforms**

*Develop business case and identify specific next steps to deliver public transit network management and governance reforms that will fulfill long-term transit transformation.*

- A. Develop a clear Problem Statement that addresses what issues or problems Network Management reforms seek to resolve.
- B. Using prior MTC analyses and qualified professionals, evaluate regionwide network management alternatives, addressing issues of legal authority, labor, scope of duties, oversight, and increased budget requirements and savings. Recommend near-term reform actions.
- C. Using MTC staff and qualified professionals, identify and support near-term consolidation opportunities focused in but not limited to smaller transit markets with multiple transit operators to provide a more connected service to the customer, where feasible.
- D. Propose state and regional policy and legislative actions to support transit transformation and expedite implementation of transit priority advantages on streets and highways.

#### **Goal 4: Establish how current MTC and state transit initiatives should integrate with Network Management & Governance reforms**

*Review the scope, timing, and decision process of current MTC and state transit initiatives and identify specific actions to integrate them with Management & Governance reforms.*

- A. Receive presentations on several current MTC transit initiatives and comment on their relationship to Management & Governance reforms.
- B. Receive state presentation on CalSTA initiatives that inform management and governance reform.

# SAN JOAQUIN REGIONAL RAIL COMMISSION

January 8, 2021

## STAFF REPORT

**Item 4**

**ACTION**

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**Approve Two (2) Resolutions of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit Grant Applications to the Alameda County Transportation Commission and the California State Transportation Agency for the Newark-Albrae Siding Connection and Execute Any and All Documents Related to the Project**

**Action 1. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, and Any Other Documents Necessary to Obtain Alameda County Transportation Commission Funding in the Amount of \$2,000,000 for the Newark-Albrae Siding Connection and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**  
(All Voting Members)

**Action 2. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and Any Other Documents Necessary to the California State Transportation Agency to obtain State Rail Assistance (SRA) Funding in the Amount of \$7,800,000 for the Newark-Albrae Siding Connection Project and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**  
(All Voting Members)

### Summary:

SJRRC staff coordinated with Union Pacific Railroad (UPRR) to identify capital improvements necessary to allow an increase in the number of ACE trains to San Jose beyond the current four trains allowed. UPRR has identified the Newark-Albrae Siding Connection project as required to allow a fifth ACE train to San Jose. The preliminary estimate to design and construct the necessary work is approximately \$9.8 million.

SJRRC staff recommend applying for \$9.8 million in funding to design and construct Newark-Albrae Siding Connection. \$2,000,000 in funding would be requested from

Alameda County Transportation Commission (ACTC) for the engineering and construction of the project. These funds will be matched through a \$7,800,000 SRA request to ensure there is adequate funding to complete all project components.

Background:

The Newark-Albrae Siding Connection Project is located on the UPRR Coast Subdivision within a one-mile-long corridor from MP 32.9 to 33.9, southeast of Mowry Avenue in the City of Newark and northwest of Auto Mall Parkway in the City of Fremont. This is one of the most congested locations on the ACE network. The project involves connecting two sidings to create a second main track. With implementation of this project, the connected sidings would permit double track operation between Fremont and just north of the Alviso Wetlands, thus increasing overall capacity. This project connects with previous improvements implemented by the Capitol Corridor Joint Power Authority and will benefit both ACE and the Capitol Corridors.

ACTC is embarking on the development of their 2022 Comprehensive Investment Plan (2022 CIP) and has announced the availability of \$26.0 million of combined Measure B, Vehicle Registration Fee (VRF), and Transportation Fund for Clean Air (TFCA) discretionary program funds for bicycle/pedestrian and transit-related improvements within Alameda County. The 2022 CIP program funding anticipated between fiscal years 2021-22 thru 2025-26. The maximum funding request is \$2 million, and a minimum of 25% matching funds is required. Applications are due to ACTC by February 1, 2021.

Senate Bill 1 (SB 1) created the SRA Program by directing a portion of new revenue specifically to intercity rail and commuter rail. SB 1 directs a 0.5% portion of new diesel sales tax revenue for allocation, with half going to the five commuter rail providers and half to intercity rail corridors. Over the first three years of the Program, ACE was eligible for \$10.5M in SRA funding which was previously committed by the Board to various capital projects. The estimated funding distribution for the commuter rail agencies over the next five years of the program can be seen below.

Commuter Rail Agency	Estimated Distribution				
	2020-21	2021-22	2022-23	2023-24	2024-25
Altamont Corridor Express Authority (ACE)	\$3.9M	\$3.9M	\$4.0M	\$4.0M	\$4.1M
North County Transit Development Board (Coaster)	\$3.7M	\$3.8M	\$3.8M	\$3.8M	\$3.9M
Peninsula Corridor Joint Powers Board (Caltrain)	\$5.3M	\$5.5M	\$5.6M	\$6.0M	\$6.2M



Sonoma-Marin Area Rail Transit District (SMART)	\$3.7M	\$3.7M	\$3.7M	\$3.7M	\$3.8M
Southern California Regional Rail Authority (Metrolink)	\$6.0M	\$6.2M	\$6.4M	\$7.0M	\$7.2M

SRA was created to provide operating and capital assistance for commuter and intercity rail agencies. The SRA guidelines permit projects that cover a full range of transportation planning and mass transportation purposes, with the direction that rail agencies spend these funds in a cost-effective manner to provide operations and capital improvements for the benefit of the public.

Fiscal Impact:

There is no fiscal impact. SRA funding is provided through Senate Bill 1. If funding is awarded by ACTC, the funding type will be identified by ACTC at the time of award.

Recommendation:

Approve Two (2) Resolutions of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit Grant Applications to the Alameda County Transportation Commission and the California State Transportation Agency for the Newark-Albrae Siding Connection and Execute Any and All Documents Related to the Project.

