



**SAN JOAQUIN  
REGIONAL  
RAIL COMMISSION**

Chair, **Leo Zuber**, City of Ripon  
Vice Chair, **Nancy Young**, City of Tracy  
Commissioner, **Lisa Craig**, City of Lodi  
Commissioner, **Jose Nuño**, City of Manteca

Executive Director, **Stacey Mortensen**

Commissioner, **Miguel Villapudua**, San Joaquin County  
Commissioner, **Kimberly Warmley**, City of Stockton  
Commissioner, **Melissa Hernandez**, City of Dublin  
Commissioner, **Lily Mei**, City of Fremont

## **SAN JOAQUIN REGIONAL RAIL COMMISSION REGULAR BOARD MEETING**

**Friday, April 7, 2023 – 8:00 am**

Robert J. Cabral Station  
South Hall Meeting Room  
949 East Channel Street  
Stockton, CA 95202

### **Conference Call Locations**

Dublin Civic Center  
100 Civic Plaza  
Dublin, CA 94568

**Call-In Information: +1 (332) 249-0500 Phone Conference ID: 633-397-481#**  
**Microsoft Teams Link: [Click here to join the meeting](#)**

**Members of the public may attend the meeting at the above address, or may observe the meeting by dialing +1 (332) 249-0500 with Phone Conference ID: 633-397-481# or log-in using a computer, tablet or smartphone on Microsoft Teams using link: [Click here to join the meeting](#)**

**Persons wishing to address the Commission on any item of interest to the public regarding rail shall state their names and address and make their presentation. 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 Commissioners 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://www.sjrcc.com/events/> subject to staff's ability to post the documents prior to the meeting. If a member of the public wishes to make a public comment:**

- 1. Submit written comments to SJRRC staff via email at [publiccommentssjrcc@acerail.com](mailto:publiccommentssjrcc@acerail.com), in which staff will read the comment aloud during the public comment period.**
- 2. Complete a Request to Speak form (available at the entrance to the Board Room) and give it to the SJRRC Secretary before the Item is considered by the Board.**
- 3. Join from the Microsoft Teams meeting link and notify SJJPA staff by alerting them via the "Raise hand" or "Chat" function; call +1 (332)-249-0500, enter Phone Conference ID: 633-397-481#, dial \*5 to raise your hand when you wish to speak, and dial \*6 to unmute when you are requested to speak. Please note that if participating using Microsoft Teams, all members of the public will be placed on mute until such times allow for public comments to be made.**

**Public comments should be limited to five (5) 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 (SJRRRC) 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 SJRRRC Board is advised to have an interpreter or to contact SJRRRC during regular business hours at least 48 hours prior to the time of the meeting so that SJRRRC 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.sjrrc.com](http://www.sjrrc.com).*

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

Chair Zuber

Roll Call: Hernandez, Mei, Craig, Nuño, Villapudua, Warmesley, Vice Chair Young, Chair Zuber

Ex- Officios: Nguyen, Clifford, Agar, Zwahlen

## **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://www.sjrrc.com/events/> subject to staff's ability to post the documents prior to the meeting.

1. Submit written comments to SJRRRC staff via email at [publiccommentssjrrc@acerail.com](mailto:publiccommentssjrrc@acerail.com), in which staff will read the comment aloud during the public comment period.
2. Complete a Request to Speak form (available at the entrance to the Board Room) and give it to the SJRRRC Secretary before the Item is considered by the Board.
3. Join from the Microsoft Teams meeting link and notify SJJPA staff by alerting them via the "Raise hand" or "Chat" function; call +1 (332)-249-0500, enter Phone Conference ID: 633-397-481# dial \*5 to raise your hand when you wish to speak, and dial \*6 to unmute when you are requested to speak. Please note that if participating using Microsoft Teams, all members of the public will be placed on mute until such times allow for public comments to be made.

Public comments should be limited to five (5) minutes per comment.

### 3. Consent Calendar

- |      |  |                    |
|------|--|--------------------|
| 3.1  | Minutes of SJRRC Board Meeting March 3, 2023<br>(Regular and Special Voting Members)   | <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  | Washington Update  | <b>INFORMATION</b> |
| 3.7  | Update on Silicon Valley and Tri-Valley Outreach Contracts Activities  | <b>INFORMATION</b> |
| 3.8  | Agreements and Purchases over \$100,000 Executed in 2022   | <b>INFORMATION</b> |
| 3.9  | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Executive Director to Sign and Submit the Fiscal Year 2022/2023 State Transit Assistance Application to Claim Alameda County Transportation Commission Apportionment for the ACE Service in the Amount of \$391,808<br>(Regular and Special Voting Members) | <b>ACTION</b>      |
| 3.10 | Adopt a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Revising the Executive Director Performance Evaluation Schedule attached hereto as Attachment A<br>(Regular Voting Members Only)  | <b>ACTION</b>      |

### 4. CLOSED SESSION

- 4.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-240-67, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Elizabeth Madera**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 4.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-240-68, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Elizabeth Madera**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 4.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-240-69, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Elizabeth Madera**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)

#### **4.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

**Property: 151-240-70, San Joaquin County**

**Agency Negotiator: Jennifer Cole, Monument**

**Negotiating parties: Elizabeth Madera**

**Under negotiation: Price and payment terms**

**(Regular Voting Members Only)**

#### **5. CLOSED SESSION**

##### **5.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**(Paragraph (1) of subdivision (d) of Section 54956,9**

**Name of Case: Deanna Lacy et. al. vs. San Joaquin Regional Rail Commission et. al., Superior Court of California, County of Santa Clara Case No 19CV352403.**

**(Regular and Special Voting Members)**

##### **5.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**(Paragraph (1) of subdivision (d) of Section 54956,9**

**Name of Case: Cesar Toledo et. al. vs. San Joaquin Regional Rail Commission et. al., Superior Court of California, County of Santa Clara Case No 21CV382290.**

**(Regular and Special Voting Members)**

- 6. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Pennino Management Group (PMG) for Programmatic and Design Staff Augmentation Services for the Capital Projects Program for an Amount Not-To-Exceed \$960,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority**  
**(Stacey Mortensen/Autumn Gowan) (Regular Voting Members)**

**ACTION**

- 7. Fiscal Year 2022/23 Six-Month ACE Operations Report for the period July 1, 2022 through December 31, 2022**  
**(Nick Perez/Tamika Smith)**

**INFORMATION**

- 8. Board Member Comments**

- 9. Ex-Officio Comments**

- 10. Executive Director's Report**

- 11. Adjournment**

**The next regular meeting is scheduled for:**  
**May 5, 2023 – 8:00 am**

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of April 7, 2023

## **Item 3.1**

## **ACTION**

### **Minutes of SJRRC Board Meeting March 3, 2023**

The meeting of the San Joaquin Regional Rail Commission was held at 8:00 a.m., March 3, 2023, via teleconference, videoconference, or in person.

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

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

Commissioners Present: Hernandez, Mei, Nuño, Villapudua, Vice Chair Young, Chair Zuber

Commissioners Absent: Craig, Warmesley

Ex-Officio Members Present: Mr. Dumas, Mr. Nguyen, Mr. Baxter, Ms. Zwahlen

#### **2. Public Comments**

There were no public comments.

#### **3. Consent Calendar**

|     |   |                    |
|-----|---|--------------------|
| 3.1 | Minutes of SJRRC Board Meeting February 3, 2023<br>(Regular and Special Voting Members)   | <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 | Washington Update   | <b>INFORMATION</b> |
| 3.7 | Update on Silicon Valley and Tri-Valley Outreach Contracts Activities   | <b>INFORMATION</b> |
| 3.8 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting a Policy Allowing the Public to Attend Public Meetings Remotely<br>(Regular and Special Voting Members) | <b>ACTION</b>      |
| 3.9 | StopWaste Green and Accessibility Resources   | <b>INFORMATION</b> |

**M/S/C (Young/Nuño) to Approve Items 3.1-3.9 of the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 3<sup>rd</sup> day of March 2023 by the following vote to wit:**

|          |   |   |
|----------|---|---|
| AYES:    | 6 | Hernandez, Mei, Nuño, Villapudua, Vice Chair Young, Chair Zuber |
| NOES:    | 0 |   |
| ABSTAIN: | 0 |   |
| ABSENT:  | 2 | Craig, Warmesley  |

4. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with the City of Stockton for Plan Check Fees for the Stockton Diamond Grade Separation Project for an Amount Not-To-Exceed \$806,875.47 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority**  
(Regular Voting Members Only)

**ACTION**

Mr. Bryan Pennino gave a presentation on this item.

There were no comments on this item.

**M/S/C (Young/Nuño) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with the City of Stockton for Plan Check Fees for the Stockton Diamond Grade Separation Project for an Amount Not-To-Exceed \$806,875.47 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 3<sup>rd</sup> day of March 2023 by the following vote to wit:**

AYES: 4 Nuño, Villapudua, Vice Chair Young, Chair Zuber  
NOES: 0  
ABSTAIN: 0  
ABSENT: 2 Craig, Warmesley

5. **North Valley Rail Study (Sacramento – Marysville/Yuba City – Chico) Update**

**INFORMATION**

Mr. Dan Leavitt gave a presentation on this item.

Commissioner Hernandez commented that this was a great presentation and that students will benefit a lot from the Valley Rail Study.

Commissioner Hernandez inquired how the conversations are going with Union Pacific (UP).

Mr. Leavitt commented that the conversations with UP are good, and that this effort would not have been possible without their support since they own the right of way and the track. Mr. Leavitt commented that staff was really pleased with UP's willingness to work with staff and Butte County Association of Governments (BCAG) on this. Mr. Leavitt commented that originally there was question about whether or not the route would go to Chico or if it would have to terminate in Oroville, but staff is confident after conversations with UP that they can get to Chico where the biggest market is.

## 6. Valley Rail Program Schedule Update

INFORMATION

Executive Director Ms. Stacey Mortensen and Mr. Laurence Farrell gave a presentation on this item.

Commissioner Nuño inquired about using existing rail for Valley Rail or if there is new rail being placed.

Ms. Mortensen explained that a lot of the area from Lathrop down to Ceres and Merced are mostly single track, and this area contemplates double-tracking.

Vice Chair Young commented on the project timeline and inquired if the percentage of delay that was in the Rail Commission's control, if it was due to coordination with all of the cities for the expansion.

Ms. Mortensen explained that staff has talked about a program delivery team that can help look for ways for to expedite the program and see where advancements can be made since there are too few staff currently.

Vice Chair Young inquired if there is any support that policy makers can help with, because there have been opportunities with leaders not being notified with other projects in their cities that could have been positively impacted.

Ms. Mortensen commented that last summer with Mr. Farrell, they started rolling out a monthly project update, and are rolling these out in the process to the board members on the policy side, and these will be seen at upcoming board meetings.

Commissioner Mei echoed Vice Chair Young's sentiments and commented that it is important for the Commission to understand the challenges. Commissioner Mei commented that standards are evolving and there are challenges with supply chain, and extended the offer for the leaders serving on the Commission to help facilitate or to create awareness to help create effective policies.

Ms. Mortensen commented that staff appreciates the help.

Mr. Michael Barnbaum commented that Executive Director Stacey Mortensen did a great job providing an update on the timeline and he is looking forward to further project updates at future board meetings.

## 7. ACE Test Ride Program Update

INFORMATION

Ms. Carmen Setness gave a presentation on this item.

There were no comments on this item.

## 8. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission to Create an Ad Hoc Performance Review Committee of Two (2) Regular Voting Members to Perform the Tasks assigned to it in the Executive Director Performance Evaluation Schedule

ACTION

(Regular Voting Members Only)

Legal Counsel Daniel J. Schroeder gave a presentation on this item.

Vice Chair Young commented that the Rail Commission members have worked very hard on the process for the Ad Hoc Committee and suggested to take it two years at a time.

Vice Chair Young explained that whoever volunteers will look at the process and collect the evaluation forms from all regular and special voting members and organize it into one document.

Commissioner Nuño inquired if there were two components to the Ad Hoc Committee.

Chair Zuber explained that it will be the same people on the Ad Hoc Committee, and the two components happen together, and the Ad Hoc Committee will create a summary report for the evaluation and review how the process went and if anything needs to be changed.

Commissioner Nuño volunteered to be on the Committee, and commented that he would be happy to learn if one other person with experience on the Ad Hoc Committee wants to join.

Chair Zuber commented that for consistency, it would be great for Vice Chair Young and then for next year, Commissioner Nuño can lead the Ad Hoc Committee for a new Commissioner to join.

Executive Director Stacey Mortensen commented that General Counsel, Daniel J. Schroeder is available for support as well as CFO, Nila Cordova.

Chair Zuber explained that the Ad Hoc Committee is not time consuming, and it has proven to be an effective and valuable process.

Vice Chair Young commented that the Executive Director should not have to ask to be evaluated, and this should be done routinely.

General Counsel commented that in the next few days, staff will get a meeting on the Ad Hoc Committee members' calendars for this month, to review the process and the form, and a second meeting will be at the end of April to take all Commissioners evaluations for the Executive Director and to summarize them.

**M/S/C (Zuber/Young) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission to Create an Ad Hoc Performance Review Committee of Two (2) Regular Voting Members to Perform the Tasks assigned to it in the Executive Director Performance Evaluation Schedule**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 3<sup>rd</sup> day of March 2023 by the following vote to wit:**



AYES: 4 Nuño, Villapudua, Young, Vice Chair Zuber  
NOES: 0  
ABSTAIN: 0  
ABSENT: 2 Craig, Warmesley

## **9. Board Member Comments**

Commissioner Nuño commented that this was his first time at Cabral Station, and it was nice to attend the meeting in person and to see other board members and staff in person. Commissioner Nuño commented that Cabral Station is a great facility and he is eager to walk around the building following the meeting.

## **10. Ex-Officio Comments**

Ms. Diane Nguyen of SJCOG presented the 16<sup>th</sup> annual San Joaquin Valley Policy Conference for 2023, Better Together, which represents the 8 Valley Regional Planning Agencies in San Joaquin County. Ms. Nguyen commented that the conference will be held at the Great Wolf Lodge in Manteca, with a reception on April 24<sup>th</sup> in the evening, and continues for a full day on April 25<sup>th</sup> and a half day on April 26<sup>th</sup>. Ms. Nguyen commented that the conference includes mini sessions that focus on best practices and innovations in regional housing, transportation, social equity, and air quality, as well as highlighting infrastructure projects throughout the San Joaquin Valley. Ms. Nguyen commented that this conference is open to the public, and there are registration and hotel costs for anyone that is interested.

Mr. Ken Baxter of SJRTD commented that SJRTD offered free rides from February 4<sup>th</sup> through the 10<sup>th</sup> to commemorate Rosa Parks' life and to celebrate Transit Equity Week, and the free rides included the Hopper Express local fixed route and the Dial-a-Ride services. Mr. Baxter commented that SJRTD aimed to positively impact its community through this initiative to bring attention to the transit system. Mr. Baxter commented that he previously reported in December that the City of Lathrop requested SJRTD coordinate and manage a community needs Public Transit apportionment study to expand transit services in Lathrop and that SJRTD entered into an MOU. Mr. Baxter provided an update that SJRTD released a Request for Proposals for an assessment study on February 14<sup>th</sup>, and proposals are due on March 14<sup>th</sup>. Mr. Baxter reported that SJRTD ridership has reached 60% of pre-Covid levels, and bus rapid transit is performing a little bit higher at 76% pre-Covid.

Mr. Tom Dumas of Caltrans commented that the California Transportation Commission (CTC) recently allocated nearly one billion dollars to repair and improve transportation infrastructure throughout the state, and it included \$450 million dollars from the federal infrastructure build, and more than \$250 million from the Senate Bill Job Investments Act of 2021. Mr. Dumas commented that the district received about \$10 million worth of these funds for three projects, in San Joaquin, Stanislaus, and Merced Counties, with each project receiving a little over \$3 million dollars for things such as pavement rehabilitation, bridge

repair railings, and ADA improvements. Mr. Dumas commented that the Federal Transit Association (FTA) announced the opportunity for up to \$1.2 billion dollars in fiscal year 23 for the 5339C Low Emissions Grant Program, and \$469 million dollars 5339B program for low emissions bus and facility improvements. Mr. Dumas explained that these applications are through the federal website, grants.gov, and they are due by April 13<sup>th</sup>. Mr. Dumas commented that the state is having California Cleanup Days, Spring Into Action, sponsored by the Governor's Office, Caltrans, and partners across the state. Mr. Dumas explained that this is a statewide 11-day event that kicks off on March 17<sup>th</sup> and there are numerous activities scheduled for Saturday, March 25<sup>th</sup> including: cleanups, dump days, tree plantings, and other things to make the Golden State look better. Mr. Dumas commented that more information for this event can be found on the California Clean-Up website. Mr. Dumas commented that the deadline for Sustainable Communities Transportation Planning Grants are March 9<sup>th</sup>. Mr. Dumas commented that recently Director Tavares signed off on the letter of support for the Raise Grant for the application for the North Lathrop Station and the Lathrop Wye project for the Rail Commission, and commented in hopes that will come through.

Ms. Sue Zwahlen of StanCOG thanked Commissioner Nuño and Vice Chair Young for stepping up to the Ad Hoc Committee and for their willingness to take on additional tasks. Ms. Zwahlen commented that recent rail incidents in the US and internationally highlights how important this work is and expressed appreciation for everyone that is listening and for their efforts.

## **11. Executive Director's Report**

Ms. Mortensen thanked LAVTA and SJRTD for their partnership in recent weather-related incidents when Rail Commission staff needed buses on standby and bus bridges, and these partners stepped up to give passengers options to get them to their destinations.

## **12. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
**Significant exposure to litigation pursuant to paragraph (2) or (3) of**  
**subdivision (d) of Section 54956.9: Six (6) Claims**  
(Regular Voting Members Only)

General Counsel Daniel J. Schroeder commented that all Commissioners were present for the entirety of Closed Session with the exception of Commissioner Craig and Commissioner Warmsley, who were absent from the meeting, and Commissioner Hernandez who was unable to join Closed Session. General Counsel Daniel J. Schroeder commented that there was no reportable action.

## **13. Adjournment**

Chair Zuber adjourned the meeting at 9:45 am.

