



## SAN JOAQUIN REGIONAL RAIL COMMISSION REGULAR BOARD MEETING

**Friday, May 5, 2023 – 8:00 am**

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

### Conference Call Locations 📞

1719 Monte Diablo Avenue  
Stockton, CA 95203

Dublin City Hall  
100 Civic Plaza  
Dublin, CA 94568

Fremont City Hall  
3300 Capitol Avenue  
Fremont, CA 94538

**Call-In Information: +1 (332) 249-0500 Phone Conference ID: 452-555-122#**  
**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: 288-290-019# 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 (SJRRC) staff, at (209) 944-6220, during regular business hours, at least twenty-four hours prior to the time of the meeting.*

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

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

Chair Zuber

Roll Call: Hernandez, Mei, Craig, Nuño, Warmesley, Villapudua, 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 SJRRC staff via email at [publiccommentssjrrc@acerail.com](mailto:publiccommentssjrrc@acerail.com), in which staff will read the comment aloud during the public comment period.
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.

### 3. Consent Calendar

- |      |   |                    |
|------|---|--------------------|
| 3.1  | Minutes of SJRRC Board Meeting April 7, 2023<br>(Regular and Special Voting Members)  | <b>ACTION</b>      |
| 3.2  | Rail Commission/ACE Monthly Expenditure   | <b>ACTION</b>      |
| 3.3  | ACE Monthly Fare Revenue  |                    |
| 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 Approving the Fiscal Year 2022-23 Transportation Development Act (TDA) Claim and Authorizing Submission by the Executive Director to the San Joaquin Council of Governments for Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for a Total of \$25,352,547<br>(Regular and Special Voting Members)  | <b>ACTION</b>      |
| 3.9  | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Toshiba Business Solutions for Copier Equipment and Maintenance Services for an Amount-Not-To-Exceed \$117,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project<br>(Regular and Special Voting Members)   | <b>ACTION</b>      |
| 3.10 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Dohrmann Insurance Group for Employee Benefits Brokerage Services for an Amount Not-To-Exceed \$0 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project including Any and All Amendments thereto within Her Spending Authority<br>(Regular and Special Voting Members) | <b>ACTION</b>      |
| 4.   | <b>Public Hearing: Adopt a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission To Determine the Necessity to Acquire Property by Eminent Domain in Connection with the Stockton Diamond Grade Separation Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure section 1245.220)</b><br>(Bryan Pennino)(Regular Voting Members Only)             | <b>ACTION</b>      |
| 5.   | <b>Rail Safety Presentation</b>   | <b>INFORMATION</b> |

6. **Fiscal Year 2023/2024 San Joaquin Regional Rail Commission Work Program and Budget Preview** INFORMATION  
(Nick Perez/David Lipari/Stacey Mortensen)
7. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Amendment to the Agreement with WSP USA Inc. for Construction Management Services for the Stockton Rail Maintenance Facility Expansion Project Increasing the Compensation Amount by \$957,788 for a New Not-To-Exceed Amount of \$2,657,486 and Authorizing the Executive Director to Execute Any and All Documents related to the Project including approving all Amendments thereto within Her Spending Authority** ACTION  
(Josh Williamson/Autumn Gowan)(Regular and Special Voting Members)
8. **Local Funding Sources for Green and Affordable Housing Near Rail Transportation** INFORMATION  
(Dan Leavitt)
9. **Presentation on ACE On-Time Performance (OTP)** INFORMATION  
(Brian Schmidt)
10. **Board Member Comments**
11. **Ex-Officio Comments**
12. **Executive Director's Report**
13. **CLOSED SESSION**
  - 13.1 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property: 119-1540-021, Sacramento County  
Agency Negotiator: Bill Tanner, Paragon Consulting  
Negotiating Parties: 95 Laguna Partners, LLC  
Under negotiation: Price and payment terms  
(Regular Voting Members Only)
  - 13.2 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property: 119-0120-066, Sacramento County  
Agency Negotiator: Bill Tanner, Paragon Consulting  
Negotiating Parties: 95 Laguna Partners, LLC  
Under negotiation: Price and payment terms  
(Regular Voting Members Only)

## **14. CLOSED SESSION**

- 14.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-202-09, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: Alfonso Ocampo**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 14.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-260-04, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: Alfonso Ocampo**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 14.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-260-34, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: Alfonso Ocampo**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 14.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-280-04, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Jawaid Akhtar**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 14.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-280-36, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Jawaid Akhtar and Arzamia Akhtar**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 14.6 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-280-39, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Jawaid Akhtar and Arzamia Akhtar**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)
- 14.7 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-280-35, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: YCART Enterprises, LLC**  
**Under negotiation: Price and payment terms**  
(Regular Voting Members Only)

- 14.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 169-020-04, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: Kenneth D. Horton and Nancy Lee Horton**  
**Under negotiation: Price and payment terms**  
**(Regular Voting Members Only)**
- 14.9 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-260-03, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Hector Radrigan**  
**Under negotiation: Price and payment terms**  
**(Regular Voting Members Only)**
- 14.10 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-260-35, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: Jaime Lopez Matias and Maria Mercedes Rubio Sosa**  
**Under negotiation: Price and payment terms**  
**(Regular Voting Members Only)**
- 14.11 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-280-03, San Joaquin County**  
**Agency Negotiator: Jesse Ortiz, Monument**  
**Negotiating parties: Hazelton-Church Stockton LLC**  
**Under negotiation: Price and payment terms**  
**(Regular Voting Members Only)**
- 14.12 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-240-02, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: Julian Sepulveda Jr. and Mary Jane Sepulveda**  
**Under negotiation: Price and payment terms**  
**(Regular Voting Members Only)**
- 14.13 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Property: 151-240-71, San Joaquin County**  
**Agency Negotiator: Jennifer Cole, Monument**  
**Negotiating parties: UPRR, State of California, Julian Sepulveda Jr. and Mary Jane Sepulveda, Elizabeth Madera**  
**Under negotiation: Price and payment terms**  
**(Regular Voting Members Only)**
- 14.14 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)**

**14.15 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)

**14.16 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)

**14.17 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)

**15. CLOSED SESSION**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**Title: Executive Director**  
(Regular and Special Voting Members)

**16. CLOSED SESSION**

**PUBLIC EMPLOYEE APPOINTMENT**

**Title: In-House Legal Counsel**  
(Regular Voting Members Only)

**17. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Employment Contract with In-House Legal Counsel**

(Dan Schroeder)(Regular Voting Members Only)

**18. Adjournment**

The next regular meeting is scheduled for:  
June 2, 2023 – 8:00 am

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of May 5, 2023

## **Item 3.1**

## **ACTION**

### **Minutes of SJRRC Board Meeting April 7, 2023**

The meeting of the San Joaquin Regional Rail Commission was held at 8:00 a.m., April 7, 2023, via teleconference, videoconference, or in person.

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

Vice Chair Zuber called the meeting to order at 8:06 a.m. and led the audience in the Pledge of Allegiance.

Commissioners Present: Hernandez, Mei, Craig, Nuño, Warmesley, Young, Vice Chair Zuber

Commissioners Absent: Villapudua

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

### **2. Public Comments**

There were no public comments.

### **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>      |



**M/S/C (Young/Mei) to Approve Items 3.1-3.10 of the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 7<sup>th</sup> day of April 2023 by the following vote to wit:**

AYES: 6 Hernandez, Mei, Craig, Warmesley, Vice Chair Young, Chair Zuber

NOES: 0

ABSTAIN: 0

ABSENT: 2 Nuño, Villapudua

**4. CLOSED SESSION**  
(Regular Voting Members Only)

**ACTION**

**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)

General Counsel, Eric J. Nims, reported that there was no reportable action on any of the items from Closed Session.

**5. CLOSED SESSION**

**ACTION**

(Regular and Special Voting Members)

**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)

General Counsel, Eric J. Nims, reported that there was no reportable action on either item from Closed Session.

**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**

**ACTION**

(Regular Voting Members)

Executive Director, Ms. Stacey Mortensen, and Ms. Autumn Gowan gave a presentation on this item.

Commissioner Craig inquired about the 1.5-2% covering all six positions, and if it is anticipated that what is coming and what has already been allocated will be within the \$960,000 contract amount.

Ms. Mortensen confirmed that this is correct.

Commissioner Craig inquired about the certifications necessary, and if these need to be applied for annually.

Ms. Mortensen explained that a special engineer's license is required and there are construction management and project management credentials that are required to handle projects this large.

Commissioner Craig inquired if this is specific to rail or for project management in general.

Ms. Mortensen explained that the Rail Commission would accept a basic license as qualification, and evaluated the firms' understanding of the

complexity of the projects in the Railroad environment in their proposal and interviews. Ms. Mortensen explained that a lot of the firms that would normally bid are busy due to state and federal funding that was recently made available.

Commissioner Craig inquired if the offers were comparable and if this was determined based on experience.

Ms. Mortensen explained that both firms were interviewed and each had strengths, however the chosen firm is a team and a subcontractor that seemed to bring the most to the table in the foreseeable future. Ms. Mortensen commented that the Rail Commission can keep in mind that the other firm is out there if supplemental resources are needed in the future.

There were no public comments.

**M/S/C (Nuño/Craig) to 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**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 7<sup>th</sup> day of April 2023 by the following vote to wit:**

AYES: 5 Craig, Nuño, Warmesley, Vice Chair Young, Chair Zuber

NOES: 0

ABSTAIN: 0

ABSENT: 1 Villapudua

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

Ms. Tamika Smith and Mr. Nick Perez gave a presentation on this item.

Commissioner Craig commented that private employers and governments contributed to encourage the use of public transportation as one of the employee benefits, and suggested approaching the governments in the area of the ACE Service.

Commissioner Mei commented that staff should consider reaching out to members of the Bay Area Air Quality Management District (BAAQMD), and the Commissioners should continue facilitating the use of public transit. Commissioner Mei suggested partnering with business agencies such as Silicon Valley Leadership Group and Joint Venture Silicon Valley because of their strong advocacy and transportation subcommittees that would be available for support during this transition.

Ms. Mortensen commented that Director of Rail Services, Tamika Smith, plans to reach out to Commissioner Mei and Commissioner Hernandez for help with connecting with these boards.

Mr. Michael Barnbaum inquired about the term auto train that was used in the presentation, and if this referred to the Amtrak Route on the East Coast between Lorton, VA and Sanford, FL in which motorists could put their automobile on the train in that segment.

Ms. Smith clarified that these are the vehicles coming out of Tesla, and that Elon Musk contracts with Union Pacific.

## **8. Board Member Comments**

Commissioner Warmley commented that staff is looking forward to the OneVoice trip, and inquired about meeting with the Rail Commission staff and City of Stockton staff to review talking points and strategy to make a powerful imprint and impression at OneVoice.

Vice Chair Young commented that it is important for everyone from the Rail Commission to be on the same page for the OneVoice trip as there will be more movement available during this year's trip and all representatives will not be in the same room. Vice Chair Young commented that for ACE and the Rail Commission, it will be important for the representatives to have the same talking points.

Ms. Mortensen commented that there will be a prep session offered and explained that the official project on the platform is the Martin Luther King planning and underpass revamp. Ms. Mortensen commented that it will be important to figure out what the different committee representatives and legislators will want to hear about, and the Rail Commission board and staff can review strategies to tell the story in line with what they want to hear about.

Vice Chair Young commented that she was grateful that ACE was a part of the Tracy Connects event that was in September and that this year's Tracy Connects event will be September the 9<sup>th</sup> and will make sure that ACE gets information to put that on the calendar.

## **9. Ex-Officio Comments**

Ms. Diane Nguyen of SJCOG commented that she will work closely as always, with Ms. Mortensen, the Rail Staff and Commissioners in over-preparing for the talking points for the SJCOG OneVoice trip. Ms. Nguyen commented that on April 1<sup>st</sup>, SJCOG officially launched their Electric Bike share and Electric Car share Program called the Stockton Mobility Collective. Ms. Nguyen commented that this project has been a few years in the making and it aims to improve transportation options for residents in Stockton looking for clean and affordable ways to transport to their jobs, schools, healthcare, and other destinations throughout the community. Ms. Nguyen commented that this program has been made possible by a grant through the Air Resources Board, and the community has access to electric bikes and electric cars by

downloading the Vamos mobility EZ Hub app to get access to the Bike Stockton app and the Mio Car app to register and utilize the electric bikes and electric cars. Ms. Nguyen commented that there was a trip called Valley Voice last week and Dan Leavitt on the Rail Commission Staff and Ms. Nguyen, and policy members and staff of the eight Valley Councils of government participated in this Valley-wide advocacy trip. Ms. Nguyen commented that they met with assembly members, Senate representatives, and staff to advocate for different policy areas including transit funding reform and in order to look at the Transportation Development Act to make it more flexible and a better fit for transit providers in terms of funding eligibility. Ms. Nguyen commented that the other policy advocacy point of the Valley Voice trip was to maintain and increase funding for commuter rail and intercity rail, particularly for ACE and the Amtrak San Joaquins.

Mr. Ken Baxter of SJRTD commented that SJRTD's CEO, Alex Clifford, spoke at the California Assembly Transportation Committee and the Senate Transportation Committee Joint Information hearing on February 27<sup>th</sup> in Sacramento, and the focus of the hearing was on short-term crisis and long-term transformation and how to bring back and build transit ridership in California. Mr. Baxter commented that the highlights shared from Mr. Clifford are that the California transit agencies are struggling at varying degree throughout the state with post pandemic ridership and physical challenges. Mr. Baxter commented that Mr. Clifford recommended to the legislature that they should provide more funding, protect existing funding, and ease up on the costly regulations and legislation to help solve ridership problems, impending physical challenges, and to help SJRTD and other transit agencies improve service levels. Mr. Baxter commented that Mr. Clifford also accentuated the need to improve service in the Stockton's disadvantaged neighborhoods. Mr. Baxter commented that Mr. Clifford also shared the need to slow down the current upcoming California Air Resources Board Innovative Clean Transit (ICT) purchase mandates, so hydrogen fuel cell technology can catch up. Mr. Baxter explained that hydrogen fuel cell buses look promising and SJRTD needs time to evaluate such technology side-by-side with the current electric buses and SJRTD is moving forward to do a test pilot program with hydrogen fuel cell buses. Mr. Baxter commented that SJRTD participated in Ripon's 61st Annual Almond Blossom Festival, the Chinese New Year celebration on March 5th, and Transit Ridership Appreciation Day at SJRTD on March 23<sup>rd</sup>. Mr. Baxter explained that the executive management team at SJRTD were up early in the morning cooking breakfast for SJRTD operators.

Mr. Tom Dumas of Caltrans commented that the California State Transportation Agency and the California Department of Transportation have recently released the draft California State Rail plan and explained that it is a strategic plan on how to deliver coordinated statewide transportation systems. Mr. Dumas explained that it is in line with the CTP 2050 and other Caltrans plans, and the rail plan will help cut planet warming pollutions, greenhouse gases, and will help provide safe, convenient mobility options for the state. Mr. Dumas commented that there are virtual public workshops on April 19th to discuss the draft California State rail plan and to get public feedback and more information can be found on the Department of Transportation websites under the Rail and Mass Transit Projects. Mr. Dumas commented that recently the Federal Highway Administration (FHWA) has released a call for projects for

the Wildlife Crossing Pilot Program and there's about \$111 million available nationwide for this. Mr. Dumas explained that if anyone is interested in trying to improve the facilities for wildlife crossings or aquatic species habitat, applications aren't due until August 1st of this year, and can be accessed at FHWA's Wildlife Crossing program web page. Mr. Dumas thanked SJRRC's Director of Equipment Services, Brian Schmidt who helped Caltrans's planning department with an off-site meeting at the Rail Maintenance Facility a few weeks ago and has been kind enough to help us with a tour next week. Mr. Dumas explained that Caltrans's executive members from headquarters are coming down to the district for a visit, and they will take a tour of the ACE Rail Maintenance facility, drive by the Cabral Station among a few other places. Mr. Dumas also thanked SJRTD for helping by providing bus transportation and will give a guided tour of the maintenance facility.

Executive Director Ms. Stacey Mortensen commented that the StanCOG members had to leave for another meeting.

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

Ms. Mortensen thanked Commissioner Craig for the recommendation from a previous meeting and reported that the Rail Commission is going to put together a presentation to partner with local agencies about opportunities for funding that is compatible with being right outside of a Class 1 railroad. Ms. Mortensen explained that this opportunity will allow the Rail Commission staff to speak from experience on presenting on what projects are best for a local-state funding approach and what is worth a federal ask.

Commissioner Craig commented about talking with potential affordable housing developers adjacent to the ACE rail line, as this is attractive to them because of the train transit being available for individuals working in other cities. Commissioner Craig commented that reliable transit service benefits affordable housing projects.

Ms. Mortensen commented that affordable housing is a great avenue to partner with.

Vice Chair Young commented that she worked with Commissioner Nuño on the Subcommittee for the Executive Director's evaluation and explained to the Commissioners that they will all be receiving emails with the evaluations that will be due on the third Friday of this month.

## **11. Adjournment**

Chair Zuber adjourned the meeting at 10:03 am.