Action 1. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, and Any Other Documents Necessary to Obtain Alameda County Transportation Commission Funding in the Amount of \$2,000,000 for the Newark-Albrae Siding Connection and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

Action 2. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and Any Other Documents Necessary to the California State Transportation Agency to obtain State Rail Assistance (SRA) Funding in the Amount of \$7,800,000 for the Newark-Albrae Siding Connection Project and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

**RESOLUTION SJRRC-R-20/21-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT AND EXECUTE ANY AND ALL GRANT APPLICATIONS, AGREEMENTS, AND ANY OTHER DOCUMENTS NECESSARY TO OBTAIN ALAMEDA COUNTY TRANSPORTATION COMMISSION FUNDING IN THE AMOUNT OF \$2,000,000 FOR THE NEWARK-ALBRAE SIDING CONNECTION PROJECT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, SJRRC is an eligible project sponsor and may receive funding from the Alameda County Transportation Commission (ACTC) for transit projects; and

WHEREAS, ACTC has developed guidelines for the purpose of administering and distributing funds to agencies identified as eligible recipients of these funds; and

WHEREAS, SJRRC wishes to delegate authorization to execute these documents and any amendments thereto to the Executive Director; and

WHEREAS, SJRRC wishes to receive ACTC funding for the Newark-Albrae Siding Connection Project; and

WHEREAS, the Project coincides with the goals and objectives of SJRRC'S Transit Asset Management (TAM) Plan and Policy; and

WHEREAS, funding will enable the engineering and construction of the Newark-Albrae Siding Connection Project to improve operational efficiency and capacity; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Authorize the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, and Any Other Documents Necessary to Obtain Alameda County Transportation Commission Funding in the Amount of \$2,000,000 for the Newark-Albrae Siding Connection and Authorize the Executive Director to Execute Any and All Documents Related to the Project.

PASSED AND ADOPTED, by the Board of Commissioners this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

---

STACEY MORTENSEN, Secretary

---

CHRISTINA FUGAZI, Chair

**RESOLUTION SJRRC-R-20/21-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT AND EXECUTE ANY AND ALL GRANT APPLICATIONS, AGREEMENTS, CERTIFICATIONS AND ASSURANCES AND ANY OTHER DOCUMENTS NECESSARY TO THE CALIFORNIA STATE TRANSPORTATION AGENCY TO OBTAIN STATE RAIL ASSISTANCE (SRA) FUNDING IN THE AMOUNT OF \$7,800,000 FOR THE NEWARK-ALBRAE SIDING CONNECTION PROJECT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, SJRRC is an eligible project sponsor and may receive state funding from the State Rail Assistance (SRA) for transit projects; and

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

WHEREAS, Senate Bill 1 (2017) named the California State Transportation Agency (CalSTA) as the administrative agency for the SRA; and

WHEREAS, CalSTA has developed guidelines for the purpose of administering and distributing SRA funds to agencies identified as eligible recipients of these funds; and

WHEREAS, SJRRC wishes to delegate authorization to execute these documents and any amendments thereto to the Executive Director; and

WHEREAS, SJRRC wishes to utilize SRA funding on the Newark-Albrae Siding Connection Project; and

WHEREAS, the Project coincides with the goals and objectives of SJRRC'S Transit Asset Management (TAM) Plan and Policy; and

WHEREAS, funding will enable the engineering and construction of the Newark-Albrae Siding Connection Project to improve operational efficiency and capacity; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Authorize the Executive Director to submit and execute any and all grant applications, agreements, certifications and assurances and any other documents necessary to the California State Transportation Agency to obtain State Rail Assistance (SRA) Funding in the Amount of \$7,800,000 for the Newark-Albrae Siding Connection Project and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

PASSED AND ADOPTED, by the Board of Commissioners this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

---

STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

## STAFF REPORT

Item 5

ACTION

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Chair to Accept and Sign Waiver of Potential and Actual Conflicts of Interest Letters with SJRRC Counsel, Neumiller and Beardslee (N&B), Arising from Concurrent Representation of San Joaquin Joint Powers Authority and San Joaquin Regional Rail Commission Regarding 1) a Joint Use Agreement and 2) Rail Maintenance Facility (RMF) Use Agreement and Electing One of Following Options for Each Waiver Letter:**

- 1. Waive the Conflict and allow N&B to prepare the Agreements for both SJJPA and SJRRC.**
- 2. Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Agreements, but not both.**
- 3. Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.**

### Background:

Currently Neumiller and Beardslee (N&B) is representing both the San Joaquin Joint Powers Authority (SJJPA) and San Joaquin Regional Rail Commission (SJRRC) as general counsel. Staff serving for both SJRRC and SJJPA have consulted with N&B to work on the preparation of two Agreements; a Joint Use Agreement and the RMF Use Agreement including any future amendments regarding scope of work and price, liability protections, insurance coverage, attachments identifying improvements, and space usage.

Under the rules of professional conduct and other laws that govern attorneys in California, N&B cannot represent two clients at the same time, whether their interests are presently adverse or potentially adverse, unless both clients agree to waive any potential or actual conflicts arising from such concurrent representation in writing after having the opportunity to seek the advice of independent legal counsel.

Before SJRRC and SJJPA can waive a conflict of interest, N&B is required to address certain matters in writing and obtain written consent to proceed. The attached letters provide the following information:

*First*, N&B is not aware of any fact that would suggest its joint representation of SJRRC and SJJPA in the drafting of the Agreement would likely cause an undue advantage or disadvantage to any individual party as it relates to this matter, nor does N&B believe there is a significant risk that N&B's representation of either of you will be materially limited by N&B's responsibilities to or relationships with the other. N&B is confident that they can provide competent and diligent representation to both SJJPA and SJRRC in the drafting of the Agreement, especially since the objective of the Agreement is clear.

*Second*, each Agency may certainly seek the advice of independent counsel about N&B's representation of both of Agencies and are encouraged to do so if so desired.

*Third*, N&B is required to advise each the Agencies of the reasonably foreseeable adverse consequences, even if unlikely, that could result by N&B continuing its representation of all parties in this matter; e.g. that SJJPA and SJRRC become involved in one or more disputes regarding *any* matter that ultimately leads to litigation, or if other unforeseen events should develop hereafter that would prevent N&B from carrying out its responsibilities to each Agency as their attorney. In each such instance, N&B would promptly withdraw from representing both Agencies and each Agency would need to retain its own separate, independent counsel.

#### Options Available to SJRRC and SJJPA

The following options as to this Conflict are available to SJJPA and SJRRC:

**Option No. 1:** Waive the Conflict and allow N&B to prepare the Joint Use Agreement for both SJJPA and SJRRC.

**Option No. 2:** Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Joint Use Agreement, but not both.

**Option No. 3:** Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.

If SJRRC consents to N&B's representation by selecting either Option No. 1 or No. 2 as stated herein, indicate so by signing and dating the letter attached where indicated below, and return it to N&B. If SJRRC selects Option No. 3, and do not wish to waive the Conflict, do not sign the attached letter. It is important to understand that if either Agency selects Option No. 3, N&B will not be able to represent either Agency.