The next regular meeting is scheduled for:  
April 7, 2023 – 8:00 am

**San Joaquin Regional Rail Commission  
Altamont Corridor Express  
Operating and Capital Expense Report  
January 2023  
58% of Budget Year Elapsed**

| OPERATING EXPENSES  | SJRRC<br>FY 22-23<br>ALLOCATION | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE | ACE<br>FY 22-23<br>ALLOCATION | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE |
|---|---------------------------------|-----------------------|-----------------------|-------------------------------|-----------------------|-----------------------|
| <b>Project Management, Services &amp; Supplies Subtotal</b> | <b>\$ 3,266,866</b>             | <b>\$ 2,103,625</b>   | <b>64%</b>            | <b>\$ 5,791,735</b>           | <b>\$ 1,806,957</b>   | <b>31%</b>            |
| <b>Contracted Services Subtotal</b>                         | <b>\$ 530,530</b>               | <b>\$ 263,054</b>     | <b>50%</b>            | <b>\$ 27,769,943</b>          | <b>\$ 13,088,076</b>  | <b>47%</b>            |
| <b>Shuttle Services</b>                                     |                                 |                       |                       | <b>\$ 1,792,856</b>           | <b>\$ 1,045,833</b>   | <b>58%</b>            |
| <b>TOTAL OPERATING EXPENSES</b>                             | <b>\$ 3,797,396</b>             | <b>\$ 2,366,678</b>   | <b>62%</b>            | <b>\$ 35,354,534</b>          | <b>\$ 15,940,866</b>  | <b>45%</b>            |

| OPERATING EXPENSES  | SJRRC -<br>CONTRACTED<br>SERVICES<br>FY 22-23<br>ALLOCATION | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE | SJRRC -<br>TRACC<br>FY 22-23<br>ALLOCATION | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE |
|---|---|-----------------------|-----------------------|--|-----------------------|-----------------------|
| <b>Project Management, Services &amp; Supplies Subtotal</b> | <b>\$ 200,000</b>   | <b>24,084</b>         | <b>12%</b>            | <b>\$ 112,205</b>                          | <b>-</b>              | <b>0%</b>             |
| <b>Contracted Services Subtotal</b>                         | <b>\$ 5,425,000</b>   | <b>\$ 271,826</b>     | <b>5%</b>             | <b>\$ 1,501,491</b>                        | <b>-</b>              | <b>0%</b>             |
| <b>TOTAL CONTRACTED SERVICES EXPENSES</b>                   | <b>\$ 5,625,000</b>   | <b>\$ 295,910</b>     | <b>5%</b>             | <b>\$ 1,613,696</b>                        | <b>-</b>              | <b>0%</b>             |

| CAPITAL PROJECTS                     | CAPITAL<br>FY 22-23<br>ALLOCATION | EXPENSE<br>TO<br>DATE | SPENT<br>TO DATE |
|--------------------------------------|-----------------------------------|-----------------------|------------------|
| <b>SAN JOAQUIN RAIL COMMISSION</b>   |                                   |                       |                  |
| 1 East Channel Street Improvements   | 500,000                           | 708                   | 0%               |
| 2 Robert J. Cabral Station Expansion | 2,500,000                         | 148,707               | 6%               |
| <b>TOTAL CAPITAL PROJECT SJRRC</b>   | <b>\$ 3,000,000</b>               | <b>\$ 149,415</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  | 1,775,164             | 492,200              | 28%        |
| 3 UPRR Capital Access Fee   | 3,242,516             | 1,621,258            | 50%        |
| 4 UPRR Capitalized Maintenance Projects   | 4,000,000             | 992,370              | 25%        |
| 5 UPRR Safety Improvement Fund  | 500,000               | -                    | 0%         |
| 6 Valley Rail - Stockton to Natomas   | 29,700,000            | 2,871,359            | 10%        |
| 7 Valley Rail - Lathrop to Ceres/Merced   | 27,700,000            | 4,221,799            | 15%        |
| 8 Valley Rail - Ceres to Turlock  | 750,000               | -                    | -          |
| 9 Stockton Diamond Grade Separation   | 36,000,000            | 4,325,334            | 12%        |
| 10 Locomotive Simulator Purchase  | 1,000,000             | -                    | 0%         |
| 11 Charger Locomotives  | 500,000               | -                    | -          |
| 12 Platform Extension Projects  | 3,500,000             | 148,177              | 4%         |
| 13 Cabral Station Track Extension   | 23,000,000            | 5,588,537            | 24%        |
| 14 Positive Train Control   | 700,000               | 290,241              | 41%        |
| 15 Rail Cars - (5) passenger rail cab cars (12) passenger coach cars (4) Option Coach | 5,500,000             | -                    | 0%         |
| 16 Phase 2 Wi-Fi Installation   | 1,200,000             | -                    | -          |
| 17 Railcar Midlife Overhaul   | 7,130,166             | 1,130,488            | 16%        |
| 18 Locomotive Conversion  | 1,739,328             | -                    | 0%         |
| 19 Rail Maintenance Facility Expansion  | 25,654,435            | 5,316,054            | 21%        |
| 20 Newark-Albrae Siding Connection  | 1,470,000             | -                    | 0%         |
| 21 Facility Upgrades and Capital Improvements   | 199,260               | -                    | 0%         |
| 22 Tracy ACE Station Improvements   | 1,500,000             | 10,029               | 1%         |
| 23 Capital Spares   | 1,000,000             | 107,355              | 11%        |
| 24 Network Integration  | 1,041,578             | -                    | 0%         |
| 25 Short Range Transit Plan   | 46,123                | -                    | 0%         |
| 26 The Rail Academy of Central California (TRACC)                                     | 3,100,000             | -                    | 0%         |
| <b>TOTAL CAPITAL PROJECTS ACE</b>   | <b>\$ 183,066,582</b> | <b>\$ 28,233,214</b> | <b>15%</b> |
| <b>TOTAL CAPITAL PROJECTS SJRRC &amp; ACE</b>   | <b>\$ 186,066,582</b> | <b>\$ 28,382,628</b> | <b>15%</b> |

## **Status of FY 22/23 Capital Projects - Notes as of March 2023**

### **SAN JOAQUIN RAIL COMMISSION**

- 1 East Channel Street Improvements - In September 2022, SJRRC submitted a regional application for the Cycle 6 Active Transportation Program for the East Channel Street Project. In February 2023, SJCOG's Technical Advisory Committee approved the evaluation committee's recommendation to program the ATP funds for the project. Final design for the project is being completed and construction is scheduled to begin FY 23/24.
- 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. The design phase is at 90% completion. Construction is expected to begin Summer 2024.

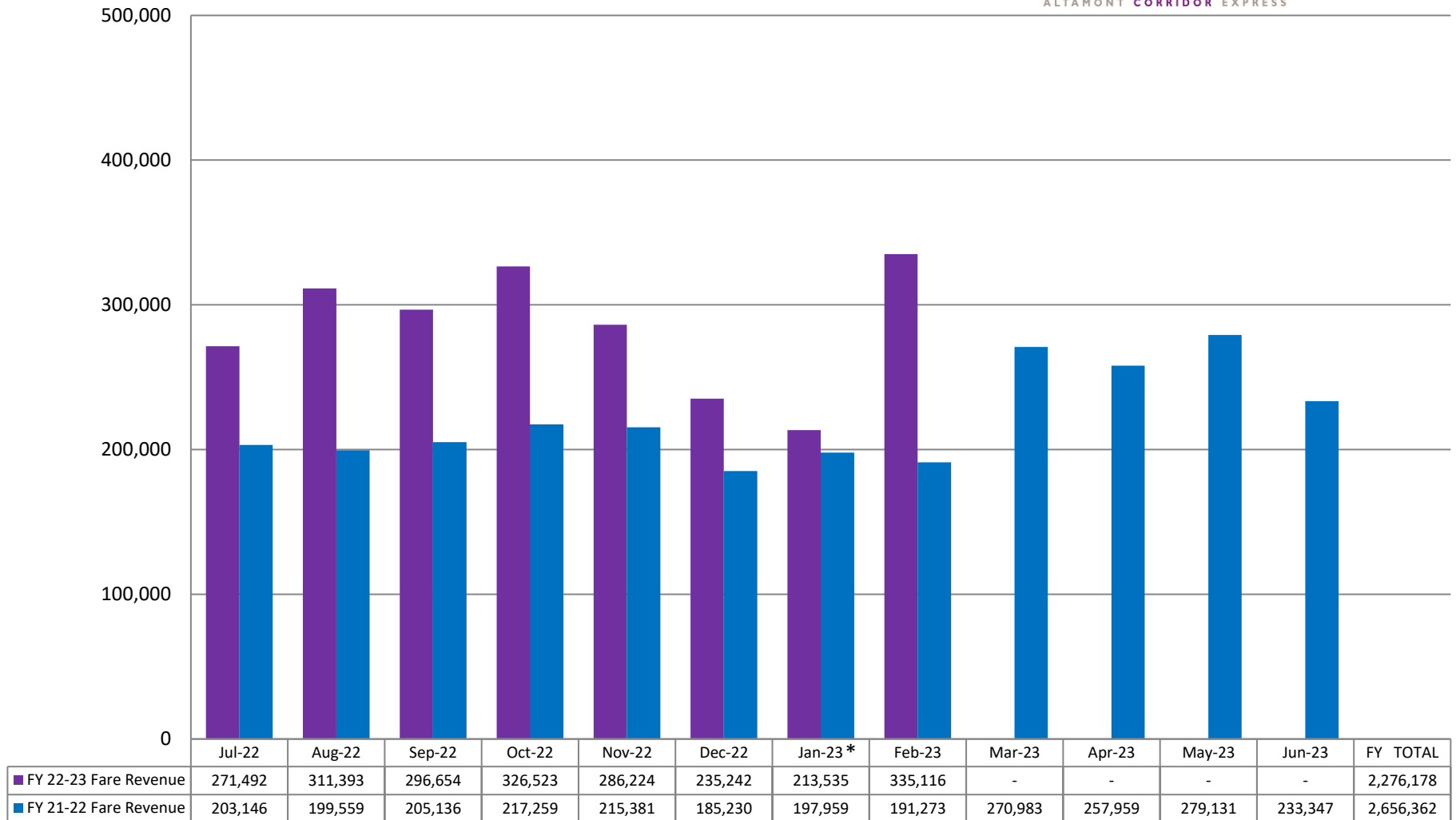
### **ALTAMONT CORRIDOR EXPRESS**

- 1 SJ COG Loan Repayment - Annual payment made July 1, 2022 per SJCOG amended loan agreement.
- 2 Bond Repayments - Bond repayments are made bi-annually, payments FY 22-23 are due in November 2022 and May 2023.
- 3 UPRR Capital Access Fee - Payment for calendar year 2022 paid in two installments in July 2022 and January 2023.
- 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 Valley Rail Natomas to Stockton - A Notice of Preparation for the Elk Grove Station EIR was released on August 4, 2021 for a 30-day public comment period. The Elk Grove Station EIR Admin Draft was released in December 2021 with the public comment period ending January 18th, 2022. Plans, Specifications, and Estimates and Right of Way activities for various individual projects along the corridor is ongoing. These projects include stations, layover facilities, and trackwork.
- 7 Valley Rail 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. The project level Draft EIR for Ceres to Merced was released for public review on April 22nd, 2021 and comments were due June 7th, 2021. The Final EIR was approved at the December 3 2021 Board Meeting. PS&E and Right of Way activities for various individual projects along the corridor is ongoing.
- 8 Valley Rail Ceres to Turlock - The project delivers in full the ACE Extension to Turlock, which is an interim phase of SJRRC's planned Ceres to Merced extension. This project extends ACE services approximately 10 miles south to the Turlock Station and constructs the layover track, which is critical for integrating Turlock in the greater regional and statewide rail network, providing direct city-center-to-city-center connections within the San Joaquin Valley.
- 9 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. The Final EIR was adopted by the Board on June 4th, 2021. The California Transportation Commission approved the project for Future Consideration of Funding at their June 23-24, 2021 meeting and allocate funding for the final design and right of way phases. Right of Way appraisals are ongoing with property acquisitions and transfer to soon begin. The design phase is proceeding and construction is expected to start in June 2024. SJRRC is meeting with the City of Stockton on a regular basis to facilitate design reviews.
- 10 Locomotive Simulator Purchase - SJRRC is in communication with Herzog to develop a Request for Proposal (RFP) for the project. SJRRC expects to release the RFP in the 2nd quarter of 2023 with procurement anticipated in the 4th quarter of 2023.
- 11 Charger Locomotives - The two option Charger Locomotive units will begin construction in early 2023 with completion in late 2024. Progress payments are being processed to allow for construction.
- 12 Platform Extension Projects - Design documents for the project are at 90%. The Consultant is revising structural design elements to comply with UPRR constraints on construction of the platform near the active track. The working final platform extension foundation submittals have been submitted to UPRR.
- 13 Cabral Station Track Extension - Construction is ongoing for the project. The contractor is doing borings to identify the location of all utilities within the project limits to access if relocation is needed. This also allows the Utility companies the ability to design the relocation planned for the project if needed.
- 14 Positive Train Control - Staff continues to work with UPRR, Caltrain, FRA and all passenger rail partners on software updates and system improvements.
- 15 Rail Cars - A contract with Bombardier was approved at the April 2020 SJRRC Board meeting. Additionally, an option order was approved by the Board at the December 2020 meeting for 4 additional coaches. This is a Multi-year project for the procurement of five (5) passenger rail cab cars and 16 passenger coach cars. Delivery of the first cars is scheduled for Spring 2023. Delays to the delivery are associated with supply chain issues and illness due to the Covid-19 Pandemic and the need to repaint the entire car order due to systemic paint production failure.
- 16 Phase 2 Wi-Fi Installation - The Passenger Wi-Fi Phase 2 Project is delayed due to a delay in receiving the cab cars. There has been a delay in getting an approved paint process for the vehicles due to issues with quality of the paint adherence on the vehicles. Additional modification will need to be approved prior to repainting the vehicles. A second process is being proposed with a submission date of April 2023, at which time if approved the vehicles will be repainted over a 2 month period and shipped in July 2023 to begin testing and acceptance. Testing and acceptance is estimated to take 60 days from
- 17 Railcar Midlife Overhaul - Midlife overhauls of ACE's existing fleet of 30 railcars continues to move forward with 14 cars repainted to the new paint scheme. The vehicles are approximately 40% complete in the overhaul process, with the Passenger Information Systems (PIS) causing the majority of the issues in getting equipment further along.
- 18 Locomotive Conversion - Consultant contract was awarded at the February 2023 Board meeting for the Near Zero Locomotive Study. The scope of this project is to study and recommend a proven technology or combination of technologies that allow the existing ACE F40 diesel locomotives to be converted to near-zero emission units while still providing the necessary power and range to operate ACE's service between Stockton and San Jose.
- 19 Rail Maintenance Facility Expansion - This project is in construction.
- 20 Newark-Albrae Siding Connection - Consultant contract awarded at the October 2022 Board meeting. The Notice to Proceed for the project is scheduled for February 2023.
- 21 Facility Upgrades and Capital Improvements - Ongoing
- 22 Tracy ACE Station Improvements - Plans are 100% complete and submitted for permit. The project is awaiting federal funding approval in TrAMS for a grant amendment to complete the National Environmental Policy Act (NEPA) Categorical Exclusions.
- 23 Capital Spares - Preventative Maintenance is ongoing.
- 24 Network Integration - All network intergration deliverables have been completed and submitted to Caltrans.
- 25 Short Range Transit Plan - The FY2022-2027 SRTP was approved by the SJRRC board in January 2023. The final draft of the SRTP has been submitted to MTC.
- 26 The Rail Academy of Central California (TRACC) - The Rail Academy will provide the youth of Stockton and the surrounding region the opportunity to gain marketable skills and position them for successful careers in the transportation industry. The first cohort will occur at the ACE Rail Maintenance Facility in August 2023.

## Fare Revenue



Item 3.3



% of Budget Year Elapsed: 67%

FY 22-23 % of Budgeted Fare Revenue Received to Date: 53.2%

Projected Annual Fare Revenue (includes Amtrak Thruway Service): \$4,275,000.00

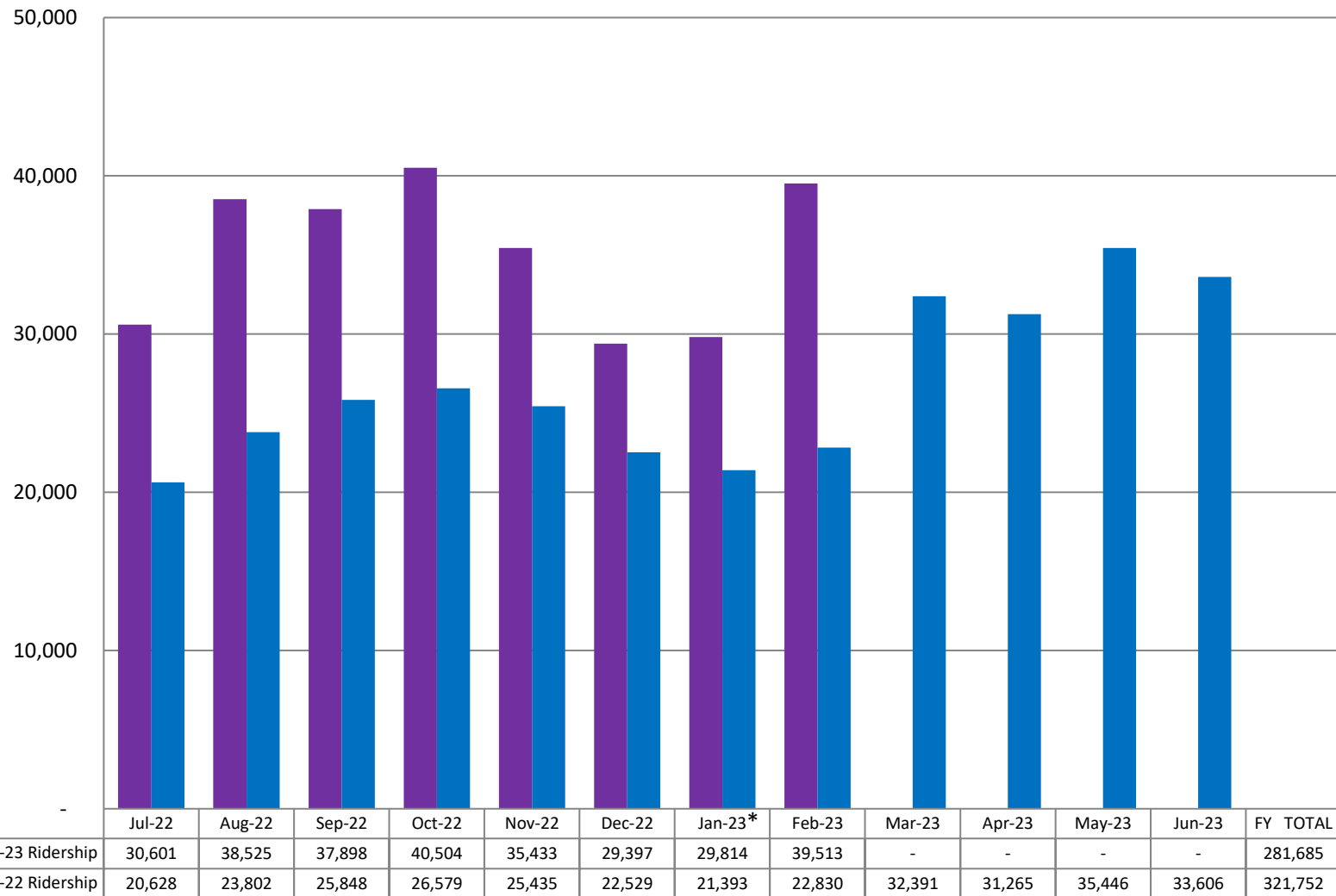
\* Service Disruption: January 17th and 18th

