



## SAN JOAQUIN REGIONAL RAIL COMMISSION REGULAR BOARD MEETING

June 3, 2022 – 8:00 am

Call-In Information: **+1 (332) 249-0500** Phone Conference ID: 204-850-250#

Microsoft Teams Link: [Click here to join the meeting](#)

### SPECIAL NOTICE Coronavirus COVID-19 IN PERSON AND REMOTE ATTENDANCE AVAILABLE

In accordance with Assembly Bill 361 (AB 361), San Joaquin Regional Rail Commission Board Members will be attending this meeting via teleconference, videoconference, or in person. Members of the public may attend the meeting by attending the meeting in person at the South Hall Meeting Room at the Commission's main office located at 949 East Channel Street Stockton, CA 95202, or by dialing **+1 (332) 249-0500** with access code: 204-850-250# or log-in using a computer, tablet or smartphone on Microsoft Teams using link: [Click here to join the meeting](#)

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

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

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

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

Chair Fugazi

Roll Call: Hernandez, Mei, Cantu, Hothi, Villapudua, Young, Vice Chair Zuber, Chair Fugazi

Ex- Officios: Nguyen, Clifford, Agar

## 2. Public Comments

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

## 3. Consent Calendar

- |     |  |   |             |
|-----|--|---|-------------|
| 3.1 | Minutes of SJRRC Board Meeting May 6, 2022   | <b>ACTION<br/>INFORMATION<br/>INFORMATION<br/>INFORMATION<br/>INFORMATION<br/>INFORMATION</b> |             |
| 3.2 | Rail Commission/ACE Monthly Expenditure  |   |             |
| 3.3 | ACE Monthly Fare Revenue   |   |             |
| 3.4 | ACE Ridership  |   |             |
| 3.5 | ACE On-Time Performance  |   |             |
| 3.6 | Washington Update  |   |             |
| 3.7 | Update on Silicon Valley and Tri-Valley Outreach Contracts Activities  | <b>ACTION</b>   |             |
| 3.8 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission (SJRRC) Determining to Conduct Meetings of the SJRRC Board of Commissioners Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period June 4, 2022 to July 3, 2022   |   |             |
| 3.9 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Agreements for Ongoing Shuttle Services for the Altamont Corridor Express (ACE) Service for Fiscal Year 2022/2023 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Projects with the Following Agencies: | <b>ACTION</b>   |             |
|     | a. Santa Clara Valley Transportation Authority   |   | \$1,326,693 |
|     | b. Livermore-Amador Valley Transportation Authority  |   | \$277,116   |
|     | c. Contra Costa County Transportation Authority  |   | \$80,000    |
|     | (Regular and Special Voting Members)   |   |             |

- 3.10 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Rogers Anderson Malody & Scott, LLP for Financial Auditing Services for Amount Not-to-Exceed \$237,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project  
(Regular and Special Voting Members)

**ACTION**

- 3.11 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Professional and Contracted Service Amendments for Fiscal Year 2022/2023 as Listed Below and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Services:

| Vendor/Firm                     | Project Description   | Approved Amount  |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$475,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |

(Regular and Special Voting Members)

- 3.12 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with ETA Phi Systems, Inc for Train Tracking System Hardware Upgrade, Software Maintenance, & Repair Services for Amount Not-to-Exceed \$84,323 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project  
(Regular and Special Voting Members)

**ACTION**

- 3.13 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Masabi, LLC. for Altamont Corridor Express Mobile Ticketing System for an Amount Not-To-Exceed \$18,000.00 total for Monthly Maintenance Costs, plus 6.95 % Transaction Fees of the Gross Ticket Sales and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.  
(Regular and Special Voting Members)

**ACTION**

- |      |   |                    |
|------|---|--------------------|
| 4.   | <b>Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with WSP USA, Inc. for Construction Management Services for the ACE Platform Extension Projects and Fremont Platform Extension Project for an Amount Not-to-Exceed \$1,001,552 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project</b><br>(Tamika Smith/Autumn Gowan) (Regular and Special Voting Members) | <b>ACTION</b>      |
| <br> |   |                    |
| 5.   | <b>Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Crane Payment Innovations for Vending Machines for Intercity Passenger Rail for an Amount Not-to-Exceed \$577,800 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project</b><br>(David Lipari/Autumn Gowan) (Regular Voting Members)   | <b>ACTION</b>      |
| <br> |   |                    |
| 6.   | <b>Fiscal Year 2022/2023 San Joaquin Regional Rail Commission Work Program Preview</b><br>(Stacey Mortensen)  | <b>INFORMATION</b> |
| <br> |   |                    |
| 7.   | <b>Commissioner's Comments</b>  |                    |
| 8.   | <b>Ex-Officio Comments</b>  |                    |
| 9.   | <b>Executive Director's Report</b>  |                    |
| <br> |   |                    |
| 10.  | <b>CLOSED SESSION</b><br><b>CONFERENCE WITH LABOR NEGOTIATORS</b><br><b>Agency designated representative: Chair Fugazi</b><br><b>Unrepresented employee: Executive Director</b><br>(Regular Voting Members Only)  |                    |
| <br> |   |                    |
| 11.  | <b>Adjournment</b><br>The next regular meeting is scheduled for:<br>July 1, 2022 – 8:00 am  |                    |

**SAN JOAQUIN REGIONAL RAIL COMMISSION**  
Meeting of June 3, 2022

**Item 3.1**

**ACTION**

**Minutes of SJRRC Board Meeting May 6, 2022**

The meeting of the San Joaquin Regional Rail Commission was held at 8:00 a.m., May 6, 2022, via teleconference.

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

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

Commissioners Present: Hernandez, Mei, Cantu, Villapudua, Young, Vice Chair Zuber, Chair Fugazi

Commissioners Absent: Hothi

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

**2. Public Comments**

There were no public comments.

**3. Consent Calendar**

- |      |  |                    |
|------|--|--------------------|
| 3.1  | Minutes of SJRRC Board Meeting April 1, 2022   | <b>ACTION</b>      |
| 3.2  | Minutes of SJRRC Special Board Meeting April 22, 2022  | <b>ACTION</b>      |
| 3.3  | Rail Commission/ACE Monthly Expenditure  | <b>INFORMATION</b> |
| 3.4  | ACE Monthly Fare Revenue   | <b>INFORMATION</b> |
| 3.5  | ACE Ridership  | <b>INFORMATION</b> |
| 3.6  | ACE On-Time Performance  | <b>INFORMATION</b> |
| 3.7  | Washington Update  | <b>INFORMATION</b> |
| 3.8  | Update on Silicon Valley and Tri-Valley Outreach Contracts Activities  | <b>INFORMATION</b> |
| 3.9  | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission (SJRRC) Determining to Conduct Meetings of the SJRRC Board of Commissioners Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period May 7, 2022 to June 5, 2022  | <b>ACTION</b>      |
| 3.10 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving the Fiscal Year 2021-22 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 \$17,806,058 | <b>ACTION</b>      |

There were no comments on the consent calendar.

**M/S/C (Cantu/Zuber) to Approve Items 3.1-3.10 of the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 6<sup>th</sup> day of May 2022 by the following vote to wit:**

AYES: 5      Cantu, Villapudua, Young, Vice-Chair Zuber, Chair Fugazi

NOES: 0

ABSTAIN: 0

ABSENT: 3      Hernandez, Mei, Hothi

**4. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the First Amendment to the San Joaquin Regional Rail Commission Special Voting Memorandum of Understanding dated October 23, 2003, as Attached Hereto**

**ACTION**

Stacey Mortensen gave a presentation on this item.

Commissioner Hernandez inquired about the history and confirmed the date of execution of the Special Voting MOU in 2003. Commissioner Hernandez commented in support of bringing this item forward for more input from Alameda County in the Board Meetings.

Ms. Mortensen commented that the ACE Authority was in effect from the Spring of 1997 to the Summer of 2003, and the Cooperative Services Agreement for the Bay Area Entities to purchase service and the Alameda Special Voting MOU were executed.

Commissioner Young expressed support for this idea now that the service is expanding and factoring in cause and effect with this service and how it effects other areas as well.

Mr. Mike Barnbaum thanked Ms. Mortensen for this presentation. Mr. Barnbaum also suggested to include both Special and Regular voting members from Sacramento County as the Valley Rail Program expands the ACE Service. Mr. Barnbaum also inquired if this was the time to discuss how to eventually incorporate special voting members in Sacramento County and regular voting members from Elk Grove and Sacramento City Councils.

Chair Fugazi thanked Mr. Barnbaum and commented that this will be discussed closer to expanding the ACE service and will note the comments.

**M/S/C (Young/Zuber) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the First Amendment to the San Joaquin Regional Rail Commission**

**Special Voting Memorandum of Understanding dated October 23, 2003, as Attached Hereto**

**Passed and Adopted by the San Joaquin Regional Rail Commission on the 6<sup>th</sup> day of May 2022 by the following vote to wit:**

|          |   |  |
|----------|---|--|
| AYES:    | 5 | Cantu, Villapudua, Young, Vice-Chair Zuber, Chair Fugazi |
| NOES:    | 0 |  |
| ABSTAIN: | 0 |  |
| ABSENT:  | 1 | Hothi  |

- 5. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Paragon Partners Consultants LLC for Right of Way Services for the Elk Grove Station Project for an Amount Not-to-Exceed \$182,000 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.**

**ACTION**

Dan Leavitt and Autumn Gowan gave a presentation on this item.

Mr. Mike Barnbaum clarified if approving this item allows for construction activity to begin at this station location.

Chair Fugazi confirmed with Autumn Gowan that this is for Project Development Services.

**M/S/C (Villapudua/Cantu) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Paragon Partners Consultants LLC for Right of Way Services for the Elk Grove Station Project for an Amount Not-to-Exceed \$182,000 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 San Joaquin Regional Rail Commission on the 6<sup>th</sup> day of May 2022 by the following vote to wit:**

|          |   |  |
|----------|---|--|
| AYES:    | 5 | Cantu, Villapudua, Young, Vice-Chair Zuber, Chair Fugazi |
| NOES:    | 0 |  |
| ABSTAIN: | 0 |  |
| ABSENT:  | 1 | Hothi  |

## **6. ACE Advertising Update**

## **INFORMATION**

David Lipari gave a presentation on this item.