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

**San Joaquin Regional Rail Commission  
Altamont Corridor Express  
Operating and Capital Expense Report  
February 2023  
67% of Budget Year Elapsed**

OPERATING EXPENSES	SJRRC FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE	ACE FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
<b>Project Management, Services &amp; Supplies Subtotal</b>	<b>\$ 3,266,866</b>	<b>\$ 2,464,625</b>	<b>75%</b>	<b>\$ 5,791,735</b>	<b>\$ 2,139,698</b>	<b>37%</b>
<b>Contracted Services Subtotal</b>	<b>\$ 530,530</b>	<b>\$ 277,777</b>	<b>52%</b>	<b>\$ 27,769,943</b>	<b>\$ 14,470,525</b>	<b>52%</b>
<b>Shuttle Services</b>				<b>\$ 1,792,856</b>	<b>\$ 1,195,237</b>	<b>67%</b>
<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 3,797,396</b>	<b>\$ 2,742,403</b>	<b>72%</b>	<b>\$ 35,354,534</b>	<b>\$ 17,805,460</b>	<b>50%</b>

OPERATING EXPENSES	SJRRC - CONTRACTED SERVICES FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE	SJRRC - TRACC FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
<b>Project Management, Services &amp; Supplies Subtotal</b>	<b>\$ 200,000</b>	<b>28,115</b>	<b>14%</b>	<b>\$ 112,205</b>	<b>-</b>	<b>0%</b>
<b>Contracted Services Subtotal</b>	<b>\$ 5,425,000</b>	<b>\$ 278,588</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>\$ 306,704</b>	<b>5%</b>	<b>\$ 1,613,696</b>	<b>-</b>	<b>0%</b>

CAPITAL PROJECTS	CAPITAL FY 22-23 ALLOCATION	EXPENSE TO DATE	SPENT 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	3,242,516	100%
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	3,358,753	11%
7 Valley Rail - Lathrop to Ceres/Merced	27,700,000	4,864,492	18%
8 Valley Rail - Ceres to Turlock	750,000	-	0%
9 Stockton Diamond Grade Separation	36,000,000	5,221,739	15%
10 Locomotive Simulator Purchase	1,000,000	-	0%
11 Charger Locomotives	500,000	-	0%
12 Platform Extension Projects	3,500,000	149,958	4%
13 Cabral Station Track Extension	23,000,000	6,384,834	28%
14 Positive Train Control	700,000	298,563	43%
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	-	0%
17 Railcar Midlife Overhaul	7,130,166	1,171,364	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	10,149	1%
23 Capital Spares	1,000,000	132,797	13%
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>\$ 32,753,803</b>	<b>18%</b>
<b>TOTAL CAPITAL PROJECTS SJRRC &amp; ACE</b>	<b>\$ 186,066,582</b>	<b>\$ 32,903,218</b>	<b>18%</b>

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

### **SAN JOAQUIN RAIL COMMISSION**

- 1 East Channel Street Improvements - In September 2022, SJRRRC 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 late 2023.

### **ALTAMONT CORRIDOR EXPRESS**

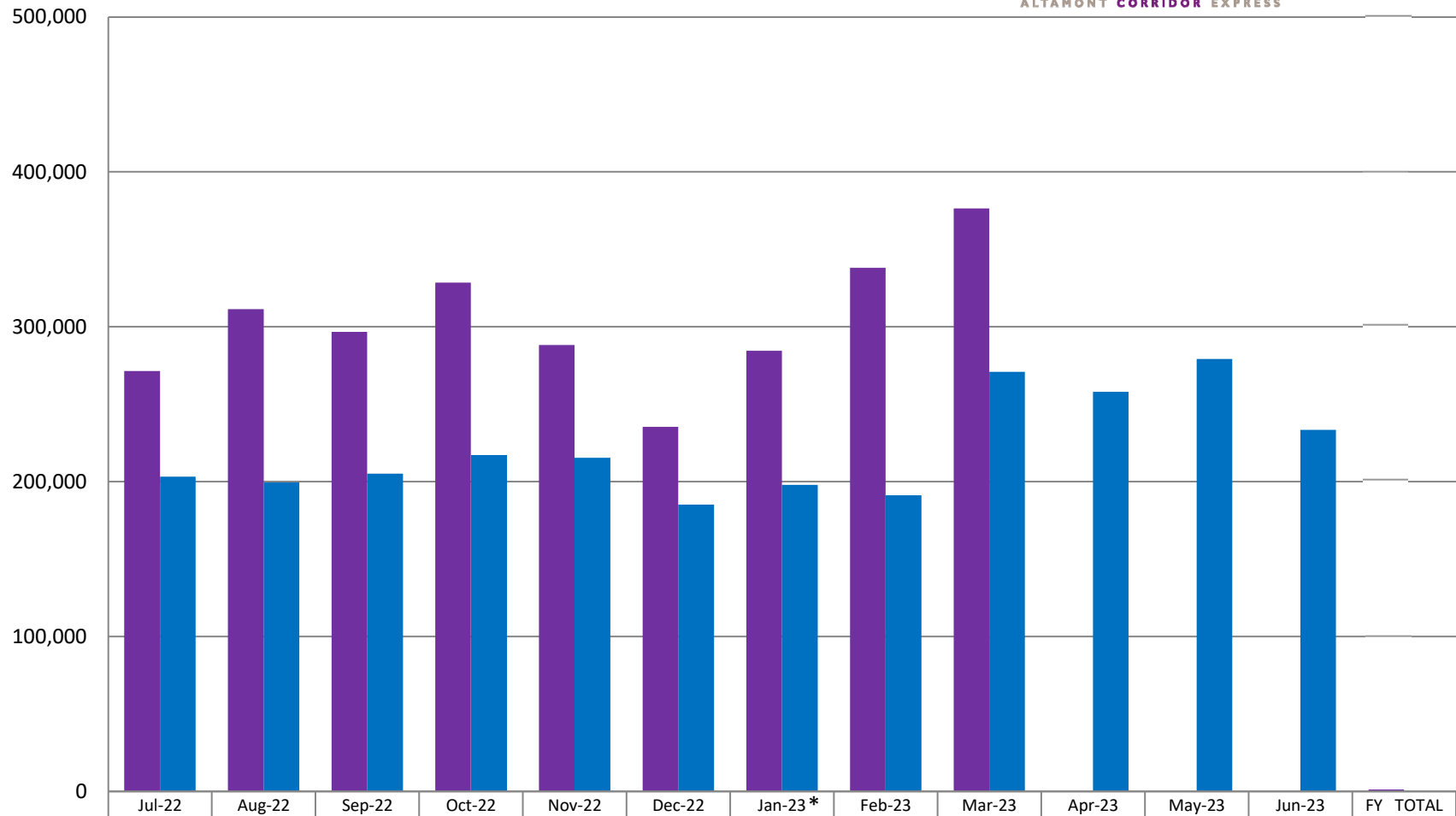
- 1 SJ COG Loan Repayment - Annual payment made July 1, 2022 per SJCOG amended loan agreement.
- 2 Bond Repayments - Bond repayments are made bi-annually, payments FY 22-23 are due in November 2022 and May 2023.
- 3 UPRR Capital Access Fee - Payment for calendar year 2022 paid in two installments in 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 3rd 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 SJRRRC'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. SJRRRC is meeting with the City of Stockton on a regular basis to facilitate design reviews.
- 10 Locomotive Simulator Purchase - SJRRRC is in communication with Herzog to develop a scope for the project. SJRRRC expects to finalize and release a Request for Proposal (RFP) by the end of April 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 SJRRRC 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. Testing and acceptance is estimated to take 60 days from arrival.
- 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 7th, 2022 Board meeting. The Notice to Proceed for the project was issued in March 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 at the January 6th, 2023 Board Meeting. 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: 75%

FY 22-23 % of Budgeted Fare Revenue Received to Date: 63.9%

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

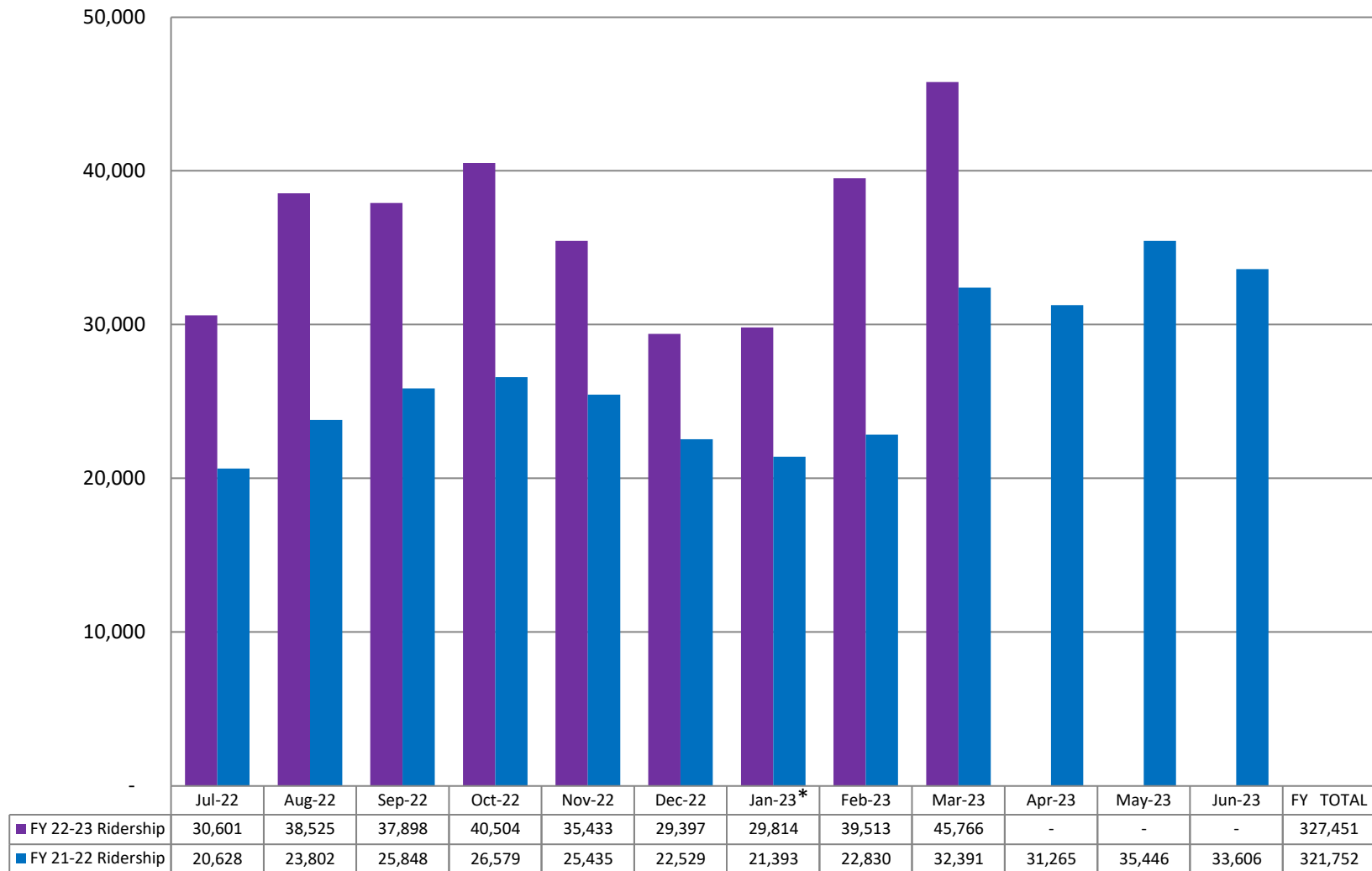
\* Service Disruption: January 17th and 18th

Canceled Service: January 19th and 20th

# Ridership

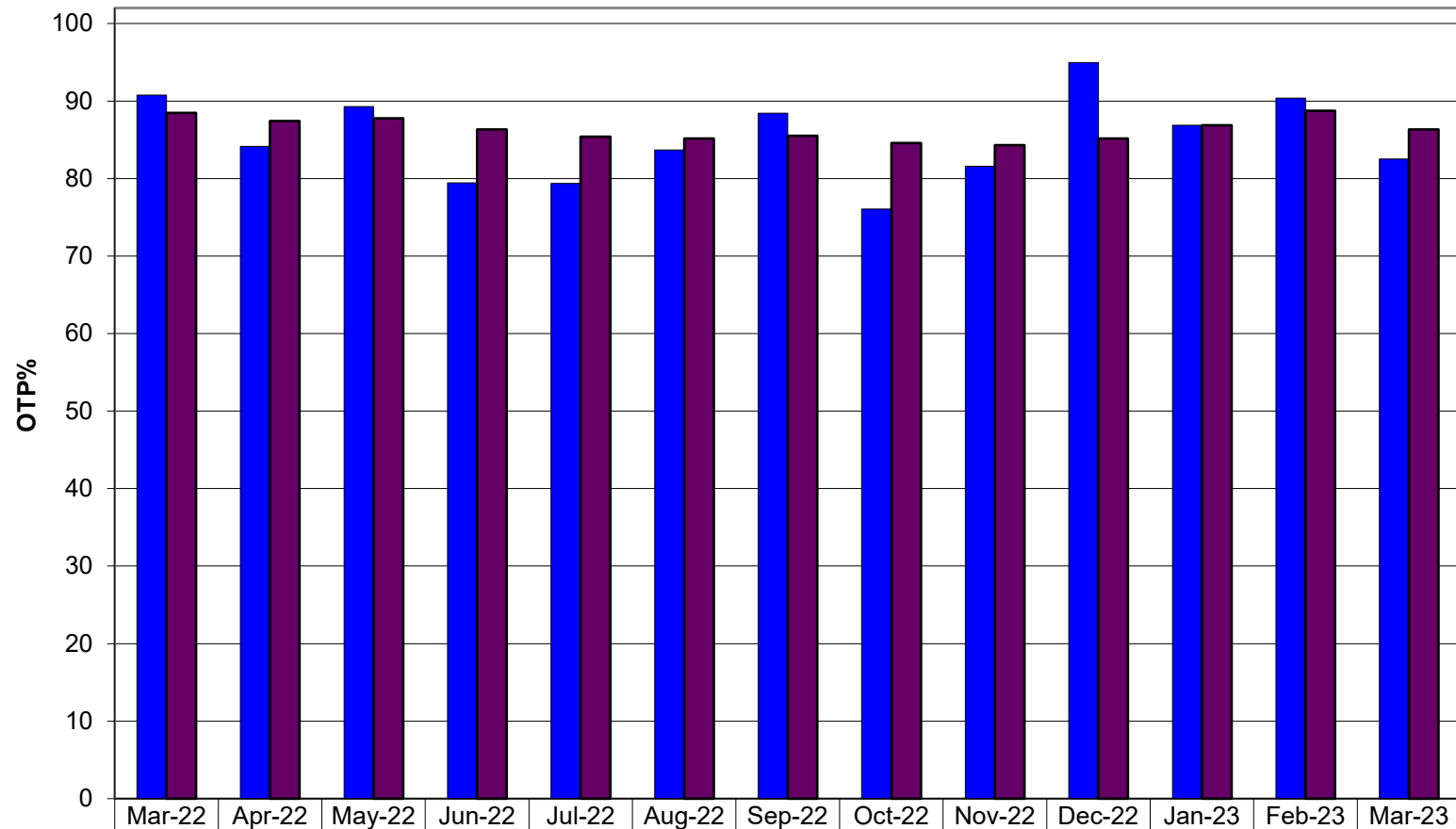


Item 3.4



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

## ACE ON TIME PERFORMANCE



■ Monthly OTP %	90.76	84.15	89.29	79.43	79.38	83.7	88.41	76.05	81.58	94.97	86.86	90.38	82.51
■ YTD OTP %	88.47	87.41	87.78	86.34	85.38	85.16	85.51	84.57	84.32	85.17	86.86	88.74	86.34



## TAI GINSBERG & ASSOCIATES, LLC

**TO:** San Joaquin Regional Rail Commission (SJRRRC)  
**FROM:** TG&A Staff  
**SUBJECT:** Monthly Progress Report for APRIL 2023  
**DATE:** April 30, 2023

### THE BIDEN ADMINISTRATION/EXECUTIVE BRANCH

April 6, 2023. President Joe Biden issued an Executive Order (EO) on [Modernizing Regulatory Review](#) directing the Office of Management and Budget (OMB) to improve and modernize regulatory review. As stated in the Memorandum, this includes modernizing the regulatory review process, enhancing public participation, and improving regulatory analysis. With respect to the regulatory review process, the Memorandum directs OMB to “promote the efficiency, transparency, and inclusiveness of” the process. The EO follows up on a memorandum [President Biden signed on his first day in office](#). See draft guidance [here](#) and [here](#) and overview [here](#).

April 10, 2023. President Biden signed [HJ Res. 7](#) terminating the COVID-19 national emergency declared on March 13, 2020. The resolution became P.L. 118-3. A [Government Executive article](#) reported that, “The public health emergency is still scheduled to end on May 11, 2023. The White House is poised to shutter its COVID-19 task force when the public health emergency ends in May and Dr. Ashish Jha, COVID-19 response coordinator, will be leaving.” See Congressional Research Service (CRS) updated report on, “[Effects of Terminating the Coronavirus Disease 2019 \(COVID-19\) PHE and NEA Declarations](#).”