Canceled Service: January 19th and 20th

# Ridership

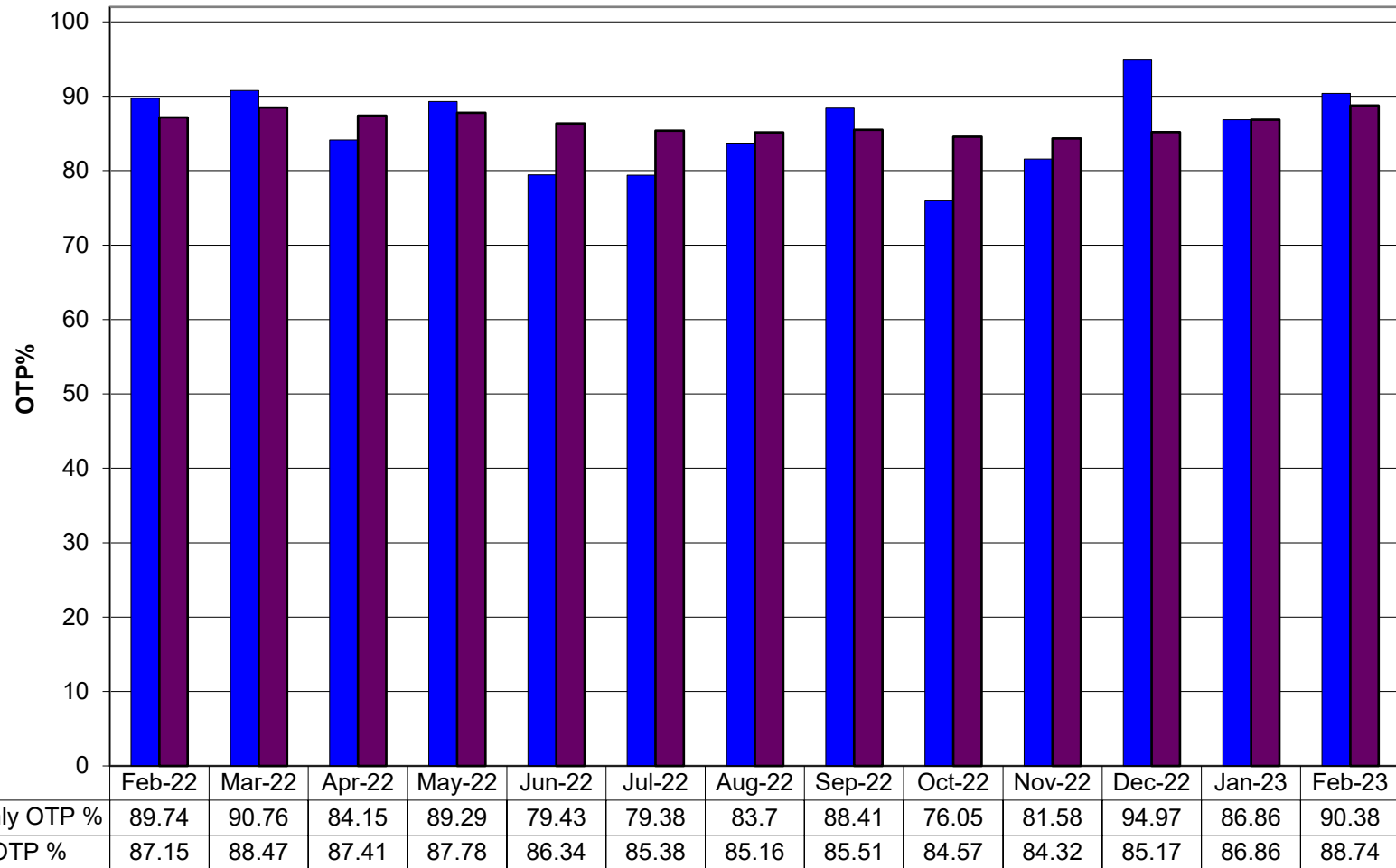


Item 3.4



\* Service Disruption: January 17th and 18th  
 Canceled Service: January 19th and 20th

## ACE ON TIME PERFORMANCE





## TAI GINSBERG & ASSOCIATES, LLC

**TO:** San Joaquin Regional Rail Commission (SJRRRC)  
**FROM:** TG&A Staff  
**SUBJECT:** Monthly Progress Report for MARCH 2023  
**DATE:** March 31, 2023

### **THE BIDEN ADMINISTRATION/EXECUTIVE BRANCH**

March 23, 2023. The US Court of Appeals for the Fifth Circuit [ruled against the Biden Administration's](#) vaccine mandate for federal employees, affirmed a lower court decision, and resolved that a preliminary nationwide injunction on the vaccine mandate should remain in place while the case proceeds. With the mandate's enforcement still paused, federal agencies cannot suspend, fire or otherwise discipline the small minority of their workers not already in compliance with the requirement. The case will go back to the U.S. Court for the Southern District of Texas for a decision on the merits of the case and on a permanent, rather than the current preliminary, injunction. However, the ruling noted that, "both sides will have to grapple with the White House's announcement that the COVID emergency will finally end on May 11, 2023."

March 17, 2023. In a [White House Readout of the President's National Infrastructure Advisory Council \(NIAC\)](#), the NIAC emphasized that the security and resilience of the nation's critical infrastructure depend on collaboration across sectors. In the report entitled, "[Cross-Sector Collaboration to Protect Critical Infrastructure: Barriers and Recommendations for Improvement](#)," the NIAC concludes that standards governing the security and resilience of critical infrastructure assets should be mandatory. The [NIAC](#) is currently comprised of 25 executive leaders from the private sector and state, local, and tribal governments who advise the President on how to reduce physical and cyber risks and improve the security and resilience of the nation's critical infrastructure.

March 9, 2023. President Joe Biden [released his FY 2024 Proposed Budget](#) to Congress, which provided an outline of the Administration's government-wide recommended federal funding levels and programmatic tax and policy priorities. The FY 2024 Budget request for discretionary programs (defense and non-defense) is pegged at \$1.730 trillion. The discretionary portion (which includes transportation spending) of the budget is roughly one-third of all spending, while two-thirds of the budget is comprised of mandatory spending for programs like, Medicare and Social Security. Spending across the entirety of the budget for FY 2024 (mandatory/discretionary) is pegged at \$6.9 trillion with receipts of \$5 trillion, resulting in a budget deficit of \$1.85 trillion. [Among the high-level highlights](#), the Budget calls for: a 25 percent minimum tax of the wealthiest 0.01 percent households (households with more than \$100 million), restores the top tax rate of 39.6 percent for single filers making more than \$400,000 a year and married couples making more than \$450,000 per year, raises the Medicare tax rate on earned/unearned income above \$400,000 from 3.8 percent to 5 percent, and increases the corporate tax rate to 28 percent from 21 percent. These revenue generators et al. are to provide for a nearly \$3 trillion cut in the nation's deficit over 10 years, to extend the solvency of the Medicare Trust Fund by 25 years, to expand the Child Tax Credit to \$3,000 per child six years old/above and to \$3,600 per child under six years old, to expand tax credits for health insurance premiums, reduce prescription drug costs, et al. policy provisions. The Budget does not include a plan to address the projected Social Security insolvency and the debt ceiling remains unresolved.



Overall, the Budget will merely offer a starting point for Democrats as they begin negotiations in the House/Senate with the House-controlled Appropriations Committee; however, the Budget will likely be largely opposed by Republicans.

#### **Selected Transportation Highlights:**

The Budget requests \$27.8 billion in discretionary budget authority in FY 2024 for US DOT, a \$1.8 billion or 6.7-percent increase from the 2023 enacted level (excluding \$2.6 billion in one-time congressionally-directed spending items). The FY 2024 proposed budget request includes a fully funded IIJA, but proposed to eliminate congressional earmarks. **See Addendum A – Administration’s FY 2024 Proposed Budget Highlights (funding chart) – at end of report.** Also, see American Public Transportation Association (APTA) new release [here](#), AASHTO article [here](#), and NACo Executive Summary [here](#).

March 2, 2023. President Biden issued a [statement](#) supporting the [Railway Safety Act of 2023](#). The President said, “This legislation provides us with tools to hold companies accountable to prevent terrible tragedies like the Norfolk Southern derailment in East Palestine and to make those communities whole.” The bill is sponsored by Senators Sherrod Brown (D-OH) and J.D. Vance (R-OH).

#### **BIDEN 2023 TRANSPORTATION-RELATED NOMINATIONS/CONFIRMATIONS**

Since the February 2023 report, there are no relevant changes in status to transportation-related nominees. **A full 2022/2023 listing of “Nominations” is available from TG&A upon request.**

#### **APPROPRIATIONS/BUDGET**

##### **FY 2024 EARMARK UPDATE**

March 10, 2023. House Committee on Appropriations Chairwoman Kay Granger (R-TX) issued a [press release](#) specifying The FY 2024 Member Request Deadlines for earmarks. Chairwoman Granger also issued [FY 2024 Member Request Guidance](#). For House Transportation, Housing and Urban Development [earmarks, the deadline is Friday, March 31, 2023](#), while the [Senate Guidance/deadline is April 6, 2023](#) (and [here](#)). For transparency purposes, House transportation earmark requests must be posted on the connected congressional member’s website on April 17, 2023. Like last year, members may request **programmatic language requests** (general funding requests for national and regional programs, and/or bill and report language requests that directs, encourages, or urges a department to carry out an action), and **project earmark requests** (funding requested for a specific project in a specific location). In the House, earmark requests are deemed **Community Project Funding Requests**, while in the Senate earmark requests are deemed **Congressionally Directed Spending Requests**. Per guidance, the total amount for Community Project Funding in House appropriations bills are not to exceed one half of one percent of discretionary spending, while in the Senate the Appropriations Committee has placed a 1 percent cap on discretionary spending for Congressionally Directed Spending items. *[For interest, the FY 2023 Omnibus bill included \$15.3 billion in earmarks, which accounted for around 0.9 percent of discretionary spending.]* In the House, Member Requests are capped at a maximum of 15 earmark requests across bills. Chairwoman Granger also released guidance banning Community Project Funding requests from the Labor-HHS-Education bill, along with Financial Services and Defense spending bills. The Senate is allowing earmarks in those bills which may make a reaching a final conferenced bill a bit complicated.

##### **DEBT LIMIT UPDATE**

The [debt limit](#)—commonly called the debt ceiling—is the maximum amount of debt that the Department of the Treasury can issue to the public or to other federal agencies. On December 16, 2021, President Joe Biden signed legislation increasing the debt ceiling by \$2.5 trillion to a total ceiling, or cap, of \$31.4 trillion, which is expected to fund government activities through mid-2023. As of March 6, 2023, the Total Public Debt Outstanding was \$31.458 billion (see nearby table). *[See debt clock [here](#) for a minute-to minute update of debt outstanding.]* The debt limit was hit on January 19, 2023 and the Treasury is now using “extraordinary measures” to come up with the additional cash needed to pay its bills. Economists at Moody’s Analytics estimate that the Treasury Department will run out of borrowing room by mid-August if Congress does not act to raise or suspend the statutory debt limit by then.

In a [paper](#), Moody's says that the Treasury's extraordinary measures seem likely to be exhausted by mid-August (circa August 18). Failing to raise the limit could lead to a default on debt payments, which would wreak havoc on global financial markets. On March 28, 2023, House Speaker Kevin McCarthy (R-CA) sent a [letter](#) to President Biden requesting a follow-up meeting [from their February meeting] to negotiated meaningful changes to avoid the debt limit deadline. The letter notes that, "House Republicans are united in our view that the best way to reduce the national debt is to **Limit Spending, Save Taxpayer Money, and Grow the Economy.**" Debt limit negotiations are "somewhat" linked to the timeline of either chamber producing/then conferencing on a Budget Resolution, which appears delayed beyond the April 15 deadline. I.E., the fashioning of a House Budget Resolution is being delayed to provide more flexibility in negotiating terms for a debt ceiling increase.

| Record Date | Debt Held by the Public | Intragovernmental Holdings | Total Public Debt Outstanding |
|-------------|-------------------------|----------------------------|-------------------------------|
| 3/6/2023    | \$24,648,784,848,938.02 | \$6,809,914,026,814.63     | \$31,458,698,875,752.65       |

March 11, 2023. The US Department of Treasury issued its [Monthly Treasury Statement Receipts and Outlays of the United States Government For FY 2023 Through February 28, 2023](#). The government scored a **\$262 billion deficit in the month of February 2023** with **total February receipts reaching \$262 billion** against February outlays of **\$525 billion**. The FY 2023 cumulative deficit for the five-month period ending in February is \$723 billion.

### SELECTED CONGRESSIONAL HEARINGS/BUSINESS

March 28, 2023. The House Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit held a hearing to discuss and receive testimony on matters pertaining to, "[Reviewing the Implementation of the Infrastructure Investment and Jobs Act.](#)" [Committee Link and Testimony.](#)

March 23, 2023. The Senate Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development held a hearing to discuss and receive testimony on matters pertaining to, "[Review of the President's FY 2024 Funding Request and Budget Justification for the U.S. Department of Transportation.](#)" [Committee Link and Testimony.](#) **TG&A Summary Available Upon Request.**

March 22, 2023. The Senate Committee on Commerce, Science, and Transportation held a Full Committee hearing to convene an executive session to consider several bills. The Committee also received testimony and matters pertaining to, "Improving Rail Safety in Response to the East Palestine Derailment." CEO Alan Shaw of Norfolk Southern apologized for the derailment and offered support for enhanced safety measures. [Committee Link and Testimony.](#)

March 16, 2023. The Senate Committee on Banking, Housing, and Urban Affairs held a hearing to discuss and receive testimony on matters pertaining to, "[Local Views on Public Transportation, Transit Infrastructure and Operations, and Federal Transit Programs.](#)" [Committee Link and Testimony.](#)

March 9, 2023. The Senate Environment and Public Works Committee held a hearing to discuss and receive testimony on matters pertaining to, "[Protecting Public Health and the Environment in the Wake of the Norfolk Southern Train Derailment and Chemical Release in East Palestine, Ohio.](#)" Senators Sherrod Brown, JD Vance, and Bob Casey testified as well as Alan Shaw of Norfolk Southern, et al. [Committee Link and Testimony.](#)

## SELECTED CONGRESSIONAL “TRANSPORTATION-RELATED” BILLS – MARCH

| SENATE BILLS  |   |  |   |
|---|---|--|---|
| <a href="#">S 916</a><br><a href="#">Press Release</a>                                | R. Blumenthal (D-CT) A bill to limit and eliminate excessive, hidden, and unnecessary fees imposed on consumers. Introduced 3/22/23.  | <a href="#">S 876</a>  | T. Cruz (R-TX) A bill to establish a 90-day limit to file a petition for judicial review of a permit, license, or approval for a highway or public transportation project. Introduced 3/21/23.  |
| <a href="#">S 619</a><br><a href="#">White House</a><br><a href="#">Press Release</a> | J. Hawley (R-MO) “COVID–19 Origin Act of 2023.” Requires the Biden administration to declassify intelligence related to any potential links between the Wuhan Institute of Virology (WIV) and the origins of the Covid pandemic. <b>Passed the Senate on 3/1/23 Unanimous Consent and passed the House on 3/10/23 by a vote of 419-0. Signed by the President on 3/20/23.</b> | <a href="#">S 844</a>  | R. Casey Jr. (D-PA) A bill to authorize the declaration of a hazardous train event. Introduced 3/16/23.   |
| <a href="#">S TBA</a><br><a href="#">Press Release</a>                                | D. Fischer (R-NE) “Veteran Improvement Commercial Driver License Act of 2023.” Ensures CDL schools that offer courses at new branches do not have to wait two years if the primary institutions have been approved by the VA and State Approving Agencies to receive GI benefits. Introduced 3/8/23.  | <a href="#">S 576</a><br><a href="#">One-Pager</a><br><a href="#">Brown P.R.</a><br><a href="#">White House</a><br><a href="#">Statement</a> | S. Brown (D-OH) “Railway Safety Act of 2023.” To improve rail safety protocols: enhance safety procedures for trains carrying hazardous materials, establish requirements for wayside defect detectors, create a permanent requirement for railroads to operate with two-person crews, increase fines for wrongdoing committed by rail carriers. Introduced 3/1/23.             |
| <a href="#">S 619</a><br><a href="#">Hawley PR</a>                                    | J. Hawley (R-MO) “COVID–19 Origin Act of 2023.” To require the Director of National Intelligence to declassify information relating to the origin of COVID–19. Introduced 3/1/23. <b>Passed Unanimous Consent in the Senate on 3/1/23.</b>  |  |   |
| HOUSE BILLS   |   |  |   |
| <a href="#">HR 1759</a>   | N. Malliotakis (R-NY) To prohibit the Secretary of Transportation from implementing a congestion pricing program until an economic impact analysis is completed and made available to the public. Introduced 3/23/23.   | <a href="#">HR 1674</a><br><a href="#">Press Release</a>   | C. Deluzio (D-PA) “The Railway Safety Act of 2023.” This bill is the House companion bill to the bipartisan Senate rail safety package (S 576). Introduced 3/21/23.   |
| <a href="#">HR 1668</a>   | E. Blumenauer (D-OR) To amend title 23, United States Code, with respect to the highway safety improvement program. Introduced 3/21/23.   | <a href="#">HR 1633</a><br><a href="#">Press Release</a><br><a href="#">Sykes Press R.</a>   | B. Johnson (R-OH) “Reducing Accidents in Locomotives Act” or the “RAIL Act.” Increases funding for Hazardous Materials Training for first responders, increases maximum penalties for violations of rail safety regulations, increases inspections on all trains, including those carrying hazardous materials and audits federal rail inspection programs. Introduced 3/17/23. |
| <a href="#">HR 1</a>  | S. Scalise (R-LA) “Lower Energy Costs Act.” To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting permitting, and production of American resources, and by improving water quality certification/energy projects. Introduced 3/14/23.   | <a href="#">HR 1547</a>  | T. Kean, Jr. (R-NJ) To conduct a study on the costs and benefits of commuter rail passenger transportation involving transfers. Introduced 3/10/23.   |
| <a href="#">HR 1500</a>   | G. Graves (R-LA) To establish a program to use anonymized data from third party entities to inform infrastructure planning decisions and to improve transportation management capabilities and efficiency on Federal-aid highways. Introduced 3/9/23.   | <a href="#">HR 1440</a><br><a href="#">Press Release</a>   | D. LaMalfa (R-CA) Repeals the twelve percent Federal excise tax on heavy trucks/trailers. [Industry estimates the tax has the potential for adding about \$50,000 to the price of new low- or zero-emission heavy-duty vehicles.] Introduced 3/8/23.  |
| <a href="#">HR 1347</a>   | S. Garcia (R-TX) To limit railroad carriers from blocking railway-highway crossings. Introduced 3/3/23.   | <a href="#">HR 1238</a>  | C. Deluzio (D-PA) To issue certain regulations to define high-hazard flammable train. Introduced 2/28/23.   |

## FEDERAL REGISTER NOTICES OF FUNDING OPPORTUNITY (NOFOs)/GRANT AWARDS See Addendum B. - Calendar Year NOFO/AWARDS SCORECARD – at end of report.