Commissioner Young commented in favor of the advertisements and getting out and doing more things and capturing new riders within platforms that many people use. Commissioner Young also commented about the effectiveness of reaching people that are in traffic so they might consider using the service.

Chair Fugazi expressed whole-hearted agreement to Commissioner Young's comment.

Commissioner Hernandez inquired if the service utilizes social media advertisements, such as Instagram and Facebook.

David Lipari confirmed that the ACE Marketing Team is active on Twitter, Instagram, and Facebook organically, and that these platforms are also part of the media mix for this Ad Campaign.

Tom Dumas inquired if the ACE Service has any targeted advertisements in FM radio, because in the San Francisco area there were effective Capitol Corridor advertisements on the radio.

Mr. Lipari responded that prime time radio was considered, but the cost was considerably high and not worth the advertisement in comparison to other platforms. Mr. Lipari also commented that the Agency will continue to work with local radio partners and potentially exploring PSA type advertisements that were more cost-effective in the past.

Commissioner Mei suggested partnering with cities and municipalities, because in the City of Fremont they have been promoting classes in Age Well Centers with High School Seniors to educate on how to best use different commuting methods.

Mr. Nate Knodt commented about getting the ACE Youtube Ads frequently.

## **7. Commissioner's Comments**

Commissioner Young wished everyone a Happy Mother's Day and also Safe Travels to anyone traveling to One Voice in Washington DC.

Commissioner Villapudua inquired to Administrative Coordinator Jackie Miramontes if the emailed proposal from an outside group was reviewed for consideration for the board.

Jackie Miramontes confirmed that the proposal was reviewed, and that communication was sent via email regarding the proposal.



## **8. Ex-Officio Comments**

Tom Dumas of Caltrans commented on the announcement from the Department of Transportation on the availability of 1.5 billion dollars in RAISE “Rebuilding American Infrastructure with Sustainability and Equity” Grants to help rebuild the American infrastructure with stability and equity to carry out projects that have a significant and regional impact. Mr. Dumas offered support from Caltrans if ACE chooses to apply to these grants.

Tom Dumas also commented on the 500 million dollars in Road and Street Repair funds approved by the California Transportation Committee to repair aging infrastructure and improve the transportation in California. This funding was approved for the Stockton Downtown East West Connector project that will include six miles of new bike facilities, curb ramps, speed cushions and help improve the signal timing in downtown Stockton to help reduce traffic congestion and air pollution. There is a call for the Active Transportation Projects from the California Transportation Commission out now, which include safe routes to school and projects that improve transportation and mobility.

Mr. Dumas also commented that The State wants to invite everyone to join a Teams Webinar regarding the State bicycling and pedestrian program. There will be a progress report and information about active transportation work and help provide input for future updates to the plan.

Diane Nguyen of SJCOG commented on the OneVoice Effort in Washington D.C. starting Monday May 8<sup>th</sup>-12<sup>th</sup>. SJCOG and their public and private partners identified 27 projects of regional significance to present to Federal Representatives. Ms. Nguyen commented that these projects include SJJRC’s Martin Luther King Underpass Mobility Enhancement Project, the North Lathrop Station, as well as the Rail Academy of Central California. Ms. Nguyen commented on the opportunity for these projects to link federal funding and policy infrastructure themes of the Biden Administration.

## **9. Executive Director’s Report**

Stacey Mortensen addressed the proposal inquiry from Commissioner Villapudua and recommended that the Valley Link staff look over the proposal since it is similar to what Valley Link is currently working on.

Ms. Mortensen also reported on reaching out to Mayor Hernandez’s Public Works Director and City Engineer and the Sacramento Public Works Director to find out how Capital programs are being affected by the supply chain issue and some of the volatility, materials pricing, and labor shortage. Due to these factors, the budget will be presented at June’s SJRRC Board meeting.

Daniel J. Schroeder, General Counsel, commented on the hybrid meeting structure and that the key requirement to holding meetings remotely is that there be a proclamation of an emergency in place through the county or by the

governor, and since the Governor's proclamation of emergency is in place, the ability to utilize AB361 to hold meetings remotely is therefore still in effect.

Counsel also commented that with AB361, there is the option of a hybrid meeting option, so therefore if meetings are open to the public and for in person board member attendance, there is also the option for those members of the public and the Commission that do not feel comfortable meeting in person, still have the ability to meet virtually.

Counsel commented that as long as AB361 is adopted at the monthly meetings, there is an option to have a hybrid meeting structure with the virtual meeting option.

## **10. CLOSED SESSION**

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**Title: Executive Director**

Daniel J. Schroeder, General Counsel, reported that all of the regular voting Commissioners were present for the entirety of the Closed Session with the exception of Commissioner Hothi due to his absence, and Commissioners Hernandez and Mei. There was no reportable action.

## **11. Adjournment**

The next regular meeting is scheduled for:  
June 3, 2022 – 8:00 am

**San Joaquin Regional Rail Commission  
Altamont Corridor Express  
Operating and Capital Expense Report  
March 2022  
75% of Budget Year Elapsed**

Item 3.2

|  | SJRRC<br>FY 21-22 | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE | SJRRC -<br>CONTRACTED<br>SERVICES<br>FY 21-22 | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE | ACE<br>FY 21-22   | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE |
|--|-------------------|-----------------------|-----------------------|---|-----------------------|-----------------------|-------------------|-----------------------|-----------------------|
| OPERATING EXPENSES                               | ALLOCATION        |                       |                       | ALLOCATION                                    |                       |                       | ALLOCATION        |                       |                       |
| Project Management, Services & Supplies Subtotal | 1,951,154         | 1,158,699             | 59%                   | 150,000                                       | 37,494                | 0%                    | 4,401,003         | 2,466,323             | 56%                   |
| Contracted Services Subtotal                     | 538,562           | 185,748               | 34%                   | 1,975,000                                     | 238,578               | 12%                   | 21,796,775        | 12,776,215            | 59%                   |
| Shuttle Services                                 |                   |                       |                       |   |                       |                       | 1,320,502         | 990,376               | 75%                   |
| <b>TOTAL OPERATING EXPENSES</b>                  | <b>2,489,716</b>  | <b>1,344,447</b>      | <b>54%</b>            | <b>2,125,000</b>                              | <b>276,072</b>        | <b>13%</b>            | <b>27,518,280</b> | <b>16,232,914</b>     | <b>59%</b>            |

|                                      | CAPITAL<br>FY 21-22 | EXPENSE<br>TO<br>DATE | %<br>SPENT<br>TO DATE |
|--------------------------------------|---------------------|-----------------------|-----------------------|
| CAPITAL PROJECTS                     | ALLOCATION          |                       |                       |
| <b>SAN JOAQUIN RAIL COMMISSION</b>   |                     |                       |                       |
| 1 East Channel Street Improvements   | 3,134,500           | 35,339                | 1%                    |
| 2 Robert J. Cabral Station Expansion | 3,000,000           | 142,292               | 5%                    |
| <b>TOTAL CAPITAL PROJECT SJRRC</b>   | <b>\$ 6,134,500</b> | <b>\$ 177,631</b>     | <b>3%</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            | 519,339              | 29%        |
| 3 UPRR Capital Access Fee   | 3,242,516            | 3,094,937            | 95%        |
| 4 UPRR Capitalized Maintenance Projects   | 4,000,000            | 232,992              | 6%         |
| 5 UPRR Safety Fund  | 500,000              | -                    | 0%         |
| 6 ACE Extension Natomas to Stockton   | 5,000,000            | 1,944,438            | 39%        |
| 7 ACE Extension Lathrop to Ceres/Merced   | 10,000,000           | 5,722,726            | 57%        |
| 8 Stockton Diamond Grade Separation   | 13,320,000           | 1,804,795            | 14%        |
| 9 Locomotives (4) and Spare Parts   | 1,000,000            | 175,417              | 18%        |
| 10 Platform Extension Projects  | 3,000,000            | 69,359               | 2%         |
| 11 Cabral Track Extension   | 11,275,000           | 432,215              | 4%         |
| 12 Positive Train Control   | 787,928              | 76,456               | 10%        |
| 13 Rail Cars - (5) passenger rail cab cars (12) passenger coach cars (4) Option Coach | 8,800,000            | 4,868,602            | 55%        |
| 14 Railcar Midlife Overhaul   | 5,175,000            | 2,932,156            | 57%        |
| 15 Locomotive Conversion  | 239,328              | -                    | 0%         |
| 16 State Owned Equipment Truck Overhaul   | 2,000,000            | 980,260              | 49%        |
| 17 Sunol Quiet Zone Quad Gates  | 475,000              | 245                  | 0%         |
| 18 Newark-Albrae Siding Connection  | 1,470,000            | -                    | 0%         |
| 19 Facility Upgrades and Capital Improvements   | 93,068               | 18,795               | 20%        |
| 20 Tracy ACE Station Improvements   | 700,000              | 201,496              | 29%        |
| 21 Capital Spares   | 591,759              | 197,620              | 33%        |
| 22 Safety/Security Projects   | 122,193              | 18,696               | 15%        |
| 23 Short Range Transit Plan   | 26,123               | -                    | 0%         |
| 24 Public Information Display Systems (PIDS)  | 492,000              | 225,000              | 46%        |
| 25 Network Integration  | 340,000              | 211,835              | 62%        |
| 26 Ripon Multimodal Station and Offsite Improvements                                  | 750,000              | -                    | 0%         |
| 27 Locomotive (2) Options   | 8,524,530            | 4,963,082            | 58%        |
| <b>TOTAL CAPITAL PROJECTS ACE</b>   | <b>\$ 84,817,621</b> | <b>\$ 29,808,472</b> | <b>35%</b> |
| <b>TOTAL CAPITAL PROJECTS SJRRC &amp; ACE</b>   | <b>\$ 90,952,121</b> | <b>\$ 29,986,103</b> | <b>33%</b> |

## **Status of FY 21/22 Capital Projects - Notes As of May 2022**

### **SAN JOAQUIN RAIL COMMISSION**

- 1 East Channel Street Improvements - SJRRC received \$2 million from the San Joaquin Council of Governments' Measure K funds to improve the pedestrian and bicycle access along Channel Street between the Downtown Transit Center and Cabral Station. The project received an additional \$4 million from SJCOG's Regional Active Transportation Program in Fall 2021. SJRRC is finalizing the design of the project and working with the City of Stockton on implementing the project in 2022. The project is anticipated to be constructed in 2023.
- 2 Robert J. Cabral Parking Lot Expansion -Project will construct a new parking lot at the site of the old Western Pacific depot in Stockton, as well as reconstruct the building. Environmental work has been completed and design is underway for the parking lot and building reconstruction.