### BIDEN 2023 TRANSPORTATION-RELATED NOMINATIONS/CONFIRMATIONS

Since the March 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 APPROPRIATIONS UPDATE/PROCESS

As reported in the TG&A March Report, the annual appropriations cycle was initiated with the President’s budget submission; President Biden [released his FY 2024 Proposed Budget](#) on March 9, 2023, to Congress, which provided an outline of the Administration’s government-wide recommended

OVERALL FY 2024 APPROPRIATION BILL SUMMARY		
	<b>Bills Passed:</b>	House (0 of 12)
		Senate (0 of 12)
	<b>Bills Vetoed:</b>	(0 of 12)
	<b>Both Chambers Passed:</b>	(0 of 12)
	<b>Bills Enacted:</b>	(0 of 12)

federal funding levels and programmatic tax and policy priorities. Optimally, Congress is to next consider a **Budget Resolution** to set a framework and spending ceilings for the upcoming year, with a target date of April 15, 2023. [*The budget resolution is in the form of a concurrent resolution, so it is not sent to the President for his signature and thus does not become law.*] To date, neither the House or Senate has released a Budget Resolution; therefore, that target date was not be attained. The Budget Resolution is being delayed due to negotiations over raising the debt ceiling. Meanwhile, the respective House/Senate Budget and Appropriation Committees have been holding hearings on the President’s budget and are beginning to consider the 12 annual appropriations bills for FY 2024. Typically, the House begins to consider the annual appropriation bills sometime in the month of May/June.

The end goal is to have final House/Senate action on all regular annual appropriation bills prior to the beginning of the new fiscal year (FY 2024) on October 1, 2023. **[Congress has completed appropriations before the start of the FY only 4 times in the past 45 years. The last time Congress completed all bills on time was over 25 years ago, in 1997.]** Congress has increasingly used omnibus bills (which bundle several appropriations measures into a single, giant law) and full-year Continuing Resolutions (CRs) to resolve annual spending disputes.

## DEBT LIMIT UPDATE

**Update:** On April 26, 2023, House Republicans passed the “[Limit, Save, Grow Act of 2023](#)” (HR 2811) by a vote of 217-215 – the Act proposes to avoid debt default by raising the nation’s \$31.4 trillion debt limit along with the implementation of deficit reduction measures. The Act was first introduced on April 19, 2023, and simultaneously announced by House Speaker Kevin McCarthy (R-CA). **[The Act has no chance of passing the Democratic-controlled Senate, and the White House wants a debt limit increase with no conditions; negotiations are at a standstill.]** The Act would suspend the debt ceiling through either March 31, 2024 or by \$1.5 trillion from the current \$31.4 trillion ceiling - whichever threshold comes first. [See the Congressional Budget Office (CBO) score of the Limit, Save, Grow Act of 2023 (HR 2811) [here](#).] The Act proposes to return total discretionary spending to the FY 2022 level in FY 2024 and cap annual growth at 1 percent for a decade thereafter. The Act would also rescind unspent COVID relief funds, repeal most of the Inflation Reduction Act's (IRA) energy and climate tax credit expansions, and rescind the IRA's increased Internal Revenue Service (IRS) funding, among other provisions to curb government spending. The CBO finds the bill would save \$4.8 trillion through FY 2033, with about \$4.3 trillion of policy savings and \$545 billion of interest savings. See nearby [Committee for a Responsible Federal Budget](#) table. **Background:** 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, (this summer or early fall) when the Treasury Department is expected to run out of so-called “extraordinary measures to stave off a national default. As of April 10, 2023, the Total Public Debt Outstanding was \$31.457 billion (see nearby table). **[See debt clock [here](#) for a minute-to-minute update of debt outstanding.]**

What's in the Limit, Save, Grow Act of 2023?	
Policy	Ten-Year Savings
Return discretionary spending to FY 2022 level in FY 2024, then grow 1 percent annually for a decade	\$3.2 trillion
Repeal energy tax credits	\$570 billion
Prevent student debt cancellation and IDR expansion	\$460 billion
Expand work requirements in Medicaid, SNAP, and TANF	\$120 billion
Rescind unused COVID relief funds	\$30 billion
Enact reforms related to energy regulations and permitting	\$3 billion
Repeal mandatory IRS funding for enforcement, operations, and customer service	-\$120 billion
Require Congressional approval of major rules and regulations	unknown
<b>Total Policy Savings</b>	<b>\$4.3 trillion</b>
Interest	\$545 billion
<b>Total Savings</b>	<b>\$4.8 trillion</b>

Sources: [Congressional Budget Office](#) and Committee for a Responsible Federal Budget.

Record Date	Debt Held by the Public	Intragovernmental Holdings	Total Public Debt Outstanding
4/10/2023	\$24,660,050,352,151.30	\$6,796,741,794,382.60	\$31,456,792,146,533.90

April 12, 2023. The US Department of Treasury issued its [Monthly Treasury Statement Receipts and Outlays of the United States Government For FY 2023 Through March 31, 2023](#). The government scored a **\$378 billion deficit in the month of March 2023** with total March receipts reaching \$313 billion against March outlays of \$691 billion. **The FY 2023 cumulative deficit for the five-month period ending in March is \$1.101 trillion.**

## SELECTED CONGRESSIONAL HEARINGS/BUSINESS

### FY 2024 EARMARK UPDATE

**House members** were to have submitted Community Project Funding requests and Programmatic/Language requests through the [House Appropriations Committee](#) for all federal agencies by March 31, 2023. Subsequently, House members are to post on their official websites any Community Project Requests (guidance [here](#) and deadlines [here](#), e.g., **Transportation CPR projects to be posted by 4/17/2023**). Recall that House members were limited to 15 requests across all bills (earmarks requests are not available in Labor-HHS-Education and Financial Services bills). **Senate members** were to have submitted Congressionally Directed Spending requests and Programmatic/Language request through the [Senate Appropriations Committee](#) for all agencies by April 14, 2023 (Transportation by 4/6/23). See Senate guidance [here](#).

April 20, 2023. The House Committee on Appropriations held a hearing to discuss and receive testimony on matters pertaining to, "Budget Hearing – Fiscal Year 2024 Request for the Department of Transportation." [Committee Link and Testimony.](#)

April 18, 2023. The House Committee on Transportation and Infrastructure held a Full Committee Member Day Hearing to testify on priorities that are important to their individual districts. The T&I Committee is expected to address a five-year reauthorization of the FAA, a pipeline safety reauthorization, and a Coast Guard bill. In addition, the Committee will address supply chain challenges and bottlenecks. At the end of the year the Committee will address a bipartisan Water Resources Development Act (WRDA) for 2024. [Committee Link.](#)

## SELECTED CONGRESSIONAL "TRANSPORTATION-RELATED" BILLS – APRIL

SENATE BILLS - APRIL			
<a href="#">S 1282</a> <a href="#">Press Release</a>	E. Markey (D-MA) "Freedom to Move Act." Establishes a \$25 billion competitive grant pgm. over 5 years to support state/local efforts to implement fare-free public transportation systems. Introduced 4/24/23.	<a href="#">S 1259</a>	J. Ernst (R-IA) To prohibit the provision of Federal assistance to transit and rail projects with significant cost overruns and that are projected to lose money. Introduced 3/25/23.
<a href="#">S 1044</a> <a href="#">Press Release</a> <a href="#">Summary</a>	J. Fetterman (D-PA) "Railway Accountability Act." Would study wheel-related failures & derailments; enhance switchyard safety practices; enact brake safety measures; require freight railroad companies to join a confidential "close call" reporting systems admn. by the FRA & NASA. Introduced 3/30/23.;	<a href="#">H.J. Res 7</a>	P. Gosar (R-AZ) Terminates the National Emergency (COVID) declared on 3/13/202. <b>Passed the House on 2/1/23 by a vote of 229 to 197. Passed the Senate on 3/29/23 by a vote of 68 to 23. Signed by the POTUS and became P.L. 118-3 on 4/10/23.</b>
HOUSE BILLS - APRIL			
<a href="#">HR 2848</a>	A. Pressley (D-MA) To carry out a grant program to support efforts to provide fare-free transit service. Introduced 4/25/23.	<a href="#">HR 2807</a>	E. Holmes Norton (D- DC) To develop and submit a report to Congress on recommendations to reduce train noise and vibrations near homes. Introduced 4/25/23.
<a href="#">HR 2811</a>	J. Arrington (R-TX) "Limit, Save, Grow Act of 2023." Raises the current \$31.4 trillion borrowing limit by \$1.5 trillion or suspend it through March 31, 2024, reinstating the limit at whichever comes first. Introduced 4/19/23. <b>Passed the House on 4/26/23 by a vote of 217-215.</b>	<a href="#">HR 2542</a>	B. Williams (R-NY) To preclude absolute liability in any action against a property owner or contractor for projects receiving Fed. financial assistance for infrastructure & transportation development. Introduced 4/6/23.
<a href="#">HR 2485</a>	J. Castro (D-TX) Require certain recipients of funds for disadvantaged business enterprises to provide an analysis of efforts to expand opportunities available to disadvantaged business enterprises to participate in the DBE program. Introduced 4/6/23.	<a href="#">HR 2463</a>	R. Gallego (D-AZ) To limit and eliminate excessive, hidden, and unnecessary fees imposed on consumers. Introduced 4/3/23.
<a href="#">HR 2366</a>	L. Boebert (R-CO) 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 3/29/23.	<a href="#">HR 1</a> <a href="#">Summary</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. <b>Passed the House on 3/30/23 by a vote of 225 to 204. The POTUS has said that he will veto the bill.</b>

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

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

### Selected/Anticipated Transportation-Related NOFO Announcement Dates in 2023

(As of April 11, 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 Est.	Notice of Funding Opportunity (NOFO)	Operating/Admin. Office
April 2023	<a href="#">Promoting Resilient Operations for Transformative, Efficient/Cost Saving Transportation (PROTECT) Pgm.</a> (NOFO on 4/21/23.)	FHWA
March 2023	<a href="#">Safe Streets and Roads for All Grant Program</a> (NOFO on 3/31/23)	US DOT/Office of the Secretary
April 2023	<a href="#">Electric or Low Emitting Ferry Pilot Program</a>	FTA
April 2023	<a href="#">Ferry Service for Rural Communities</a>	FTA
April 2023	<a href="#">Passenger Ferry Boat Program</a>	FTA
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
Summer 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
April 2023	Regional Infrastructure Accelerators Demonstration Program (NOFO on 4/26/23.)	US DOT
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	Transportation Access Pilot Program	FHWA
Fall 2023	Building Resilient Infrastructure and Communities Program	DHS/FEMA
Winter 2023	Innovative Coordinated Access and Mobility Program	FTA
<a href="#">National Culvert Removal, Replacement, and Restoration Grants</a>		FHWA

**April 26, 2023.** The US DOT issued a [Notice of Funding Opportunity](#) (NOFO – and [here](#)) making available \$24 million under the [Regional Infrastructure Accelerator \(RIA\) Grant Program](#). The intent of the RIA grant program is to demonstrate and evaluate the viability and effectiveness of a small number of accelerators in expediting the development and delivery of specific transportation projects within the geographic area of each RIA designated by the Build America Bureau. RIA grants assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Credit Program. RIAs were selected in FY 2021 and FY 2022. The Bureau plans to select between six and ten RIAs for awards under this program based on proposals submitted by eligible applicants in response to this notice. The Bureau anticipates providing grants in the range of \$2 million to \$4 million. **The deadline for applications is 30 days after it is opened on Grants.gov.**

April 25, 2023. Operation Lifesaver, Inc. (OLI), in partnership with the Federal Highway Administration (FHWA) and the Posner Foundation of Pittsburgh [announced](#) \$214,075 in competitive crossing safety awareness grants to Operation Lifesaver programs in 12 states. The FHWA provided \$200,000 of the total funding. The grants will be used for a variety of crossing safety public education projects and campaigns that will encompass Rail Safety Week, September 18-24, 2023.

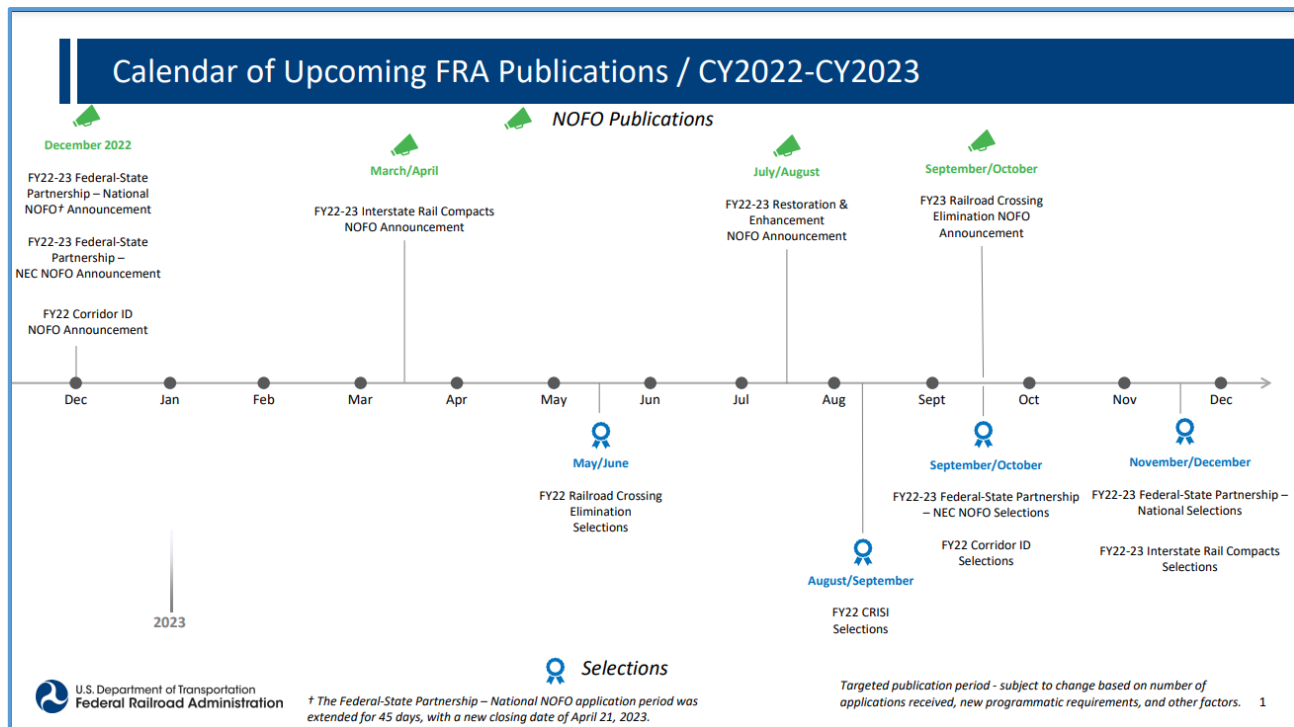
April 21, 2023. The Federal Highway Administration (FHWA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$848 million in discretionary funding under the [FY 2022/2023 Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation \(PROTECT\) Program](#). The purpose of the PROTECT program is to plan for and strengthen surface transportation to be more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters through formula and competitive discretionary grants. There are four categories of funding under the PROTECT Discretionary Grant Program. One category is for **Planning Grants (\$45 million available)**. The other three categories are for **Resilience Improvement (\$638 million available)**, **Community Resilience and Evacuation Route Grants (\$45 million available)**, and **At-Risk Coastal Infrastructure Grants (\$120 million available)**. PROTECT grants are eligible to all levels of governments to be direct recipients of funds, i.e., States, MPOs, local governments, and Indian Tribes can apply directly to FHWA. For FY 2022/FY 2023 PROTECT Discretionary Grant Program Planning Grants, FHWA requests applications for a minimum award size of \$100,000 and no maximum award size. Not more than 25 percent will be used for a facility or service for intercity rail passenger transportation. The Federal share of an eligible planning activity shall be 100 percent. FHWA plans to conduct outreach regarding PROTECT Discretionary Program Grants in the form of virtual meetings on May 8, 2023 and May 11, 2023; to join the Webinar, follow the instructions posted [here](#). **Applications are due by 11:59 p.m. ET on August 18, 2023.**

April 7, 2023. The US DOT [announced](#) \$21.15 million in funding in the first round under the [FY 2022 Thriving Communities Program](#) to 64 communities in 42 states. The Thriving Communities Program funds tailored technical assistance to under-resourced and disadvantaged communities to aid them access historic infrastructure investments and deliver transformative projects. The selected communities will be grouped into four "Communities of Practice" identified by US DOT based on their unique technical assistance needs. The Communities of Practice are: **Main Streets, Complete Neighborhoods, Complete Transit-Oriented Neighborhoods, and Network Communities.** *The FY 2023 Thriving Communities Program opportunity for Capacity Builders and communities is expected to open in summer 2023.* See the Thriving Communities Program website [here](#) for future announcements and the list of runner-up communities [here](#).