### Selected/Anticipated Transportation-Related NOFO Announcement Dates in 2023 (As of March 23, 2023 - Hyperlink)

See [White House](#) Document on [Open/Upcoming NOFOs](#)

Note: US DOT NOFO publication/closing dates for 2022 can be found [here](#). See **US DOT Federal Transportation Funding: FY 2023 Disc. Grant Preparation Checklist for Prospective Applicants** [here](#).

| Month            | Notice of Funding Opportunity (NOFO)   | Operating/Admin. Office        |
|------------------|--|--------------------------------|
| Spring 2023      | <a href="#">Promoting Resilient Operations for Transformative, Efficient/Cost Saving Transportation (PROTECT) Pgm.</a> | FHWA                           |
| April 2023       | <a href="#">Safe Streets and Roads for All Grant Program</a>   | US DOT/Office of the Secretary |
| May 2023         | <a href="#">Transit-Oriented Development Planning</a>  | FTA                            |
| Spring 2023      | <a href="#">Mega Grant Program</a>   | US DOT/Office of the Secretary |
| Spring 2023      | <a href="#">The INFRA Grants Program</a>   | US DOT/Office of the Secretary |
| Spring 2023      | <a href="#">The Rural Surface Transportation Grant</a>   | US DOT/Office of the Secretary |
| Spring 2023      | <a href="#">Thriving Communities</a>   | FHWA/Office of the Secretary   |
| Spring 2023      | Interstate Rail Compacts   | FRA                            |
| Late Spring 2023 | <a href="#">Reconnecting Communities Pilot Program</a>   | FHWA/Office of the Secretary   |
| Late Spring 2023 | <a href="#">Neighborhood Access and Equity Grants</a>  | FHWA/Office of the Secretary   |
| July 2023        | <a href="#">All Stations Accessibility Program</a>   | FTA                            |
| July 2023        | <a href="#">State of Good Repair/Rail Vehicle Replacement Program</a>  | FTA                            |
| Summer 2023      | <a href="#">Bridge Investment Program</a>  | FHWA                           |
| Summer 2023      | <a href="#">Railroad Crossing Elimination Grant Program</a>  | FRA                            |
| Fall 2023        | <a href="#">Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program</a>                               | FRA                            |
| Fall 2023        | <a href="#">Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program</a>                       | Office of the Secretary        |
| Fall 2023        | Regional Infrastructure Accelerators Demonstration Program   | US DOT                         |
| Fall 2023        | Transportation Access Pilot Program  | FHWA                           |
| Fall 2023        | Building Resilient Infrastructure and Communities Program  | DHS/FEMA                       |
| Winter 2023      | Innovative Coordinated Access and Mobility Program   | FTA                            |

March 24, 2023. The Federal Transit Administration (FTA) [announced](#) (and [here](#) and [here](#)) the opportunity to apply for \$212,301,048 in grants under the [Public Transportation Emergency Relief Program](#) (Emergency Relief Program) for states, territories, local government authorities, Indian tribes, and other FTA recipients affected by major declared disasters in calendar years 2017, 2020, 2021, and 2022. Public transportation agencies, States, territories, local governmental authorities, Indian tribes, and other FTA grant recipients that provide or fund public transportation service are eligible for Emergency Relief funding under the program. The maximum Federal share for all grants awarded via the notice is 90 percent of the net project cost unless the project is in response to or recovery from a major declared disaster in an insular area, in which case the maximum Federal share is 100 percent. Costs related to the COVID-19 pandemic **are not eligible** for this funding. FTA will host a [webinar](#) about this funding opportunity at 3 p.m. EDT Thursday, April 6, 2023. **Applications are due by May 26, 2023.**

March 21, 2023. The US DOT [announced](#) the first round of grants totaling over \$94 million for 59 projects across the country through the new [Strengthening Mobility and Revolutionizing Transportation \(SMART\) Grants Program](#). The maximum award per project was \$2,000,000 for in this round of funding. The first year of the program was oversubscribed with \$6 of applications for every \$1 available for grants. The next funding opportunity of \$100 million is expected to be released fall, 2023. The full list of awards totaling \$94,783,781 can be viewed [here](#). An interactive map depicting all SMART projects can be found [here](#).

March 6, 2023. The Federal Emergency Management Agency (FEMA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$2 million to eligible public transit systems under the [FY 2023 Intercity Bus Security Grant Program \(IBSGP\)](#). The IBSGP provides funds to intercity bus companies to protect critical surface transportation infrastructure and the travelling public from acts of terrorism. The FY 2023 IBSGP has a cost share requirement. **Applications are due by May 18, 2023.**

March 6, 2023. The Federal Emergency Management Agency (FEMA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$93 million to eligible public transit systems under the [FY 2023 Transit Security Grant program \(TSGP\)](#).

The TSGP provides funds to transit agencies to protect critical surface transportation infrastructure and the traveling public from acts of terrorism. There is no cost share requirement for the FY 2023 TSGP.

**Applications are due by May 18, 2023.**

March 2, 2023. The Department of Housing and Urban Development (HUD) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$5 million under the [Thriving Communities Technical Assistance](#) program. There is no cost sharing requirement. Entities that are seeking funding under the DOT's Thriving Communities Program are eligible to apply if they meet HUD's eligibility criteria under the NOFO.

**Applications are due March 2, 2023, by 11:59 p.m., ET.**

February 28, 2023. The US DOT [announced](#) \$185 million in FY 2022 grant awards for 45 communities through the first round of funding for the [Reconnecting Communities Pilot Grant Program \(RCP\)](#). The IIJA Law established a new RCP discretionary grant program, funded with \$1 billion over the next 5 years. The RCP program supports planning grants and capital construction grants, as well as technical assistance, to restore community connectivity through the removal, retrofit, mitigation, or replacement of eligible transportation infrastructure facilities. The awards include 6 Capital Construction Grants and 39 Planning Grants. See Reconnecting Communities Pilot Program Award Fact Sheets [here](#).

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

March 21, 2023. The Federal Railroad Administration (FRA) issued a [Notice](#) to encourage development of high-speed rail (HSR) system projects intended for operations over 160 miles per hour by establishing a streamlined process for reviewing domestic sourcing and workforce plans. The notice summarizes FRA's intent to invite HSR project sponsors to voluntarily submit for review, in advance of receipt of DOT funding, their domestic sourcing and workforce plans. The notice provides further clarification to the December 7, 2022, [Notice of Funding Opportunity](#) (NOFO) for the Federal-State Partnership for Intercity Passenger Rail Program, which stated that FRA expects all applicants to comply with Buy America requirements without needing a waiver.

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

March 24, 2023. The Congressional Research Service (CRS) issued an updated report entitled, "[Federal Public Transportation Program: In Brief](#)."

March 23, 2023. The Congressional Research Service (CRS) issued an updated report entitled, "[Intercity Passenger Rail: Federal Policy and Programs](#)."

March 15, 2023. The Federal Transit Administration (FTA) released a [Dear Colleague Letter](#) waiving the local match for Complete Streets planning activities for the Metropolitan Planning Program and the State Planning and Research Program. FTA and the Federal Highway Administration will now start providing more support to transit agencies working on Complete Streets planning projects. The waiver of the local match is in effect through 2026.

March 14, 2023. At the APTA Legislative Conference, the Federal Transit Administration (FTA) gave an overview of the safety regulatory agenda and the top oversight findings. See slide deck [here](#).

March 9, 2023. In a [letter](#) to Congresswoman Rosa DeLauro (D-CT, Ranking Member of House Committee on Appropriations), US DOT Secretary Peter Buttigieg noted that in regard to "a reported plan to cap FY 2023 discretionary spending at FY 2022 enacted levels" that "DOT would be required to reduce its discretionary spending by 22 percent across the agency." The letter further details specific impacts to the different modal areas.

March 9, 2023. The Federal Transit Administration (FTA) [released](#) its annual report entitled, "[Annual Report on Funding Recommendations FY 2024 – Capital Investment Grants Program and Expedited Project Delivery Pilot Program](#)."



Within that report, 18 large transit projects in 11 states across the nation were recommended to receive \$4.45 billion for construction. The listed projects, which require a local funding match, seek funding through the FTA [Capital Investment Grants](#) (CIG) and [Expedited Project Delivery \(EPD\) Pilot programs](#). The report allocates \$2.85 billion in annual appropriations requested from Congress and \$1.6 billion in FY 2024 funding provided through the IIJA. See proposed FY 2024 CIG/Expedited Project Delivery Pilot Program list [here](#).

March 8, 2023. The Federal Railroad Administration (FRA) made available [slide deck on Section 106 Basics for Potential FRA Grantees](#). Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties.

March 2, 2023. The Government Accountability Office (GAO) released numbers reflecting [COVID-19 \(Funding/Spending as of January 31, 2023\)](#). Six COVID-19 relief laws (see nearby graphic) enacted in 2020 and 2021 provided about \$4.6 trillion of funding for pandemic response and recovery. As of January 31, 2023, the most recent date for which government-wide information was available, the federal government obligated a total of \$4.5 trillion and expended \$4.2 trillion, or 98 and 90 percent, respectively, of these relief funds. **Of the \$90.5 billion of the total remaining unobligated balance (about 2 percent of the COVID-19 relief total), Transit Infrastructure Grants have a \$3.7 billion share of an unexpired unobligated balance.**



March 1, 2023. In the aftermath of the February 3, derailment of a Norfolk Southern Railway train in East Palestine, Ohio, and other recent derailments, the Federal Railroad Administration (FRA) [announced](#) a national initiative for focused inspections on routes that carry high-hazard flammable trains (HHFTs) and other trains carrying large volumes of hazmat commodities. The FRA said that, "Working with USDOT's Pipeline and Hazardous Materials Safety Administration (PHMSA), FRA will identify these routes and prioritize them for inspection beginning immediately. The inspections will start in East Palestine, Ohio, and expand to communities nationwide." Also, US DOT has called on all Class I railroads to take part in FRA's Confidential Close Call Reporting System (C3RS), and FRA has issued a [Safety Advisory](#) (and [here](#)) on February 28, 2023, to all railroads on hot bearing wayside detectors. The voluntary C3RS would encourage rail employees to report safety hazards without fear of reprisal. US DOT Secretary Buttigieg has said that Amtrak and many commuter railroads and short lines have signed up for the reporting system, but no Class Is have signed up. **Update March 2-7, 2023:** Association of American Railroads CEO Ian Jefferies wrote a [letter](#) (other freight railroad safety measures [here](#)) to US DOT Secretary Pete Buttigieg informing him that all of the Class Is would join the C3RS program. The letter states, "I am writing on behalf of the freight rail industry to inform you that all seven Class I railroads have agreed to join FRA's voluntary Confidential Close Call Reporting System (C3RS), as requested in your February 27, 2023 letter to the Class I CEOs." Norfolk Southern has also [announced](#) a six-point plan to immediately enhance the safety of its operations. The National Transportation Safety Board has [announced](#) a special investigation of Norfolk Southern Railway's organization and safety culture and the FRA has announced a [Supplemental Safety Assessment](#) of Norfolk Southern Railway's Operations. Also, see February 24, 2023 CRS Report on, "[East Palestine, OH, Train Derailment and Hazardous Materials shipment by Rail: FAQs](#)."

February 28, 2023. The American Public Transportation Association (APTA) sent a [letter](#) to US DOT Secretary Pete Buttigieg urging that a larger share of RAISE grant awards be targeted towards public transportation projects.

The letter notes that, “In August 2022, DOT announced more than \$2.2 billion in RAISE capital grant awards to 166 projects in all 50 states, Puerto Rico, the Northern Mariana Islands, and the U.S. Virgin Islands. Of these funds, APTA estimates that DOT provided \$418 million to 31 public transportation-related capital projects, equal to 18.6 percent of available funding.”

## UPCOMING CONGRESSIONAL CALENDAR – APRIL

| April                 |      |       |                           |                          |   |                             |
|-----------------------|------|-------|---------------------------|--------------------------|---|-----------------------------|
| Sun.                  | Mon. | Tues. | Wed.                      | Thurs.                   | Fri.  | Sat.                        |
|                       |      |       |                           |                          |   | 1                           |
| 2                     | 3    | 4     | 5<br>Passover<br>(begins) | 6                        | 7<br>Good<br>Friday                                 | 8                           |
| 9<br>Easter<br>Sunday | 10   | 11    | 12                        | 13<br>Passover<br>(ends) | 14  | 15                          |
| 16                    | 17   | 18    | 19                        | 20                       | 21<br>Ram-<br>adan(ends)<br>Eid al-Fitr<br>(begins) | 22<br>Eid al-Fitr<br>(ends) |
| 23<br>30              | 24   | 25    | 26                        | 27                       | 28  | 29                          |

- Both chambers in session
- House only in session
- Senate only in session

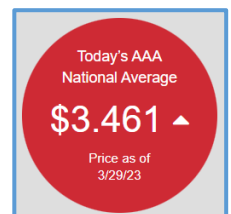
## UPCOMING DEADLINES/EVENTS

- April 2-4 [APTA Legal Affairs Seminar](#) (Portland, OR);
- April 2-4 American Short Line and Regional Railroad Association
- April 13 [FTA's Transit Community Organization Webinar](#);
- [2023 Annual Conference & Exhibition](#) (New Orleans, Louisiana);
- April 20 [FTA's Earth Day Event](#);
- April 23-26 [APTA Mobility Conference](#) (Minneapolis, MN);
- May 9-10 [TRB Road Weather and Winter Maintenance Conference](#) (Wash. D.C.);
- May 15-17 [ARTBA 2023 Annual Federal Issues Program](#);
- May 17 [Annual Railroad Day on Capitol Hill](#) (North American Rail Industry);
- May 15-18 [TRB National Aviation System Planning Symposium](#) (Irvine, CA);
- May 15-19 2023 Infrastructure Week;
- May 19-21 APTA Transit CEOs Seminar (Houston, TX);
- June 4-6 [TRB Innovations in Travel Analysis/Planning Conference](#) (Indianapolis, IN);
- June 11-14 [APTA Rail Conference](#) (Pittsburgh, PA);
- June 19-27 [AASHTO Leadership Institute](#);
- July 11-13 [ARTBA 35th Annual Public/Private Partnerships Transportation Conf.](#) (Wash. D.C.);
- July 15-18 APTA Transit Board Members/Board Administrators Seminar (Birmingham, AL);
- July 21-24 [National Association of Counties \(NACo\) Annual Conference](#) (Travis County, Texas).

## SCUTTLEBUTT/ICYMI

March 29, 2023. The Automobile Association of America (AAA) national average gas price can be found [here](#) (price per gallon as of 3/29/23). One month ago, the average price for regular gas was \$3.357 and one year ago the average price was \$4.244.

March 25, 2023. Union Pacific [reached a tentative agreement with the largest union](#) (SMART-TD) that would maintain two-person crews – dropping the long-standing push to cut train crews down to one person. If ratified, the proposed agreement closes UP's current Section 6 Notice to redeploy conductors.

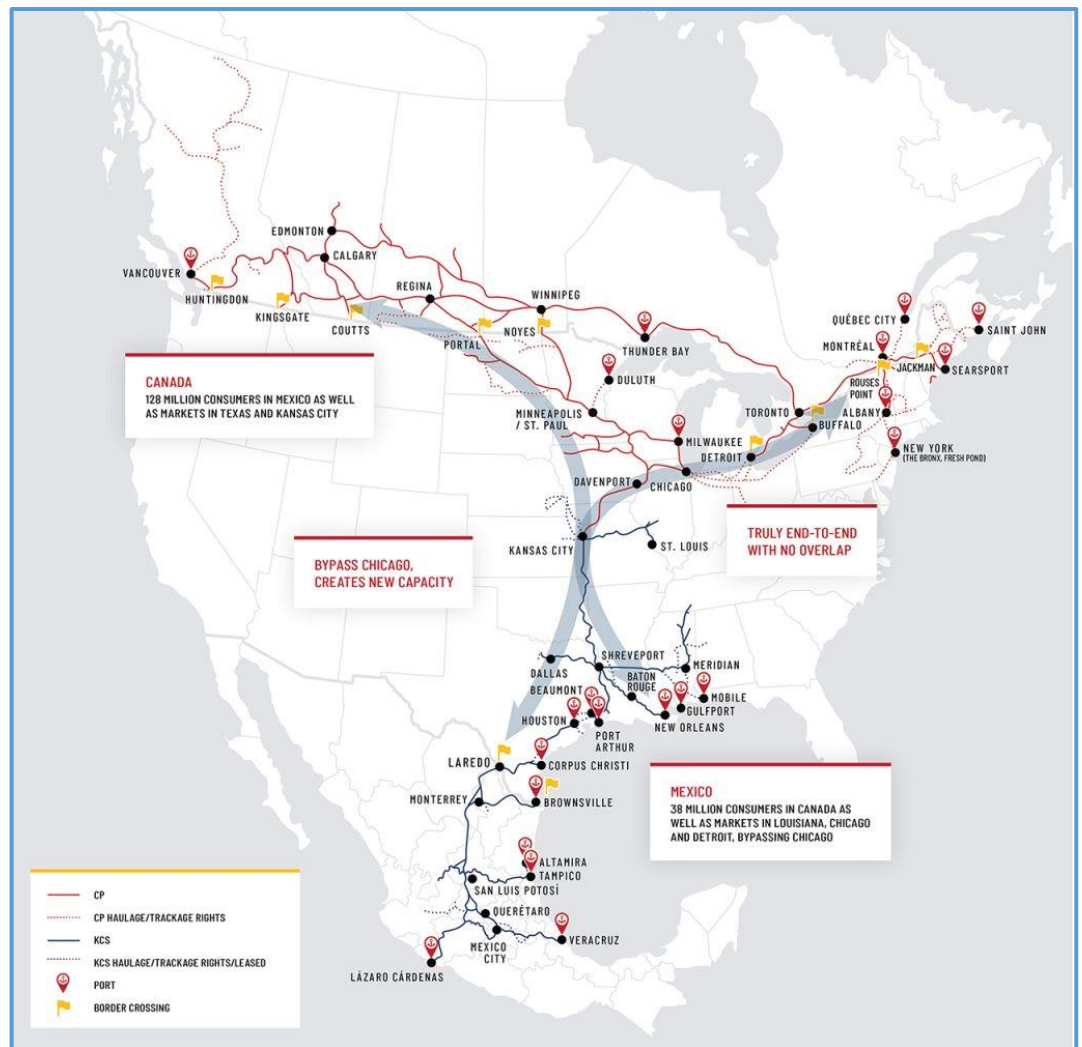


In related news, Norfolk Southern Corporation also [announced](#) that they are discontinuing formal negotiations regarding conductor redeployment to focus their efforts on implementing other immediate quality-of-life improvements for their employees. A bipartisan bill is gaining support in Congress that would require railroads to maintain two-person crews and make several other changes designed to reduce the chances of future derailments.

March 23, 2023. Roll Call is reporting that, “National Transportation Safety Board Chair Jennifer Homendy said the federal investigative panel is considering Senate Majority Leader Charles E. Schumer's (D-NY) request to probe safety regulations at all the major rail companies.”