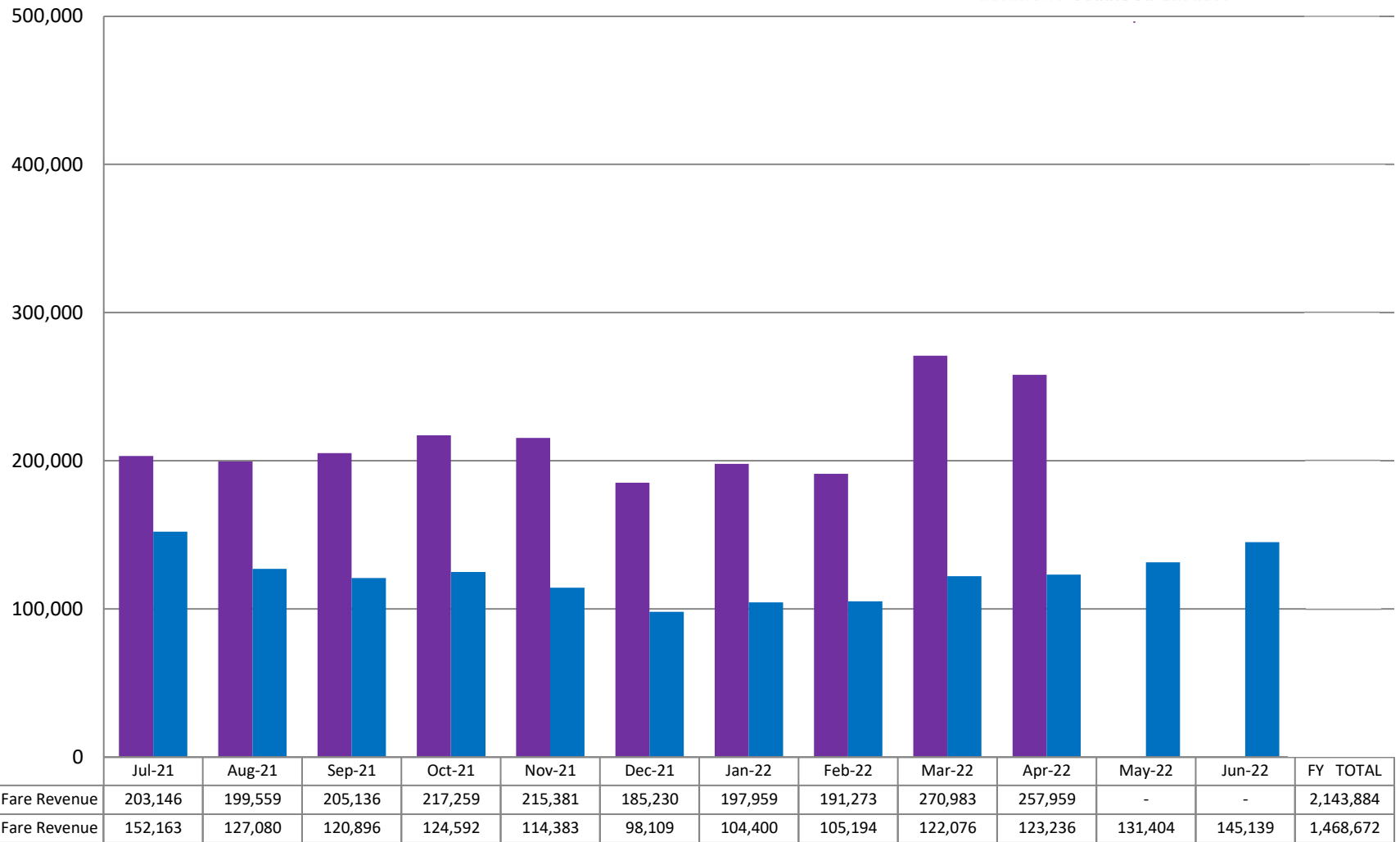
### **ALTAMONT CORRIDOR EXPRESS**

- 1 SJ COG Loan Repayment - Annual payment made July 1, 2021 per SJCOG amended loan agreement.
- 2 Bond Repayments - Bond repayments are made bi-annually, payments FY 21-22 are due in November 2021 and May 2022.
- 3 UPRR Capital Access Fee - Payment for calendar year 2021 paid in two installments in July 2021 and January 2022.
- 4 UPRR Capitalized Maintenance Projects - Multi-year project is budgeted at \$4,000,000 for the year. Invoices are received throughout the year.
- 5 UPRR Safety Fund - Ongoing project.
- 6 ACE Extension Natomas to Stockton - The final Environmental Impact Report (EIR) was adopted at the October 2nd, 2020 Board meeting and the Notice of Determination was filed with San Joaquin County on October 6th, 2020. Consultant contracts for the final design phase were awarded at the August Stations/Facilities Development Committee Meeting. 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 early December 2021 with the public comment period ending January 18th, 2022.
- 7 ACE Extension Lathrop to Ceres/Merced - The Environmental Impact Report (EIR) was certified in August 2018. Final design is currently underway for individual projects along the corridor. Preparation of a project level EIR for Ceres to Merced is underway. The project level Draft EIR for Ceres to Merced was released for public review on April 22nd, 2021 and comments were due June 7th, 2021. The Final EIR was approved at the December 3 2021 Board Meeting.
- 8 Stockton Diamond Grade Separation - The project will grade separate the existing UPRR and BNSF lines creating an uninterrupted flow of rail traffic through the crossing. Project Approval (PA) and Environmental Document (ED) services for the project are currently underway. 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. The consultant contract for the final design phase was approved for Future Consideration at the October 1 2021 Board Meeting.
- 9 Locomotives (4) - All four (4) locomotives have been delivered and have been fully accepted. The Spare Parts package was delivered in June 2021. Project Complete.
- 10 Platform Extension Projects - Multi-year project to extend the existing Lathrop/Manteca, Tracy, Vasco, Livermore, and Pleasanton platforms. The final design contract was approved in May 2018 and is currently nearing 100% completion and under review by Union Pacific. Environmental and design are currently underway for construction of a 400-foot platform extension at the Fremont ACE Station. A preliminary engineering agreement with Union Pacific Railroad was approved at the November 5 2021 Board Meeting.
- 11 Cabral Track Extension - In June, SJRRC received approval from FTA Region 9 for a NEPA Categorical Exclusion. Coordination with Union Pacific on design review for the Construction & Maintenance agreement is ongoing. Utility relocation efforts are ongoing.
- 12 Positive Train Control - Staff continues to work with UPRR, Caltrain, FRA and all Passenger Rail Partners on software updates and system improvements.
- 13 Rail Cars - A contract with Bombardier was Approved at the April 2020 SJRRC Board meeting. Additionally, an option order was approved by the Board at the December 2020 meeting for 4 additional coaches. This is a Multi-year project for the procurement of five (5) passenger rail cab cars and 16 passenger coach cars. Delivery of the first cars is scheduled for Spring 2022. Delays to the delivery are associated with supply chain issues and illness due to the Covid-19 Pandemic.
- 14 Railcar Midlife Overhaul - Midlife overhauls of ACE's existing fleet of 30 railcars is underway. Currently trucks, carpeting, rubber flooring, lighting and refreshing of the exterior paint scheme to the new colors is underway. Five (5) Cars have been painted with the sixth car being prepared for paint. The project is scheduled to be completed over the next three years.
- 15 Locomotive Conversion - Decommissioning of two State owned locomotives is complete. Staff is working with the State of California on a scope of work for the conversion of the two units.
- 16 State Owned Equipment Truck Overhaul - Phase 1 of the project to procure a float pool to be used for the complete Truck Overhaul program scheduled is underway and scheduled to be closed out by November 2021. The Second Phase of the project is to complete the overhaul of the 88 State owned bi-level passenger rail cars along with the draft gears and diaphragms. This scope of work has been approved and the agreement is in review by Caltrans and Rail Commission Legal Counsel.
- 17 Sunol Quiet Zone - Construction has been completed but to address public concerns, revisions need to be made. Preliminary Design for the revised project, Four Quadrant Gates on Main Street Sunol, is complete. Coordination with Alameda County for the final design and construction of the project is ongoing.
- 18 Facility Upgrades and Capital Improvements - Currently ongoing
- 19 Newark-Albrae Siding Connection - Staff will be doing a procurement in late November for the final design contract.
- 20 Tracy ACE Station Improvements - Consultant contract was awarded at the May 3rd 2019 Board meeting. Environmental and design are currently underway.
- 21 Capital Spares - Preventative Maintenance is ongoing.
- 22 Safety and Security/Video Cameras - The camera security project was awarded in June 2018 and is in construction.
- 23 Short Range Transit Plan - Update to FY 2018 - FY 2027 SRTF is ongoing.
- 24 Public Information Display System (PIDS) - CCJPA has begun the planning of the public works needed for replacement of old reader boards. Surveys have been submitted to them so that they can plan for where the signs shall be placed and also where the power boxes will be installed that will allow connectivity for the reader boards. Xenatech, the vendor that CCJPA has chosen to work with for the programming and creation of the Operator's Console which will push information to the reader boards, has put out several different UAT for testing; the bi-weekly scrum calls have concluded at this time. Information that is required by CCJPA/Xenatech is communicated directly to agencies working on this project. Onboard Nomad Wi-Fi services is now connected to the Operator's Console for real-time placement of trains for the functionality of that portion in the maps locator. A call will happen before the end of August to speak to Xenatech and CCJPA about the inclusion of the project to include future ACE stations that are slated to be in service by 2023.
- 25 Network Integration - Planning consulting services of integrating the ACE and SJJPA services with high-speed rail and other rail transit services.
- 26 Ripon Multimodal Station and Offsite Improvements - A request for proposal for this project was released in May 2021. A consultant contract was awarded at the September Board Meeting. Coordination with the Ripon Station Platform project and the City of Ripon is ongoing.
- 27 Locomotive (2) Options - The option for two (2) Chargers was approved at the September SJRRC Board Meeting. The Contract Change Order has been executed and the Notice to Proceed has been issued.