Staff is presenting two separate waiver letters to the SJRRC Board for review and approval for the 1) Joint Use Agreement and the 2) RMF Use Agreement. Additional waiver letters will be provided on a project-by-project basis and will be specific to the conflict arising from those projects. Upon execution by SJRRC, staff will present the same letters to the SJJPA Board for review and approval.

#### Fiscal Impact:

There is no fiscal impact.

#### Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Chair to Accept and Sign Waiver of Potential and Actual Conflicts of Interest Letters with SJRRC Counsel, Neumiller and Beardslee (N&B), Arising from Concurrent Representation of San Joaquin Joint Powers Authority and San Joaquin Regional Rail Commission Regarding 1) a Joint Use Agreement and 2) Rail Maintenance Facility (RMF) Use Agreement and Electing One of Following Options for Each Waiver Letter:

1. Waive the Conflict and allow N&B to prepare the Agreements for both SJJPA and SJRRC.

2. Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Agreements, but not both.
3. Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.





# Neumiller & Beardslee

ATTORNEYS AND COUNSELORS | EST. 1903

*A Professional Corporation*

77047-31725

3121 W. March Lane  
Suite 100  
Stockton, CA 95219

January 4, 2021

*Via Email*

Post Office Box 20  
Stockton, CA 95201-3020

(209) 948-8200  
(209) 948-4910 Fax

NEUMILLER.COM

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
949 East Channel Street  
Stockton, CA 95202

Re: Waiver of Conflict of Interest in having Neumiller & Beardslee  
draft the SJJPA and SJRRC Joint Use Agreement

Dear Commissioners and Board Members:

As you are aware, Neumiller & Beardslee (“N&B”) is general counsel for both the San Joaquin Regional Rail Commission (“SJRRC”) and the San Joaquin Joint Powers Authority (“SJJPA”) since each agency was formed. The purpose of this letter is to inform SJRRC and SJJPA (hereinafter collectively “Clients”) that N&B has a conflict of interest (“Conflict”) in representing each of you regarding the preparation of the Joint Station Use Agreement described below, including any future amendments regarding liability protections, insurance coverage, attachments identifying improvements and space usage, and price, hereinafter and by this letter will provide you the option to waive that Conflict or make other choices regarding representation.

### The Subject of the Conflict – the Joint Use Agreement

SJRRC and SJJPA were jointly awarded funding under the Transit and Intercity Rail Capital Program (TIRCP) to expand both ACE and the San Joaquins service from Merced to Natomas known as the Valley Rail Expansion. As part of that expansion, new stations and facilities (hereinafter collectively referred to as the “Stations”) will need to be acquired and built. Both the governing boards of the SJRRC and SJJPA have determined that the best way to handle ownership of the stations would be for SJRRC to hold title and for SJJPA to have access and use of the stations through a joint use agreement between the Clients. The objective of the agreement would be to

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
Re: Waiver of Conflict of Interest  
January 4, 2021  
Page 2 of 4

essentially provide SJJPA the same rights of access and use of each of the Stations as if it were an equal co-owner with SJRRC.

#### Why is there a Conflict of Interest?

Staff serving for both SJRRC and SJJPA have asked N&B to prepare a Joint Use Agreement (“Agreement”) between SJRRC and SJJPA regarding the use of the Valley Rail Expansion Stations. The California Rules of Professional Conduct prohibit lawyers from representing two or more clients on a matter (such as the drafting of the Agreement) if a conflict of interest exists unless the clients agree to waive that prohibition in writing.

#### How to Waive the Conflict of Interest

Pursuant to the California Rules of Professional Conduct Rule 1.7, before SJRRC and SJJPA can waive a conflict of interest, N&B is required to address certain matters with you, in writing, and obtain your written consent to proceed.

*First*, N&B is not aware of any fact that would suggest its joint representation of SJRRC and SJJPA in the drafting of the Agreement would likely cause an undue advantage or disadvantage to any individual party as it relates to this matter, nor does N&B believe there is a significant risk that N&B’s representation of either of you will be materially limited by N&B’s responsibilities to or relationships with the other. N&B is confident that we can provide competent and diligent representation to both SJJPA and SJRRC in the drafting of the Agreement, especially since the objective of the Agreement is clear.

*Second*, each of you may certainly seek the advice of independent counsel about N&B’s representation of both of you, and I encourage you to do so if you so desire.

*Third*, N&B is required to advise each of you of the reasonably foreseeable adverse consequences, even if unlikely, that could result by N&B continuing its representation of all parties in this matter; e.g. that SJJPA and SJRRC become involved in one or more disputes regarding *any* matter that ultimately leads to litigation, or if other unforeseen events should develop hereafter that would prevent N&B from carrying out its responsibilities to each of you as your attorney. In each such instance, N&B would promptly withdraw from representing both of you and each of you would need to retain its own separate, independent counsel.

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
Re: Waiver of Conflict of Interest  
January 4, 2021  
Page 3 of 4

Options Available to SJRRC and SJJPA

The following options as to this Conflict are available to SJJPA and SJRRC:

**Option No. 1:** Waive the Conflict and allow N&B to prepare the Joint Use Agreement for both SJJPA and SJRRC.

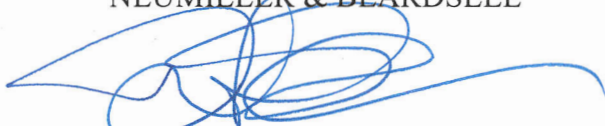
**Option No. 2:** Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Joint Use Agreement, but not both.

**Option No. 3:** Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.

Please carefully consider the contents of this letter. If you consent to N&B's representation by selecting either Option No. 1 or No. 2 as stated herein, indicate so by signing and dating this letter where indicated below, and return it to N&B. If you select Option No. 3, and do not wish to waive the Conflict, do not sign this letter. It is important to understand that if either Client selects Option No. 3, N&B will not be able to represent either agency.