March 23, 2023. The American and Short Line Regional Railroad Association (ASLRRA) [announced](#) the progression of **Matt Walsh**, Executive Vice President, Global Corporate Development, Genesee & Wyoming Railroad Services Inc. to fill the ASLRRA Board Chairman position vacated by Watco’s Executive Vice President and Chief Commercial Officer Stefan Loeb, who has accepted a position at Norfolk Southern Railway. Walsh currently holds the position of Vice Chairman for the ASLRRA.

March 15, 2023. The Surface Transportation Board (STB) issued its [decision](#) (and [here](#)) approving the \$31 billion acquisition of Kansas City Southern Railway Company (KCS) by Canadian Pacific Railway Limited (CP), with conditions. The Board approved the merger by a vote of 4-1, Robert Primus was the lone dissenter. The decision includes an unprecedented seven-year oversight period and contains many conditions designed to mitigate environmental impacts, preserve competition, protect railroad workers, and promote efficient passenger rail. The Board also anticipates the merger will result in improvements in safety and the reduction of



carbon emissions. The STB said in its announcement that, “The Board expects the merger and imposed conditions to result in an overall public benefit.” The combination of the two railroads, to be known as Canadian Pacific Kansas City (CPKC), will create the first railroad providing single-line service spanning Canada, the United States, and Mexico. CPKC will continue to be the smallest Class I railroad, with a network that is a few thousand route miles shorter than the next smallest Class I and half the size of the Western railroads. The decision restricts CPKC from terminating reciprocal switching access for shipper facilities served by CP or KCS that have such existing access.



**The STB's decision takes effect on April 14, 2023.** See [here](#) for CP announcement on executive leadership team. Petitions for reconsideration of the decision must be filed by April 4 and requests for a stay must be filed by March 27. See also RAILWAY AGE article [here](#) and Transport Topics article [here](#).

March 9-10, 2023. The Surface Transportation Board (STB) [announced](#) the addition of Richard Erstad and James (Leggett) Kitchin to the Board's [Railroad-Shipper Transportation Advisory Council](#) (RSTAC). Mr. Erstad joins as a small shipper representative, and Mr. Kitchin joins as a large railroad representative. The STB also announced the appointment of nine new members to the Board's [Rail Energy Transportation Advisory Committee](#) (RETAC). The new members are Messrs. Adam Anderson, John Bridson, James Grech, Christopher Hand, John Haysbert, Paul Lang, Vern Lund, Dave Slade, and Ben Sweat. All new members have been appointed to serve three-year terms ending in September of 2026.

March 2, 2023. [[See March 15 clip – STB Approved CP/KCS Merger](#)] Senator Elizabeth Warren (D-MA) sent a [letter](#) to Surface Transportation Board Chairman Martin Oberman requesting that the STB, “use its authority granted under the ICC Termination Act of 1995 to deny the proposed merger between Canadian Pacific (CP) and Kansas City Southern (KCS) railroads.” The letter further intimates that, “Allowing this merger -- which would combine the sixth and seventh largest U.S. railroads by revenue<sup>1</sup> -- to proceed would reduce competition in an already highly consolidated market and could cause increased shipping costs.” **In Related News**, Canadian Pacific has [approved](#) the appointment of former US Federal Railroad Administration Administrator Ronald L. Batory as the Trustee of the CP-Kansas City Southern Voting Trust, following the death of David Starling.

February 27, 2023. The Federal Highway Administration (FHWA) promoted Chief Counsel [Andrew Rogers to Deputy Administrator](#). Prior to joining FHWA, Rogers served as Chief Counsel to the United States Senate Committee on Environment and Public Works, where he was the chief legal advisor for United States Senators and staff on legal and policy issues related to transportation, energy, and environmental law.



February 24, 2023. The San Joaquin Regional Rail Commission (SJRRRC) and the San Joaquin Joint Powers Authority (SJJPA) [announced](#) the receipt of an additional \$142 million for the Valley Rail Program and ACE corridor improvements. These additional funds will ensure the completion of 3 project areas, encompassing 9 individual components, including: (1) Natomas, Elk Grove, North Lathrop, Manteca, Modesto, Ceres, and Madera Valley Rail stations, (2) the Stockton Diamond Grade Separation, and (3) ACE platform extensions at Lathrop/Manteca, Tracy, Vasco Rd, Livermore, and Pleasanton stations. Additionally, the San Joaquin Joint Powers Authority (SJJPA) hosted **U.S. Representative John Duarte (R-CA)** to ride the San Joaquin's state-supported train and tour the San Joaquin Regional Rail Commission's (SJRRRC) rail maintenance facility in Stockton, California. During the tour, the group discussed the Valley Rail program, an expansion of the San Joaquin's and ACE services. Once completed, Valley Rail will create a north-south ACE line from Sacramento to Merced and allow for two additional daily round trips for San Joaquin. Congressman Duarte is a member of the House Transportation and Infrastructure Committee and the Subcommittee on Railroads, Pipelines and Hazardous Materials.



Rep. John Duarte  
(R-Calif., 13<sup>th</sup>)

## Addendum A – Administration’s FY 2024 Proposed Budget Highlights.

| HIGHLIGHTS OF THE ADMINISTRATION’S PROPOSED <b>FY 2024 BUDGET FOR US DOT</b> Vs. ENACTED FY 2023 APPROPRIATIONS |                      |                      |                                      |                                      |
|---|----------------------|----------------------|--------------------------------------|--------------------------------------|
|   | (Admin. Proposed)    | Enacted              | PROPOSED FY 2024 Vs. ENACTED FY 2023 | PROPOSED FY 2024 Vs. ENACTED FY 2023 |
|   | FY 2024              | FY 2023              | + / - "\$" Difference                | + / - "%" Difference                 |
| <b>Office of the Secretary</b>  |                      |                      |                                      |                                      |
| National Infrastructure Investments (RAISE Grants)  | 1,220,000,000        | 800,000,000          | 420,000,000                          | 52.50%                               |
| Essential Air Service   | 348,554,000          | 354,827,000          | (6,273,000)                          | -1.77%                               |
| Thriving Communities  | 100,000,000          | 25,000,000           | 75,000,000                           | 300.00%                              |
| <b>Federal Aviation Administration</b>  |                      |                      |                                      |                                      |
| Airport Improvement Program (Before set-asides)   | 3,350,000,000        | 3,350,000,000        | No Change                            | No Change                            |
| Grants-In-Aid For Airports ( <b>Supplemental G.F.</b> )   | 0.00                 | 558,555,000          | (558,555,000)                        | -100.00%                             |
| Air Traffic "Contract" Control Tower  | 0.00                 | 187,800,000          | (187,800,000)                        | -100.00%                             |
| Small Community Air Service Development Pgm.  | 0.00                 | 10,000,000           | (10,000,000)                         | -100.00%                             |
| <b>Federal Highway Administration (Fully-Funded Core Pgms.)</b>   |                      |                      |                                      |                                      |
| Highway Obligation Limitation   | 60,095,782,888       | 58,764,510,674       | 1,331,272,214                        | 2.27%                                |
| Highway Infrastructure Programs ( <b>Supplemental</b> )   | 0.00                 | 3,417,811,613        | (3,417,811,613)                      | -100.00%                             |
| <b>Federal Motor Carrier Safety Administration</b>  |                      |                      |                                      |                                      |
| Motor Carrier Safety Assistance Program   | 406,500,000          | 398,500,000          | 8,000,000                            | 2.01%                                |
| Commercial Driver’s License Program   | 43,500,000           | 42,650,000           | 850,000                              | 1.99%                                |
| High Priorities Activities Program  | 60,000,000           | 58,800,000           | 1,200,000                            | 2.04%                                |
| Commercial Motor Vehicles Operations Grant Pgm.   | 1,300,000            | 1,200,000            | 100,000                              | 8.33%                                |
| Commercial Motor Vehicle Enforcement Training   | 5,000,000            | 5,000,000            | No Change                            | No Change                            |
| <b>National Highway Traffic Safety Administration</b>   |                      |                      |                                      |                                      |
| Highway Safety Programs (Sec. 402)  | 378,400,000          | 370,900,000          | 7,500,000                            | 2.02%                                |
| National Priority Safety Programs (Sec. 405)  | 353,500,000          | 346,500,000          | 7,000,000                            | 2.02%                                |
| High Visibility Enforcement Program   | 40,300,000           | 38,300,000           | 2,000,000                            | 5.22%                                |
| <b>Federal Railroad Administration</b>  |                      |                      |                                      |                                      |
| Northeast Corridor  | 1,227,000,000        | 1,260,000,000        | (33,000,000)                         | -2.62%                               |
| National Network Grants   | 1,841,000,000        | 1,193,000,000        | 648,000,000                          | 54.32%                               |
| <b>Amtrak Subtotal:</b>   | <b>3,068,000,000</b> | <b>2,453,000,000</b> | <b>615,000,000</b>                   | <b>25.07%</b>                        |
| Federal-State Partnership - Intercity Passenger Rail  | 560,000,000          | 100,000,000          | 460,000,000                          | 460.00%                              |
| Consolidated Rail Infrastructure/Safety Improvement Gnts.   | 510,000,000          | 560,000,000          | (50,000,000)                         | -8.93%                               |
| Railroad Crossing Elimination Program   | 250,000,000          | 0.00                 | 250,000,000                          | 100.00%                              |
| Restoration and Enhancement   | 50,000,000           | 0.00                 | 50,000,000                           | 100.00%                              |
| <b>Federal Transit Administration (Fully-Funded Core Pgms.)</b>   |                      |                      |                                      |                                      |
| Transit Obligation Limitation   | 13,990,000,000       | 13,634,000,001       | 355,999,999                          | 2.61%                                |
| - Planning Programs   | 193,426,906          | 188,504,820          | 4,922,086                            | 2.61%                                |
| - Urbanized Area Formula  | 6,712,987,840        | 6,542,164,133        | 170,823,707                          | 2.61%                                |
| - Seniors/Individuals with Disabilities   | 388,899,052          | 379,002,836          | 9,896,216                            | 2.61%                                |
| - Formula Grants for Rural Areas  | 916,907,591          | 893,575,275          | 23,332,316                           | 2.61%                                |
| - Public Transportation Innovation  | 38,591,779           | 37,609,743           | 982,036                              | 2.61%                                |
| - Technical Assistance & Workforce Development  | 12,404,500           | 12,088,846           | 315,654                              | 2.61%                                |
| - Bus Testing Facility  | 5,237,739            | 5,104,456            | 133,283                              | 2.61%                                |
| - FTA Administration  | 138,977,900          | 134,930,000          | 4,047,900                            | 3.00%                                |
| - National Transit Database   | 5,513,111            | 5,372,820            | 140,291                              | 2.61%                                |
| - State of Good Repair Grants   | 3,680,934,484        | 3,587,778,037        | 93,156,447                           | 2.60%                                |
| - Buses and Bus Facilities Grants   | 1,101,234,650        | 1,073,211,810        | 28,022,840                           | 2.61%                                |
| - Growing and High Density States   | 776,277,698          | 756,523,956          | 19,753,742                           | 2.61%                                |
| - Coordinated Access and Mobility   | 4,823,972            | 4,701,218            | 122,754                              | 2.61%                                |
| - Pilot Program for TOD Planning  | 13,782,778           | 13,432,051           | 350,727                              | 2.61%                                |
| Capital Investment Grants   | 2,850,000,000        | 2,635,000,000        | 215,000,000                          | 8.16%                                |
| Transit Infrastructure Grants ( <b>Supplemental</b> )   | 0.00                 | 541,959,324          | (541,959,324)                        | -100.00%                             |
| <b>Maritime Administration</b>  |                      |                      |                                      |                                      |
| America’s Marine Highway (Short Sea Transportation Pgm.)  | 11,000,000           | 10,000,000           | 1,000,000                            | 10.00%                               |
| Assistance to Small Shipyards   | 20,000,000           | 20,000,000           | No Change                            | No Change                            |
| Port Infrastructure Development Program   | 230,000,000          | 212,203,512          | 17,796,488                           | 8.39%                                |
| <b>National Transportation Safety Board</b>   |                      |                      |                                      |                                      |
| NTSB  | 145,000,000          | 129,300,000          | 15,700,000                           | 12.14%                               |
| <b>Surface Transportation Board</b>   |                      |                      |                                      |                                      |
| STB   | 48,184,000           | 41,429,000           | 6,755,000                            | 16.31%                               |
| HIGHLIGHTS OF THE ADMINISTRATION’S PROPOSED <b>FY 2024 BUDGET FOR USACE</b> Vs. ENACTED FY 2023 APPROPRIATIONS  |                      |                      |                                      |                                      |
|   | (Admin. Proposed)    | Enacted              | PROPOSED FY 2024 Vs. ENACTED FY 2023 | PROPOSED FY 2024 Vs. ENACTED FY 2023 |
|   | FY 2024              | FY 2023              | + / - "\$" Difference                | + / - "%" Difference                 |
| <b>Corps of Engineers (Selected Accounts)</b>   |                      |                      |                                      |                                      |
| Investigations  | 129,832,000          | 172,500,000          | (42,668,000)                         | -24.74%                              |
| Construction  | 2,014,577,000        | 1,808,800,000        | 205,777,000                          | 11.38%                               |
| Operations and Maintenance  | 2,629,913,000        | 5,078,500,000        | (2,448,587,000)                      | -48.21%                              |
| Mississippi River/Tributaries   | 226,478,000          | 370,000,000          | (143,522,000)                        | -38.79%                              |
| Harbor Maintenance Trust Fund   | 1,726,000,000        | 2,318,000,000        | (592,000,000)                        | -25.54%                              |