April 6, 2023. The US Department of Labor issued a [Notice of Funding Opportunity](#) (NOFO) making available \$80 million under the [Building Pathways to Infrastructure Jobs Grant Program](#). The DOL Building Pathways to Infrastructure Jobs Grant Program will invest in public-private partnerships to develop, implement, and scale worker-centered sector strategy training programs in H-1B industries and occupations critical to meeting the goals of the IIJA. The DOL expects the availability of approximately \$80 million to fund 15-25 grants for the first round of funding. This program requires cost sharing or matching funds. **Applications for Round 1 are due by 11:59 p.m. ET on July 7, 2023. Round 2 will open on March 15, 2024 and applications must be submitted by June 14, 2024.**

March 31, 2023. The Federal Railroad Administration (FRA) published its [Calendar Year 2023-2024 Notice of Funding Opportunity](#) (NOFO) timeline. Please visit FRA's [Bipartisan Infrastructure Law](#) and [Competitive Discretionary Grant Programs](#) webpages for additional information about grant programs that are currently accepting applications and other grant program updates. See the nearby CY 2022-2023 timeline. **The aforementioned URL also has a CY 2024 chart not shown here.**





**March 31, 2023.** The US DOT issued a [Notice of Funding Opportunity](#) (NOFO – and [here](#), and [here](#)) making available \$1,177,213,000 (\$1 billion in advance appropriations from the IIJA, plus \$177,213,000 in carryover funds from FY 2022) under the [FY 2023 Safe Streets and Roads for All Funding Opportunity \(SS4A\)](#) discretionary program. The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and refinement and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micro mobility users, and commercial vehicle operators. The SS4A program provides funding for two main types of grants: **Planning and Demonstration Grants** for comprehensive safety action plans, including supplemental safety planning, and/or safety demonstration activities; and **Implementation Grants**. In FY 2023, DOT expects to award hundreds of Planning and Demonstration Grants and up to one hundred Implementation Grants. For Planning and Demonstration Grants, award amounts will be based on estimated costs, with an expected minimum of \$100,000 and an expected maximum of \$10,000,000 for all applicants. For Implementation Grants, DOT expects the minimum award will be \$2,500,000 and the maximum award will be \$25,000,000. Eligible applicants include: MPOs, political subdivision of a State, and multijurisdictional group of entities, et al. The Federal share of a SS4A grant may not exceed 80 percent of total eligible activity costs. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. **Applications must be submitted by 5:00 PM EDT on Monday, July 10, 2023.**

**March 30, 2023.** Operation Lifesaver, Inc. (OLI), in partnership with the Federal Railroad Administration (FRA) and the Posner Foundation of Pittsburgh [announced \\$230,925 in competitive rail safety awareness grants](#) to Operation Lifesaver programs in 12 states. The FRA provided \$200,000 of the total funding. The FRA-funded grants will be awarded to OLI organizations in CA, IN, MO, NJ, NY, NC, ND, OH, PA, SC and SD. Funding from the Posner Foundation of Pittsburgh will support an Operation Lifesaver grant project in MN. The grants will fund a variety of crossing safety and trespass prevention public education projects. **Related News:** On April 6, OLI, in partnership with the FRA, said that it [will award a \\$50,000 Innovative Rail Safety Competitive Grant to New York Operation Lifesaver](#). The grant funds a targeted multifaceted education and outreach campaign to schools, school bus drivers, community groups, law enforcement agencies and other first responders to facilitate increased free rail safety presentations for these key audiences.

## OTHER TRANSPORTATION-RELATED FEDERAL REGISTER NOTICES

April 26, 2023. The Federal Railroad Administration (FRA) issued a [Notice](#) to inform the public about FRA's regulations that currently govern certain outages of Positive Train Control (PTC) systems during, for example, infrastructure upgrades and capital projects.

April 25, 2023. The Federal Railroad Administration (FRA) issued a [Request for Information](#) (RFI) on potential uses and options for disposal or repurposing used creosote-treated railroad ties (CTRTs), which are the wooden rail crossties that support the rail track. **Comments are due by June 26, 2023.**

April 21, 2023. The Federal Transit Administration (FTA) published a [Notice of Proposed Rulemaking](#) (NPRM – and [here](#)) proposing new requirements for Public Transportation Agency Safety Plans (PTASP) that include revised requirements for Agency Safety Plans (ASP), safety committees, cooperation with frontline transit worker representatives in the development of ASPs, safety risk reduction programs, safety performance targets, de-escalation training for certain transit workers, and addressing infectious diseases through the Safety Management System (SMS) process. **Comments are due June 26, 2023.**

April 20, 2023. The Federal Highway Administration (FHWA) is [extending the comment period](#) for a request for comments on its existing general applicability waiver for manufactured products under FHWA's Buy America waiver authorities, which was published on March 17, 2023, in the Federal Register. **The comment period is reopened and the closing date for comments is May 22, 2023.**

April 13, 2023. The Federal Transit Administration (FTA) issued a [Notice](#) (and [here](#)) providing priorities for the FTA's programs in FY 2023, announcing full-year [apportionments](#) and allocations for grant programs, as well as describing plans for several competitive programs. For FTA, a total of \$21,432,364,662 was appropriated for FY 2023 including funding from the Consolidated Appropriations Act, 2023 and advance appropriations. See FTA's FY 2023 full-year funding tables [here](#).

April 12, 2023. The American Public Transportation Association (APTA) [released](#) the first set in a new six-part workforce development series designed to help develop and implement successful strategies to address the critical workforce shortages seen across the public transportation industry. Built on APTA's comprehensive 2021 Transit Workforce Readiness Guide, the six new mini guides will be released throughout April and provide best practices, case studies and insights on several topics, such as: Advancing awareness of transit careers; Creating internships and apprenticeships; Recruiting and hiring transit workers; Serving the underserved in the workforce; Onboarding, training and retaining workers; and, Building a transit curriculum. An October 2022 [survey conducted by APTA](#) revealed that 96 percent of transit agencies of all sizes are experiencing workforce challenges, and 84 percent said these shortages are impacting their ability to provide service. See APTA Transit Workforce Readiness Guide [here](#).

April 12, 2023. The Federal Highway Administration (FHWA) [announced](#) a [Request for Information](#) (RFI – and [here](#)) seeking public input on environmental review processes that can be improved under the Inflation Reduction Act. The FHWA will consider ideas and recommendations from public and private stakeholders on how to reduce project delays through the development of more efficient and effective environmental reviews. **Comments on this petition must identify the petition docket number and must be received on or before May 8, 2023.**

April 10, 2023. The Federal Railroad Administration (FRA) issued a [Notice of Safety Advisory](#) to emphasize significant concerns related to train makeup and to ensure that all railroads exercise due diligence and recognize the importance of taking proactive measures to address potential safety risks related to operating train builds with varying configurations, load and empty placement, distributed power arrangements, and other factors. The agency issued the advisory in the aftermath of several train derailments that occurred in 2022 and 2023, including train length, distributed power units, trailing units, first car derailed, train type, cars carrying hazardous materials, derailed hazmat cars, evacuations, and key trains.

The FRA said an analysis revealed several common themes among the crashes, including that each one had 125 cars or more, all had much more than the maximum allowed 4,000 trailing tons and an empty car was the first to derail in all cases. The FRA is providing recommendations for freight railroads to improve the safety of their train build processes and practices. See analysis and recommendations actions in the Advisory. [*In June 2022, the House Committee on Transportation and Infrastructure held a hearing on the state of freight rail safety, where members raised the issue of train makeup.*]

March 31, 2023. The Federal Railroad Administration (FRA) has issued a [Notice of Proposed Rulemaking](#) (NPRM) (and [here](#) and [here](#)) regarding “[Passenger Equipment Safety Standards; Standards for High-Speed Trainsets](#)” and proposing to amend its Passenger Equipment Safety Standards to modernize Tier I and Tier III safety appliance requirements; update the pre-revenue compliance documentation and testing requirements; establish crashworthiness requirements for individual Tier I-compliant vehicles equipped with crash energy management (CEM); establish standards for Tier III inspection, testing, and maintenance (ITM) and movement of defective equipment (MODE); incorporate general safety requirements from FRA’s Railroad Locomotive Safety Standards for Tier III trainsets; and provide for periodic inspection of emergency lighting to ensure proper functioning. While the rule references “high-speed” in the title, it has many elements that apply to conventional equipment and commuter rail operations. In particular, the rulemaking includes several requirements that will have an effect on any passenger locomotive or rolling stock procurements. **Written comments must be received by June 2, 2023.**

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

April 25, 2023. The Government Accountability Office (GAO) issued a report entitled, “[Supply Chain: Updated Freight Handbook Could Enhance Stakeholder Decision Making.](#)” The COVID-19 pandemic led to cargo container congestion at maritime ports and warehouses. These challenges delayed the delivery of goods to consumers and led to fluctuating prices. The Federal Highway Administration (FHWA) developed a Freight and Land Use Handbook in 2012 as a resource to better inform freight stakeholders about considerations for establishing land-based facilities for freight mobility. FHWA officials told GAO they have not proactively communicated the 2012 handbook with freight stakeholders in recent years due to its age.

April 24, 2023. CN (TSX: CNR) (NYSE: CNI) Union Pacific Railroad (NYSE: UNP) and GMXT (BMV: GMXT) proudly [announced](#) the creation of Falcon Premium intermodal service, a best-in-class Mexico-US-Canada service with a seamless rail connection in Chicago, Illinois. The new service will directly connect all CN origin points within Canada and Detroit to the GMXT terminals in Monterrey, Nuevo Leon and Silao, Guanajuato, Mexico. The CN/UP/GMXT intermodal service will compete with Canadian Pacific Kansas City, the entity formed by the now completed merger between Canadian Pacific and Kansas City Southern.

April 24, 2023. The Congressional Research Service (CRS) issued an updated report entitled, “[US DOT Disadvantaged Business Enterprise Program.](#)” The DBE program aims to prevent discrimination against DBEs by providing them equal opportunity to compete for federally funded transportation contracts. A DBE is defined by criteria from both Small Business Administration (SBA) and US DOT regulations. A DBE must be (1) a for-profit small business, and (2) at least 51 percent owned by socially and economically disadvantaged individuals.

April 17, 2023. The US DOT published a [Snapshot of BIL Discretionary Grant Applications](#). The Excel spreadsheet provides a searchable spreadsheet of all eligible applicants, both awarded and not awarded, for the FY 2022 rounds of USDOT Bipartisan Infrastructure Law programs managed by the Office of the Secretary. This includes the RAISE, INFRA, Mega, Rural, Reconnecting Communities Pilot Program, Safe Streets and Roads for All, and SMART programs. Also, see FY 2022 Bridge Investment Program Applicant list [here](#).

April 10, 2023. The Government Accountability Office (GAO) issued a report entitled, “[Capital Investment Grants \(CIG\) Program: Cost Predictions Have Improved, but the Pandemic Complicates Assessing Ridership Predictions.](#)”

The Federal Transit Administration's CIG program helps cities, states, and localities build transit systems such as commuter rail. Grant applicants must develop capital cost and ridership predictions. FTA uses the predictions to help select projects and to later determine if a project delivered expected results. FTA's reports indicate that project sponsors' predictions of capital costs and ridership have improved. In the 2020 report, FTA found that about 86 percent of the projects discussed had actual capital costs within 10 percent of predicted costs and 48 percent of the projects had actual ridership within 20 percent of predicted ridership.

April 6, 2023. The Federal Railroad Administration (FRA) concluded a series of six working group meetings in February to inform and collaborate with stakeholders across the country on [FRA's Amtrak Daily Long-Distance Service Study](#).

Mandated by the IIJA (Sec. 22214), this study is to evaluate the restoration of daily passenger rail service along discontinued long-distance routes (routes over 750 miles, between endpoints that Amtrak operates) and current long-distance routes that operate with less than



daily service. It will also open possibilities for establishing new long-distance routes and bolstering essential intercity passenger rail connections, especially in rural areas. See FRA press release [here](#), Overview Presentation [here](#), and Working Group Meeting Summary [here](#). *[Amtrak operates 15 long-distance trains, ranging from approximately 760 to 2,500 miles. Long-distance trains provide service at nearly half of the train stations in the Amtrak system.]*

March 31, 2023. The Congressional Research Service issued a report entitled, “[Biden Administration Proposes Temporary Operating Assistance Authority for Larger Transit Agencies](#).” In the FY2024 budget, the Biden Administration proposes allowing larger public transportation agencies greater flexibility in the use of Urbanized Area Formula funds to cope with the larger operating deficits caused by the Coronavirus Disease 2019 (COVID-19) pandemic.

March 30, 2023. The [American Public Transportation Association \(APTA\) said that it agreed](#) with a [letter](#) sent by 124 representatives led by Congressman Earl Blumenauer (D-OR) to leaders of the House Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations Subcommittee urging them to fully fund public transit Capital Investment Grants (CIG), and to appropriate \$3 billion for CIG in fiscal year 2024, in addition to the \$1.6 billion in advance appropriations provided by the IIJA. Combined with the advance appropriations provided by the IIJA, the appropriation would fully fund CIG at \$4.6 billion.

March 30, 2023. The Congressional Research Service issued an updated report entitled, “[The Railway Labor Act and Congressional Action](#).” The report provides background on the RLA and discusses executive and legislative action to resolve the 2022 dispute.

## UPCOMING CONGRESSIONAL CALENDAR – MAY

May						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 Memorial Day	30	31			

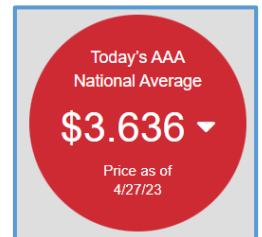
- Both chambers in session
- House only in session
- Senate only in session

## UPCOMING DEADLINES/EVENTS

- May 15-17 [ARTBA 2023 Annual Federal Issues Program](#);
- May 17 [Annual Railroad Day on Capitol Hill](#) (North American Rail Industry);
- 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);
- August 12-16 [Governors Highway Safety Assoc. 2023 Annual Meeting](#) (New York City);
- September 18-20 Commuter Rail Coalition Rail Summit (Chicago, Illinois).

## SCUTTLEBUTT/ICYMI

April 27, 2023. The Automobile Association of America (AAA) national average gas price can be found [here](#) (price per gallon as of 4/27/23). One month ago, the average price for regular gas was \$3.439 and one year ago the average price was \$4.134.



April 24, 2023. Fourteen unions representing more than 100,000 freight-rail workers have launched a campaign demanding that U.S. freight-rail corporations stop all stock buybacks until rail safety improves. The group notes on their website that, “Since 2015, the big six publicly-traded U.S. freight rail companies spent more than \$165 billion in stock buybacks, which is at least \$46 billion more than they invested in safety.” See No Stock Buybacks URL [here](#).

April 23, 2023. [RAILWAY AGE reported](#) that Capitol Corridor and San Joaquins locomotives will begin transitioning to Renewable Diesel (RD) [Renewable Diesel can reduce up to 75 percent of GHG emissions over its life cycle compared to fossil diesel.] by the end of May. The Capitol Corridor Joint Powers Authority (CCJPA) initiated exploration of alternative fuel options in collaboration with the California Air Resources Board (CARB). RD is chemically similar to crude oil-based diesel but made from renewable raw materials such as used cooking oil and animal fat byproducts.

April 18, 2023. ENSCO Inc., a leading provider in railway track inspection and measurement technology, [announced](#) that the Federal Railroad Administration (FRA) awarded ENSCO a new five-year contract to execute its Automated Track Inspection Program (ATIP). Under the award, ENSCO will provide operations, maintenance, IT, and engineering support for FRA’s fleet of track inspection vehicles.



April 17, 2023. CN [announced](#) the launch of a new self-service, sustainability tool, My Carbon Emissions. CN was first to launch the Carbon Calculator, 13 years ago, to give customers visibility into their estimated greenhouse gas (GHG) emissions and emissions savings using rail transportation. The railroad has committed to a net-zero emissions target year of 2050.

April 14, 2023. [Canadian Pacific and Kansas City Southern combined to created Canadian Pacific Kansas City](#) (CPKC) as authorized by the Surface Transportation Board's ("STB") March 15, 2023 final decision, creating the first single-line railway connecting Canada, the U.S., and Mexico. CP completed its U.S. \$31 billion acquisition of KCS on December 14, 2021. CPKC will also support the expansion of Amtrak and other passenger services on the CPKC network. Keith Creel, formerly CP President and CEO, is now President and CEO of CPKC. CPKC's new logo nearby.



April 14, 2023. The American Association of State Highway and Transportation Officials (AASHTO) has named Nicole Majeski, secretary of the Delaware Department of Transportation, to a two-year term as chair of its [Council on Public Transportation](#).

April 12, 2023. The Federal Railroad Administration (FRA) posted the following publications to its e-Library.

#### **Technical Reports**

- [Evaluation of Scenario-Based Team Training for Railroad Transportation Employees](#)
- [Wireless Digital Train Line for Passenger Trains – Phase 3](#)
- [Human-Automation Teaming in Track Inspection](#)
- [Water Mist Fire Suppression Systems Feasibility Study](#)

#### **Research Results**

- [Railroad Bridge Inspection Using Drone-Based Digital Image Correlation](#)
- [Locomotive Crash Energy Management: Train-to-Train Impact Test](#)

April 6, 2023. The Surface Transportation Board is seeking nominations for the [Railroad-Shipper Transportation Advisory Council](#). **Nominations are due by May 8, 2023.**

March 30, 2023. The US Department of Justice on behalf of the Environmental Protection Agency filed a [lawsuit](#) against Norfolk Southern Corporation regarding the February 3, 2023 train derailment in East Palestine, Ohio that released hazardous materials. The state of Ohio earlier this month sued NS over the derailment. The plaintiffs are requesting, among other items, civil penalties of \$64,618 per day, per violation of Section 301 of the Clean Water Act, and civil penalties of \$55,808 per day or \$2,232 per barrel of oil or unit of hazardous substance, per violation of Section 311 of the Clean Water Act. The plaintiffs are asking the Court, "to hold Defendants accountable for unlawfully polluting the nation's waterways and to ensure it pays the full cost of the environmental cleanup." **Related News:** On March 15, Norfolk Southern Corporation initiated a website to provide information on Norfolk Southern's actions and assistance in East Palestine ([here](#)), where an NS train carrying hazardous materials derailed February 3, 2023. The [URL Site Progress](#) (see tabs across the top of the page) notes that 11.7 million gallons of impacted water have been recovered and transported off site, 22,769 tons of waste soil have been removed, 5,200 feet of impacted waterways have been flushed, and 300+ private drinking water wells have been sampled. Also, see EPA URL [here](#).