Very truly yours,

NEUMILLER & BEARDSLEE



DANIEL J. SCHROEDER  
Attorney at Law

DJS/km

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
Re: Waiver of Conflict of Interest  
January 4, 2021  
Page 4 of 4

REVIEWED, ACKNOWLEDGED AND CONFLICTS WAIVED:

The undersigned have read the foregoing letter and hereby expressly and specifically consent to the terms thereof, including N&B's (i) representation of all parties in connection with the transaction outlined herein; and (ii) continuing representation of all parties in matters unrelated to the transaction outlined herein.

SAN JOAQUIN JOINT POWERS AUTHORITY

\_\_\_\_\_  
Vito Chiesa, Chairman  
Dated: January \_\_\_\_, 2021.

Option(s) approved \_\_\_\_\_

SAN JOAQUIN REGIONAL RAIL COMMISSION

\_\_\_\_\_  
Christina Fugazi, Chairwoman  
Dated: January \_\_\_\_, 2021.

Option(s) approved \_\_\_\_\_



# Neumiller & Beardslee

ATTORNEYS AND COUNSELORS | EST. 1903

*A Professional Corporation*

77047-31725

3121 W. March Lane  
Suite 100  
Stockton, CA 95219

January 4, 2021

***Via Email***

Post Office Box 20  
Stockton, CA 95201-3020

(209) 948-8200  
(209) 948-4910 Fax

NEUMILLER.COM

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
949 East Channel Street  
Stockton, CA 95202

Re: Waiver of Conflict of Interest in having Neumiller & Beardslee draft the  
SJPA and SJRRC Rail Maintenance Facility Use Agreement

Dear Commissioners and Board Members:

As you are aware, Neumiller & Beardslee (“N&B”) is general counsel for both the San Joaquin Regional Rail Commission (“SJRRC”) and the San Joaquin Joint Powers Authority (“SJPA”) since each agency was formed. The purpose of this letter is to inform SJRRC and SJPA (hereinafter collectively “Clients”) that N&B has a conflict of interest (“Conflict”) in representing each of you regarding the preparation of the Rail Maintenance Facility (“RMF”) Use Agreement described below, including any future amendments regarding scope of work and price, and by this letter provide you the option to waive that Conflict or make other choices regarding representation.

The Subject of the Conflict – the RMF Use Agreement

Caltrans has indicated to SJRRC and SJPA that it would like to have maintenance and repairs of some of the State’s rail equipment (“Equipment”) performed at SJRRC’s RMF. However, instead of contracting directly with SJRRC to perform that work, Caltrans has decided that since it already has a contractual relationship with the SJPA with the Interagency Agreement (“ITA”), they want to amend the ITA which would then make SJPA responsible for having the maintenance and repairs of the Equipment performed at SJRRC’s RMF. Since SJPA does not own or have usage rights regarding SJRRC’s RMF, SJPA and SJRRC will need to enter into an agreement whereby SJRRC would agree to perform the maintenance and

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
Re: Waiver of Conflict of Interest  
January 4, 2021  
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repairs of the Equipment for SJPA at the RMF ("RMF Use Agreement"). The objective of the agreement would be to have the SJPA pay SJRRC's costs in performing the maintenance and repairs at the RMF with mutual indemnification provisions.

#### Why is there a Conflict of Interest?

Staff serving for both SJRRC and SJPA have asked N&B to prepare the RMF Use Agreement between SJRRC and SJPA. The problem is that the California Rules of Professional Conduct prohibits lawyers from representing two or more clients on a matter (such as the drafting of the Agreement) is a conflict of interest unless the clients agree to waive that prohibition in writing.

#### How to Waive the Conflict of Interest

Pursuant to the California Rules of Professional Conduct Rule 1.7, before SJRRC and SJPA can waive a conflict of interest, N&B is required to address certain matters with you, in writing, and obtain your written consent to proceed.

*First*, N&B is not aware of any fact that would suggest its joint representation of SJRRC and SJPA in the drafting of the Agreement would likely cause an undue advantage or disadvantage to any individual party as it relates to this matter, nor does N&B believe there is a significant risk that N&B's representation of either of you will be materially limited by N&B's responsibilities to or relationships with the other. N&B is confident that we can provide competent and diligent representation to both SJPA and SJRRC in the drafting of the Agreement, especially since the objective of the Agreement is clear.

*Second*, each of you may certainly seek the advice of independent counsel about N&B's representation of both of you, and I encourage you to do so if you so desire.

*Third*, N&B is required to advise each of you of the reasonably foreseeable adverse consequences, even if unlikely, that could result by N&B continuing its representation of all parties in this matter; e.g. that SJPA and SJRRC become involved in one or more disputes regarding *any* matter that ultimately leads to litigation, or if other unforeseen events should develop hereafter that would prevent N&B from carrying out its responsibilities to each of you as your attorney. In each such instance, N&B would promptly withdraw from representing both of you and each of you would need to retain its own separate, independent counsel.

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
Re: Waiver of Conflict of Interest  
January 4, 2021  
Page 3 of 4

Options Available to SJRRC and SJJPA

The following options as to this Conflict are available to SJJPA and SJRRC:

- Option No. 1:** Waive the Conflict and allow N&B to prepare the RMF Use Agreement for both SJJPA and SJRRC.
- Option No. 2:** Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in preparing the RMF Use Agreement, but not both.
- Option No. 3:** Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel to prepare the RMF Use Agreement.

Please carefully consider the contents of this letter. If you consent to N&B's representation by selecting either Option No. 1 or No. 2 as stated herein, indicate so by signing and dating this letter where indicated below, and return it to N&B. If you select Option No. 3, and do not wish to waive the Conflict, do not sign this letter. It is important to understand that if either Client select Option No. 3, N&B will not be able to represent either agency.

Very truly yours,

NEUMILLER & BEARDSLEE



DANIEL J. SCHROEDER  
Attorney at Law

DJS/km

San Joaquin Regional Rail Commission  
San Joaquin Joint Powers Authority  
c/o Stacey Mortensen, Executive Director  
Re: Waiver of Conflict of Interest  
January 4, 2021  
Page 4 of 4

REVIEWED, ACKNOWLEDGED AND CONFLICTS WAIVED:

The undersigned have read the foregoing letter and hereby expressly and specifically consent to the terms thereof, including N&B's (i) representation of all parties in connection with the transaction outlined herein; and (ii) continuing representation of all parties in matters unrelated to the transaction outlined herein.