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<br>(TG&A SCORECARD for CY 2023) |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|---|--|------------------------|-----------------------|--------------------------|----------------------------|-------------------------|-------------------|---------------------------|----------------|---|
| 3/29/2023   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | NOFO TITLE   | TYPE<br>(NOFO / AWARD) | NOFO<br>ISSUANCE DATE | NOFO URL                 | NOFO \$s<br>MADE AVAILABLE | APPLICATION<br>DEADLINE | NOFO \$<br>AWARDS | AWARDS URL                | AWARDED - DATE | COMMENTS  |
| FAA   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2023 Airport Terminal Program   | NOFO/AWARD             | 9/27/2022             | <a href="#">NOFO URL</a> | 1,000,000,000              | 10/24/2022              | 1,000,000,000     | <a href="#">AWARD URL</a> | 2/27/2023      | <a href="#">Award Press Release.</a>  |
|   | FAA Aircraft Pilots Workforce Development Grant Program - 2nd Round  | NOFO/AWARD             | 4/26/2022             | <a href="#">NOFO URL</a> | 5,000,000                  | 6/17/2022               | 5,000,000         | <a href="#">AWARD URL</a> | 3/2/2023       | Deadline extended to 6/17/22.   |
|   | FAA Aviation Maint. Tech. Workers Workforce Development Grant Pgm. - 2nd Round   | NOFO/AWARD             | 4/26/2022             | <a href="#">NOFO URL</a> | 5,000,000                  | 6/17/2022               | 5,000,000         | <a href="#">AWARD URL</a> | 3/2/2023       | Deadline extended to 6/17/22.   |
|   | Small Community Air Service Development Program (SCASDP)   | NOFO                   | 3/16/2023             | <a href="#">NOFO URL</a> | 15,000,000                 | 5/17/2023               | TBD               | TBD                       | TBD            |   |
| FHWA  |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2022 Bridge Investment Program  | NOFO/AWARD             | 6/10/2022             | <a href="#">NOFO URL</a> | 2,360,000,000              | 7/25 - 9/8/22           | 2,087,150,000     | <a href="#">AWARD URL</a> | 1/4/2023       | <a href="#">Award Press Release.</a>  |
|   | FY 2023 Admn. of the Dwight David Eisenhower Transpo. Fellowship Pgm. (DDETFP)   | NOFO                   | 2/18/2023             | <a href="#">NOFO URL</a> | 1,000,000                  | 3/28/2023               | TBD               | TBD                       |                | TBD Institution of Higher Education (IHE) of Minority Serving Institutions    |
|   | FY 2022-2026 D. D. Eisenhower Transportation Fellowship Pgm. Graduate Fellowship   | NOFO                   | 2/22/2023             | <a href="#">NOFO URL</a> | 1,000,000                  | 4/7/2023                | TBD               | TBD                       | TBD            | \$1 million per year (FYs 2022-2026).   |
| FRA   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2023 Northeast Corridor Commission (NECC) Project   | NOFO                   | 1/20/2023             | <a href="#">NOFO URL</a> | 6,000,091                  | 2/2/2023                | TBD               | TBD                       | TBD            |   |
|   | <a href="#">FY 2022 Corridor Identification and Development Grant Program (Updated NOFO)</a>   | NOFO                   | 1/14/2023             | <a href="#">NOFO URL</a> | 365,000,000                | 3/27/2023               | TBD               | TBD                       | TBD            | <a href="#">FR Notice 12/20/2022</a>  |
|   | <a href="#">FY 2022 Federal-State Partnership for Intercity Passenger Rail Program (FSP) for projects NOT located on the Northeast Corridor (Updated NOFO)</a> | Updated NOFO           | 2/2/2023              | <a href="#">NOFO URL</a> | 4,566,300,000              | 4/21/2023               | TBD               | TBD                       | TBD            | <a href="#">FR Notice 3 February 2023</a>                                     |
|   | FY22 CRISI ME Northern Rail  | NOFO                   | 2/23/2023             | <a href="#">NOFO URL</a> | 12,960,000                 | 3/10/2023               | TBD               | TBD                       | TBD            | Congressionally Directed Funding to the State of Maine.                       |
| FTA   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2023 Areas of Persistent Poverty Program  | NOFO                   | 1/6/2023              | <a href="#">NOFO URL</a> | 20,041,870                 | 3/10/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Low or No Emission Grant Program   | NOFO                   | 1/26/2023             | <a href="#">NOFO URL</a> | 1,221,350,117              | 4/13/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Grants for Buses and Bus Facilities Program  | NOFO                   | 1/26/2023             | <a href="#">NOFO URL</a> | 469,445,424                | 4/13/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2022 Ferry Grant Programs (3 Separate Programs Combined)  | NOFO/AWARD             | 7/8/2022              | <a href="#">NOFO URL</a> | 294,500,000                | 9/6/2022                | 384,354,926       | <a href="#">AWARD URL</a> | 1/26/2023      | <a href="#">List of Awards</a>  |
|   | FY 2022 Safe Streets and Roads for All (SS4A) Grant Program  | NOFO/AWARD             | 5/16/2022             | <a href="#">NOFO URL</a> | 1,000,000,000              | 9/15/2022               | 800,000,000       | <a href="#">AWARD URL</a> | 2/1/2023       | 473 Action Plan Awards and 37 Implementation Grant Awards                     |
|   | FY 2021 Mobility, Access, Transpo. Insecurity-Creating Links/Opportunity Demo.   | NOFO/AWARD             | 8/8/2022              | <a href="#">NOFO URL</a> | 6,000,000                  | 10/11/2022              | 6,000,000         | <a href="#">AWARD URL</a> | 2/8/2023.      |   |
|   | FTA Emergency Relief Funding for Cys 2017, 2020, 2021, 2022  | NOFO                   | 3/24/2023             | <a href="#">NOFO URL</a> | 212,301,048                | 5/26/2023               | TBD               | TBD                       | TBD            | <a href="#">FR Notice 27 March 2023.</a>                                      |
| MARAD   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | 2023 Port Infrastructure Development Program (PIDP)  | NOFO                   | 12/31/2022            | <a href="#">NOFO URL</a> | 662,203,512                | 4/28/2023               | TBD               | TBD                       | TBD            | Full NOFO Published on 2/8/23.  |
|   | FY 2023 Small Shipyard Grants Program  | NOFO                   | 1/17/2023             | <a href="#">NOFO URL</a> | 20,800,000                 | 2/27/2023               | TBD               | TBD                       | TBD            | <a href="#">Maritime NOFO</a>   |
|   | FY 2023 US Marine Highway Program  | NOFO                   | 2/28/2023             | <a href="#">NOFO URL</a> | 12,423,000                 | 4/28/2023               | TBD               | TBD                       | TBD            |   |
| NHTSA / FMCSA   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2023 High Priority Program – Innovative Technology Deployment   | NOFO                   | 2/1/2023              | <a href="#">NOFO URL</a> | 2,000,000                  | 4/3/2023                | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Commercial Motor Vehicle Operator Safety Training Program  | NOFO                   | 2/1/2023              | <a href="#">NOFO URL</a> | 3,200,000                  | 4/3/2023                | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Commercial Driver's License Program Implementation   | NOFO                   | 2/1/2023              | <a href="#">NOFO URL</a> | 70,400,000                 | 4/3/2023                | TBD               | TBD                       | TBD            |   |
|   | FY 2023 High Priority Program – Commercial Motor Vehicle   | NOFO                   | 2/1/2023              | <a href="#">NOFO URL</a> | 43,300,000                 | 4/3/2023                | TBD               | TBD                       | TBD            |   |
|   | Collegiate Impaired Driving Learning Collaborative (CIDLC) Program   | NOFO                   | 2/15/2023             | <a href="#">NOFO URL</a> | 750,000                    | 5/15/2023               | TBD               | TBD                       | TBD            |   |
| OPERATION LIFESAVER   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
| US DHS / FEMA   |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2022 Assistance to Firefighters Grants  | NOFO                   | 1/9/2023              | <a href="#">NOFO URL</a> | 324,000,000                | 2/10/2023               | TBD               | TBD                       | TBD            | <a href="#">AFG Grants.Gov Reference</a>                                      |
|   | FY 2022 Assistance to Firefighters Grants (SAFER) Program  | NOFO                   | 2/6/2023              | <a href="#">NOFO URL</a> | 360,000,000                | 3/17/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2022 AFG Program, Fire Prevention and Safety Grants Program (FP&S)  | NOFO                   | 2/22/2023             | <a href="#">NOFO URL</a> | 36,000,000                 | 3/31/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Port Security Grant Program (PSGP)   | NOFO                   | 2/27/2023             | <a href="#">NOFO URL</a> | 100,000,000                | 5/18/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Intercity Passenger Rail Program (IPR)   | NOFO                   | 2/27/2023             | <a href="#">NOFO URL</a> | 10,000,000                 | 5/18/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Intercity Bus Security Grant Program (IBSGP)   | NOFO                   | 2/27/2023             | <a href="#">NOFO URL</a> | 2,000,000                  | 5/18/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2023 Transit Security Grant program (TSGP)  | NOFO                   | 2/27/2023             | <a href="#">NOFO URL</a> | 93,000,000                 | 5/18/2023               | TBD               | TBD                       | TBD            |   |
| US DOT  |  |                        |                       |                          |                            |                         |                   |                           |                |   |
|   | FY 2023 National Infrastructure Investments (Local/Reg. Proj. Asst.) - RAISE Grants  | NOFO                   | 12/1/2022             | <a href="#">NOFO URL</a> | 2,275,000,000              | 2/28/2023               | TBD               | TBD                       | TBD            | NOFO updated 1/6/23 to reflect added FY '23 Omnibus funding of \$800 million. |
|   | University Partnership Program   | NOFO                   | 1/20/2023             | <a href="#">NOFO URL</a> | 590,000                    | 3/13/2023               | TBD               | TBD                       | TBD            |   |
|   | FY 2022 National Infrastructure Project Assistance (Mega Projects)   | NOFO/AWARD             | 3/25/2022             | <a href="#">NOFO URL</a> | 1,000,000,000              | 5/23/2022               | 1,172,171,053     | <a href="#">AWARD URL</a> | 1/31/2023      |   |
|   | Reconnecting Communities Pilot (RCP) Discretionary Grant Program   | NOFO/AWARD             | 6/30/2022             | <a href="#">NOFO URL</a> | 195,000,000                | 10/13/2022              | 185,000,000       | <a href="#">AWARD URL</a> | 2/28/2023      | <a href="#">Award Press Release.</a>  |
|   | Thriving Communities Technical Assistance (Dept. of Housing/Urban Development)   | NOFO                   | 3/1/2023              | <a href="#">NOFO URL</a> | 5,000,000                  | 3/2/2023                | TBD               | TBD                       | TBD            |   |
|   | FY 2022/FY 2023 Charging and Fueling Infrastructure (CFI) Discretionary Grant Pgm.   | NOFO                   | 3/14/2023             | <a href="#">NOFO URL</a> | 700,000,000                | 5/30/2023               | TBD               | TBD                       | TBD            |   |
|   | <a href="#">FY 2022 Strengthening Mobility &amp; Revolutionizing Transportation Grants Pgm.</a>  | NOFO/AWARD             | 9/19/2022             | <a href="#">NOFO URL</a> | 100,000,000                | 12/18/2022              | 94,783,781        | <a href="#">AWARD URL</a> | 3/21/2023      |   |

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of April 7, 2023

## **STAFF REPORT**

### **Item 3.7**

### **INFORMATION**

---

#### **Update on Silicon Valley and Tri-Valley Outreach Contracts Activities**

##### Background:

As a public agency with forward-thinking plans and initiatives, an important aspect of outreach efforts is 'Stakeholder Engagement.' Local, committed stakeholders are vital to promote the service, improve local presence, increase funding for the service, and activate communities to ride the train. Stakeholder education meetings, presentations, and partnerships will be a key component to the outreach efforts. Stakeholders can be classified as elected officials, agency staff, community leaders, organizations, businesses, and local media.

To accomplish continued engagement of key stakeholders, the San Joaquin Regional Rail Commission (Rail Commission) has retained a local, embedded grassroots Outreach Consultant/Team for the Silicon Valley (which includes the Tri-Cities area of Fremont, Newark, and Union City) and another for the Tri-Valley (Livermore/Dublin/Pleasanton) area. Outreach consultants have been an important component of the Rail Commission's approach to stakeholder engagement. The Outreach Consultant/Teams will focus their efforts on stakeholder engagement and strategic partnerships.

There are several key groups, chambers, partnerships, agencies, universities, and organizations within the Silicon Valley and Tri-Valley areas that are an essential component of awareness and messaging multiplication. The Silicon Valley and Tri-Valley Outreach Consultant/Teams will be leveraging their contacts, Rail Commission contacts, and placing emphasis on new stakeholder acquisition. Stakeholders will be engaged to share Altamont Corridor Express (ACE) content and support ACE service initiatives.

At the June 4, 2021, Board Meeting, the Rail Commission Board approved contracts for ACE Silicon Valley Outreach Services (Winter Consulting) and ACE Tri-Valley Outreach Services (California Gold Advocacy Group). The Rail Commission Board also requested that staff provide monthly summaries to the Board of the work done under these contracts.

Winter Consulting, led by Corinne Winter, assists SJRRC with Silicon Valley outreach and stakeholder engagement focused in Santa Clara County and the Tri-City (Fremont, Union City, and Newark) part of southern Alameda County. California Gold Advocacy Group, primary consultant Guy Houston performs outreach in Tri-Valley communities of Dublin, Pleasanton, Livermore, and the surrounding communities in Contra Costa County along the 580-680 Corridor.

### Silicon Valley Outreach Summary for Winter Consulting (February 23, 2023 – March 30, 2023)

Business and community leader relationships are a mechanism to increase current and future ridership, and to create champions for ACE service in the Bay Area. Engagement events for the first half of 2023 are currently being coordinated and planned.

- Plan ACE activities and review budget with Dan Leavitt, Manager of Regional Initiatives, on 3/10
- Create detailed schedule of ACE activities for March - June

ACE Shuttle Service out of Great America:

- Coordinate with ACE and VTA to write shuttle letter to BAAQMD 3/6 – 3/10

Relevant activities covered under separate contracts:

- SoCo coordination and planning with project team and Union City
- Meet with Marques Cook, Marketing Manager, to strategize ACE and San Joaquins initiatives 3/14

### Tri-Valley Outreach Summary for California Gold Advocacy Group (February 23, 2023 – March 30, 2023)

Followed up on requests for letters of support from Tri-Valley agencies, organizations and elected officials for the SJRRC 2023 RAISE application.

#### Fiscal Impact:

There is no fiscal impact.

#### Recommendation:

This is an informational item. There is no action requested.

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of April 7, 2023

## STAFF REPORT

### Item 3.8

### INFORMATION

#### Agreements and Purchases over \$100,000 Executed in 2022

##### Background:

In March 2022 the Rail Commission approved the Expenditure Authority for the Executive Director and Staff Directors which repealed previous resolutions and increased the approval threshold from \$75,000 to \$250,000. The action also increased the amount required to be reported to the Board to include contracts and purchases over \$100,000 and under the Executive Director's threshold of \$250,000. The actual number of contracts and purchases that fall within that amount is small due to staff reporting most items to the Board regardless of the amount.

Below is a list of contracts and purchases that fall into that requirement and were executed during the 2022 calendar year.

#### San Joaquin Regional Rail Commission

| Vendor                                | Services  | Not-To-Exceed Amount | Date Executed |
|---------------------------------------|---|----------------------|---------------|
| Caltrain (Peninsula Corridor) (PCJPB) | Track and Layover Feeds   | \$242,022            | 07/1/2022     |
| KP Public Affairs, LLC                | Amendment 03 - Extend Term  | \$234,000            | 07/1/2022     |
| Herzog Transit Services, Inc.         | Capital Spares  | \$200,000            | 08/23/2022    |
| Paragon Partners Consultants          | Right of Way Services – Elk Grove Station                         | \$182,000            | 05/20/22      |
| DB Engineering Consulting USA, Inc.   | Amendment 06 - Extend Term  | \$150,000            | 07/1/2022     |
| Winter Consultant Group, LLC          | Amendment 01 – FY2223 Compensation                                | \$144,797            | 07/1/2022     |
| H&H Engineering Construction          | Track Inspection and Maintenance Services                         | \$144,289            | 08/5/2022     |
| RailWorks Track Systems, LLC          | Assignment from H&H Engineering Agreement                         | \$144,289            | 08/22/2022    |
| Paragon Partners                      | Amendment 01 – Additional Right of Way Services – Manteca Station | \$132,644            | 01/06/22      |
| AECOM Technical Services, Inc.        | Amendment 02 – Natomas Station Design                             | \$100,000            | 11/29/22      |
| AECOM Technical Services, Inc.        | On-Call Planning Services   | \$100,000            | 02/14/2022    |

Staff will continue to report to the Board on an annual basis the previous year's contracts and purchases.

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of April 7, 2023

## STAFF REPORT

### Item 3.9

### ACTION

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Executive Director to Sign and Submit the Fiscal Year 2022/2023 State Transit Assistance Application to Claim Alameda County Transportation Commission Apportionment for the ACE Service in the Amount of \$391,808**

#### Background:

The State Transit Assistance (STA) provides funding for allocation to local transit agencies to fund a portion of the operations and capital costs associated with local mass transportation programs.

The funds claimed are from Alameda County Transportation Commission's STA apportionment for the Operating Budget. These funds are administered by the Metropolitan Transportation Commission (MTC).

|   |                  |
|---|------------------|
| Estimated 2022/23 MTC STA available Funds | \$391,808        |
| <b>Total 2022/23 MTC STA Claim</b>        | <b>\$391,808</b> |

#### Fiscal Impact:

There is no change to the approved Fiscal Year 2022/2023 ACE Operating Budget.

#### Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Executive Director to Sign and Submit the Fiscal Year 2022/2023 State Transit Assistance Application to Claim Alameda County Transportation Commission Apportionment for the ACE Service in the Amount of \$391,808.

## RESOLUTION SJRRC-22/23

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING AND DIRECTING THE EXECUTIVE DIRECTOR TO SIGN AND SUBMIT THE FISCAL YEAR 2022/2023 STATE TRANSIT ASSISTANCE APPLICATION TO CLAIM ALAMEDA COUNTY TRANSPORTATION COMMISSION APPORTIONMENT FOR THE ACE SERVICE IN THE AMOUNT OF \$391,808**

WHEREAS, the San Joaquin Regional Rail Commission (Rail Commission) is the owner and operator of the Altamont Corridor Express (ACE) Service; and

WHEREAS, the Rail Commission is an eligible claimant of State Transit Assistance funds apportioned to Alameda County Transportation Commission and administered by the Metropolitan Transportation Commission; and

WHEREAS, the approved Rail Commission Budgets incorporate the State Transit Assistance funds in the approved FY 2022/2023 operating budget; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby authorize and direct the Executive Director to sign and submit the Fiscal Year 2022/2023 State Transit Assistance Application to claim Alameda County Transportation Commission Apportionment for the ACE Service in the Amount of \$391,808.

PASSED AND ADOPTED, by the Board of Commissioners this 7<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

---

STACEY MORTENSEN, Secretary

---

LEO ZUBER, Chair



# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of April 7, 2023

## **STAFF REPORT**

### **Item 3.10**

### **ACTION**

**Adopt a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Revising the Executive Director Performance Evaluation Schedule attached hereto as Attachment A**

#### Background:

In 2020, the Commissioners adopted an Executive Director Performance Evaluation Schedule (Schedule) that commences the Executive Director's Annual Performance Evaluation (Performance Evaluation) in March with the Commissioners creating an Ad Hoc Committee (Committee) and appointing two (2) Regular Voting Commissioners to the Committee. One of the tasks assigned to the Committee includes recommending any changes to the Schedule at the Commission's April regular meeting.

In recent years the Commissioners have had a practice of requesting that the Chair of the San Joaquin Joint Powers Authority (SJJPA) to fill out a performance evaluation form due to the Executive Director's extensive involvement with the SJJPA and its Board of Directors. In addition, a copy of the summary of the evaluation has also been forwarded to the Chair of the SJJPA as well as minor revisions to the timeline. The Ad Hoc Committee by way of this item are recommending that the attached revised Schedule be adopted to include the Chair of the SJJPA participation in the Performance Evaluation Schedule and minor revisions to the timeline.

#### Fiscal Impact:

There is no fiscal impact.

#### Recommendation:

Adopt a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Revising the Executive Director Performance Evaluation Schedule attached hereto as Attachment A

## Executive Director Performance Evaluation Schedule

1. At each March SJRRC meeting, the Regular Voting Commissioners shall appoint 2 Regular Voting members to the Ad Hoc Performance Review Committee.
2. Before the April SJRRC meeting, the Ad Hoc Committee shall meet to review the evaluation process and evaluation form. Any changes to the process or form will be presented to the Regular Voting Commissioners for approval at its April SJRRC meeting.
3. A self-evaluation form will be provided to the Executive Director by legal counsel immediately following the April SJRRC meeting. The Executive Director will also be provided a copy of their prior year's self-evaluation and the prior year's evaluation summary. The Executive Director shall return the completed self-evaluation form to legal counsel within 5 days after the April SJRRC meeting.
4. Legal counsel will provide each Regular and Special Voting Commissioner, as well as the Chairperson of the San Joaquin Joint Powers Agency, the evaluation form, a copy of the prior year's evaluation summary, and the Executive Director's completed self-evaluation form immediately following the April SJRRC meeting.
5. The deadline for return of the completed Commissioners evaluation forms to legal counsel is the third Friday of April.
6. The Ad Hoc Committee will meet and review the returned evaluation forms and approve an evaluation summary, including mean average of ratings, by the fourth Friday of April.
7. Legal counsel will send copies of the evaluation summary to each Regular and Special Voting Commissioner, as well as the Chairperson of the San Joaquin Joint Powers Agency, by no later than the Tuesday before the May SJRRC meeting.
8. At each May SJRRC meeting, the Regular and Special Voting Commissioners will hold a closed session performance evaluation of the Executive Director. At the same meeting, the Regular and Special Voting Commissioners will hold a closed session regarding any proposed change to the Executive Director's contract. Any changes to the Executive Director's contract will be subject to approval of a majority of the Regular Voting Members and the June SJRRC meeting.
9. Following the May SJRRC meeting, but prior to the June SJRRC Meeting, the Chair, or if the Chair is unavailable, the Vice Chair, will meet with the Executive Director and share the current evaluation summary and any other evaluation information as authorized by the Commissioners, as well as discuss any proposed changes to the Executive Director's contract.
10. At each June SJRRC meeting, Regular and Special Voting Commissioners will hold a closed session regarding any proposed change to the Executive Director's contract. Any changes to the Executive Director's contract will be subject to approval of the Regular Voting Members.

## **RESOLUTION SJRRC-22/23-**

### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION REVISING THE EXECUTIVE DIRECTOR PERFORMANCE EVALUATION SCHEDULE ATTACHED HERETO AS ATTACHMENT A**

WHEREAS, the San Joaquin Regional Rail Commission and Executive Director entered into an Agreement on July 1, 1998; and

WHEREAS, the agreement outlines the employee shall receive an annual performance review. Such review shall include review of Employee's accomplishment of objectives and goals established by Employer. Employer and Employee shall evaluate raising Employee's base annual salary; and

WHEREAS, in 2020, the Commissioners adopted an Executive Director Performance Evaluation Schedule ("Schedule") establishing the procedure for conducting the Executive Director's annual performance evaluation; and

WHEREAS, the Commissioners created an Ad Hoc Performance Review Committee comprised of two Regular Voting Commissioners at their March 2023 meeting, which would perform the tasks assigned to it in the Schedule; and

WHEREAS, one of the tasks assigned to the Committee includes recommending any changes to the Schedule at the Commission's April regular meeting; and

WHEREAS, the Ad Hoc Committee by way of this item are recommending that the attached revised Schedule be adopted to include the Chair of the San Joaquin Joint Powers Authority (SJJPA) participation in the Performance Evaluation Schedule and minor revisions to the timeline; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby adopts the revised Executive Director Performance Evaluation Schedule attached hereto as Attachment A.