**Addendum A. – 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 (TG&A SCORECARD for CY 2023)										
4/27/2023										
	NOFO TITLE	TYPE (NOFO / AWARD)	NOFO ISSUANCE DATE	NOFO URL	NOFO \$s MADE AVAILABLE	APPLICATION DEADLINE	NOFO \$ AWARDS	AWARDS URL	AWARDED - DATE	COMMENTS
<b>EDA</b>										
<b>FAA</b>										
	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	
	FY 2023 Contract Tower Competitive Grant Program	NOFO	11/8/2022	<a href="#">NOFO URL</a>	20,000,000	12/6/2022	20,000,000	<a href="#">AWARD URL</a>	3/31/2023	<a href="#">Airport Award List</a>
	FY 2023 Competitive Funding Opportunity: Airport Improvement Program	NOFO	4/14/2023	<a href="#">NOFO URL</a>	1,500,000,000	7/14/2023	TBD	TBD	TBD	
<b>FHWA</b>										
	FY 2022 Bridge Investment Program (Large Bridge Grant Receipts)	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 2022 Bridge Investment Program (Bridge Grant Receipts)	NOFO/AWARD	6/11/2022	<a href="#">NOFO URL</a>	2,360,000,000	7/25 - 9/8/23	295,748,713	<a href="#">AWARD URL</a>	4/13/2023	<a href="#">Award Recipients</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).
	Center of Excellence on New Mobility and Automated Vehicles (Mobility COE)	NOFO	4/5/2023	<a href="#">NOFO URL</a>	1,500,000	6/6/2023	TBD	TBD	TBD	Total potential funding of \$7.5 million.
	FYs 2022-2023 Wildlife Crossings Pilot Program (WCPP)	NOFO	4/5/2023	<a href="#">NOFO URL</a>	111,850,000	8/1/2023	TBD	TBD	TBD	
	FY 2022/ '23 Promoting Resilient Ops./Transformative, Efficient/Cost-Saving Transpo.	NOFO	4/21/2023	<a href="#">NOFO URL</a>	848,000,000	8/18/2023	TBD	TBD	TBD	
<b>FRA</b>										
	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.
<b>US DEPT. OF LABOR</b>										
	Building Pathways to Infrastructure Jobs Grant Program	NOFO	4/5/2023	<a href="#">NOFO URL</a>	80,000,000	7/7/2023	TBD	TBD	TBD	
<b>FTA</b>										
	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>
<b>MARAD</b>										
	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	
<b>NHTSA / FMCSA</b>										
	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	
<b>OPERATION LIFESAVER</b>										
	Public Safety Awareness Campaigns in 12 States	AWARD	N/A	N/A	N/A	N/A	230,925	<a href="#">AWARD URL</a>	3/30/2023	
	Innovative Rail Safety Competitive Grant for Xing Safety in New York	AWARD	N/A	N/A	N/A	N/A	50,000	<a href="#">AWARD URL</a>	4/6/2023	
	Crossing Safety Public Awareness Campaigns in 12 States	AWARD	N/A	N/A	N/A	N/A	214,075	<a href="#">AWARD URL</a>	4/25/2023	
<b>US DHS / FEMA</b>										
	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	

**SELECTED TRANSPORTATION NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS**  
**(TG&A SCORECARD for CY 2023)**

4/27/2023

	NOFO TITLE	TYPE (NOFO / AWARD)	NOFO ISSUANCE DATE	NOFO URL	NOFO \$s MADE AVAILABLE	APPLICATION DEADLINE	NOFO \$ AWARDS	AWARDS URL	AWARDED - DATE	COMMENTS
	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	
<b>US DOT</b>										
	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	
	FY 2023 Safe Streets and Roads for All Funding Opportunity (SS4A)	NOFO	3/31/2023	<a href="#">NOFO URL</a>	1,177,213,000	7/10/2023	TBD	TBD	TBD	
	FY 2022 Thriving Communities Program	NOFO/AWARD	10/6/2022	<a href="#">NOFO URL</a>	25,000,000	11/29/2022	21,150,000	<a href="#">AWARD URL</a>	4/7/2023	<a href="#">LOI Announcement</a>
	FY 2022/2023 Regional Infrastructure Accelerator (RIA) Grant Program	NOFO	4/26/2023	<a href="#">NOFO URL</a>	24,000,000	TBD	TBD	TBD	TBD	



# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of May 5, 2023

## **STAFF REPORT**

### **Item 3.7**

### **INFORMATION**

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#### **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 (March 20, 2023 – April 24, 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.

- Develop commuter and leisure travel Outreach and Marketing Strategy 3/16 – 4/14
- Coordinated meeting with San Jose Jazz staff and SJRRC Marketing Manager 4/7
- Discuss SVCC Business Awards Gala sponsorship benefits with SVCC staff 4/7
- BAC Transportation Committee Meeting with new MTC Executive Director 4/13
- Outreach to businesses around Great America station regarding employee commute habits and ACE shuttles 4/12 – 4/14
- Coordination with SJRRC Manager of Regional Initiatives on planning efforts in Alameda County

ACE Shuttle Service out of Great America:

- Meet with ACE/MTA regarding shuttle funding efforts and route restructuring 4/6

Relevant activities covered under separate contracts:

- The Southern Alameda County Integrated Rail Analysis (SoCo) coordination with Union City, Fremont, and Newark
- Finalization of SoCo report with project team
- Amtrak San Joaquins RFP interview 3/23

### Tri-Valley Outreach Summary for California Gold Advocacy Group (March 20, 2023 – April 26, 2023)

- Preparing for community events for March and April
- State of the City, Mayor – Pleasanton 3/29 - 320 attendance (SJRRC was sponsor)
- Quest Science Center Tri-Valley Innovation Fair - Alameda County Fairgrounds 4/15 3,000 attendance (SJRRC had a booth at this outstanding event)
- State of the City, Mayor – Dublin 4/19 - 250 attendance (SJRRC was a sponsor)

### 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 May 5, 2023

## **STAFF REPORT**

### **Item 3.8**

### **ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving the Fiscal Year 2022-23 Transportation Development Act (TDA) Claim and Authorizing Submission by the Executive Director to the San Joaquin Council of Governments for Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for a Total of \$25,352,547**

#### Background:

The Transportation Development Act (TDA) provides two sources of major funding for transportation in California: The Local Transportation Fund (LTF) and the State Transit Assistance (STA) fund. As a direct claimant for both LTF and STA funding from the San Joaquin Council of Governments (SJCOG), Rail Commission staff have prepared a TDA claim for Fiscal Year 2022-23 funding and unclaimed funds from previous years for the following amounts:

Local Transportation Funds	\$16,925,690
State Transit Assistance Funds	\$8,426,857
Total Gross TDA Claim Amount	<b>\$25,352,547</b>
Less Previous Year Unexpended Carryover	\$14,410,522
Net 2022-23 SJRRC TDA Funds	\$10,942,025

The total amount for Operations is \$22,904,596 and \$2,447,951 for Capital.

#### Fiscal Impact:

This TDA claim is consistent with the Fiscal Year 2022/2023 Work Program & Budget.

#### Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving the Fiscal Year 2022-23 Transportation Development Act (TDA) Claim and Authorizing Submission by the Executive Director to the San Joaquin Council of Governments for Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for a Total of \$25,352,547

**RESOLUTION SJRRC-22/23-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL  
RAIL COMMISSION APPROVING THE FISCAL YEAR 2022-23 TRANSPORTATION  
DEVELOPMENT ACT (TDA) CLAIM AND AUTHORIZING SUBMISSION BY THE  
EXECUTIVE DIRECTOR TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR  
LOCAL TRANSPORTATION FUNDS (LTF) AND STATE TRANSIT ASSISTANCE FUNDS  
(STA) FOR A TOTAL OF \$25,352,547**

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

WHEREAS, the State of California enacted the Transportation Development Act (TDA) in 1972 to provide funds for transportation needs each fiscal year; and

WHEREAS, the San Joaquin Regional Rail Commission is an eligible claimant of Transportation Development Act funds administered by the San Joaquin Council of Governments; and

WHEREAS, the San Joaquin Regional Rail Commission incorporates the TDA funds into the approved FY2022-23 operating and capital budgets; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves the Fiscal Year 2022-23 Transportation Development Act (TDA) Claim and Authorizing Submission by the Executive Director to the San Joaquin Council of Governments for Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for a Total of \$25,352,547.

PASSED AND ADOPTED, by the Board of Commissioners this 5<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

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LEO ZUBER, Chair

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of May 5, 2023

## **STAFF REPORT**

### **Item 3.9**

### **ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Toshiba Business Solutions for Copier Equipment and Maintenance Services for an Amount-Not-To-Exceed \$117,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project**

### **Background:**

The San Joaquin Regional Rail Commission (Rail Commission) leases copier equipment for use in the offices located at the Stockton Rail Maintenance Facility and Robert J. Cabral Station for day-to-day office operations. The scope of services includes, but is not limited to the following:

- Print, Copy, Scan functionality
- Network-Ready Energy Efficient devices
- Document Management System
- Remote Administration and Cloud Centralized user interface
- End-User Training on Devices at installation and throughout contract term
- Preventative Maintenance Service

### **Procurement Approach:**

On January 26, 2023, 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. Twenty-five (25) firms showed interest.

On the due date of March 14, 2023, six (6) proposals were received from the following firms:

- Canon Solutions America, Inc.
- Pacific Office Automation, Inc.
- Power Business Technology, LLC
- UBEO West, LLC
- Toshiba Business Solutions
- Visual Edge IT

The proposals received were reviewed for completeness and responsiveness by the Procurement and Contracts Department. The Procurement and Contracts Department reviewed the proposals and deemed five (5) out of the six (6) proposals 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 the following five (5) firms were invited for interviews and presentations:

- Canon Solutions America, Inc.
- Pacific Office Automation, Inc.
- Power Business Technology, LLC
- UBEO West, LLC
- Toshiba Business Solutions

The firms were evaluated on their demonstrations, presentations and responses to the evaluation panel's questions. After combining the scores from the written proposals and interviews, staff deemed Toshiba Business Solutions as the most responsive and responsible proposer.

The agreement will be effective upon execution by both parties and shall continue for five (5) years and one (1) month. Once the base term is concluded, the Rail Commission will be able to utilize one-year option periods for up to two (2) additional years.

The base contract amount is \$117,945 and the option years are at the sole discretion of the Rail Commission, which will be negotiated in advance.

The Notice of Intent to Award was published on April 18, 2023. Pursuant to the approved and adopted protest procedure, the proposal protest period closed on May 3, 2023, at 2:00 P.M. PDT. No Proposal Protests were received.

Fiscal Impact:

Expenses and Revenues for this agreement are identified in the Approved FY 2022/2023 Operating Budget in the SJRRC/ACE Project Management Line – Office Equipment Leases/Supplies/Maintenance/Furniture and SJJPA Administrative Line – Office Equipment Leases/Supplies/Maintenance/Furniture.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Toshiba Business Solutions for Copier Equipment and Maintenance Services for an Amount-Not-To-Exceed \$117,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.

**RESOLUTION SJRRC-22/23-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR COPIER EQUIPMENT AND MAINTENANCE SERVICES FOR AN AMOUNT-NOT-TO-EXCEED \$117,945 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, The San Joaquin Regional Rail Commission (Rail Commission) leases copier equipment for use in the offices located at the Stockton Rail Maintenance Facility and Robert J. Cabral Station for day-to-day office operations; and

WHEREAS, the scope of services includes, but is not limited to the following:

- Print, Copy, Scan functionality
- Network-Ready Energy Efficient devices
- Document Management System
- Remote Administration and Cloud Centralized user interface
- End-User Training on Devices at installation and throughout contract term
- Preventative Maintenance Service; and

WHEREAS, based on combined evaluation scores from the responsive written proposals received, and interviews, staff recommends that the Board approve an agreement with Toshiba Business Solutions; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Toshiba Business Solutions for Copier Equipment and Maintenance Services for an Amount-Not-To-Exceed \$117,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.

PASSED AND ADOPTED, by the Board of Commissioners this 5<sup>th</sup> day of May 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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LEO ZUBER, Chair

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of May 5, 2023

## **STAFF REPORT**

### **Item 3.10**

### **ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Dohrmann Insurance Group for Employee Benefits Brokerage Services for an Amount Not-To-Exceed \$0 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project including Any and All Amendments thereto within Her Spending Authority**

### **Background:**

The San Joaquin Regional Rail Commission (Rail Commission) offers a comprehensive health and welfare benefits program to its employees, requiring a full range of brokerage and consulting services to support the program. The scope of services includes, but is not limited to the following:

- Evaluating current plan designs and advising the Rail Commission staff and benefits administrator(s) on appropriate insurance coverage;
- Participating in the development, negotiation, placement and implementation of plans with carriers and administrators on matters such as, but not limited to, premium rates, service, benefit levels, economical options and rates for the benefit program;
- Negotiate changes and additions to contracts as required;
- Providing benefits support services, including resolution of claims and billing issues;
- Developing and producing materials for employee reference of benefit offerings;
- Advising benefit program administrator(s) on current and future federal, state and local mandated regulations and changes in legislation as they related to the benefits program.

### **Procurement Approach:**

On February 3, 2023, 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. Twenty-one (21) firms showed interest.

On the due date of March 8, 2023, four (4) proposals were received from the following firms:

- Dohrmann, An Alera Group Insurance Agency, LLC
- Keenan & Associates
- Living Benefits, Inc.
- US Chimienti & Associates



The proposals received were reviewed for completeness and responsiveness by the Procurement and Contracts Department. All 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.

- Dohrmann, An Alera Group Insurance Agency, LLC
- Keenan & Associates

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 Dohrmann, An Alera Group Insurance Agency, LLC as the most responsive and responsible proposer.

The agreement will be effective upon execution by both parties and shall continue for five (5) years. Once the base term is concluded, the Rail Commission will be able to utilize one-year option periods for up to two (2) additional years. The option years are at the sole discretion of the Rail Commission, which will be negotiated in advance.

The Notice of Intent to Award was published on April 18, 2023. Pursuant to the approved and adopted protest procedure, the proposal protest period closed on May 3, 2023, at 2:00 P.M. PDT. No Proposal Protests were received.

Fiscal Impact:

There is no fiscal impact. The broker is compensated by the insurers. Future years' costs will be included in the Annual Operating Budget, which will be brought before the Board for consideration as part of the approval process.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Dohrmann Insurance Group for Employee Benefits Brokerage Services for an Amount Not-To-Exceed \$0 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project including Any and All Amendments thereto within Her Spending Authority.

## RESOLUTION SJRRC-22/23-

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH DOHRMANN INSURANCE GROUP FOR EMPLOYEE BENEFITS BROKERAGE SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$0 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT INCLUDING ANY AND ALL AMENDMENTS THERETO WITHIN HER SPENDING AUTHORITY**

WHEREAS, the San Joaquin Regional Rail Commission (Rail Commission) offers a comprehensive health and welfare benefits program to its employees, requiring a full range of brokerage and consulting services to support the program; and

WHEREAS, the scope of services includes, but is not limited to the following:

- Evaluating current plan designs and advising staff and benefits administrator(s) on appropriate insurance coverage;
- Participating in the development, negotiation, placement and implementation of plans with carriers and administrators on matters such as, but not limited to, premium rates, service, benefit levels, economical options and rates for the benefit program;
- Negotiate changes and additions to contracts as required;
- Providing benefits support services, including resolution of claims and billing issues;
- Developing and producing materials for employee reference of benefit offerings;
- Advising benefit program administrator(s) on current and future federal, state and local mandated regulations and changes in legislation as they related to the benefits program; and

WHEREAS, based on combined evaluation scores from the responsive written proposals received, and interviews, staff recommends that the Board approve an agreement with Dohrmann Insurance Group; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves Agreement with Dohrmann Insurance Group for Employee Benefits Brokerage Services for an Amount Not-To-Exceed \$0 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project including Any and All Amendments thereto within Her Spending Authority.

PASSED AND ADOPTED, by the Board of Commissioners this 5<sup>th</sup> day of May 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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LEO ZUBER, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of May 5, 2023

## STAFF REPORT

### Item 4

### ACTION

**Public Hearing: Adopt a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission To Determine the Necessity to Acquire Property by Eminent Domain in Connection with the Stockton Diamond Grade Separation Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession (Code of Civil Procedure section 1245.220)**

Property Owner: Elizabeth Calderon Madera

Property Address: 1037 E. Lafayette Street, Stockton, CA 95205

APN(s): 151-240-670, 680, 690, 070

#### **Introduction:**

This staff report is submitted for review by the Regular Voting Members of the Board of Commissioners of the San Joaquin Regional Rail Commission ("Board") prior to the recommended adoption of the proposed and attached Resolution of Necessity to authorize the acquisition by eminent domain of an approximately 23,087 square foot portion of that certain approximately 45,738 square foot property located at 1037 E. Lafayette Street, Stockton, CA 95205 ("Property") for the Stockton Diamond Grade Separation Project ("Project"). The Property is more particularly described and depicted in Exhibit A to the attached Resolution of Necessity. As described in more detail below, the Project will grade separate the two north-south Union Pacific Railroad ("UP") mainline tracks from the two east-west Burlington Northern Santa Fe Railway ("BNSF") mainline tracks, and construct bike, pedestrian, and roadway improvements at several local road crossings.

The Property is within the area where the Project will be constructed. For each property from which property interests are required for the Project, a resolution of necessity must be adopted prior to the commencement of eminent domain proceedings. The statutory requirement that a public entity adopt a resolution of necessity before initiating a condemnation action "is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance."<sup>1</sup>

A hearing on the Resolution of Necessity must be held and the resolution approved by a two-thirds (2/3) vote of the Board prior to the Rail Commission moving forward with the eminent domain process. If the Board adopts the proposed Resolution of Necessity, it will have authorized the Rail Commission to acquire the Property by eminent domain, deposit the probable amount of just compensation with the State Treasury, and obtain an order for prejudgment possession of the Property.