SAN JOAQUIN JOINT POWERS AUTHORITY

\_\_\_\_\_  
Vito Chiesa, Chairman  
Dated: January \_\_\_\_, 2021.

Option(s) approved \_\_\_\_

SAN JOAQUIN REGIONAL RAIL COMMISSION

\_\_\_\_\_  
Christina Fugazi, Chairwoman  
Dated: January \_\_\_\_, 2021.

Option(s) approved \_\_\_\_



**RESOLUTION SJRRC-R-20/21-**

**APPROVE A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING THE CHAIR TO ACCEPT AND SIGN WAIVER OF POTENTIAL AND ACTUAL CONFLICTS OF INTEREST LETTERS WITH SJRRC COUNSEL, NEUMILLER AND BEARDSLEE (N&B), ARISING FROM CONCURRENT REPRESENTATION OF SAN JOAQUIN JOINT POWERS AUTHORITY AND SAN JOAQUIN REGIONAL RAIL COMMISSION REGARDING 1) A JOINT USE AGREEMENT AND 2) RAIL MAINTENANCE FACILITY (RMF) USE AGREEMENT AND ELECTING ONE OF THE FOLLOWING OPTIONS FOR EACH WAIVER LETTER:**

- 1. WAIVE THE CONFLICT AND ALLOW N&B TO PREPARE THE AGREEMENTS FOR BOTH SJJPA AND SJRRC.**
- 2. WAIVE THE CONFLICT AND ALLOW N&B TO REPRESENT EITHER SJJPA OR SJRRC IN THE PREPARATION OF THE AGREEMENTS, BUT NOT BOTH.**
- 3. DO NOT GRANT A WAIVER AND SJJPA AND SJRRC RETAIN SEPARATE LEGAL COUNSEL.**

WHEREAS, Neumiller and Beardslee (N&B) represents both the San Joaquin Joint Powers Authority (SJJPA) and San Joaquin Regional Rail Commission (SJRRC) as general counsel; and

WHEREAS, Staff serving for both SJRRC and SJJPA have consulted with N&B to work on the preparation of two Agreements; a Joint Use Agreement and the RMF Use Agreement including any future amendments regarding scope of work and price, liability protections, insurance coverage, attachments identifying improvements, and space usage; and

WHEREAS, N&B requires that both parties execute waivers of potential and actual conflicts of interest related to projects proposed, as needed; and

WHEREAS, SJRRC has consented to representation by choosing one of the three options provided and notifying both N&B and SJJPA;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Authorize the Chair to Accept and Sign Waiver of Potential and Actual Conflicts of Interest Letters with SJRRC Counsel, Neumiller and Beardslee (N&B), Arising from Concurrent Representation of San Joaquin Joint Powers Authority and San Joaquin Regional Rail Commission Regarding 1) a Joint Use Agreement and 2) Rail Maintenance Facility (RMF) Use Agreement and Electing One of Following Options for Each Waiver Letter:

1. Waive the Conflict and allow N&B to prepare the Agreements for both SJJPA and SJRRC.
2. Waive the Conflict and allow N&B to represent either SJJPA or SJRRC in the preparation of the Agreements, but not both.

3. Do not grant a waiver and SJJPA and SJRRC retain separate legal counsel.

PASSED AND ADOPTED, by the Board of Commissioners this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

## STAFF REPORT

**Item 6**

**ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with O'Dell Engineering for the Ripon Station Platform Project to Increase the Total Compensation by an Amount of \$1,791,586 with the Total Contract Amount Not-To-Exceed \$3,093,868 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

### Background:

In May 2019, the SJRRC Board authorized the Executive Director to negotiate and enter into contract with O'Dell Engineering for \$1,302,282 to prepare the final design Project Specifications & Estimates (PS&E) for the Ripon Station Platform Project. The final design estimate and contract was based on the Ripon Station Platform identified in the ACE Extension to Lathrop and Ceres Environmental Impact Report. The scope did not include the cost to complete the final design for trackwork associated with the final platform configuration.

At that time of the original contract execution, adequate detail about the platform and track configuration required at each station location had not been developed. It was anticipated that upon finalization of scope of platform and trackwork with Union Pacific Railroad (UPRR) at each station location, amendments would be presented for combining the station design and platform/track design into one package. In close coordination with UPRR, the consensus is that it will be most efficient from a cost and schedule standpoint to design all these elements as one integrated package.

The proposed amendment adds in the design cost for the one mile of new double track section that ties into the Ripon station platform and the separate future Stanislaus River Bridge project. It maintains project delivery efficiency, minimizes risk, and avoids multiple engineering review submittals to UPRR. It also will allow the project to be bid as one construction contract thus eliminating challenges associated with different construction contractors working on the project(s) simultaneously.

### Fiscal Impact:

Funding for the amendment work anticipated in this fiscal year is identified in the approved Rail Commission Budget under Capital Projects Section. Funding for work in the following

fiscal year will be incorporated into the 2021/2022 Capital Budget. This project is funded through state Senate Bill SB 132 funding.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with O'Dell Engineering for the Ripon Station, Platform Project to Increase the Total Compensation by an Amount of \$1,791,586 with the Total Contract Amount Not-To-Exceed \$3,093,868 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

**RESOLUTION SJRRC-R-20/21-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AMENDMENT 01 TO THE AGREEMENT WITH O'DELL ENGINEERING FOR THE RIPON STATION PLATFORM PROJECT TO INCREASE THE TOTAL COMPENSATION BY AN AMOUNT OF \$1,791,586 WITH THE TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$3,093,868 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, SJRRC secured funding from multiple sources including SB 1, SB 132, TIRCP, Federal, and local funds for the Capital Projects Program; and

WHEREAS, on June 1, 2019 SJRRC and O'Dell Engineering entered into an agreement for the Ripon Station Platform Project; and

WHEREAS, Union Pacific Railroad (UPRR) made significant changes to the requirements of newly constructed platforms to be double track sections, which required a project limits increase; and

WHEREAS, this contract amendment for the increased project limits related to the Ripon Station Platform Project requires a compensation increase of \$1,791,586 for a new amount not-to-exceed \$3,093,868;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission Approve Amendment 01 to the Agreement with O'Dell Engineering for the Ripon Station Platform Project to Increase the Total Compensation by an Amount of \$1,791,586 with the Total Contract Amount Not-To-Exceed \$3,093,868 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

PASSED AND ADOPTED, by the Board of Commissioners this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

---

STACEY MORTENSEN, Secretary

---

CHRISTINA FUGAZI, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

## STAFF REPORT

Item 7

ACTION

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### **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving and Authorizing a Letter of Understanding with the City of Ripon For the Environmental and Engineering/Design Phases of the Ripon Multimodal Station and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

#### Background:

Construction of a multimodal station has been a priority of the City of Ripon for many years. The ACE Extension to Lathrop and Ceres Final Environmental Impact Report (EIR) identified a new station platform for the Valley Rail service in the City of Ripon. This station would be located on city-owned property near the Main Street Overcrossing, and include a station platform, pedestrian overcrossing, and rehabilitation of a city-owned parking lot on Industrial Avenue to allow for initial passenger rail service to Ripon.