# Fare Revenue



Item 3.3



% of Budget Year Elapsed: 83%

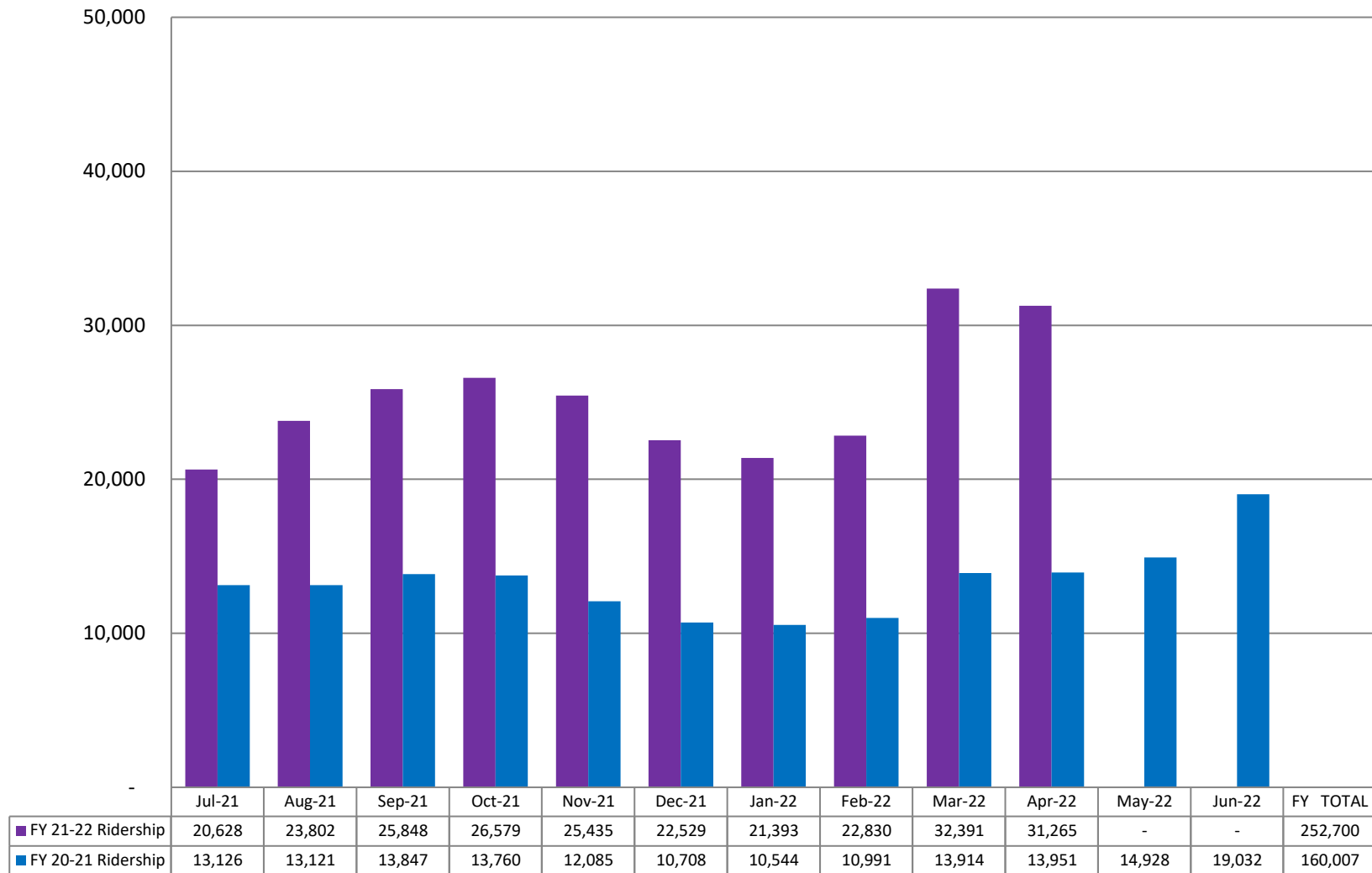
FY 21-22 % of Fare Revenue Received over Budget to Date: 50.1%

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

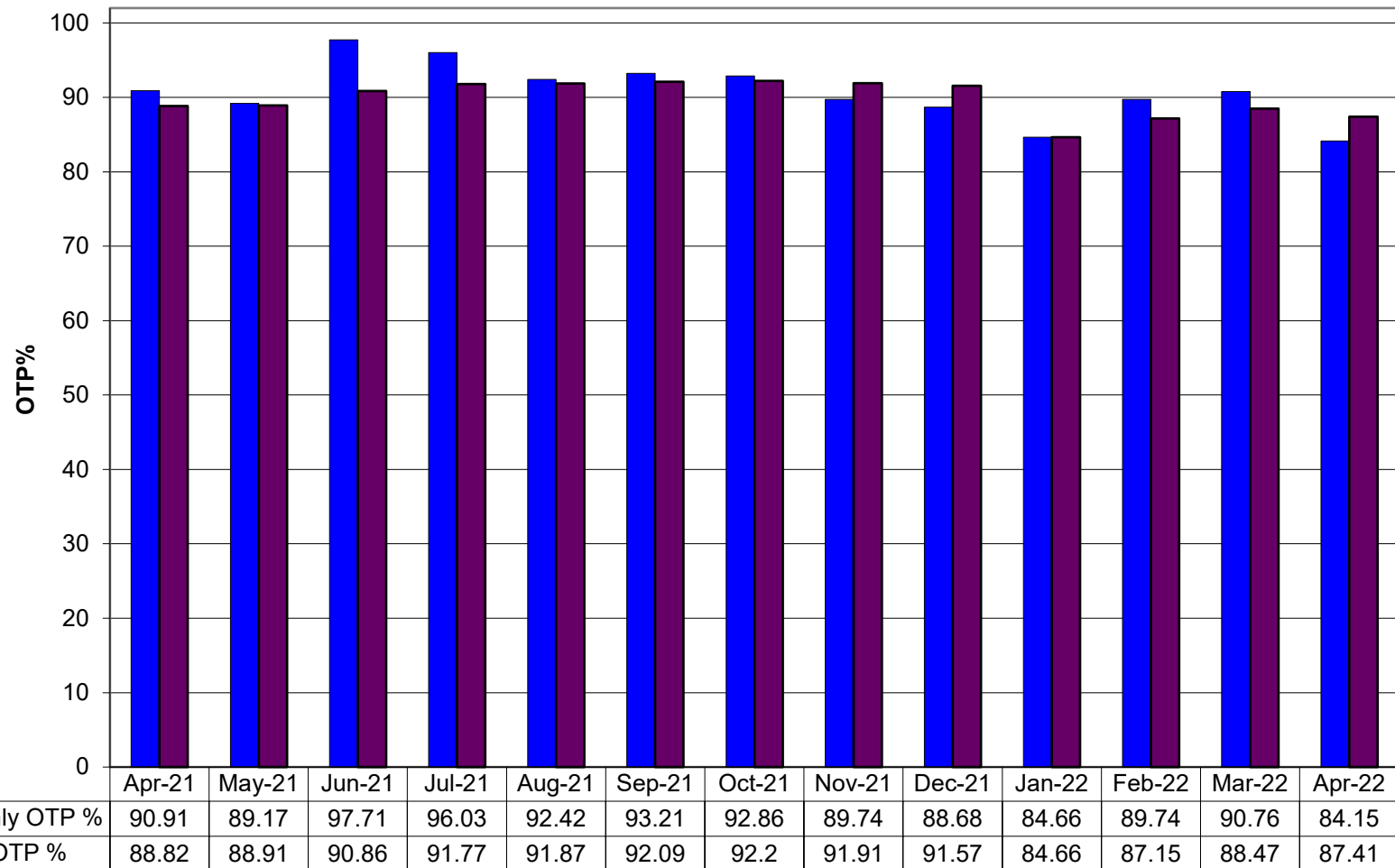
# Ridership



Item 3.4



## ACE ON TIME PERFORMANCE



Tai Ginsberg & Associates, LLC  
200 Massachusetts Ave. NW, 7<sup>th</sup> Floor  
Washington, DC 20001  
T 202 415 9703

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

TO: San Joaquin Regional Rail Commission (SJRRRC)  
FROM: TG&A Staff  
SUBJECT: Monthly Progress Report for MAY 2022  
DATE: May 25, 2022

## THE BIDEN ADMINISTRATION/EXECUTIVE BRANCH

May 18, 2022. The [White House released](#) a technical assistance guide to help state, local, Tribal and territorial governments navigate, access and deploy infrastructure resources from the IIJA. The Biden Administration has identified over \$700 million in dedicated funding across more than 65 technical assistance programs. The 56-page [“Bipartisan Infrastructure Law Technical Assistance Guide – A List of Federal Resources to Help Communities Deliver Infrastructure Projects”](#) specifically provides a list of over 65 technical assistance resources and programs across the federal government to help communities deliver infrastructure projects.

May 11, 2022. President Joe Biden [released](#) a new [Permitting Action Plan](#) “to strengthen and accelerate Federal permitting and environmental review by fully leveraging existing permitting authorities.” The Action Plan contains five key elements that build on strengthened Federal approaches to environmental reviews and permitting. i.e. 1.) Accelerating Smart Permitting through Early Cross-Agency Coordination, 2.) Establishing Clear Timeline Goals and Tracking Key Project Information, 3.) Engaging in Early and Meaningful Outreach and Communication with States, Tribal Nations, Territories, and Local Communities, 4.) Improving Responsiveness, Technical Assistance, and Support, and 4.) Adequately Resourcing Agencies and Using the Environmental Review Process to Improve Environmental and Community Outcomes. **Agencies with environmental review and permitting responsibilities should, within 90 days of the issuance of the Action Plan, complete initial plans for key strategies for implementing the Action Plan.**

May 3, 2022. The CDC [recommends](#) that everyone aged 2 and older – including passengers and workers – properly wear a well-fitting mask or respirator over the nose and mouth in indoor areas of public transportation (such as airplanes, trains, etc.) and transportation hubs (such as airports, stations, etc.). This recent announcement comes as a recommendation and not a mandate, however, which means it does not carry the force of law. Recall that a U.S. District judge in Florida ruled the CDC’s mask mandate exceeded its authority.