The purpose of the hearing on the Resolution of Necessity is to provide the property owner with an opportunity to address the Board on the necessity of acquiring the Property for the Project.

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<sup>1</sup> *San Bernardino Flood Control Dist. v. Grabowski* (1988) 205 Cal.App.3d 885, 897.

However, the amount of compensation owed for the acquisition will be decided through continued negotiations or by a court of law. Thus, the amount of compensation should not be discussed at the hearing.

A resolution of necessity must contain a general statement of the public uses for which the property is to be taken, a reference to the statute authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following has been found and determined by the Board:<sup>2</sup>

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner cannot be located with reasonable diligence.

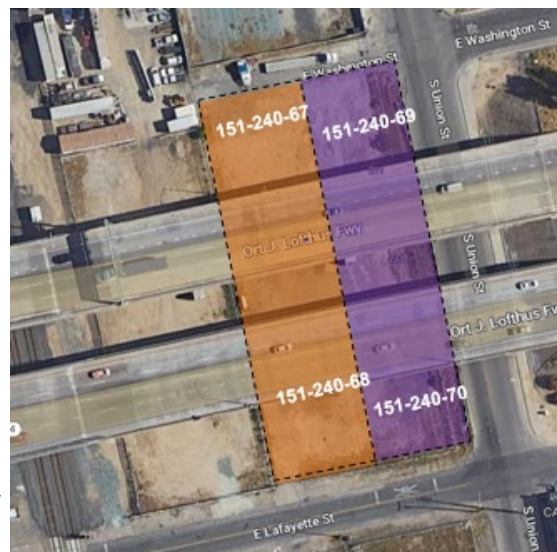
In addition, to the extent the Property is already devoted to a public use, the resolution of necessity must include a finding that the use of the Property sought to be acquired for the Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future or the use of the property interests sought to be acquired for the Project is a more necessary public use than is the presently existing public use.<sup>3</sup>

### **Background:**

#### **1. The Property**

According to a preliminary title report, Elizabeth Calderon Madera owns that certain approximately 45,738 square foot property located at 1037 E. Lafayette Street, Stockton, CA 95205 (APNs 151-240-670, 680, 690 and 700) ("Larger Parcel"). The Larger Parcel, which is level, graded, graveled, and enclosed with a chain-link fence with barbed wire on top, extends from E. Washington Street to E. Lafayette Street, beneath Highway 4. The Larger Parcel has been used as a truck storage yard, and there are no current tenants. The Rail Commission needs to acquire the approximately 23,087 square foot Property, shaded in orange, which is a portion of the Larger Parcel indicated in the purple and orange shaded portions of Figure 1.

**Figure 1: Larger Parcel and Property**



<sup>2</sup> Code Civ. Proc. § 1245.230.

<sup>3</sup> Code Civ. Proc. §§ 1240.510, 1240.610.

## 2. The Project

The Stockton Diamond is located just south of Downtown Stockton, where two major railroad tracks (BNSF and UP) currently intersect at the same elevation.

**Figure 2: Existing Stockton Diamond**



The Stockton Diamond is the busiest, most congested rail bottleneck in California. Fifty to seventy freight trains and twelve to twenty passenger trains use the Stockton Diamond each day. Because the perpendicular sets of tracks intersect at the same elevation, trains must slow or stop to accommodate trains traveling on the other set of tracks. This causes significant congestion and delays in the delivery of valuable goods and people throughout the Central Valley, Sacramento, Bay Area, and Silicon Valley. It also adversely impacts the frequency, and reliability of the Altamont Corridor Express (ACE) and Amtrak San Joaquins passenger rail service that use the same rail lines. Train backups also cause local travel delays at several roadway-rail crossings in the City of Stockton and increase the risk of vehicle/rail/bike and pedestrian conflicts.

A collaboration between the Rail Commission, Caltrans, City of Stockton, BNSF, UP, and regional and local partner agencies, the Project proposes to grade separate the two rail lines with a flyover bridge at the Stockton Diamond to create uninterrupted flow of rail traffic. The grade separation will allow for improved efficiencies for the freight railroads and passenger rail services. The Project also includes the construction of four new railroad tracks including the ACE track, crossover track, Main Track 1 and Main Track 2, installation of a UP maintenance access road, drainage ditch, high-security fencing and compacted subgrade. The Project will enhance safety and improve access and mobility across the tracks for City of Stockton residents, businesses, and visitors.



**Figure 3: Proposed Project**



To obtain the right of way certification necessary to commence construction in June 2024, The Rail Commission needs to obtain title or an order of possession of the Property by December 2023.

### **3. Negotiations**

The Rail Commission has attempted to negotiate with the property owner in good faith to reach an amicable agreement for the sale of the Property. These efforts have included seven phone call attempts after the receipt of the initial offer. As of the date of this staff report, the Rail Commission and the property owner have been unable to agree on the terms of a voluntary sale. Moreover, there are several clouds on title – including a lis pendens that was recorded in connection with pending litigation between the Property’s prior owner and a former tenant – that cannot be removed via voluntary sale.

Based on the timing of the Project, critical right-of-way certification, and funding deadlines, it is necessary for the Board to consider the adoption of the Resolution of Necessity at this time. However, staff will continue to work with the property owner to avoid condemnation and reach an amicable settlement if possible.

### **B. Findings:**

To adopt a resolution of necessity, the Board must make the following findings<sup>4</sup>:

1. The public interest and necessity require the proposed project;

<sup>4</sup> Code Civ. Proc. § 1245.230.

2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner cannot be located with reasonable diligence.

This staff report provides data and information addressing each of these issues.

### **1. The Public Interest and Necessity Require the Project**

First, the Board must find that the public interest and necessity require the Project. The Property is necessary for the Project which, as described above, will grade separate the UP and BNSF tracks that cross at the Stockton Diamond. The Project will eliminate a bottleneck that (1) causes significant congestion and delays in the delivery of valuable goods; (2) adversely impacts the frequency, reliability, and potential expansion opportunity for the Altamont Corridor Express (ACE) and Amtrack San Joaquins passenger rail service that use the same rail lines; and (3) adversely impacts local traffic, air quality, and quality of life. The Project is for a public use and would not be possible if SJRRC could not acquire the Property.

### **2. The Interests Sought to be Acquired are Necessary for the Project**

Second, the Board must find that the interests sought to be acquired are necessary for the Project. As previously described, the Property is necessary for the Project. The Project could not be constructed as designed without the acquisition of the Property.

### **3. The Project is Located in such a Manner as to Offer the Greatest Public Benefit with the Least Private Detriment**

Third, the Board must find that the Project is located in such a manner as to offer the greatest public benefit with the least private detriment. In connection with the Project's design, staff and SJRRC consultants evaluated a variety of options. SJRRC determined that the Project, as currently proposed, offers the greatest public benefit with the least private detriment because (1) it does not impact, or require the acquisition of, any residential property; (2) the majority of the acquisitions are in a discrete and distressed area (between E. Scotts Avenue and E. Main Street) with a relatively low number of business tenants; (3) most of the Project is within existing railroad right of way; (4) the Project as proposed impacts significantly fewer private properties than other alternatives evaluated; and (5) the Project's costs are significantly less than other alternatives evaluated. Accordingly, the Project was designed to afford the greatest public benefit with the least private detriment.

### **4. A Government Code Offer Has Been Extended To Each Property Owner**

Fourth, the Board must find that SJRRC has extended an offer pursuant to Government Code section 7267.2 to the property owner. On January 10, 2023, SJRRC sent an offer in conformance with Government Code section 7267.2(a) to the property owner.<sup>5</sup> Since sending

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<sup>5</sup> SJRRC's offer included an informational pamphlet describing the eminent domain process and the property owner's rights under the Eminent Domain Law. SJRRC's offer also (1) contained a written statement of, and summary of the basis for, the amount it established as just compensation; and (2) offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000, for an independent appraisal of the Property. (Gov. Code § 7267.2.)

the offer, SJRRC has reached out to the property owner to ascertain whether a negotiated purchase is possible. To date, these efforts have been unsuccessful.

On April 19, 2023, SJRRC mailed the property owner a Notice of Intent to consider adoption of a Resolution of Necessity to acquire the Property by eminent domain at its regular meeting of May 5, 2023. A copy of the notice provided to the property owner is attached as Exhibit B to the Resolution of Necessity.

**C. Statutory Authorization for Exercising Eminent Domain**

SJRRC is authorized to acquire the Property by eminent domain for the public use set forth herein in accordance with the California Constitution, Article 1, Section 19; the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 *et seq.*, including, but not limited to, sections 1240.010 through 1240.050 inclusive, and sections 1240.110, 1240.120, 1240.150, 1240.220, 1240.320, 1240.330, 1240.350, 1240.410, 1240.510, 1240.610, 1240.650, and 1240.660; Government Code sections 6500 *et seq.*, 25350.5, 37350 *et seq.*, 37350.5, 40401 *et seq.* and 40404; Public Utilities Code sections 99234.9 and 99400, and other provisions of law.

**D. Environmental Review:**

SJRRC has fully complied with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, for acquiring the Property described herein when on June 4, 2021, SJRRC's Board of Directors certified the Environmental Impact Report for the Stockton Diamond Grade Separation Project in Resolution No. SJRRC-R-20/21-57.

On July 28, 2022, the California High Speed Rail Authority ("CHSRA"), serving as the National Environmental Policy Act ("NEPA") delegated agency, determined that the Environmental Assessment prepared for the Project satisfies the requirements of NEPA (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality regulations (40 CFR parts 1500-1508), and Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration – Environmental Impacts and Related Procedures (23 CFR 771). CHSRA determined that the Project would have no foreseeable significant impact on the quality of the human or natural environment, provided that the Project is implemented in accordance with the commitments identified in the Finding of No Significant Impact.

**E. Public Outreach and Noticing:**

The posting of the Board agenda serves as the notice to the general public. Notice of the public hearing was mailed to the property owner(s) and business tenant(s) at least 15 days in advance of the hearing, as required by state law.

**F. Recommendation:**

Conduct a public hearing and consider Adopting the Resolution To Determine the Necessity to Acquire Property by Eminent Domain in Connection with the Stockton Diamond Grade Separation Project; to Authorize Commencement of Litigation to Acquire Property by Eminent Domain; and to Seek an Order of Possession.



**ATTACHMENTS:**

1. Resolution, including:
  - Exhibit A – Legal Description and Plat Map
  - Exhibit B – Notice of Intent to Adopt Resolution of Necessity

**EXHIBIT A  
DESCRIPTION  
APN 151-240-670-000 AND APN 151-240-680-000**

That certain real property situate in the City of Stockton, County of San Joaquin, State of California, being a portion of Sections 20 and 21 of the C.M. Weber Grant, "El Rancho del Campo de Los Franceses" and being a portion of Lots 9, 10, 15, and 16, and all of Lots 7 and 8 in Block 254, East of Center Street, according to the Official Map or Plat thereof, of said City of Stockton, also being a portion of that certain real property as described in Grant Deed recorded as Document Number 2022-058700 on May 5, 2022, San Joaquin County Records, more particularly described as follows:

**COMMENCING** at the found City of Stockton monument number 419 stamped "14S-13" at the intersection of Sonora Street and Union Street, as shown on that certain Record of Survey filed on April 30, 2018, in Book 39 of Surveys, at Page 61, San Joaquin County Records, said point bears South 57° 42' 29" East 1049.26 feet from a found t-bar tagged "State of Calif. SJ75" Caltrans control monument #149, said point being at the northern terminus of that certain tie line from the intersection of the centerlines of Aurora Street and Washington Street labeled N 71° 55' 53"E 1.78', as shown on that Record of Survey filed on September 25, 1987, in Book 29 of Surveys page 141, San Joaquin County Records; thence North 26° 27' 13" West 408.04 feet to a point on the south line of said Lot 10, said point also being on the south line of said Grant Deed recorded as Document Number 2022-058700, said point also being the **TRUE POINT OF BEGINNING**, said point also being the southeast corner of the of the herein described parcel; thence leaving the said south line of said Lot 10 North 12° 08' 31" West 303.29 feet to a point on the north line of said Lot 9; thence in a counter clockwise direction along said Document Number 2022-058700 the following three (3) courses:

- 1) South 78° 20' 09" West 74.93 feet along the north line of said Lots 9 and 7 to the northwest corner of Lot 7;
- 2) thence South 11° 39' 41" East 303.28 feet along the west line of said Lots 7, 15, 16, and 8 to the southwest corner of said Lot 8;
- 3) thence North 78° 20' 09" East 77.47 feet along the south line of said Lots 8 and 10,

to the southeast corner of the herein described parcel, said point also being the **TRUE POINT OF BEGINNING** of the herein described parcel, containing 0.53 Acres, more or less.

**SUBJECT TO** special assessments, if any, restrictions, reservations and easements of record.

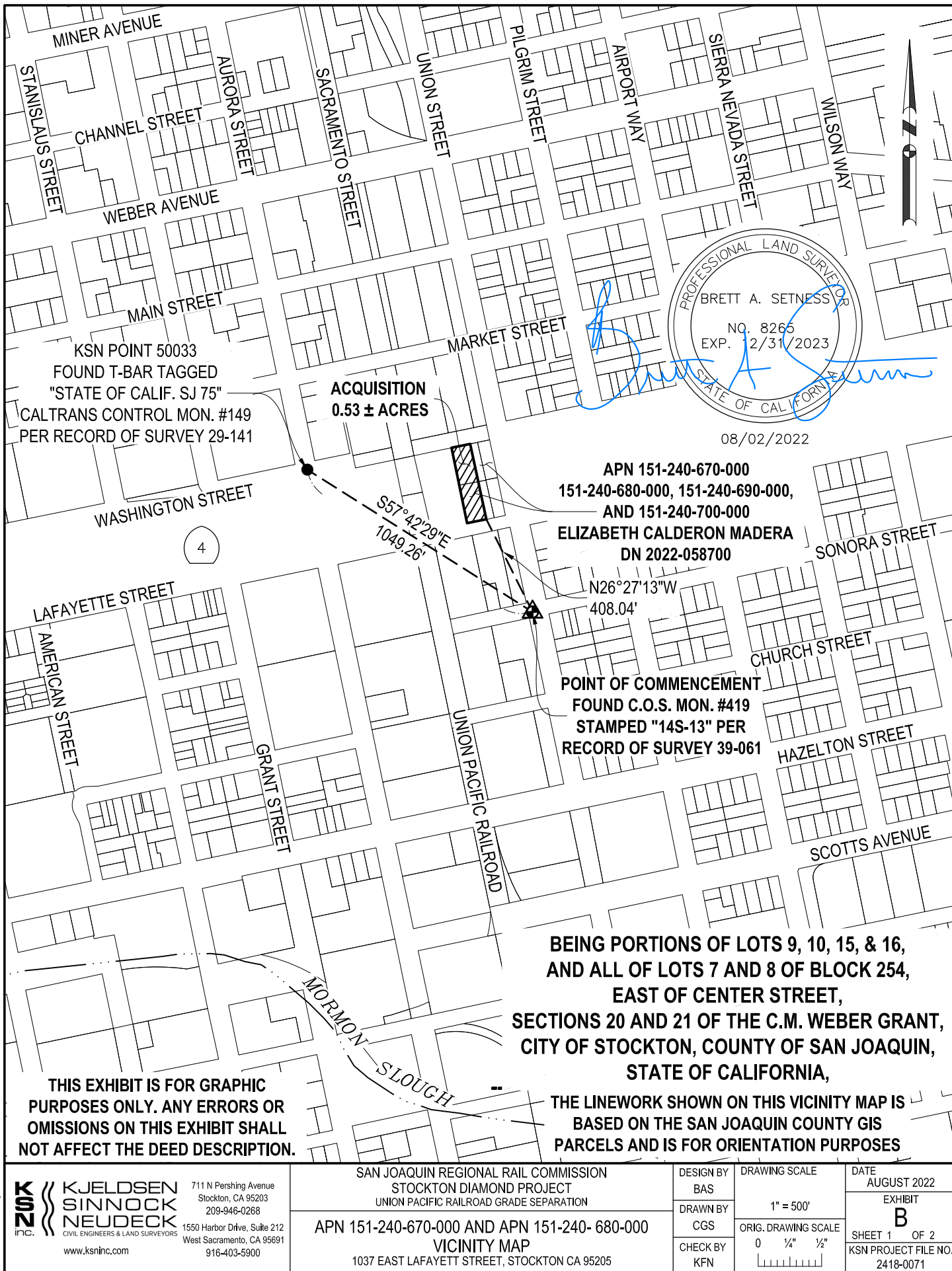
The bearings and distances shown hereon are based on the California Coordinate System of 1983, Zone 3 (CCS83, Zone 3), 1991.35 epoch shown on Record of Survey filed December 3, 2001 in Book 35 of Surveys, Page 005, San Joaquin County Records. All distances given are grid distances, to obtain ground distances multiply by 1.00006115.

Attached hereto is a plat entitled "EXHIBIT B" which by this reference is made a part hereof.

End of Description.