In 2017, SJCOG awarded Regional Transportation Impact Fee (RTIF) funding to the City to acquire the station site. Subsequently, in October 2018 the San Joaquin Council of Governments (SJCOG) awarded \$5,905,000 of Federal Transit Administration (FTA) 5307 funding to the City to complete the federal environmental clearance and design phases and partial construction funding to construct a multimodal station. This multimodal station would include a station building and related off and on-site improvements.

The City is not a FTA grantee and therefore cannot receive the federal funding. To date, the City has been unable to become a FTA grantee or find another entity to administer the grant on their behalf at a fair and reasonable cost, and as a result the funds have not been expended.

In June 2019, SJRRC entered into a contract with O'Dell Engineering for the final design of the station platform, pedestrian overcrossing, and rehabilitation of the city-owned parking lot on Industrial Avenue. The contract with O'Dell Engineering is using state funding from SB 132 and was not federally procured.

In partnership with the City and SJCOG, SJRRC staff have discussed designating SJRRC as the lead and implementing agency for the Ripon Multimodal Station. Staff from both agencies have worked on a draft Letter of Understanding (LOU) to identify SJRRC as the lead agency for the Ripon Multimodal Station.

The LOU (see attached) reflects the roles and responsibilities necessary complete the environmental and design of the Ripon Multimodal Station. Key points include:

- SJRRC will be the lead and implementing agency for the environmental and engineering/design phases of the Ripon Multimodal Station.
- SJRRC will be responsible for submitting a grant to FTA to utilize the funding. FTA grant administration expenses are borne entirely by SJRRC. SJRRC will include all eligible federal costs for project management within the FTA grant. As a result, SJRRC will receive direct reimbursement from FTA. No federal funds will pass through the City of Ripon.
- SJRRC will be responsible for selecting a consultant firm to complete the environmental clearance and final design, in partnership with the City.
- The project budget currently consists of \$5,905,000 of FTA 5307 funds. Any savings from the environmental and design phases will be used for the construction phase. Any savings upon completion of the project will return to the City for repurposing in coordination with SJCOG.
- The LOU does not cover the construction phase of the project due to a funding shortfall. For this reason, the LOU covers only environmental and design phases. The terms for construction will be developed near completion of the design phase once funding is secured to construct the project.

Staff is requesting the SJRRC Board approve the attached resolution which approves the LOU with the City of Ripon. Upon execution of the LOU, SJRRC staff will submit the FTA grant application and begin a federal procurement to select a consultant for the environmental clearance and final design of the Ripon Multimodal Station.

Fiscal Impact:

\$5,905,000 of FTA 5307 funds will be available for the project. Funding necessary for the environmental and design phases will be included in a future board action to amend the Fiscal Year 2020/21 Work Program.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving and Authorizing a Letter of Understanding with the City of Ripon for the Environmental and Engineering/Design Phases of the Ripon Multimodal Station and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

**LETTER OF UNDERSTANDING (LOU)**  
**BETWEEN THE CITY OF RIPON**  
**AND THE SAN JOAQUIN REGIONAL RAIL COMMISSION**  
**FOR THE ENVIRONMENTAL AND ENGINEERING/DESIGN PHASES OF THE**  
**RIPON MULTIMODAL STATION**

This Letter of Understanding (LOU) constitutes our understanding of roles and responsibilities for the City of Ripon and the San Joaquin Regional Rail Commission (SJRRRC), associated with the environmental document and design of the Ripon Multimodal Station project. The intended purpose of this agreement is to use the strengths and expertise of each agency to complete the environmental clearance and project design by Spring of 2022. A detailed accounting of roles and responsibilities specific to each agency is provided in Exhibit A.

The Federal Transportation Improvement Program has been modified to reflect SJRRRC as the lead agency for the environmental document and design phases of the project. It is recognized that there is a funding shortfall for the construction of the Ripon Multimodal Station. For this reason, this LOU covers only environmental and design phases.

Further, it should be noted that SJRRRC has pre-award authority to begin activities while submitting the Federal Transit Administration grant application. It is anticipated that SJRRRC will submit the grant application in January 2021. SJRRRC also anticipates releasing a solicitation to procure a consultant to complete the environmental clearance and design in January 2021.

Should you have any questions, please contact David Ripperda, SJRRRC at (209) 944-6275, or Elizabeth Quilici, City of Ripon, at (209) 599-0236.

---

Kevin Werner  
City Administrator  
City of Ripon

---

Stacey Mortensen  
Executive Director  
San Joaquin Regional Rail Commission

---

Date

---

Date

CC: Diane Nguyen, San Joaquin Council of Governments  
Ryan Niblock, San Joaquin Council of Governments



**EXHIBIT A:**  
**TERMS FOR THE LETTER OF UNDERSTANDING (LOU)**  
**BETWEEN THE CITY OF RIPON**  
**AND THE SAN JOAQUIN REGIONAL RAIL COMMISSION**  
**FOR THE ENVIRONMENTAL AND ENGINEERING/DESIGN PHASES OF THE**  
**RIPON MULTIMODAL STATION**

**LOU Purpose**

This LOU sets a basic structure in regard to the roles and responsibilities, including fiduciary responsibilities, between the City of Ripon (City) and the San Joaquin Regional Rail Commission (SJRRRC) in the implementation of the environmental clearance and design of the Ripon Multimodal Station.