April 29, 2022. President Joe Biden [announced](#) (and [guidance](#)) on how agencies can ensure “accountability, effectiveness and transparency” in implementation of the Infrastructure and Investment and Jobs Act enacted last November. The guidance is to “ensure that there is minimal fraud, waste and abuse in the implementation of the IIJA, and that projects are delivered on time and on budget by delivering results with accountability, effectiveness and transparency; collaborating with inspectors general and the oversight community; and, providing technical and financial assistance for communities...”

## BIDEN 2022 TRANSPORTATION-RELATED NOMINATIONS/CONFIRMATIONS

Since the April 2022 report, following are the only relevant changes in status (**RED TYPE**) to transportation-related nominees. A full 2022 listing of “Nominations” is available from TG&A upon request.

See next page for recent nominations/confirmations.

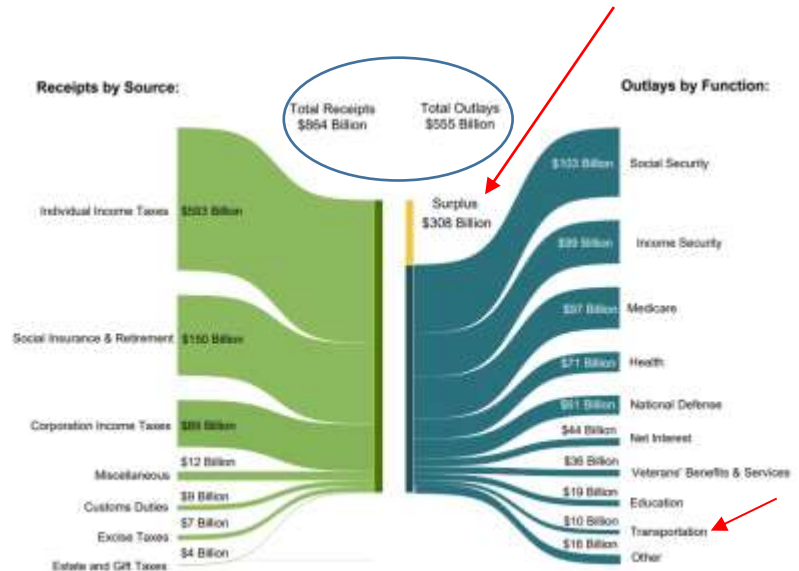


**Note:** Senator Rick Scott (R-FL) lifted his hold on US DOT nominees. Several nominees have been subject to Senate floor votes. [John Putnam](#), to be General Counsel of US DOT (**Confirmed by the Senate on 5/12/22**); [Victoria Marie Baecher Wassmer](#), to be Chief Financial Officer of US DOT (**Confirmed by the Senate on 5/12/22**); [Carol Annette Petsonk](#), to be an Assistant Secretary of Transportation (**Confirmed by the Senate on 5/18/22**); [Christopher A. Coes](#), to be an Assistant Secretary of Transportation; and

| NOMINEE                          | US DOT ADMINISTRATOR / OTHER   | STATUS  |
|----------------------------------|--|---|
| David P. <a href="#">Pekoske</a> | Nominee for Administrator of the Transportation Security Administration, Department of Homeland Security | <b>President Biden announced his intent to Nominate on 5/6/2022. Received in the Senate on 5/9/22; referred to Comm. on Commerce.</b> |

## APPROPRIATIONS/BUDGET

May 12, 2022. The US Department of Treasury issued its [Monthly Treasury Statement](#) for FY 2022 Through April 30, 2022. The government reached a record monthly surplus of \$308 billion with total receipts reaching \$864 billion less outlays of \$555 billion. [Historically, it is common for the government to record a surplus in the month of April as that month reflects receipts from taxes.] However, cumulative receipts to outlays for the FY through April reflect a deficit of \$360 billion, i.e. total receipts of \$2.986 trillion to outlays of \$3.346 trillion. See the nearby Treasury Dept. chart.



May 12, 2022. The Senate confirmed, via an 80-19 vote, Federal Reserve Chairman Jerome Powell to a second four-year term. The Fed has raised the fed funds rate by three-quarters of a percent since the year began to slow inflation. Mr. Powell has intimated that the Fed is aggressively working to bring down inflation to its 2 percent goal. Mr. Powell has stated that further half-point increases are likely until inflation begins to slow.

May 5, 2022. The General Accountability Office (GAO) issued a report entitled, [“The Nation’s Fiscal Health – Federal Action Critical to Pivot Toward Fiscal sustainability.”](#) The report notes that, “The federal government faces an unsustainable fiscal future. At the end of fiscal year 2021, debt held by the public was about 100 percent of gross domestic product (GDP), a 33 percent increase from fiscal year 2019.” The GAO recommends that, “An effective fiscal plan would support the difficult policy decisions needed to achieve a more sustainable fiscal policy, one where publicly-held debt is stable or declining relative to the size of the economy.”

## SELECTED CONGRESSIONAL HEARINGS/BUSINESS

May 25, 2022. The House Committee on Appropriations held a FY 2023 Member Day hearing to discuss member priorities in the FY 2023 Transportation/Housing and Urban Development appropriations bill. Committee [Link](#).

May 25, 2022. The Senate Committee on Commerce, Science and Transportation convened an Executive Session to consider several pieces of legislation, including: the “Transportation Fuel Market Transparency Act” ([S 4217](#)). [Committee Link](#).

May 12, 2022. The [Conference Committee](#) (107 members) on the Senate-passed [U.S. Innovation & Competition Act](#) (USICA – [S 1260](#) (and [here](#))- , passed as a Senate Amendment to HR 4521 on 3/28/22 - [vote of 68-28](#)) and the House-passed [America COMPETES Act](#) ([HR 4521](#) (and [here](#)) – passed on 2/4/22 - [vote of 222 to 210](#)) met for the first time. Senator Maria Cantwell (D-WA), Chair of the Senate Commerce, Science, & Transportation Committee, Chaired the meeting. Representative Eddie Bernice Johnson (D-TX), Chair of the House Science, Space, and Technology Committee, lead the House delegation. A WSJ article of May 17, noted that, “squabbles are emerging over proposed national security reviews of outbound U.S. foreign investments; waivers of tariffs on Chinese imports; and curbs on the sale of counterfeit goods online...” See several Side-by-Side comparisons [here](#) (scroll down to the bottom of the page).

May 12, 2022. The House Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing to discuss and receive testimony on, “Board Member Views on Surface Transportation Board Reauthorization.” [Committee Link and Testimony](#). **TG&A Summary Available Upon Request.**

May 11, 2022. The Senate Committee on Environment and Public Works held a hearing to discuss and receive testimony on, “Oversight of the Council on Environmental Quality: A Year in Review.” [Committee Link and Testimony](#). Witness, Brenda Mallory, Chair of the Council on Environmental Quality.

May 10, 2022. The House Committee on Appropriations, Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies held a hearing to discuss and receive testimony on, “FY 2023 Budget Request for the Department of Transportation.” Witness, Pete Buttigieg – US DOT Secretary. [Committee Link and Testimony](#).

May 3, 2022. The Senate Committee on Commerce, Science and Transportation held a hearing to discuss and receive testimony on, “Department of Transportation FY 2023 Budget Priorities.” Witness, Pete Buttigieg – US DOT Secretary. [Committee Link and Testimony](#).

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

| SENATE BILLS   |  |                                       |   |
|--|--|---------------------------------------|---|
| <a href="#">S 2038</a>   | Robert Menendez (D-NJ) “Disability Access to Transportation Act.” To increase accessible transportation for individuals with disabilities. Introduced 6/10/22.   | <a href="#">S 400 POTUS Statement</a> | R. Wicker (R-MS) “William T. Coleman, Jr. and Norman Y. Mineta DOT Headquarters Act.” The HQ building of the DOT located at 1200 New Jersey Avenue, SE, in Washington, DC, shall be known as the “William T. Coleman, Jr. and Norman Y. Mineta Federal Building.” <b>Enacted on 5/6/22.</b> |
| <a href="#">S 4217 Press Release Summary Background</a>  | M. Cantwell (D-WA) “Transportation Fuel Market Transparency Act.” Enhances the FTC’s authority to investigate market information, establishes new Transportation Fuel Monitoring/Enforcement Unit at the FTC, and doubles the maximum penalty for manipulating wholesale oil markets to \$2,000,000 a day for each violation. Introduced 5/12/22.  | <a href="#">S 4214</a>                | E. Warren (D-MA) “Price Gouging Prevention Act of 2022.” Introduced 5/12/22.  |
| <a href="#">S 4207</a> K. Gillibrand (D-NY) “COVID–19 Commuter Benefits Distribution Act.” Introduced 5/12/22. |  |                                       |   |
| HOUSE BILLS  |  |                                       |   |
| <a href="#">HR 7688 Press Release</a>  | K. Schrier (D-WA) “Consumer Fuel Price Gouging Prevention Act.” Gives President authority to issue Energy Emergency Declaration to make it unlawful to increase gasoline/home energy fuel prices in an excessive/exploitative manner. Gives FTC tools to examine price gouging by giving authority to issue penalties on large gas/oil companies. Introduced 5/6/22. <b>Passed the House on 5/19/22.</b> | <a href="#">HR 7800</a>               | M. Levin (D-CA) Ensure transparent and competitive transportation fuel markets in order to protect consumers from unwarranted price increases. Introduced 5/17/22.  |