FILE SPEC: \\domain\ksninc\pvt\folders\Proj\2418\_Son\_Joaquin\_Regional\_Rail\_Commission\0071\_Stockton\_Diamond\_PS&E\07\_Survey\400\_Boundary\020\_Preliminary\Project Descriptions\151-240-670\_VICINITY MAP.dwg  
PLOT DATE: Aug 03, 2022 - 10:47am



THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3 (CCS83, ZONE 3), 1991.35 EPOCH SHOWN ON RECORD OF SURVEY FILED DECEMBER 3, 2001 IN BOOK 35 OF SURVEYS, PAGE 005, SAN JOAQUIN COUNTY RECORDS. ALL DISTANCES GIVEN ARE GRID DISTANCES, TO OBTAIN GROUND DISTANCES MULTIPLY BY 1.00006115.

DATE  
AUGUST 2022

EXHIBIT  
B

SHEET 2 OF 2

KSN PROJECT FILE NO.  
2418-0071

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

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION TO DETERMINE THE NECESSITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN IN CONNECTION WITH THE STOCKTON DIAMOND GRADE SEPARATION PROJECT; TO AUTHORIZE COMMENCEMENT OF LITIGATION TO ACQUIRE PROPERTY BY EMINENT DOMAIN; AND TO SEEK AN ORDER OF POSSESSION (CODE OF CIVIL PROCEDURE SECTION 1245.220)**

Property Owner: Elizabeth Calderon Madera  
Property Address: 1037 E. Lafayette Street, Stockton, CA 95205  
APN(s): APNs 151-240-670, 680, 690 and 700

WHEREAS, it is desirable and necessary for the San Joaquin Regional Rail Commission (“**SJRRC**”) to acquire certain real property in the City of Stockton, County of San Joaquin, State of California for the Stockton Diamond Grade Separation Project (“**Project**”). Specifically, a fee interest in that certain approximately 23,087 square foot portion of the approximately 45,738 square foot property located at 1037 E. Lafayette Street, Stockton, CA 95205, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by this reference (“**Property**”).

WHEREAS, SJRRC is vested with the power of eminent domain to acquire real property interests by eminent domain for the public use set forth herein in accordance with the California Constitution, Article 1, Section 19; the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 *et seq.*, including, but not limited to, sections 1240.010 through 1240.050 inclusive, and sections 1240.110, 1240.120, 1240.150, 1240.220, 1240.320, 1240.330, 1240.350, 1240.410, 1240.510, 1240.610, 1240.650, and 1240.660; Government Code sections 6500 *et seq.*, 25350.5, 37350 *et seq.*, 37350.5, 40401 *et seq.* and 40404; Public Utilities Code sections 99234.9 and 99400; and other provisions of law.

WHEREAS, SJRRC fully complied with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) for acquiring the Property when on June 4, 2021, SJRRC’s Board of Directors certified the Environmental Impact Report for the Project by adopting Resolution No. SJRRC-R-20/21-57.

WHEREAS, as required by Government Code section 7267.2, SJRRC made an offer to the owners of record of the Property for the amount that it established to be just compensation.

WHEREAS, on April 19, 2023, SJRRC mailed a Notice of Intention to Consider Adoption of a Resolution of Necessity (“**Notice**”) for acquisition by eminent domain of the Property, which notice is attached hereto as Exhibit B, and incorporated herein. The Notice was mailed to all persons whose name(s) appear on the last Equalized County Assessment Roll as having an interest in the Property, and to the addresses appearing on the Roll. The Notice advised the persons of their right to be heard on the matters referred to in the Notice on the date and at the time and place stated.

WHEREAS, the hearing referenced in the Notice was held on May 5, 2023, at the time and place stated in said notice, and all interested parties were given an opportunity to be heard on the following matters:

- A. Whether the public interest and necessity require the Project;
- B. Whether said Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. Whether the acquisition described in Exhibit A is necessary for the Project; and
- D. Whether the offer required by Government Code section 7267.2 has been made to all owners of record.

After all interested parties were given the opportunity to be heard, the hearing was closed.

**NOW, THEREFORE THE GOVERNING BOARD OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION DOES HEREBY FIND, RESOLVE, AND DETERMINE AS FOLLOWS BY A VOTE OF TWO-THIRDS OR MORE OF ITS MEMBERS:**

- 1. The public interest and necessity require the Project;
- 2. The interests in the Property described in Exhibit A sought to be acquired by eminent domain are necessary for the Project;
- 3. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- 4. SJRRC has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property, as well as any other matter regarding the right to take said Property by eminent domain, including but not limited to, making the offer required by Government Code Section 7267.2(a); and
- 5. Insofar as any portion of the Property has heretofore been appropriated for public use, the proposed use set forth herein constitutes a compatible use under Code of Civil Procedure section 1240.510 or alternatively a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure section 1250.410, 1240.610, and 1240. 650.
- 6. All environmental review required by law has been prepared and adopted; and
- 7. The Executive Director is hereby authorized to acquire in the name of SJRRC the Property described in this Resolution in accordance with the provisions of California Eminent Domain Law, to commence an action in eminent domain, to deposit the probable amount of just compensation with the State Condemnation Fund, to apply to the Superior Court for an order permitting SJRRC to take immediate possession and make immediate use of the Property for the Project, to take all necessary steps to acquire the Property under the law, and to take such actions as he or she may deem advisable or necessary in connection therewith.

PASSED AND ADOPTED, by the Board of Commissioners of the San Joaquin Regional Rail Commission at a Regular Meeting held this 5th day of May 2023, by the following vote :

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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LEO ZUBER, Chair

Attachments:

- A. Legal Description and Plat Map of the Property
- B. Notice of Intention to Consider Adoption of a Resolution of Necessity

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of May 5, 2023

## **STAFF REPORT**

### **Item 5**

### **INFORMATION**

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#### **Rail Safety Presentation**

##### Background:

A rail safety presentation will be provided to the Board at the May 5, 2023, board meeting.

##### 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 May 5, 2023

## **STAFF REPORT**

### **Item 6**

### **INFORMATION**

#### **Fiscal Year 2023/2024 San Joaquin Regional Rail Commission Work Program and Budget Preview**

##### Background:

On an annual basis, the San Joaquin Regional Rail Commission (Rail Commission) adopts a Work Program that serves to communicate the planned activities of the agency in the coming fiscal year, as well as outlines the Operations and Capital Project Budget. Because the Rail Commission serves as the Managing Agency for the San Joaquin Joint Powers Authority (Authority), a brief description of the Work Program and Budget for the San Joaquin Intercity Rail Service is included. The Authority secures its own funding and directs spending on the San Joaquin service and programs, but the Rail Commission Budget must include these expenses and revenues on behalf of the Authority. In addition, the Authority designated the Rail Commission as the lead agency to implement all shared Valley Rail Program stations and facilities.

Staff will present the final FY23/24 Work Program and Budget at the June 2, 2023, Rail Commission meeting. The theme of the Work Program for the upcoming year is “Laying the Groundwork for More Connected Communities.” This includes a continued focus on the existing ACE trunkline service, restoring the San Joaquin to full pre-Covid services levels, and forming new partnerships for project delivery within the various communities slated for Valley Rail expansion. Staff is providing a preview of the draft 23/24 Work Program, Capital Projects and Operating Budget for discussion in advance of the June final Work Program and Budget submission for action.

#### **FY23/24 Capital Project Preview**

The vast geography of the ACE, San Joaquin and Valley Rail corridors requires coordinated groundwork in addition to the policy and planning work that leads up to project delivery in so many cities and counties. In the upcoming year;

- ACE rail car overhaul program will continue throughout the fleet
- ACE station wayfinding and signage will be updated and improved
- Track projects to improve on-time performance for the San Joaquin corridor will progress through final design
- 5-6 capital projects will move into the construction phase
- Final Engineering will be completed and permits pulled on the majority of Valley Rail Phase I projects

Key programs and projects are highlighted in more detail below, followed by highlights of the draft Operating Budget:

## **ACE EXTENSION – STOCKTON TO NATOMAS**

The Stockton to Natomas segment of the Valley Rail Program (Valley Rail North) will allow additional ACE and San Joaquin service on a new, shared corridor. This segment features six (6) new stations, associated track work and a new train layover and light maintenance facility in Natomas. The improvements and new services are broken into several phases. The initial effort underway consists of nine projects, including four (4) new stations in Lodi, Elk Grove, Midtown Sacramento and Natomas. The work effort in FY 2023/24 will focus on acquiring ROW, relocating utilities, finalizing bid documents and securing necessary permits to go into construction in 2024/25. The next Phase initiates a series of three track upgrade projects to support the Sacramento Extension and the final Phase completes the remaining stations with City College and Old North Sacramento along with upgrades to the track to allow for trains to pass each other. New track projects and the City College station will begin final design in FY23/24.

## **ACE EXTENSION – LATHROP TO CERES/MERCED**

Like its northern counterpart, the Valley Rail South segment consists of track improvements, new stations, expansions of existing intermodal stations and a new train layover and light maintenance facility. The initial effort underway consists of six projects, including three (3) stations in Ceres, Modesto, and downtown Manteca. The work effort in FY 2023/24 will focus on acquiring Right-of-Way (ROW), relocating utilities, finalizing bid documents and securing necessary permits to go into construction in 2024/25. The next phase initiates the construction of the North Lathrop Transfer Station and a series of four track improvements, including new double track and bridge structures across the Stanislaus and Tuolumne Rivers. The final phase includes the addition of the Ripon Station, double-tracking to Turlock, the Turlock Station and a temporary layover facility.

## **STOCKTON DIAMOND GRADE SEPARATION**

The Stockton Diamond crossing, where the Union Pacific Railroad (UPRR) and Burlington Northern Santa Fe (BNSF) rail lines cross in the City of Stockton, is the busiest and most congested at-grade crossing in California. Between 50 and 70 freight trains and another 12 to 20 passenger trains, routinely cross through the diamond each day. The Stockton Diamond Grade Separation project constructs a flyover bridge to raise the UPRR rail line over the BNSF rail line. In addition to improving transportation efficiency, the project will reduce fuel consumption from idling trains lowering greenhouse gas emissions, reduce time lost to rail traffic, and bring new economic opportunities. This mega project is incredibly important to the efficiency of operations and future expansion of service. In addition to the railroad improvements, the Commission is committed to improving the area near the project to improve safety, walkability, and greenspace. The planned grade separation project has completed all environmental requirements and is in negotiations over acquisition of right-of-way property, expected for certification in 2023. A utility agreement is in place with PG&E. Agreements are pending with the other utility companies. Designs for the track, structure, and roadway approach completion with construction on schedule to begin in June of 2024. In addition to

landscaping native vegetation and flora into the bordering project area as a beautification effort, 850' of sewer pipe in the project area are being upsized to meet its projected future demands. Negotiations with the City over the construction requirements continue. To improve the ambience of the flyover bridge, the project will feature mural artwork for the bridge abutments with a choice of historical themes such as shipping, rail, and Native American heritage. The City of Stockton has identified a preference, pending final decision on the artwork.

## **ROBERT J. CABRAL STATION MASTER PLAN EXPANSION**

Located in downtown Stockton, the Robert J. Cabral Station is a beautifully restored historic train station and administration offices for the Commission and Authority. The Cabral Station is currently the only joint station for the ACE and San Joaquins services. The Commission owns several properties within the master plan expansion area, including the site of the former Western Pacific Depot. As Valley Rail increases service on both rail services the strategic nature of the Cabral Station Area becomes more important and additional passenger parking and administrative office space are required. Designs for the expansion now exceed 90% completion and construction is expected to start in late 2023.

## **RAIL MAINTENANCE FACILITY (RMF) IMPROVEMENTS**

The rail maintenance facility (RMF) in Stockton currently provides maintenance service for the ACE fleet and the testing/acceptance for the new California Venture Railcars purchased by Caltrans for the Intercity Rail Service. Truck overhaul work for the older State Intercity Railcars is also underway. Caltrans and the Rail Commission are drafting agreements to perform additional overhaul and preventative maintenance work at the RMF in the near future, making it one of the busiest facilities in CA, providing work for multiple agencies and services. Expansion of the RMF to accommodate this work and the anticipated increases from the Valley Rail and ACE Rolling Stock expansion programs. The project consists of an addition to the current maintenance building, alterations of the office mezzanine, and a new parts storage building. Construction on the facility began in 2022 and is now 40% complete with finished interior utilities and exterior drainage, gas, and water utilities. Expected project completion is in the spring of 2024.

## **RAIL CAR PURCHASE**

To allow for increased capacity of the current ACE service and to prepare for the expansion of service to Natomas and Ceres/Merced, the Rail Commission entered into a joint procurement with other transit agencies in May 2020. The Rail Commission purchased 21 rail cars to expand its fleet – sixteen (16) coach cars and five (5) cab cars. The new rail cars will be used in conjunction with existing equipment and the Tier IV locomotives to create longer train sets that can transport more passengers between the Central Valley and the Bay Area. The first cars arrived in the Summer of 2022 with additional cars arriving in FY23/24.

## MAJOR SAN JOAQUIN JOINT POWERS AUTHORITY PROJECTS

- **Madera Station Relocation**

The existing Madera Station is located three miles north of Madera. The station experiences low ridership and has no fixed route connections. The Authority, working with local leaders, plans to relocate the station to near Avenue 12 to meet regional goals and improve ridership, as well as provide connection to planned California High Speed Rail station at the same location. The station site and access design has been completed to a 60% level, while the track and platform are at 30%. Pending an agreement with BNSF railway, the track and platform designs will advance to coincide with the station site and access. The design team is in discussions with California High-Speed Rail, the current property owner, and BNSF for site access to obtain design geotechnical borings. Right-of-way is on schedule for certification in 2023 with construction in early 2024 and revenue service in 2025.

- **Stockton Wye**

As a precursor to the Stockton Diamond Grade Separation project, the Authority is constructing a wye connection on the northeast side of the diamond junction. This improvement will allow for future operational flexibility and allow direct trains from the San Joaquin St. Station to Sacramento. Part of the Valley Rail service expansion plans for the San Joaquins include the addition of transfer trains to and from San Joaquin St. to Sacramento that connect to Oakland trains. These direct train connections replace bus connections between Stockton and Sacramento. The connection also provides a direct connection from the Union Pacific corridor to the Port of Stockton. The Authority secured Senate Bill (SB-) 1 funding through the State Rail Assistance (SRA) program for this project. Construction will begin in fall 2023.

- **Oakley Station Platform**

The City of Oakley has advocated for a San Joaquins station for many years. As a part of the city's revitalization efforts, the Authority is partnering with the City of Oakley on a new rail station. Funding for the Oakley Station Platform was included in the Authority's Valley Rail Transit and Intercity Rail Capital Program (TIRCP) award. The City of Oakley is providing matching funds for the parking lot(s) and other station facilities. The city has broken ground and is progressing on its parking project. The Authority has entered into an agreement with Amtrak for design of the platform and construction of the platform project, currently at the 60% level. Service to the new station will begin in 2024.

- **Merced Integrated Track Connection**

The Merced Intermodal Track Connection (MITC) will build a connection for the San Joaquins, High-Speed Rail and ACE trains to meet at the planned integrated station in downtown Merced. The environmental and preliminary engineering phase of the project was initiated this year and will continue in 2023/24.

### **FY23/24 Planning Preview**

Planning work is critical to lay the groundwork for connecting new communities to the expanding rail systems in Northern California and beyond. Numerous planning activities are included in the work program, but a key highlight in FY23/24 will be the continued work on expanded ACE service to the Bay Area:

Throughout FY22/23, planning efforts continued to focus on working closely with Metropolitan Transportation Commission (MTC), Alameda County Transportation Commission (ACTC), Valley Link, Capitol Corridor, Caltrain and the Tri-Cities stakeholders. The Rail Commission participated in several planning efforts that impact future ACE service planning that included the 2023 Draft State Rail Plan, Link 21 (new Transbay Rail Crossing), and most importantly, MTC's Southern Alameda County Integrated Rail Analysis (SoCo Rail Study). In late 2021, the Phase 1 SoCo Rail Study concluded that most feasible mid-term rail-to-rail hub for the Tri-City area (Union City, Fremont, Newark) would be to create a new ACE to Union City BART connection. In FY22/23, the Rail Commission continued a greater role in assisting MTC with the management of the second/final phase of the SoCo Study. SoCo Rail Study Phase 2 is focused on detailed analysis of the potential for future additional ACE service to terminate at Union City/BART and will be released by the end of April 2023. The Rail Commission is working with the City of Union City to secure the funding needed for the environmental review process which is the next step in the development of this ACE expansion project.

In FY23/24, the Rail Commission will work with the City of Union City to initiate the environmental review process (CEQA clearance and 15% design) needed to advance the ACE connection to Union City/BART. The Rail Commission will be the lead agency for the CEQA process which is expected to focus on delivering three new intercity round-trips between the Central Valley and Union City (non-peak period morning arrivals in Union City). Having intercity service in the Altamont Corridor that operates seven days a week and focuses on serving non-commute trips is important for increasing connectivity throughout the greater Northern California Megaregion and to the HSR EOS in Merced, and will increase accessibility and use of ACE for low-income residents. The goal is for the new service to Union City/BART to be implemented in the mid-term (within the next ten years). The Rail Commission also expects to work with Capitol Corridor to seek planning funds to investigate what improvements are needed through the Alviso wetlands for future expansion of ACE and Capitol Corridor service to San Jose and the potential phasing of these improvements.

### **FY23/24 Operating Budget Preview**

ACE operates four (4) daily round-trips starting in Downtown Stockton at the Robert J. Cabral Station, through the Tri-Valley into San Jose's Diridon Station. The 86-mile route includes ten (10) station stops on rail infrastructure owned by Union Pacific Railroad and Caltrain. In the first six (6) months of FY 22/23, ACE carried 212,358 passengers which is a 47% increase from the same period in FY 21/22. ACE average endpoint OTP in the first six months of FY 22/23 was 85.17%. The ridership performance equates to ACE averaging 1,705 passengers per day. In FY 23/24, the Commission is forecasting ACE to carry 480,000 passengers, an increase of 3%.