PASSED AND ADOPTED, by the Board of Commissioners this 7<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

---

STACEY MORTENSEN, Secretary

---

LEO ZUBER, Chair

## ATTACHMENT A

### Executive Director Performance Evaluation Schedule

1. At each March SJRRC meeting, the Regular Voting Commissioners shall appoint 2 Regular Voting members to the Ad Hoc Performance Review Committee.
2. Before the April SJRRC meeting, the Ad Hoc Committee shall meet to review the evaluation process and evaluation form. Any changes to the processes or form will be presented to the Regular Voting Commissioners for approval at its April SJRRC meeting.
3. A self-evaluation form will be provided to the Executive Director by legal counsel immediately following the April SJRRC meeting. The Executive Director will also be provided a copy of their prior year's self-evaluation and the prior year's evaluation summary. The Executive Director shall return the completed self-evaluation form to legal counsel within 5 days after the April SJRRC meeting.
4. Legal counsel will provide each Regular and Special Voting Commissioner, as well as the Chairperson of the San Joaquin Joint Powers Agency, the evaluation form, a copy of the prior year's evaluation summary, and the Executive Director's completed self-evaluation form Immediately following the April SJRRC meeting.
5. The deadline for return of the completed Commissioners evaluation forms to legal counsel is the third Friday of April.
6. The Ad Hoc Committee will meet and review the returned evaluation forms and approve an evaluation summary, including mean average of ratings, by the fourth Friday of April.
7. Legal counsel will send copies of the evaluation summary to each Regular and Special Voting Commissioner, as well as the Chairperson of the San Joaquin Joint Powers Agency, by no later than the Tuesday before the May SJRRC meeting.
8. At each May SJRRC meeting, the Regular and Special Voting Commissioners will hold a closed session performance evaluation of the Executive Director. At the same meeting, the Regular and Special Voting Commissioners will hold a closed session regarding any proposed change to the Executive Director's contract. Any changes to the Executive Director's contract will be subject to approval of a majority of the Regular Voting Members and the June SJRRC meeting.
9. Following the May SJRRC meeting, but prior to the June SJRRC Meeting, the Chair, or if the Chair is unavailable, the Vice Chair, will meet with the Executive Director and share the current evaluation summary and any other evaluation information as authorized by the Commissioners, as well as discuss any proposed changes to the Executive Director's contract.
10. At each June SJRRC meeting, Regular and Special Voting Commissioners will hold a closed session regarding any proposed change to the Executive Director's contract. Any changes to the Executive Director's contract will be subject to approval of the Regular Voting Members.

## SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of April 7, 2023

### STAFF REPORT

#### Item 6

#### ACTION

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Pennino Management Group (PMG) for Programmatic and Design Staff Augmentation Services for the Capital Projects Program for an Amount Not-To-Exceed \$960,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority**

#### Background:

Much of the Valley Rail Program work is within, or adjacent to the Union Pacific Railroad (UPRR) or Burlington-Northern/Santa Fe (BNSF) operating rail right of ways, which adds complexity to the projects, given the railroad review and approval process for engineering and construction activities.

After reviewing the critical needs and deadlines of the Valley Rail Program and the continued difficulty in hiring engineering and construction staff, the San Joaquin Regional Rail Commission (Rail Commission) entered into an agreement with Ghirardelli and Associates (GA) to retain two seconded engineers who are currently serving as the Interim Director of Capital Programs (who oversees all of the Program Delivery efforts of the Valley Rail Program) and the Program Scheduler/Mega Project Manager.

Given the large number of projects that will be under development and in construction simultaneously, and the emergency magnitude of the existing project delivery needs, GA has assisted the Rail Commission with competitive solicitations for other seconded consultants to fill out the required program delivery positions that will be dedicated to the Capital Projects. Attachment A identifies the full Program Delivery team. This proposed Agreement includes the Chief Program Manager and Chief Design Manager.

The Chief Program Manager will support and report to the Interim Director of Capital Programs and perform complex tasks related to planning, managing and coordinating various agency capital projects; develop and manage ongoing project scopes and budgets, with emphasis on project cost accounting and project scheduling; manage/coordinate the activities of all Project Managers and the Design Manager; ensure capital projects are in compliance with SJRRC's policies and procedures; coordinate project implementation with internal staff and external stakeholders and lead collaborative efforts to develop continuous process improvements in capital program delivery.

The Design Manager report to the Chief Program Manager in the performance of complex tasks related to directing, planning, and reviewing the engineering activities for all agency capital projects; implement solicitations and coordinate consultant engineering teams, resource coordination, right of way acquisition, Quality Assurance (QA)/Quality Control (QC), and

environmental mitigations; solve complex engineering problems related to track, structures, geotechnical issues, new buildings, elevators, bridges, stations and other facilities, with the majority of projects occurring within the UPRR or BNSF operating right of way.

It should be noted that Project Approval & Environmental Design (PA&ED), Plans, Specifications, and Estimates (PS&E), Right of Way (ROW) Support, and Construction Management (CM) services are provided by consultants separate from these Staffing Augmentation Services.

#### Procurement Approach:

On December 8, 2022, the Rail Commission released a Request for Proposals (RFP) via vendor portal Planet Bids. In addition to Planet Bids, a Notice Inviting Proposals was also shared with surrounding Chambers of Commerce and certified Disadvantage Business Enterprise (DBE) firms which directed interested proposers to Planet Bids. Seventy-nine (79) firms showed interest.

On the due date of February 1, 2023, two (2) proposals were received from the following firms:

- Pennino Management Group
- VSCE, Inc.

The proposals received were reviewed for completeness and responsiveness by the Procurement and Contracts Department. Both proposals received were deemed responsive in meeting the RFP requirements. The responsive proposals were evaluated by a panel consisting of the Rail Commission's Staff.

Following the initial evaluation of the written proposals both firms were invited for interviews and presentations. The firms were evaluated on their presentations and responses to the evaluation panel's questions. After combining the scores from the written proposals and interviews, staff deemed Pennino Management Group as the most responsive and responsible proposer. The Rail Commission and Pennino Management Group negotiated and agreed to an exact scope, price, and terms.

The agreement will be effective upon execution by both parties and shall continue for twelve months. The twelve-month base contract amount is \$960,000 and the one, 12-month option period is at the sole discretion of the Rail Commission, which will be negotiated in advance.

The Notice of Intent to Award was published on March 17, 2023. Pursuant to the approved and adopted protest procedure, the proposal protest period closed on April 1, 2023, at 2:00 P.M. PDT. No Proposal Protests were received.

#### Fiscal Impact:

Funding for the agreement is identified in the FY22-23 Capital Program and programmed through the TIRCP and SB132 Funding Sources.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Pennino Management Group (PMG) for Programmatic and Design Staff Augmentation Services for the Capital Projects Program for an Amount Not-To-Exceed \$960,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority.



Executive Director, **Stacey Mortensen**  
ACE & San Joaquins, SJRRC

Director, Capital Programs

Chief  
Program  
Manager

Mega  
Projects / Scheduler

*Chief of  
Construction*

*Construction  
Coordination  
Manager*

Consultant  
Project  
Managers

Design  
Manager

Consultant  
Resident  
Engineers  
(All Projects)

Positions for this solicitation

Positions for Spring '23 Solicitation



## **RESOLUTION SJRRC-22/23-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH PENNINO MANAGEMENT GROUP (PMG) FOR PROGRAMMATIC AND DESIGN STAFF AUGMENTATION SERVICES FOR THE CAPITAL PROJECTS PROGRAM FOR AN AMOUNT NOT-TO-EXCEED \$960,000 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT INCLUDING APPROVING ANY AND ALL AMENDMENTS THERETO WITHIN HER SPENDING AUTHORITY**

WHEREAS, after reviewing the critical needs and deadlines of the Valley Rail Program and the continued difficulty in hiring engineering and construction staff, the San Joaquin Regional Rail Commission (Rail Commission) needs to fill seconded positions to support efforts of the Valley Rail Program; and

WHEREAS, given the large number of projects that will be under development and in construction simultaneously, and the emergency magnitude of the existing project delivery needs, Chief Program Manager and Chief Design Engineer roles need to be filled to complete the Program Delivery team; and

WHEREAS, following Rail Commission Procurement procedures, staff deemed Pennino Management Group (PMG) as the most responsive and responsible proposer to the Request For Proposals (RFP) released on December 8, 2022 for Programmatic and Design Staff Augmentation Services; and

WHEREAS, the Rail Commission and Pennino Management Group negotiated and agreed to an exact scope, price, and terms; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Agreement with Pennino Management Group (PMG) for Programmatic and Design Staff Augmentation Services for the Capital Projects Program for an Amount Not-To-Exceed \$960,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority.

PASSED AND ADOPTED, by the Board of Commissioners this 7<sup>th</sup> day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

---

STACEY MORTENSEN, Secretary

---

LEO ZUBER, Chair

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of April 7, 2023

## **STAFF REPORT**

### **Item 7**

### **INFORMATION**

#### **Fiscal Year 2022/23 Six-Month ACE Operations Report for the period July 1, 2022 through December 31, 2022**

##### Background:

The Altamont Corridor Express (ACE) provides 4 weekday round-trips between Stockton, CA and San Jose, CA. The four train sets can each accommodate up to 1,054 seated passengers, depending on ridership. A key component of the ACE operational plan is the availability of dedicated connecting services. Connecting services provide access for passengers to the BART system via Wheels 53/54 at Pleasanton, Silicon Valley businesses via shuttles at Great America, and the San Jose area via VTA Light Rail at San Jose.

The Fiscal Year 2022/2023 Six-Month Operations Report provides an overview of ACE operations for the reporting period July 1, 2022 through December 31, 2022.

##### Fiscal Impact:

There is no fiscal impact.

##### Recommendation:

This is an informational item only. There is no action requested.

# ACE 6-MONTH OPERATIONS AND FINANCIAL REPORT

JULY 1, 2022 - DECEMBER 31, 2022



SAN JOAQUIN  
REGIONAL  
RAIL COMMISSION™

## Introduction

For over 20 years, ACE has provided a safe, reliable, environmentally friendly, and sustainable way to travel from the Northern San Joaquin Valley through the Tri-Valley to the Silicon Valley. Providing a viable alternative for those who are unable to drive.

## Service Description

The Altamont Corridor Express (ACE) provides four weekday round trips between Stockton, CA and San Jose, CA. The four train sets can each accommodate up to 1,054 seated passengers, depending on ridership. A key component of the ACE operational plan is the availability of dedicated connecting services. Connecting services provide access for passengers to the BART system via Wheels 53/54 at Pleasanton, Silicon Valley businesses via Valley Transportation Authority (VTA) shuttles and Light Rail at Great America.

## Ridership Performance – FY 22/23

Due to the COVID-19 pandemic, ACE's ridership and ticket sales have been severely impacted by the slowing of the commute and business travel market. The market dynamics in the Tri-Valley and Silicon Valley for continued teleworking and limited business travel indicate a slow return to in-office and in-person meetings. ACE ridership and revenue recovery will continue to be impacted by the broader recovery of commute and business trips to the Bay Area. According to a recent Bay Area Council (BAC) survey of employers, 27% of employers surveyed have yet to implement a "new normal" for in-office expectations for employees.

As the pandemic travel restrictions wound down, ACE ridership has slowly and consistently recovered year over year. When analyzing Q1 and Q2 of FY22/23, ACE is averaging 1,685 riders per day which is a 49% increase from FY21/22. Figure 1 represents the weekly ridership of ACE. It shows an improvement in ridership through YTD over last FY. Historically, ridership decreases during the months of November and December.

When calculating performance, Figure 1 represents the FY21/22 performance overlaid with FY22/23 performance. As illustrated in the graph, overall FY 22/23 recovery performance is consistently above FY21/22. A monthly ridership total for ACE can be viewed in Figure 2. Year-to-date, ACE has carried 212,358 passengers in FY22/23 which is above 65,000 passengers higher than the same period last fiscal year.

Figure 1 - FY 22/23 vs FY 21/22 Weekly Ridership

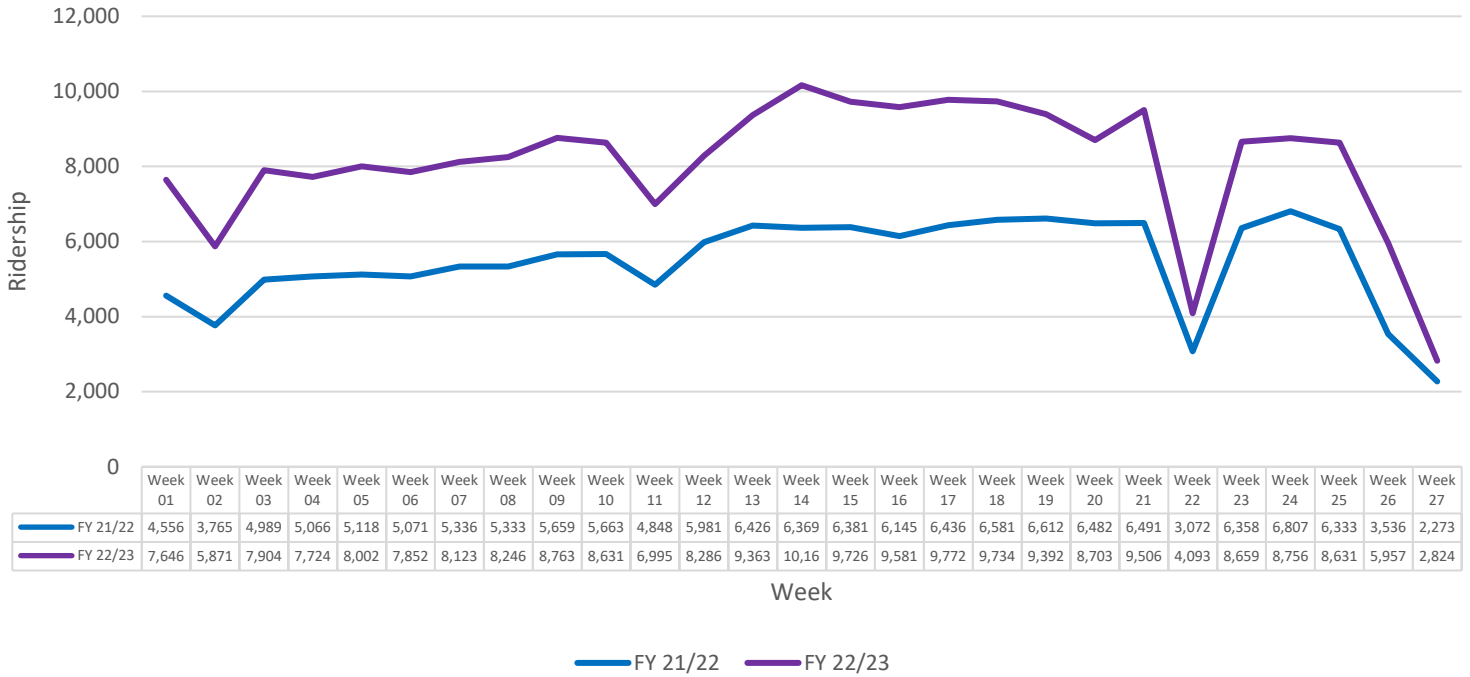
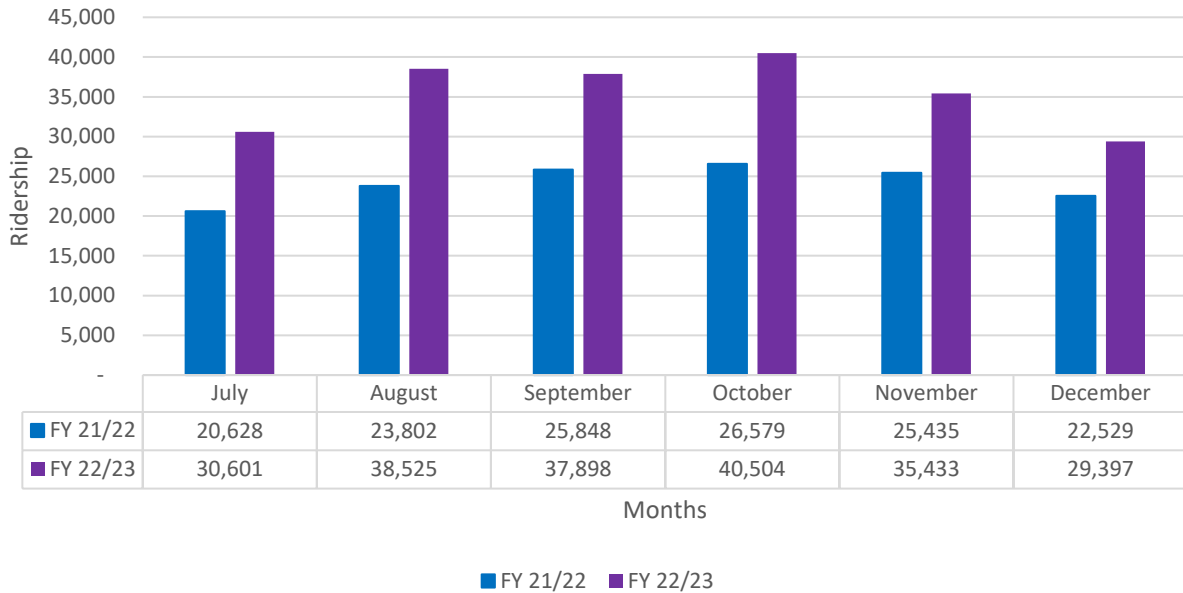


Figure 2 - ACE YTD Ridership thru 12/31/2022

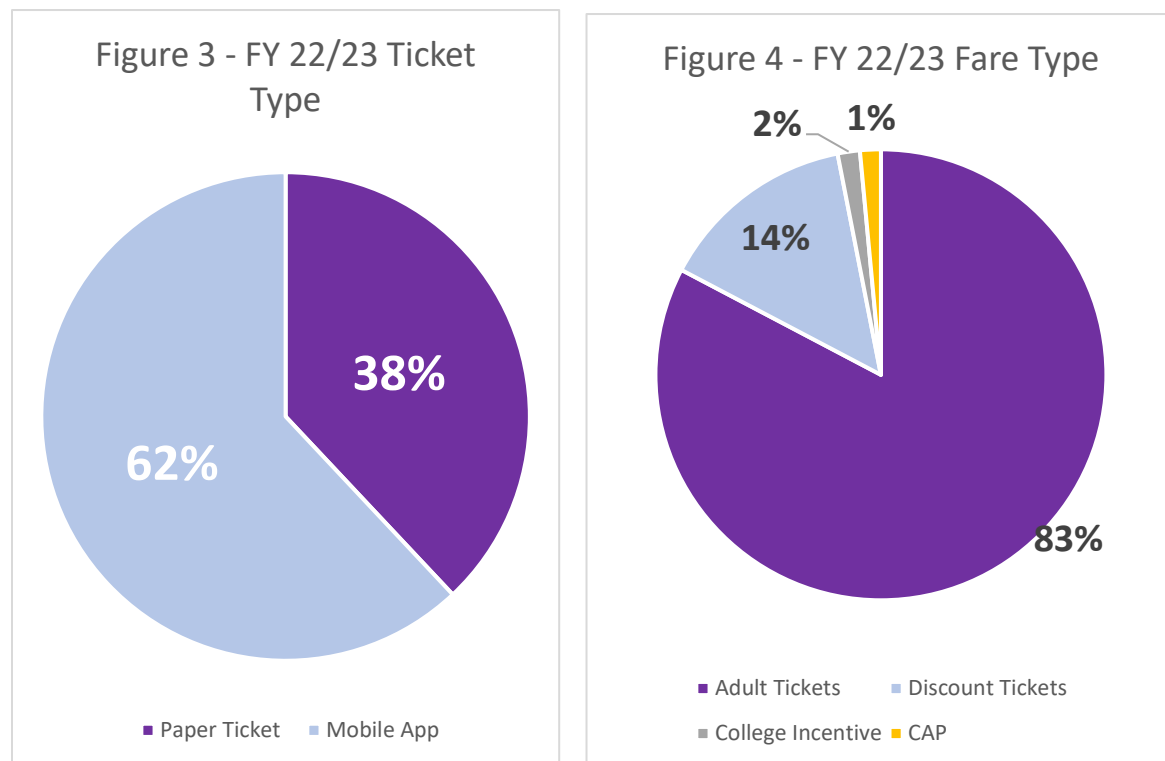


## Ticket Sales Performance – FY 22/23

A key performance metric is ticket sales performance, which should be monitored alongside ridership performance. When looking closer at ticket sales performance, Figure 3 illustrates that Mobile App ticket sales outperform Paper Ticket sales. SJRRC is encouraging Mobile App adoption which improves ticket data tracking, reduces the burden on staff, and allows for deeper customer interaction. Figure 4 provides a breakdown of the ticket types.