|  |  |                         |  |
|--|--|-------------------------|--|
| <a href="#">HR 7309</a>  | R. Scott (D-VA) "Workforce Innovation and Opportunity Act of 2022." To reauthorize the Workforce Innovation and Opportunity Act. Backs workforce development programs by more than \$70 billion at the U.S. Department of Labor. <b>Passed the House on 5/17/22.</b> The Senate has yet to consider the bill.  | <a href="#">HR 7786</a> | M. Mullin (R-OK) "Mask Mandate Prevention and Recovery Act." Introduced 5/16/22.   |
| <a href="#">HR 903</a><br><a href="#">Fact Sheet</a><br><a href="#">Statement</a>  | B. Thompson (D-MS) "Rights for the TSA Workforce Act of 2021." To improve working conditions for the Transportation Security Administration's (TSA) workforce, e.g. the same worker rights/protections afforded to other Federal workers including Federal employee collective bargaining rights, access to an independent third party for dispute resolution, and improved compensation under the General Schedule wage system. <b>Passed the House on 5/12/22.</b>   | <a href="#">HR 7754</a> | K. Rice (D-NY) "COVID-19 Commuter Benefits Distribution Act." Introduced 5/12/22.  |
| <a href="#">HR 7309</a><br><a href="#">Statement</a><br><a href="#">Sec. by Sec.</a><br><a href="#">Fact Sheet</a><br><a href="#">H. Rept. 117-321</a>   | R. Scott (D-VA) "Workforce Innovation & Opportunity Act of 2022." Authorization for WIOA that expired in 2020. Reauthorizes nation's workforce development system to fund pgms. To authorize \$80 B. over 6-years to allow the workforce system to train 1 M. workers a year by 2028; establishes a permanent Dept. of Labor pgm. to help individuals released from incarceration transition to employment/access a career path; & to expand summer/year-round jobs pgm. for youth, et al. <b>Reported by Comm. on Education/Labor on 5/12/22.</b> | <a href="#">HR 7699</a> | E. Carter (R-GA) "To rescind certain amounts appropriated under the American Rescue Plan Act of 2021." Introduced 5/10/22. |
| <a href="#">HR 7655</a> M. Mullin (R-OK) "Mindless Mask Mandate on Planes Act of 2022." To limit certain authority of the Dept. of Health and Human Services to require individuals to wear a mask, a face covering, or any other accessory during domestic air travel, to require the refund of civil fines imposed for refusal to wear such an accessory. Introduced 5/3/22. |  |                         |  |

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

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

### Selected Upcoming Notice of Funding Opportunity Announcements in 2022 – (As of May 23, 2022)

| Month     | Notice of Funding Opportunity (NOFO)  | Operating/Admin. Office         |
|-----------|---|---------------------------------|
| May       | <a href="#">Transit-Oriented Development Planning</a> – NOFO Issued           | Federal Transit Administration  |
| May       | <a href="#">University Transportation Centers</a>                             | Office of the Secretary         |
| May       | <a href="#">Safe Streets and Roads for All</a> – NOFO Issued                  | Office of the Secretary         |
| May       | <a href="#">NEW - Bridge Investment Program</a>                               | Federal Highway Administration  |
| June      | <a href="#">Railroad Crossing Elimination Grant Program</a>                   | Federal Railroad Administration |
| June      | <a href="#">Electric or Low Emitting Ferry Pilot Program</a>                  | Federal Transit Administration  |
| June      | <a href="#">Ferry Service For Rural Communities</a>                           | Federal Transit Administration  |
| June      | <a href="#">Passenger Ferry Grant Program</a>                                 | Federal Transit Administration  |
| June      | <a href="#">Reconnecting Communities Pilot Program</a>                        | Office of the Secretary         |
| July      | <a href="#">All Stations Accessibility Program</a>                            | Federal Transit Administration  |
| July      | <a href="#">State of Good Repair and Rail Vehicle Replacement Program</a>     | Federal Transit Administration  |
| Summer    | Thriving Communities  | Office of the Secretary         |
| August    | <a href="#">Consolidated Rail Infrastructure/Safety Improvements Grants</a>   | Federal Railroad Administration |
| September | <a href="#">Strengthening Mobility/Revolutionizing Transportation (SMART)</a> | Office of the Secretary         |

May 25, 2022. The Federal Transit Administration (FTA) issued a Notice of Funding Opportunity (NOFO) making available \$13,160,021 in FY 2021 and FY 2022 discretionary funding under the [Pilot Program for Transit-Oriented Development Planning](#) (TOD Pilot Program). The TOD Pilot Program grants are competitively awarded to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity improvement transit capital project.

Applicants to the TOD Pilot Program must be a State or States, U.S. Territory, or local governmental authorities and FTA grant recipient (i.e., existing direct or designated recipients). The maximum Federal funding share is 80 percent. **Complete proposals must be submitted by 11:59 p.m. [60 DAYS After Publication in the Federal Register - TBA].**

May 13, 2022. The Federal Emergency Management Agency (FEMA) issued a Notice of Funding Opportunity (NOFO) making available \$93 million for the [FY 2022 Transit Security Grant Program](#). Eligible public transportation systems including intra-city bus, ferries, and all forms of passenger rail transportation. The program objective is to provide funds to eligible public transportation systems (which include intra-city bus, ferries, and all forms of passenger rail) to protect critical transportation infrastructure and the travelling public from terrorism, and to increase the resilience of the transportation infrastructure itself. See Fact Sheet [here](#) and FAQs [here](#). Link to a list of all FEMA Preparedness Grants [here](#). **Applications are due on June 13, 2022 at 5:00 pm ET.**

April 28, 2022. Operation Lifesaver Inc., in partnership with the Federal Railroad Administration (FRA) and the Posner Foundation of Pittsburgh, has [awarded \\$245,525 to 14 states](#) for rail safety public awareness campaigns. The FRA is contributing \$200,525 to projects in California, Indiana, Louisiana (partial funding), Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, South Carolina and Texas. The Posner Foundation is contributing \$45,000 to projects in Alabama, Louisiana (partial funding), Pennsylvania and Washington. The grants will fund a variety of crossing safety and trespass prevention public education projects to be conducted in conjunction with OLI's observance of Rail Safety Week September 19-25, 2022.

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

May 16, 2022. The Federal Transit Administration (FTA) announced, via a [Notice of Funding Opportunity](#), (and [here](#) and [here](#)) that the application process is now open for communities of all sizes to apply for \$1 billion in Fiscal Year 2022 funding from the [Safe Streets and Roads for All \(SS4A\) Grant Program](#) to help address the national roadway safety crisis. 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 implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micro-mobility users, and commercial vehicle operators. Applications may come from individual communities, or groups of communities and may include Metropolitan Planning Organizations (MPOs), counties, cities, towns, other special districts that are subdivisions of a state, certain transit agencies, federally recognized Tribal governments, and multi-jurisdictional groups. In FY 2022, DOT expects to award hundreds of [Action Plan Grants](#), and up to one hundred [Implementation Grants](#). 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, September 15, 2022.**

April 27 – May 19, 2022. The US DOT has issued a [Notice; Request for Comments](#) of a Proposed Temporary Waiver of Buy America Requirements for Construction Materials (See Docket URL [here](#).) [*Recall that on April 18, 2022, the Office of Management and Budget issued guidance on, “[Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#).” The IIJA broadened the scope of Buy America and directed OMB and federal agencies to have the new rules in place by May 14, 2022.*] The “waiver” notice notes that, “In order to deliver projects and meaningful results while ensuring robust adoption of Buy America standards, DOT is proposing to establish a temporary public interest waiver for construction materials for a period expiring 180 days after May 14, 2022, and seeks comment.” **Comments must be received by May 13, 2022.** Also see [ARTBA comments](#) supporting the proposed waiver and see AASHTO comments [here](#). **Update:** on May 19, 2022, US DOT issued [Temporary Waiver of Buy America Requirements for Construction Materials](#) (and [here](#)). The transitional waiver has an effective date of May 14, 2022 and the transitional waiver will expire on November 10, 2022, 180 days from the effective date.

That is, the waiver is applicable to awards obligated on or after May 14 and before November 10, according to the USDOT. In addition, for awards obligated during this 180-day period, the waiver applies for the duration of the award.

### OTHER REPORTS/NOTICES/NEWS ARTICLES

May 19, 2022. The [Federal Railroad Administration](#) (FRA) released its “[2021 Fiscal Year Enforcement Report](#).” The report summarized regulatory compliance inspections and audits that FRA or state inspectors participating in FRA’s rail safety program conducted during the past FY, as well as civil penalty enforcement actions arising from them. In FY 2021, over 70,000 inspections were conducted to assess railroad compliance with regulations and laws governing track, motive power and equipment, operating practices, signal and train control, hazardous materials, and others.

May 13, 2022. The Congressional Research Service (CRS) released a report entitled, “[Summary of Selected Biden Administration Actions on Supply Chains](#).” The report focuses on select executive orders signed by President Biden aimed at supply chain issues and on other Administration actions and goals to reduce supply chain disruptions and bottlenecks.

May 13, 2022. The American Association of State Highway and Transportation officials (AASHTO) released a new report entitled, “[Final Report 2022-FY 2020 Data: Survey of State Funding for Public Transportation](#).” The report provides a summary of state transit funding for the 50 states and the District of Columbia (DC). Information includes funding sources, amounts, programs, eligible uses and allocation, and per capita state transit funding. Non-Member price for the publication is \$20.00

May 6, 2022. The Congressional Research Service (CRS) issued a report entitled, “[Infrastructure Investment and Jobs Act: Highway Bridges](#).” The United States has approximately 620,000 bridges on public roads subject to the National Bridge Inspection Standards (NBIS) mandated by Congress. About 48 percent of these bridges are owned by state governments and 50 percent by local governments. The number of bridges classified as poor has declined gradually for many years. However, about 44,000 bridges remain in poor condition and this has led to recent changes in federal bridge policy intended to speed up the rate of bridge improvement. States vary widely in the proportion of poor condition bridges measured by deck area (See nearby Table 1).