The ACE fleet currently operates on the weekdays with three (3) Chargers (with the 4th locomotive in a maintenance rotation) and one (1) F40 in daily operation and averages six cars per consist. In FY23/24, the Commission anticipates introducing the newly procured cars from Alstom into the rotation. The new cars were purchased in anticipation of Valley Rail service and will be utilized to relieve legacy cars in need of mid-life overhaul. Estimated Actuals for this current year end will be presented at the May 5<sup>th</sup> meeting.

## **KEY CATEGORIES WITH YEAR OVER YEAR CHANGES – Project Management**

### **Communications**

The majority of Communications expenses are shifting to primary operations and the Contracted Services, resulting in a corresponding decrease to the Project Management portion of the budget.

### **Training**

Given the responsibilities of the agency, various training courses are required of certain staff. These trainings include Cybersecurity Training and courses by the National Transit Institute (NTI) related to Procurement, Grants Management and Fiscal Management. As the agency has expanded to deliver the large capital programs, the upcoming year includes additional management training to facilitate the more complex project delivery.

### **Professional Services - Legal**

The number of negotiations and agreements the Commission is involved in is increasing significantly over the next couple of years. These relate to the large number of projects in the expansion program, the new rail service and the third-party work for Caltrans related to the Intercity Rail Fleet.

### **Professional Services – General**

The contract for the Information Technology (IT) service is forecasted to increase as the technological needs of the agency continue to grow year over year. One of the services needed includes updating the Audio and Visual for the Cabral Station Board Room. Other IT needs are the increase in licenses for Microsoft 365 and Adobe as the agency continues to add employees, and the addition of new Anti-virus/Ransomware Protection software. In addition, the budget includes Human Resources (HR) consulting services to support existing HR functions in place now and as the agency grows.

## **KEY CATEGORIES WITH YEAR-OVER-YEAR CHANGES – Contracted Services**

### **Maintenance of San Joaquin County Facilities**

To maintain a clean and safe environment for passengers, this budget includes an increase to ACE Station tree trimming and landscaping services to keep maturing trees and vegetation well maintained. In FY23/24, a contractor will be hired to perform the trimming and landscaping services to ensure proper maintainability standards are met and improve security camera sightlines.

## **Security Services/Safety Programs**

Safety and Security of the passengers and staff is the highest priority for the agency. Due to the unprecedented number of catalytic converter thefts, the increase in budget includes 24-hour security at the Cabral Station, weekend security at the ACE Rail Maintenance Facility, weekday security at the Lathrop Manteca Station and Tracy stations.

## **Marketing and Passenger Experience**

The Marketing and Passenger Experience team has identified a need to improve outreach and advertising of the Community Assistance Program (CAP), which is a means-based fare assistance program. Funding through the Local Carbon Transit Operations Program (LCTOP) has been identified to bolster efforts to encourage community members to apply for the program and become regular ACE passengers.

## **Communications Operations**

In FY23/24, the agency will be exploring the option to increase the reliability and speed of its internet services by adding fiber optic lines to the Cabral Station, which houses the operations center, as well as other ACE stations. With large bandwidth required for active ACE train tracking, station security cameras and passenger communication, upgrading to fiber optics provides for more data to be transmitted at faster speeds over longer distances.

## **SAN JOAQUINS SERVICE (Rail Commission Serving as Managing Agency)**

At the direction of the Authority, Rail Commission staff negotiate with Amtrak for the Annual Operating Agreement which includes all Amtrak related costs for the San Joaquins. Annual operating forecasts from Amtrak are due in late May, and discussions surrounding key cost areas are ongoing. Amtrak is directed by Congress to allocate costs to each State sponsored service based upon national inputs and overhead. Staff are working with other states' supported routes to bring the Amtrak cost model more in line with the services actually received. Amtrak costs have escalated over the last several years to such an extent that the State cap on Intercity Rail Funding (for 3 statewide corridors) will be insufficient to meet the current forecasts. Amtrak Operating Agreements are based on the federal fiscal year, while the San Joaquin Business Plan and Budget are based on the state fiscal year, creating a timing delay. However, staff will present the highlights of the San Joaquin Business Plan at the June 3<sup>rd</sup> meeting.

### Fiscal Impact:

There is no fiscal impact.

### Recommendation:

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

# SJRRC/ACE OPERATING BUDGET

	FY22/23 SJRRC/ ACE Combined Operating Budget	FY23/24 SJRRC Operating Budget	FY23/24 ACE Service Operating Budget	FY23/24 SJRRC/ACE Combined Operating Budget	% CHANGE
<b>Project Management Services and Supplies</b>					
Salaries/Benefits/Contract Help	\$7,404,021	\$2,694,014	\$4,327,168	\$7,021,182	-5%
Office Expenses/Postage	46,877	16,329	21,154	37,483	-20%
Subscriptions/Periodicals/Memberships	20,450	7,470	13,400	20,870	2%
Office Equipment Leases / Supplies / Maintenance / Furniture	59,811	23,811	27,700	51,511	-14%
Computer Systems	323,000	267,000	2,000	269,000	-17%
Communications	94,239	22,404	24,050	46,454	-51%
Motor Pool	89,070	22,038	60,612	82,650	-7%
Transportation/Travel	56,500	10,500	42,000	52,500	-7%
Training	37,450	35,450	52,500	87,950	135%
Audits/Regulatory Reporting	103,055	34,860	61,085	95,945	-7%
Professional Services Legislative	103,125	102,000	-	102,000	-1%
Professional Services Legal	160,000	105,000	88,086	193,086	21%
Professional Services General	510,979	349,571	310,952	660,523	29%
Publications/Legal Notices	27,000	11,550	12,363	23,913	-11%
Special District Fees & Assessments on SJRRC Owned Property	23,025	24,176		24,176	5%
<b>Project Management, Services &amp; Supplies Subtotal</b>	<b>\$9,058,602</b>	<b>\$3,726,173</b>	<b>\$5,043,070</b>	<b>\$8,769,243</b>	<b>-3%</b>
<b>Contracted Services</b>					
Maintenance of San Joaquin County Facilities	107,349	131,769		\$131,769	23%
Maintenance & Improvements System Wide ACE Stations	54,900		42,420	42,420	-23%
Maintenance of Headquarters Structures/Grounds	173,213	38,701	128,647	167,348	-3%
ACE Operations & Maintenance	9,306,727		8,939,361	8,939,361	-4%
Positive Train Control	353,700		353,700	353,700	0%
Consumables/Repair Parts	2,000,000		1,500,000	1,500,000	-25%
Operating Leases	118,068	34,855	88,695	123,550	5%
Fuel	3,030,290		2,700,000	2,700,000	-11%
Railroad Maintenance, Oversight/Dispatching	4,122,720		3,166,267	3,166,267	-23%
Insurance	4,634,046	242,423	4,655,466	4,897,889	6%
Insurance Management Fees	200,000	31,500	170,000	201,500	1%
Security Services/Safety Programs	507,752	73,022	591,471	664,493	31%
FRA/FTA Drug Testing Program	7,100		5,500	5,500	-23%
Marketing and Passenger Experience	706,442	31,820	920,292	952,112	35%
Special Trains	165,000		165,000	165,000	0%
Ticketing Services	625,847		530,331	530,331	-15%
Professional Services Operations	383,387	17,731	328,433	346,164	-10%
Communications Operations	181,400		246,650	246,650	36%
Communications WiFi	393,000		406,000	406,000	3%
Emergency Ride Home/Emergency Bus Bridges	60,667		60,000	60,000	-1%
Rail Maintenance Facility	1,168,866		1,198,005	1,198,005	2%
<b>Contracted Services - Sub-Total</b>	<b>\$28,300,472</b>	<b>\$601,821</b>	<b>\$26,196,238</b>	<b>\$26,798,059</b>	<b>-5%</b>
Shuttle Services	\$1,792,856		\$1,822,539	1,822,539	2%
<b>Total Operating Expenses</b>	<b>\$39,151,930</b>	<b>\$4,327,994</b>	<b>\$33,061,847</b>	<b>\$37,389,841</b>	<b>-4.5%</b>
<b>Operating Revenue</b>					
Measure K	\$5,500,000	\$4,297,994	\$2,202,006	\$6,500,000	18%
SJCOG - Local Transportation Funds (LTF)	8,744,110		9,400,000	9,400,000	8%
Fare Revenues	4,200,000		6,326,000	6,326,000	51%
ACTC Measure B Local	1,083,610		2,000,000	2,000,000	85%
ACTC Measure BB Local	517,610		3,697,113	3,697,113	614%
Santa Clara VTA Local	1,395,989		4,433,396	4,433,396	218%
Transportation for Clean Air (TFCA)	40,000				-100%
SJCOG - State Transit Assistance (STA)			3,433,332	3,433,332	100%
MTC - State Transit Assistance (STA)	300,000		350,000	350,000	17%
ACTC Measure B Local - Admin Fee	15,000				-100%
ACTC Measure BB Local - Admin Fee	15,000		30,000	30,000	100%
Amtrak Thruway Service	75,000		75,000	75,000	0%
Ticket Sales Others	165,000		165,000	165,000	0%
MTC Reimbursement - Soco Studies	30,000	30,000		30,000	0%
LCTOP - Means Based Fare Program & Ops	168,687		225,000	225,000	33%
LCTOP - Operations	762,209		725,000	725,000	-5%
FTA CARES ACT	4,800,000				-100%
FTA ARPA	11,339,715				-100%
<b>Total Operating Revenue</b>	<b>\$39,151,930</b>	<b>\$4,327,994</b>	<b>\$33,061,847</b>	<b>\$37,389,841</b>	<b>-4.5%</b>



# SJIPA OPERATING BUDGET

	Prior Year SJIPA Operating Budget	2023/2024 SJIPA Operating Budget	% Change From Prior Year to Current Year
<b>Operating Revenue</b>			
State Intercity Rail Funds	81,235,345	80,840,442	
<b>Total Operating Revenue</b>	<b>81,235,345</b>	<b>80,840,442</b>	<b>0%</b>
<b>Administrative Expenses</b>			
Salaries/Benefits/Contract Help	2,288,297	2,455,054	7%
Office Expenses/Postage	19,478	18,596	-5%
Subscriptions/Periodicals/Memberships	5,000	5,000	0%
Office Equipment Leases / Supplies / Maintenance / Furniture	21,140	23,390	11%
Computer Systems	5,000	5,000	0%
Communications	30,861	31,787	3%
Motor Pool	31,715	32,667	3%
Transportation/Travel	25,000	15,000	-40%
Training	4,996	5,145	3%
Audits/Regulatory Reporting	25,000	40,750	63%
Professional Services Legislative	253,000	253,000	0%
Professional Services Legal	80,000	80,000	0%
Professional Services General	337,229	340,746	1%
Professional Services Grants	67,000	67,000	0%
Publications/Legal Notices	10,000	10,000	0%
Professional Services Operations	21,300	21,939	3%
Communications Operations	11,732	12,084	3%
Maintenance of Headquarters Structures/Grounds	114,767	118,210	3%
Insurance	140,000	140,000	0%
Insurance Management Fees	2,500	7,500	200%
Security Services/Safety Programs	65,472	90,188	38%
<b>Administrative Expenses Subtotal</b>	<b>3,559,487</b>	<b>3,773,056</b>	<b>6%</b>
<b>Marketing Expenses</b>			
Community Engagement & Marketing *	1,500,000	1,500,000	0%
New Service Advertising	250,000	500,000	100%
Market Analysis	300,000	150,000	-50%
<b>Marketing Expenses Sub-Total</b>	<b>2,050,000</b>	<b>2,150,000</b>	<b>5%</b>
<b>Contract Expense</b>			
San Joaquin Intercity Rail Operations (Amtrak Contract)	69,932,384	72,030,356	3%
San Joaquin Intercity Rail Operations (Other Contracts)	5,693,474	2,887,030	-49%
<b>Contract Expense Subtotal</b>	<b>75,625,858</b>	<b>74,917,386</b>	<b>3%</b>
<b>Total Operating Expenses</b>	<b>81,235,345</b>	<b>80,840,442</b>	<b>0%</b>

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of May 5, 2023

## STAFF REPORT

### Item 7

### ACTION

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Amendment to the Agreement with WSP USA Inc. for Construction Management Services for the Stockton Rail Maintenance Facility Expansion Project Increasing the Compensation Amount by \$957,788 for a New Not-To-Exceed Amount of \$2,657,486 and Authorizing the Executive Director to Execute Any and All Documents related to the Project including approving all Amendments thereto within Her Spending Authority**

#### Background:

The Stockton Regional Rail Maintenance Facility (RMF) Expansion project will provide a cost-effective option for maintaining intercity rail equipment by expanding the existing, centrally located ACE maintenance facility in Stockton. Currently, the RMF has the capacity to store six (6) full trainsets without affecting operations. The Stockton RMF Expansion would allow for the repair, maintenance, and storage of new state-owned Siemens Venture cars for the San Joaquins, anticipated for revenue service this calendar year.

Construction Management (CM) services are necessary to assist Rail Commission staff in the oversight of the construction contractor for the project.



The Board approved an agreement with WSP USA Inc. (WSP) for Construction Management services in July of 2021. Staff recommends that the Board approve an amendment to the agreement with WSP USA, Inc. The original agreement between the Rail Commission and WSP was executed prior to a re-bid of the project and the construction duration was increased by six (6) months with the second Invitation for Bid (IFB). This amendment will compensate WSP for the extended construction period as well as provide continued services through the close-out process. Additionally, during construction, the City of Stockton imposed new requirements for special electrical inspections and the Rail Commission requested WSP to include those inspections in their existing special inspection scope.

The scope of the amendment includes but is not limited to continued Construction Management services during construction, materials testing and inspection, including the added special electrical inspections, and CM services post-construction through close-out of the project.

Procurement Approach:

The amendment was handled in accordance with the Rail Commission's Procurement Manual. This First Amendment to the agreement with WSP will increase the current contract amount of \$1,699,698 by \$957,788 for a new Not-to-Exceed amount of \$2,657,486. This amendment is effective upon execution by the Rail Commission and WSP with an end date of June 30, 2024, unless extended in writing.

Procurement and Contracts Staff reviewed and confirmed the price of the amendment to be fair and reasonable.

Fiscal Impact:

<b>Project</b>	Rail Maintenance Facility Expansion
<b>Capital Project Budget Line Item</b>	Rail Maintenance Facility Expansion
<b>Phase for this Amendment</b>	Construction Support (CONSUP)
<b>Funding Sources for this Phase</b>	Prop 116, State Rail Assistance (SRA)
<b>Budget for this Phase</b>	\$2,700,000
<b>Encumbrances for this Phase</b>	\$1,699,698
<b>Budget Remaining for This Phase</b>	\$1,000,232
<b>Amendment Amount</b>	\$957,788
<b>Budget Remaining For this Phase if Approved</b>	\$42,514

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Amendment to the Agreement with WSP USA Inc. for Construction Management Services for the Stockton Rail Maintenance Facility Expansion Project Increasing the Compensation Amount by \$957,788 for a New Not-To-Exceed Amount of \$2,657,486 and Authorizing the Executive Director to Execute Any and All Documents related to the Project including approving all Amendments thereto within Her Spending Authority.

## RESOLUTION SJRRC-22/23-

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AMENDMENT TO THE AGREEMENT WITH WSP USA INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE STOCKTON RAIL MAINTENANCE FACILITY EXPANSION PROJECT INCREASING THE COMPENSATION AMOUNT BY \$957,788 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$2,657,486 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT INCLUDING APPROVING ALL AMENDMENTS THERETO WITHIN HER SPENDING AUTHORITY**

WHEREAS, the Stockton Regional Rail Maintenance Facility (RMF) Expansion project will provide a cost-effective option for maintaining intercity rail equipment by expanding the existing, centrally located ACE maintenance facility in Stockton; and

WHEREAS, Construction Management (CM) services are necessary to assist Rail Commission staff in the oversight of the construction contractor for the project; and

WHEREAS, the Board approved an agreement with WSP USA Inc. (WSP) for Construction Management services in July of 2021; and

WHEREAS, the scope of the amendment includes but is not limited to continued Construction Management services during construction, materials testing and inspection, including the added special electrical inspections, and CM services post-construction through close-out of the project; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission approves an Amendment to the Agreement with WSP USA Inc. for Construction Management Services for the Stockton Rail Maintenance Facility Expansion Project Increasing the Compensation Amount by \$957,788 for a New Not-To-Exceed Amount of \$2,657,486 and Authorizing the Executive Director to Execute Any and All Documents related to the Project including approving all Amendments thereto within Her Spending Authority.

PASSED AND ADOPTED, by the Board of Commissioners this 5<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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LEO ZUBER, Chair

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of May 5, 2023

## **STAFF REPORT**

### **Item 8**

### **INFORMATION**

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#### **Local Funding Sources for Green and Affordable Housing Near Rail Transportation**

##### Background:

Staff will provide a presentation on local funding sources for green and affordable housing near rail transportation at the May 5, 2023, Rail Commission Board meeting.

##### 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 May 5, 2023

## **STAFF REPORT**

### **Item 9**

### **INFORMATION**

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#### **Presentation on ACE On-Time Performance (OTP)**

##### Background:

Staff will provide a presentation on ACE On-Time Performance (OTP) at the May 5, 2023, Rail Commission Board meeting.

##### Fiscal Impact:

There is no fiscal impact.

##### Recommendation:

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