**General Acknowledgements**

- Federal funds are being used on this project as described in “*APPROVED PROJECT BUDGET*”.
- City of Ripon and San Joaquin Regional Rail Commission (SJRRRC) have agreed that SJRRRC will be the lead and implementing agency for the Environmental and Engineering/Design Phase of the Ripon Multimodal Station.
- SJCOG’s Federal Transportation Improvement Program will reflect SJRRRC as the lead/implementing agency for the Ripon Multimodal Station. Specifically, SJRRRC will be referred to (using the federal term) as the “direct recipient”. The federally direct recipient performs the role of lead & implementing agency. All required governing board actions related to the Ripon Multimodal Station will therefore be taken by Governing Board of the SJRRRC.
- This is not a pass through of funds, nor is the City of Ripon a subrecipient in the grant agreement.
- There is no oral modification of this LOU. All changes in understanding must be made in writing.
- The LOU does not cover construction. The terms for construction will be developed near completion of design phase.
- City of Ripon has already purchased vacant property for the Ripon Multimodal Station and expects design work to occur within the property limits.

### **Approved Project Budget**

- \$5,905,000 in Federal Transit Administration Section 5307 funds from the Manteca Urbanized Area is committed for the environmental, design, and construction of the Ripon Multimodal Station.
- Any funds not used for environmental and design will roll over to the construction of the Ripon Multimodal Station.
- It is recognized that there is a funding shortfall for the construction of the Ripon Multimodal Station. For this reason, the LOU covers only the environmental and design phases.
- Toll credits will be used to offset the local match required for the federal funds.

### **Project Timeline**

- ***FTA Grant Application Submittal for Environmental and Design:*** January 2021
- ***Environmental Phase:*** Spring – Winter 2021
- ***Design Phase:*** Spring 2021 – Spring 2022

### **Reimbursements for FTA Grant Activities**

- FTA Grant administration expenses are borne entirely by the lead agency (SJRRRC). SJRRRC will include all eligible federal costs for project management within the FTA grant application for federal funds. As a result, SJRRRC will receive direct reimbursement from FTA. No federal funds will pass thru City of Ripon.
- Therefore, the understanding is that there are no costs for City of Ripon (to SJRRRC) outside of the funds identified for the project.
- In an unforeseen circumstance where there are costs that SJRRRC expects City of Ripon to cover—outside of the FTA funding--SJRRRC must submit in writing, a cost proposal in advance of incurring costs to be approved by City of Ripon.

Responsibilities	SJRRRC	City of Ripon
<b>Authorization to Proceed Application:</b> Submit a grant application as lead applicant and implementing agency for the Ripon Multimodal Station Environmental and Design Phases in Federal Transit Administration TrAMS. This submittal means that the lead agency is responsible for tracking expenditures and seeking reimbursement from FTA. Lead agency is responsible for compliance with all FTA procurement and progress/ financial reporting procedures.	X	
<b>Complete State &amp; Federal Environmental Document:</b> Procurement and delivery of a state & federally cleared environmental document. Governing Board will approve the Environmental Document. The cost of lead agency project management and administrative staff time, and its consultants, is covered within the funding for this scope of work—up to the amount of funds identified in the authorized grant application. Work shall be completed in a timely manner in consultation with City of Ripon.	X	
<b>Completion of 100% Engineering Drawings:</b> Procurement and delivery of Engineering drawings for the Ripon Multimodal Station. The City of Ripon will be consulted on the selection of a design engineer along with their scope of work. <i>Drawings must meet the satisfaction of the City of Ripon. The City of Ripon will have an opportunity to review and submit comments on the design at agreed upon milestones.</i> The cost of lead agency project management and administrative staff time, and its consultants, is covered within the funding for this scope of work—up to the amount of funds available identified in the authorized grant application. Work shall be completed in a timely manner in consultation with City of Ripon.	X	X
<b>Auditing/Records Requests:</b> May request an audit (and copies) of all records, data, and reports related to this agreement.	X	X
<b>Establish a Project Team:</b> Responsible for creating a Project Development Team including City of Ripon and stakeholders. City of Ripon will serve as a primary collaborator and technical contributor in the preparation of the environmental document and the engineering drawings.	X	
<b>Develop a Public Outreach Strategy:</b> Will assist in public outreach program throughout the environmental and design phase, as required, to get input from Ripon residents.		X
<b>Cost Savings:</b> Any cost savings from funding sources return to the City of Ripon who will then work with SJCOG for the determination on how to utilize.		X
<b>Funding Shortfalls:</b> Any shortfalls in funding shall be brought to the immediate attention of City of Ripon to determine a strategy, in collaboration with SJRRRC, on how to address the funding shortfall.	X	
<b>Cancellation:</b> Agree to cancel this LOU within 30 days written notice; Any unexpended dollars on the project return to the City of Ripon.	X	X

**SJRRRC RESOLUTION 20/21-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AND AUTHORIZING A LETTER OF UNDERSTANDING WITH THE CITY OF RIPON FOR THE ENVIRONMENTAL AND ENGINEERING/DESIGN PHASES OF THE RIPON MULTIMODAL STATION AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, the San Joaquin Council of Governments awarded \$5,905,000 of Federal Transit Administration (FTA) 5307 funding to the City of Ripon to complete the federal environmental clearance and design phases and partial construction funding to construct a multimodal station; and

WHEREAS, the City of Ripon is not an FTA grantee and cannot receive the federal funding, and has been unable to become an FTA grantee or find another entity to administer the grant on their behalf at a fair and reasonable cost; and

WHEREAS, the San Joaquin Regional Rail Commission (SJRRRC) is willing and able to serve as the lead and implementing agency for the Ripon Multimodal Station; and

WHEREAS, SJRRRC will be responsible for submitting a grant to FTA to utilize the funding and will be responsible for selecting a consultant firm to complete the environmental clearance and final design, in partnership with the City of Ripon; and

WHEREAS, the project budget currently consists of \$5,905,000 of FTA 5307 funds; and any savings from the environmental and design phases will be used for the construction phase, and any savings upon completion of the project will return to the City of Ripon for repurposing in coordination with SJCOG, and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the San Joaquin Regional Rail Commission Approve and Authorize a Letter of Understanding with the City of Ripon for the Environmental and Engineering/Design Phases of the Ripon Multimodal Station and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

PASSED AND ADOPTED, by the Commission on this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

## STAFF REPORT

**Item 8**

**ACTION**

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**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement AECOM Technical Services, Inc. for the Final EIR ACE Extension Ceres to Merced Project to Increase the Total Compensation by an Amount of \$160,000 with the Total Contract Amount Not-To-Exceed \$1,652,045 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

Background:

In February 2020, the SJRRC Board authorized the Executive Director to negotiate and enter into contract with AECOM Technical Services, Inc. in the amount not-to-exceed \$1,492,045 to prepare the Final Environmental Impact Report (EIR) for the ACE Extension Ceres to Merced Project. Additional funding is needed for work that was not originally anticipated, including providing additional stakeholder outreach work, additional environmental analysis for historic resources, and developing a new parking strategy for the Turlock Station. SJRRC staff have negotiated a revised scope and fee with AECOM to provide the necessary services to allow completion of the Final EIR.