**Table 1. Poor Condition Highway Bridges, by State, 2021**  
(% of deck area)

| Greatest % Poor |       | Least % Poor |      |
|-----------------|-------|--------------|------|
| Rhode Island    | 19.5% | Delaware     | 3.1% |
| West Virginia   | 14.8% | Maryland     | 3.1% |
| Illinois        | 12.2% | Florida      | 2.6% |
| Massachusetts   | 11.3% | Hawaii       | 2.5% |
| New York        | 10.5% | Alabama      | 1.5% |
| South Dakota    | 9.7%  | Arizona      | 1.3% |
| Iowa            | 9.7%  | Nevada       | 1.2% |
| Maine           | 8.9%  | Texas        | 1.1% |
| Wyoming         | 8.6%  | Georgia      | 1.1% |
| Louisiana       | 8.5%  | Utah         | 0.9% |

Source: Federal Highway Administration.

April 29, 2022. The U.S. Environmental Protection Agency (EPA) [issued an emergency fuel waiver](#) to allow E15 gasoline—gasoline that uses a 15 percent ethanol blend—to be sold during the summer driving season. The Clean Air Act allows the EPA Administrator, in consultation with DOE, to temporarily waive certain fuel requirements to address shortages. As a result of the war in Ukraine, Administrator Michael S. Regan determined that extreme and unusual fuel supply circumstances exist and has granted a temporary waiver to help ensure that an adequate supply of gasoline is available. As required by law, EPA and DOE evaluated the situation and determined that granting the waiver was in the public interest.

April 27, 2022. The U.S. Treasury Department's new [Frequently Asked Questions](#) document for the Final Rule of the Coronavirus State and Local Fiscal Recovery Fund includes several answers to questions associated with and unique to the Final Rule as well as modified answers to questions previously covered in the Interim Final Rule FAQs document. The final rule became effective on April 1, 2022.



April 27, 2022. The US DOT Office of Inspector General (OIG) issued a report entitled, “[FRA: FRA Uses Automated Track Inspections To Aid Oversight but Could Improve Related Program Utilization Goals and Track Inspection Reporting.](#)”

## UPCOMING CONGRESSIONAL CALENDAR – JUNE 2022

### June

| 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<br><small>Last day of observance</small> | 20<br><small>Independence Day</small> | 21    | 22   | 23     | 24   | 25   |
| 26  | 27                                    | 28    | 29   | 30     |      |      |

|                          |                           |   |
|--------------------------|---------------------------|---|
| House only in session    | House committee work only | House committee work only / Senate in session |
| Both chambers in session | Senate only in session    |   |

## UPCOMING DEADLINES/EVENTS

May 31-June 2 TRB - [Sustainability and Emerging Transportation Technology \(SETT\) Conference](#);  
 June 5-8 [APTA Rail Conference](#);  
 June 23 [Railway Age's Eighth Annual Rail Insights](#) (virtually);  
 July 12-13 [National Workshop for State/Local Transportation Advocates](#), ARTBA (Wash. D.C.);  
 July 13-15 [ARTBA P3 Conference](#);  
 July 19 FTA's annual [Transit Asset Management Roundtable](#);  
 June 21-24 [27th Annual Wheel Rail Interaction Conference](#);  
 June 23 [Railway Age's Rail Insights 2022 Virtual Conference](#);  
 June 26-30 AASHTO - [National Transportation Product Evaluation Program](#);  
 July 19 [2022 FTA Transit Asset Management \(TAM\) Virtual Roundtable](#);  
 July 21-24 [NACo Annual Conference](#), Colorado;  
 July 30-Aug. 2 Transit Board Members/Transit Board Administrators Seminars (Salt Lake City, UT).

## SCUTTLEBUTT/ICYMI

May 25, 2022. The Automobile Association of America (AAA) daily national average gas price can be found [here](#).



May 20, 2022. Canadian National Railway Company (CN) [announced](#) that Ms. Shauneen Bruder was unanimously elected by the board of directors as board chair. Ms. Bruder was, until her retirement in October of 2019, the Executive Vice-President, Operations at the Royal Bank of Canada (RBC) where she was responsible for overseeing operations related to all personal and business clients in Canada. Ms. Bruder joined CN's board in 2017. Also, on a vote by ballot, each of the 11 nominees proposed by management was elected as a director of CN during the election of directors held at CN's Annual Meeting of Shareholders.

May 20, 2022. The Federal Aviation Administration (FAA) [announced](#) that the [Aviation Career Education \(ACE\) Academy](#) Schools are launching again this summer. The FAA cosponsors these summer education opportunities with the [Organization of Black Aviation Professionals](#) (OBAP) and many local, statewide and regional groups. Elementary, middle and high school students can engage in a wide range of aviation career exploration and Science, Technology, Engineering and Mathematics experiences.

May 13, 2022. The Attorney Generals of 17 states filed a [Petition for Review](#) against the U.S. Environmental Protection Agency allowing California to re-institute a waiver to regulate greenhouse gas emissions from motor vehicles under its Advanced Clean Cars program.

The suit alleges that EPA Administrator Michael Regan violated the Constitution's doctrine of equal sovereignty by giving California an exemption from the Clean Air Act and allowing the state to impose emissions limits that are stricter than the nationwide standard.

May 11, 2022. The Federal Transit Administration (FTA) has [named Veronica Vanterpool](#) as Deputy Administrator. Vanterpool has served as Senior Advisor in the FTA Office of the Administrator since August 2021. Vanterpool joined the FTA from Delaware Transit Corporation where she served as its first chief innovation officer where she helped launch the state's first on-demand microtransit service, DART Connect.

May 6, 2022. The Surface Transportation Board (STB) [announced](#) that it will require certain railroads (BNSF, CSX, Norfolk Southern and Union Pacific railroads) to submit service recovery plans as well as provide additional data and regular progress reports on rail service, operations, and employment. The measures are meant to inform the Board's assessment of further actions that may be warranted to address the acute service issues facing the rail industry and to promote industry-wide transparency, accountability, and improvements in rail service. All Class I carriers will have to submit additional reporting on rail service, performance and employment. The STB's announcement follows its April 26-27 hearing.

April 28, 2022. House Speaker Nancy Pelosi, Senate Majority Leader Chuck Schumer, Chairman Frank Pallone, Jr. and Chairwoman Maria Cantwell held a press conference to address Democrats' legislative efforts to lower gas prices for Americans. Speaker Pelosi made the following [comments](#), "There is some interest – there had been some interest in the[gas tax] holiday. The pros of it are that it's good PR – you're asking about it. The cons are that there's no guarantee that the saving – the reduction in the federal tax – that would be passed on to the consumer. We had no evidence to think that the oil companies would pass that on to the consumer.

April 27, 2022. The [Surface Transportation Board](#) today issued a [decision](#) in the review of the merger application filed by Canadian Pacific Railway Limited (CP) and Kansas City Southern Railway Company (KCS), determining which baseline traffic density data will be used to conduct the environmental analysis.

April 26, 2022. ARTBA and more than 50 associations and trade groups have urged Secretary Buttigieg to dedicate as much FY2022 discretionary grants as possible to relieve snarls in the domestic supply chain. In an April 26 [letter](#), the groups wrote the agency "should focus the \$18 billion in INFRA, MEGA and CRISI grant programs put forward over the next five years on making the physical improvements necessary to address these issues."