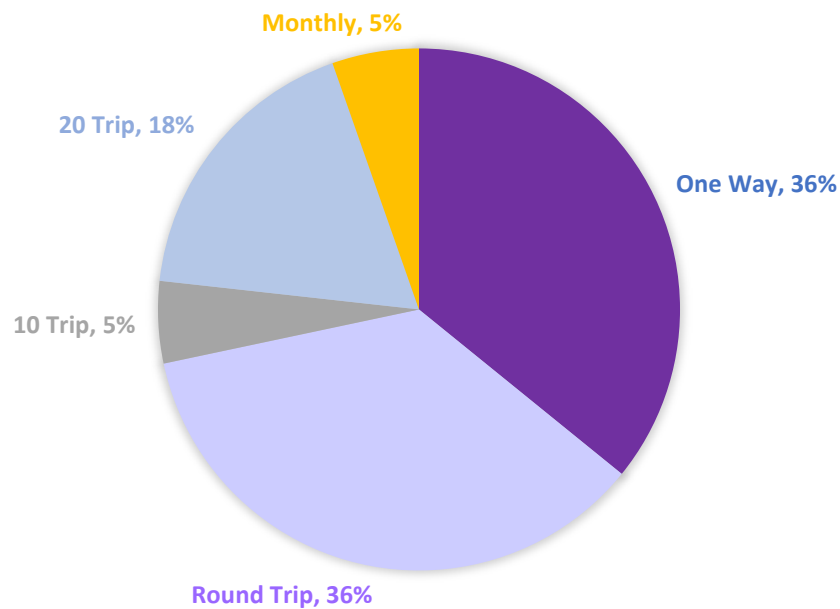
- Adult Tickets - full-fare tickets
- Discount Tickets - tickets purchased at a 50% discounted rate by seniors, disabled, children, or Medicare card holders
- College Incentive Tickets - tickets sold by the college/university partners San Jose State, Santa Clara University, and Los Positas College
- CAP Tickets - tickets purchased through Community Assistance Program (CAP) which provides a means-based discount for disadvantaged community members.

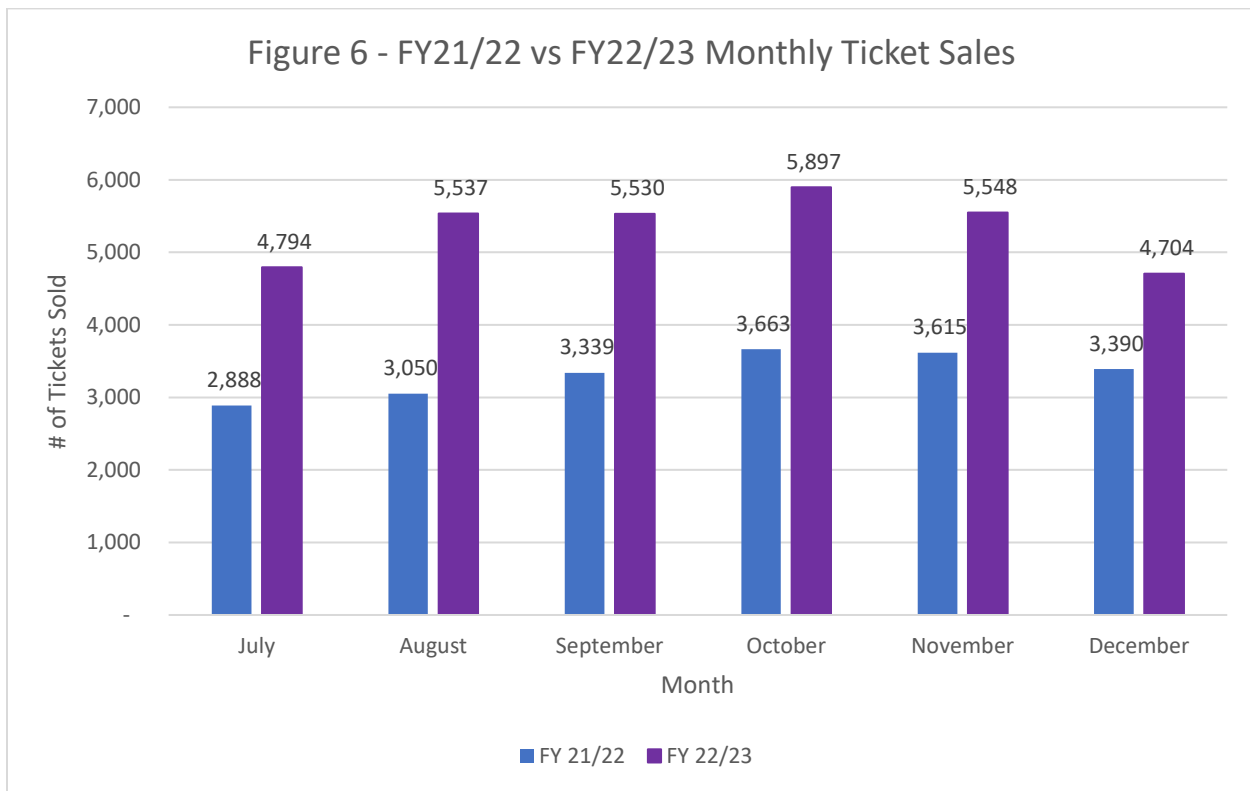
The large majority of ticket purchasers in YTD FY22/23 are full fare paying adults. Additional work is being done to promote the CAP program to ensure that the community is educated and has full opportunity to ride ACE. CAP is promoted through grassroots strategies with the 2-1-1 Family Resource Center which performs the income verification for the program. Additionally, CAP is promoted on all SJRRC-owned channels, including social media, advertising, email marketing, onboard and station posters, through other partners.



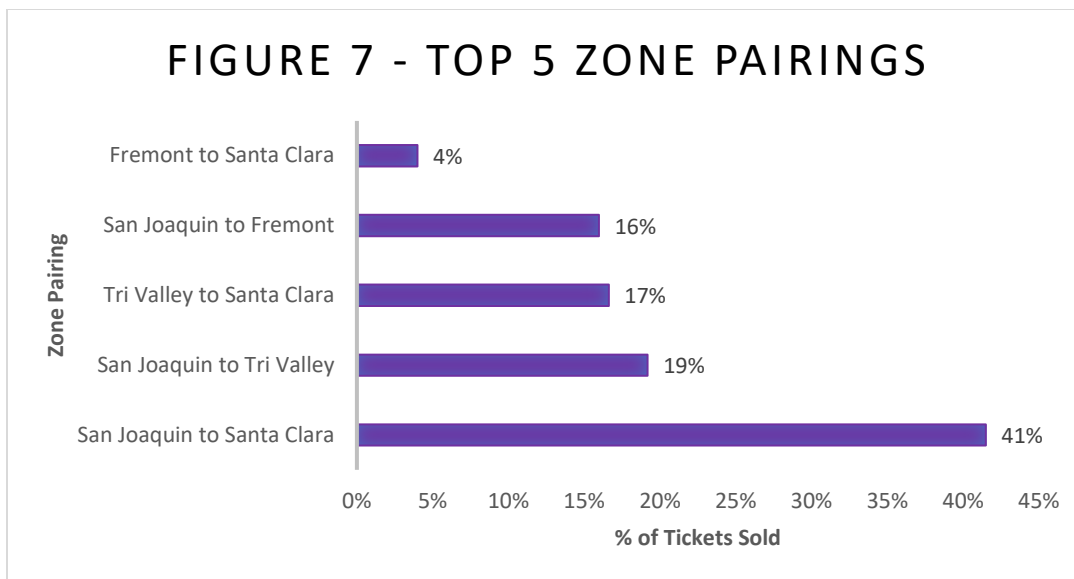
As indicated in Figure 5, most passengers purchase one-ways and round-trips, with “trip-based” passes following at 23% and Monthly Passes at 5%. This is a significant change from pre-pandemic purchase patterns which 20-Trips and Monthly passes have each fallen 9% from FY 18/19. Some of the change can be explained by the introduction of the 10-Trip ticket. A migration to One-Ways and Round-Trips may also be a result of market instability and increased work-from-home opportunities.

FIGURE 5 - FY 22/23 TICKET TYPE PURCHASE





Tickets sold by corridor “zones” (San Joaquin, Tri-Valley, Santa Clara, and Fremont), illustrate the geographies that are impacting the current ridership pattern. Over 75% of current tickets sold originate in the San Joaquin Zone, i.e. Stockton, Lathrop/Manteca, and Tracy with over 40% concentrated between San Joaquin and Santa Clara Zones. As market conditions would imply, Tri-Valley originating passengers may be more able to adjust their schedules to work from home than San Joaquin originating passengers. The agency will address this point in its upcoming passenger and market survey, as well as review its marketing mix for the Tri-Valley.





## Operating Revenues

| Operating Revenue                        | 2022/2023 ACE<br>SERVICE ANNUAL<br>OPERATING<br>BUDGET | YTD ACTUAL<br>(12/31/2022)<br>(ACCRUAL BASIS) | % OF YTD<br>(12/31/2022) VS.<br>ANNUAL<br>BUDGET |
|--|--|---|--|
| Measure K                                | 1,732,604  | 866,302                                       | 50%  |
| SICOG - Local Transportation Funds (LTF) | 8,744,110  | 0   | 0%   |
| Fare Revenues                            | 4,200,000  | 1,866,167                                     | 44%  |
| ACTC Measure B Local                     | 1,083,610  | 1,083,610                                     | 100%   |
| ACTC Measure BB Local                    | 517,610  | 517,610                                       | 100%   |
| Santa Clara VTA Local                    | 1,395,989  | 697,992                                       | 50%  |
| Transportation for Clean Air (TFCA)      | 40,000   | 40,000  | 100%   |
| MTC - State Transit Assistance (STA)     | 300,000  | 0   | 0%   |
| ACTC Measure B Local - Admin Fee         | 15,000   | 0   | 0%   |
| ACTC Measure BB Local - Admin Fee        | 15,000   | 0   | 0%   |
| Amtrak Thruway Service                   | 75,000   | 37,500  | 50%  |
| Ticket Sales Others                      | 165,000  | 0   | 0%   |
| LCTOP - Means Based Fare Program & Ops   | 168,687  | 21,676  | 13%  |
| LCTOP - Operations                       | 762,209  | 687,810                                       | 90%  |
| FTA CARES Act                            | 4,800,000  | 2,909,849                                     | 61%  |
| FTA ARPA                                 | 11,339,715   | 3,106,880                                     | 27%  |
| <b>Total Operating Revenue</b>           | <b>35,354,534</b>                                      | <b>11,835,397</b>                             | <b>33%</b>                                       |

Revenue for the ACE service is diversified from various federal, state, and local funding sources as the service operates through three counties (San Joaquin, Alameda, and Santa Clara). Thanks in part to the federal relief funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the American Rescue Plan Act (ARPA), ACE is operating full service which allows for more ridership recovery. During the last two Fiscal Years, local and state sales taxes were budgeted lower in anticipation of a big decline in revenue resulting from the impact of COVID-19. However, sales taxes didn't see the major decline that many thought they would during the pandemic, and this is reflected in the increase in LTF revenue that ACE is able to utilize for operations in the current Fiscal year.

To assist ACE's Bay Area partners' contributions, ACE will make a one-time-only reduction to ACTC's and VTA's contributions for 22/23 by the Bay Area Urbanized Zone Area (UZA) ARPA award which is around \$6.3 million.

With the FY 21/22 Fiscal Audit completed and approved by the board at the February 3<sup>rd</sup> meeting, staff will start the process of submitting the Transportation Development Act (TDA) claim to both the San Joaquin Council of Governments (SJCOG) and Metropolitan Transportation Commission (MTC) to request FY 22/23 LTF and STA allocations, which will bring the revenue percentages in line with budget projections.

## Operating Expenses

| Unaudited Dec 31, 2022 - 50% of Year   | 2022/2023 ACE<br>SERVICE OPERATING<br>BUDGET | \$ Expensed to Date | % Budgeted<br>Expensed to<br>Date |
|--|--|---------------------|-----------------------------------|
| <b>Project Management, Services &amp; Supplies</b>   |  |                     |                                   |
| Salaries/Benefits/Contract Help  | 5,096,473                                    | 1,237,951           | 24%                               |
| Office Expense Postage   | 26,413                                       | 5,554               | 21%                               |
| Subscriptions/Periodicals/Memberships  | 13,400                                       | 2,917               | 22%                               |
| Office Equipment Lease/Furniture   | 31,000                                       | 11,405              | 37%                               |
| Computer Systems   | 2,000  | 939                 | 47%                               |
| Communications   | 69,950                                       | 7,697               | 11%                               |
| Motor Pool   | 71,210                                       | 12,454              | 17%                               |
| Transportation/Travel  | 46,500                                       | 15,337              | 33%                               |
| Training   | 26,500                                       | 660                 | 2%                                |
| Audits Regulatory Reporting  | 75,134                                       | 40,500              | 54%                               |
| Professional Services Legislative  | 10,000                                       | 0                   | 0%                                |
| Professional Services Legal  | 60,000                                       | 8,555               | 14%                               |
| Professional Services General  | 247,156                                      | 124,468             | 50%                               |
| Publications/Legal Notices   | 16,000                                       | 1,380               | 9%                                |
| <b>Project Management, Services &amp; Supplies Subtotal</b>  | <b>5,791,735</b>                             | <b>1,469,816</b>    | <b>25%</b>                        |
| <b>Salaries/Benefits/Contract Help</b>   |  |                     |                                   |
| Maintenance & Improve System Wide ACE Stations   | 54,900                                       | 8,571               | 16%                               |
| Maintenance of Headquarters Structures/Grounds   | 133,158                                      | 54,379              | 41%                               |
| ACE Operations & Maintenance   | 9,910,737                                    | 4,417,876           | 45%                               |
| Positive Train Control   | 353,700                                      | 140,018             | 40%                               |
| Consumables/Repair Parts   | 1,395,989                                    | 601,311             | 43%                               |
| Operating Leases   | 84,873                                       | 21,360              | 25%                               |
| Fuel   | 3,030,290                                    | 1,501,418           | 50%                               |
| RR Maintenance Oversight/Dispatching   | 4,122,721                                    | 1,058,271           | 26%                               |
| Insurance  | 4,403,167                                    | 1,449,045           | 33%                               |
| Insurance Management Fees  | 170,000                                      | 79,195              | 47%                               |
| Security Services/Safety Program   | 460,587                                      | 155,789             | 34%                               |
| FRA/FTA Drug Testing Program   | 7,100  | 0                   | 0%                                |
| Passenger and Service Restoration Communications   | 681,442                                      | 271,938             | 40%                               |
| Special Trains   | 165,000                                      | 0                   | 0%                                |
| Ticketing Services   | 625,847                                      | 129,428             | 21%                               |
| Professional Services Operations   | 366,500                                      | 98,395              | 27%                               |
| Communications, Operations   | 181,400                                      | 45,160              | 25%                               |
| Communications, Wi-Fi  | 393,000                                      | 151,074             | 38%                               |
| Emergency Ride Home Emergency Bus Bridges  | 60,667                                       | 186                 | 0%                                |
| Rail Maintenance Facility  | 1,168,866                                    | 599,457             | 51%                               |
| <b>Contracted Services Subtotal</b>  | <b>27,769,943</b>                            | <b>10,782,870</b>   | <b>39%</b>                        |
| <b>Shuttle Services</b>  | <b>1,792,856</b>                             | <b>896,428</b>      | <b>50%</b>                        |
| <b>TOTAL ACE OPERATING EXPENSES</b>  | <b>35,354,534</b>                            | <b>13,149,114</b>   | <b>37%</b>                        |
| The December 31, 2022 expenses may not contain all accrued December expenses due to the timing of invoices received. |  |                     |                                   |

As of December 31, 2022, ACE Total Operating Expenses were at 37% of the budget with Project Management at 25% and Contracted Services at 39%.

Within the Project Management, Services & Supplies portion of the budget, the following lines are below 25% of budget:

- Salaries/Benefits 24%
- Office Expense Postage 21%
- Subscriptions/Periodicals/Memberships 22%
- Communications 11%
- Motor Pool 17%
- Training 2%
- Professional Services Legal 14%
- Publications Legal Notices 9%

The Rail Commission staff and program management expenses are allocated between the Rail Commission, ACE Service and the San Joaquin Joint Powers Authority under a consolidated strategy to eliminate the extra expense of having separate staffing structures. Depending upon the timing of each agency's work effort, expenses may shift beyond projections. Additionally, there have been several ACE Service Operating related positions that had been difficult to fill. All of these positions will be filled by Mid-April, so the pace of expenditures will pick up slightly toward the end of the fiscal year.

The Audits Regulatory Reporting line (54%) is higher due to financial and compliance reporting being underway and close to complete, this line is projected to balance out as the year progresses.

Within the Contracted Services portion of the budget, the following lines are below 25%

- Maintenance & Improvements System Wide ACE Stations 16%
- FRA/FTA Drug Testing Program 0%.
- Special Trains 0%
- Ticketing Services 21%
- Communications Operations 25%
- Emergency Ride Home Emergency Bus Bridge 0%

Contracted Services has several line items on pace to be close to, or at 100%, by FY22/23 year-end. The Railroad Maintenance Oversight/Dispatching line, at 26% year to date, includes the budget capacity for a Spring 2023 payment for past-due trackage fees due to the host railroad. The Security Services line, at 34% year-to-date, includes the budget capacity to increase security services at ACE Stations if needed.

## Moving Forward

Though ACE ridership has improved year-over-year by a significant margin, the service is still working itself back to pre-pandemic levels. In support of this effort, the marketing and passenger experience team will continue to employ a wide variety of strategies to reach communities to raise brand awareness and attract riders to the service. A significant initiative

to be completed in the second half of FY 22/23 is the 'Passenger and Market Research Project'. This effort will provide much-needed data for SJRRC to assess the current ridership, potential ridership, and areas of short and long-term opportunity.