Fiscal Impact:

Funding for the amendment work anticipated in this fiscal year is identified in the approved Rail Commission Budget under Capital Projects Section. Funding for work in the following fiscal year will be incorporated into the 2021/2022 Capital Budget. This project is funded through state Senate Bill 132 funding.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement AECOM Technical Services, Inc. for the Final EIR ACE Extension Ceres to Merced Project to Increase the Total Compensation by an Amount of \$160,000 with the Total Contract Amount Not-To-Exceed \$1,652,045 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

**RESOLUTION SJRRC-R-20/21-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AMENDMENT 01 TO THE AGREEMENT AECOM TECHNICAL SERVICES, INC. FOR THE FINAL EIR ACE EXTENSION CERES TO MERCED PROJECT TO INCREASE THE TOTAL COMPENSATION BY AN AMOUNT OF \$160,000 WITH THE TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$1,652,045 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, SJRRC secured funding from multiple sources including SB 1, SB 132, TIRCP, Federal, and local funds for the Capital Projects Program; and

WHEREAS, on February 7, 2020 SJRRC and AECOM entered into an agreement for the Final EIR ACE Extension Ceres to Merced Project; and

WHEREAS, additional funding is needed for work that was not originally anticipated, including providing additional stakeholder outreach work, additional environmental analysis for historic resources, and developing a new parking strategy for the Turlock Station; and

WHEREAS, this contract amendment for the increased project limits related to the Final EIR ACE Extension Ceres to Merced Project requires a compensation increase of \$160,000 for a new amount not-to-exceed \$1,652,045; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission Approve Amendment 01 to the Agreement AECOM Technical Services, Inc. for the Final EIR ACE Extension Ceres to Merced Project to Increase the Total Compensation by an Amount of \$160,000 with the Total Contract Amount Not-To-Exceed \$1,652,045 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project

PASSED AND ADOPTED, by the Board of Commissioners this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 8, 2021

## STAFF REPORT

**Item 9**

**ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with Mark Thomas & Company, Inc. for the North Elk Grove Station Project to Increase the Total Compensation by an Amount of \$504,030 with the Total Contract Amount Not-To-Exceed \$905,690 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project**

Background:

In May 2019, the SJRRC Board authorized the Executive Director to negotiate and enter into contract with Mark Thomas & Company with a not-to-exceed amount of \$401,660 to prepare the preliminary design for the North Elk Grove Station Project. The preliminary design estimate and contract was based on a station location that had been identified in the Valley Rail Sacramento Extension Draft Environmental Impact Report (EIR).

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR. As such, the proposed North Elk Grove Station (including all access and siding variants) was removed from consideration in the Final EIR. SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. Final approval of a future Elk Grove Station at a site agreed to by all interested parties would be subject to a separate, stand-alone California Environmental Quality Act (CEQA) document that will be circulated for public review and comment at a later date.

SJRRC staff negotiated a revised scope and fee with Mark Thomas to prepare a separate EIR for the new Elk Grove station site. It is anticipated that this EIR will be complete by Winter 2021. In addition, the revised scope includes the preliminary design of the station and necessary track work required by Union Pacific Railroad (UPRR). At the time of the original contract execution, adequate detail about the platform and track configuration required at each station location had not been developed. It was anticipated that upon finalization of scope of platform and trackwork with UPRR at each station location, amendments would be presented for combining the station design and platform/track design into one package. In close coordination with UPRR, the consensus is that it will be most efficient from a cost and schedule standpoint to design all these elements as one integrated package.



Fiscal Impact:

Funding for the amendment work anticipated in this fiscal year is identified in the approved Rail Commission Budget under Capital Projects Section. Funding for work in the following fiscal year will be incorporated into the 2021/2022 Capital Budget. This project is funded through the state Transit and Intercity Rail Capital Program (TIRCP) grant programs.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Amendment 01 to the Agreement with Mark Thomas & Company, Inc. for the North Elk Grove Station Project to Increase the Total Compensation by an Amount of \$504,030 with the Total Contract Amount Not-To-Exceed \$905,690 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

**RESOLUTION SJRRC-R-20/21-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AMENDMENT 01 TO THE AGREEMENT WITH MARK THOMAS & COMPANY, INC. FOR THE NORTH ELK GROVE STATION PROJECT TO INCREASE THE TOTAL COMPENSATION BY AN AMOUNT OF \$504,030 WITH THE TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$905,690 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, SJRRC secured funding from multiple sources including state Senate Bill 1 (SB 1), state Senate Bill 132 (SB 132), Transit and Intercity Rail Capital Program (TIRCP), Federal, and local funds for the Capital Projects Program; and

WHEREAS, on June 1, 2019 SJRRC and Mark Thomas & Company entered into an agreement for the North Elk Grove Station Project; and

WHEREAS, a new location for the Elk Grove station has been identified and approval of an Elk Grove Station is subject to clearance under the California Environmental Quality Act (CEQA); and

WHEREAS, Union Pacific Railroad (UPRR) made significant changes to the requirements of newly constructed platforms to be double track sections, which required a project limits increase; and

WHEREAS, this contract amendment for the increased project scope and limits related to the North Elk Grove Station Project requires a compensation increase of \$504,030 for a new amount not-to-exceed \$905,690;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission Approve Amendment 01 to the Agreement with Mark Thomas & Company, Inc. for the North Elk Grove Station Project to Increase the Total Compensation by an Amount of \$504,030 with the Total Contract Amount Not-To-Exceed \$905,690 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project.

PASSED AND ADOPTED, by the Board of Commissioners this 8<sup>th</sup> day of January 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

CHRISTINA FUGAZI, Chair