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

| SELECTED <u>TRANSPORTATION</u> NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS<br>(SCORECARD for CY 2022) |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|---|---|------------------------|-----------------------|--------------------------|----------------------------|-------------------------|-------------------|---------------------------|----------------|--|
| 5/25/2022   |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | NOFO TITLE  | TYPE<br>(NOFO / AWARD) | NOFO<br>ISSUANCE DATE | NOFO URL                 | NOFO \$s<br>MADE AVAILABLE | APPLICATION<br>DEADLINE | NOFO \$<br>AWARDS | AWARDS URL                | AWARDED - DATE | COMMENTS   |
| <b>US DOT</b>   |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | Regional Infrastructure Accelerators Demonstration Program                          | NOFO                   | 1/5/2022              | <a href="#">NOFO URL</a> | 10,000,000                 | 4/11/2022               | TBD               | TBD                       | TBD            | <a href="#">URL Additional \$5 m. for total of \$10 m.</a>         |
|   | FY 2022 National Infrastructure Investments (Local/Reg. Proj. Asst.) - RAISE Grants | NOFO                   | 1/14/2022             | <a href="#">NOFO URL</a> | 1,500,000,000              | 4/14/2022               | TBD               | TBD                       | TBD            |  |
|   | National Infrastructure Project Assistance (Mega Projects)                          | NOFO                   | 3/23/2022             | <a href="#">NOFO URL</a> | 1,000,000,000              | 5/23/2022               | TBD               | TBD                       | TBD            | Uses the Multimodal Project Discretionary Grant Common Application |
|   | INFRA Grants  | NOFO                   | 3/23/2022             | <a href="#">NOFO URL</a> | 1,553,000,000              | 5/23/2022               | TBD               | TBD                       | TBD            | Uses the Multimodal Project Discretionary Grant Common Application |
|   | Rural Surface Transportation Grant Program  | NOFO                   | 3/23/2022             | <a href="#">NOFO URL</a> | 300,000,000                | 5/23/2022               | TBD               | TBD                       | TBD            | Uses the Multimodal Project Discretionary Grant Common Application |
|   | Office of Small and Disadvantaged Business Utilization                              | NOFO                   | 4/5/2022              | <a href="#">NOFO URL</a> | 170,000                    | 6/3/2022                | TBD               | TBD                       | TBD            | one-year grant with an option to renew for two additional years    |
| <b>US DHS/<br/>FEMA</b>   |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | FY 2021 Fire Prevention and Safety Grant Program                                    | NOFO                   | 1/10/2022             | <a href="#">NOFO URL</a> | 46,000,000                 | 2/18/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Port Security Grant Program   | NOFO                   | 5/13/2022             | <a href="#">NOFO URL</a> | 100,000,000                | 6/13/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Intercity Passenger Rail Program (Only Amtrak is Eligible to Apply)         | NOFO                   | 5/13/2022             | <a href="#">NOFO URL</a> | 10,000,000                 | 6/13/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Intercity Bus Security Grant Program  | NOFO                   | 5/13/2022             | <a href="#">NOFO URL</a> | 2,000,000                  | 6/13/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Transit Security Grant Program  | NOFO                   | 5/13/2022             | <a href="#">NOFO URL</a> | 93,000,000                 | 6/13/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2021 Small Community Air Service Development Program                             | NOFO                   | 1/12/2022             | <a href="#">NOFO URL</a> | 17,000,000                 | 3/15/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Airport Terminal Program (ATP)  | NOFO                   | 2/22/2022             | <a href="#">NOFO URL</a> | 1,000,000,000              | 3/28/2022               | TBD               | TBD                       | TBD            |  |
|   | Aviation Research Grants Program  | NOFO                   | 3/2/2022              | <a href="#">NOFO URL</a> | 6,000,000                  | 9/7/2027                | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Contract Tower Competitive Grant Program                                    | NOFO                   | 4/15/2022             | <a href="#">NOFO URL</a> | 20,000,000                 | 5/15/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Airport Improvement Program Discretionary Grants                            | NOFO                   | 4/20/2022             | <a href="#">NOFO URL</a> | 1,500,000,000              | 6/30/2022               | TBD               | TBD                       | TBD            |  |
|   | FAA Aircraft Pilots Workforce Development Grant Program - 2nd Round                 | NOFO                   | 4/26/2022             | <a href="#">NOFO URL</a> | 5,000,000                  | 6/10/2022               | TBD               | TBD                       | TBD            |  |
|   | FAA Aviation Maint. Tech. Workers Workforce Development Grant Pgm. - 2nd Round      | NOFO                   | 4/26/2022             | <a href="#">NOFO URL</a> | 5,000,000                  | 6/10/2022               | TBD               | TBD                       | TBD            |  |
| <b>FHWA</b>   |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | Center for Environmental Excellence (CEE)   | NOFO                   | 1/21/2022             | <a href="#">NOFO URL</a> | 5,000,000                  | 3/31/2022               | TBD               | TBD                       | TBD            |  |
|   | National Pedestrian and Bicycle Information Center                                  | NOFO                   | 2/1/2022              | <a href="#">NOFO URL</a> | 2,670,000                  | 3/31/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2020/2021 Commuter Authority Rail Safety Improvement (CARSI) Grants Round 2      | NOFO                   | 2/15/2022             | <a href="#">NOFO URL</a> | 59,744,250                 | 4/14/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2021 Highway Use Tax Evasion - Intergovernmental Efforts Program                 | NOFO                   | 2/16/2022             | <a href="#">NOFO URL</a> | 4,190,000                  | 4/22/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 National Scenic Byways Program  | NOFO                   | 3/17/2022             | <a href="#">NOFO URL</a> | 22,000,000                 | 5/16/2022               | TBD               | TBD                       | TBD            | Letter of Intent due 4/4/2022.                                     |
| <b>FRA</b>  |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | Amtrak - FY 2022 National Network Cooperative Agreement                             | NOFO                   | 2/18/2022             | <a href="#">NOFO URL</a> | 498,906,450                | 3/7/2022                | TBD               | TBD                       | TBD            |  |
|   | Amtrak - FY 2022 Northeast Corridor Cooperative Agreement                           | NOFO                   | 2/18/2022             | <a href="#">NOFO URL</a> | 267,126,450                | 3/7/2022                | TBD               | TBD                       | TBD            |  |
| <b>FTA</b>  |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | FY 2021 Pilot Program for Transit-Oriented Development Planning                     | NOFO/AWARD             | 4/26/2021             | <a href="#">NOFO URL</a> | 10,052,572                 | 6/21/2021               | 11,026,500        | <a href="#">AWARD URL</a> | 1/20/2022      | <a href="#">Announcement</a>                                       |
|   | FY 2022 Low or No Emission Grant Program  | NOFO                   | 4/4/2022              | <a href="#">NOFO URL</a> | 1,100,561,189              | 5/31/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Buses and Bus Facilities Program  | NOFO                   | 4/4/2022              | <a href="#">NOFO URL</a> | 372,341,813                | 5/31/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2021 Grants for Buses and Bus Facilities   | NOFO/AWARD             | 9/20/2021             | <a href="#">NOFO URL</a> | 409,588,848                | 11/19/2021              | 409,274,220       | <a href="#">AWARD URL</a> | 3/14/2022      |  |
|   | FY 2021 Technical Assistance and Workforce Development Program                      | NOFO                   | 4/11/2022             | <a href="#">NOFO URL</a> | 1,000,000                  | 6/13/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Safe Streets and Roads for All (SS4A) Grant Program                         | NOFO                   | 5/16/2022             | <a href="#">NOFO URL</a> | 1,000,000,000              | 9/15/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2021/2022 Pilot Program for Transit-Oriented Development Planning                | NOFO                   | 5/25/2022             | <a href="#">NOFO URL</a> | 13,160,021                 | TBA                     | TBD               | TBD                       | TBD            |  |
| <b>HUD</b>  |   |                        |                       |                          |                            |                         |                   |                           |                |  |
| <b>MARAD</b>  |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | 2022 Port Infrastructure Development Program Grants                                 | NOFO                   | 2/15/2022             | <a href="#">NOFO URL</a> | 450,000,000                | 5/16/2022               | TBD               | TBD                       | TBD            | Amount increased to \$684 m. on 5/9/22.                            |
|   | America's Marine Highway (IHA)  | NOFO                   | 3/2/2022              | <a href="#">NOFO URL</a> | 39,819,000                 | 6/17/2022               | TBD               | TBD                       | TBD            | Amended NOFO on 4/21/2022.   |
|   | FY 2022 Small Shipyard Grants   | NOFO                   | 4/7/2022              | <a href="#">NOFO URL</a> | 19,600,000                 | 5/16/2022               | TBD               | TBD                       | TBD            |  |
| <b>NHTSA /<br/>FMCSA</b>  |   |                        |                       |                          |                            |                         |                   |                           |                |  |
|   | FY 2022 Commercial Driver's License Program Implementation Program                  | NOFO                   | 12/31/2021            | <a href="#">NOFO URL</a> | 32,702,000                 | 2/28/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 Commercial Motor Vehicle Operator Safety Training Program (CMVOST)          | NOFO                   | 2/4/2022              | <a href="#">NOFO URL</a> | 2,000,000                  | 3/31/2022               | TBD               | TBD                       | TBD            |  |
|   | FY 2022 High Priority Program – Innovative Technology Deployment (HP-ITD)           | NOFO                   | 2/4/2022              | <a href="#">NOFO URL</a> | 25,000,000                 | 3/31/2022               | TBD               | TBD                       | TBD            |  |
|   | FY2022 High Priority Program – Commercial Motor Vehicle (HP-CMV)                    | NOFO                   | 2/4/2022              | <a href="#">NOFO URL</a> | 25,211,500                 | 3/31/2022               | TBD               | TBD                       | TBD            |  |
|   | Innovative Approaches to Advancing Traffic Safety and Enforcement Program           | NOFO                   | 2/24/2022             | <a href="#">NOFO URL</a> | 5,572,961                  | 4/25/2022               | TBD               | TBD                       | TBD            |  |



# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of June 3, 2022

## **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, 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 (April 20, 2022 – May 23, 2022)

During this period, there were several meetings with agency staff, including Tri-City and San Jose staff regarding ACE service planning, as well as tracking partner initiatives:

- Call with Eileen Goodwin – 4/20
- MTC Megaregion Working Group – 4/22
- MTC Network Management Business Case Advisory Group – 5/2
- Union City/Client meeting – 5/5
- Assisted on presentation for ACE to present at Union City meeting on 5/10

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. These events and meetings were leveraged to strengthen ACE/SJRRC relationships in the community:

- Meeting with 49ers/Levi's Stadium regarding special event service – 4/21
- Meeting with SJDA to discuss sponsorship opportunities – 4/25
- Meeting with San Jose Chamber to discuss sponsorship opportunities – 4/25
- Meeting with Bay Area Council to discuss sponsorship opportunities – 4/25
- Meeting with SVLG to discuss sponsorship opportunities – 4/25
- Meeting with City of Fremont Staff to discuss sponsorship opportunities – 4/25
- Meeting with SVLG to brief them on current ACE Alameda County initiatives – 4/26
- SVLG mixer – 4/28
- Tabled at a community event in Union City to discuss ACE and distribute swag – 4/30
- Sponsored and spoke on stage at the Silicon Valley Business Award and Installation Gala – 5/5 (Silicon Valley Central Chamber of Commerce)
- Meeting with SVLG to discuss sponsorship opportunities – 5/13

Additional activities:

- Review of sponsorship and tabling opportunities, including meeting with client 4/28
- Calls with client and internal check ins

### Tri-Valley Outreach Summary for California Gold Advocacy Group (April 28, 2022 – May 23, 2022)

- Made request for letter of support, then followed up with Tri-Valley cities, organizations, and elected officials to receive SJRRC INFRA funding – 4/28 – 5/19.
- Represented SJRRC and ACE service at Pleasanton Chamber of Commerce Business Faire 5/11.
- Met with ACE Staff planning Q3/Q4 community outreach- "Free Test Ride", "10-Trip", and a "TRACC Open House" programs.
- Coordinated "Free Test Ride", "10-Trip", and a "TRACC Open House" advertising with Tri-Valley Chambers of Commerce.

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 June 3, 2022

STAFF REPORT

**Item 3.8**

**ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission (SJRRRC) Determining to Conduct Meetings of the SJRRRC Board of Commissioners Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period June 4, 2022 to July 3, 2022**

Background:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20, effective October 1, 2021. At that point, agencies would have transitioned back to public meetings held in full compliance with the preexisting Brown Act teleconference rules. Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

On September 16, 2021, Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Under AB 361, a local agency will be allowed to meet remotely without complying with prior Brown Act teleconference requirements when:

- a. The local agency holds a meeting during a state of emergency declared by the Governor, and either
- b. State or local health officials have imposed or recommended measures to promote social distancing, or
- c. The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

As discussed above, the state of emergency is currently in effect and state and local officials continue to recommend social distancing. Therefore, the SJRRC may continue to conduct meetings via teleconference, as long as it adheres to the following emergency requirements under Government Code Section 54953(e)(2), added by AB 361:

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including directions for how the public can access the meeting.
2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

On May 6, 2022, the Rail Commission held a regular meeting via teleconference under AB 361. In accordance with Government Code Section 54953(e)(1), the Commission made the AB 361 finding allowing teleconference meetings for 30 days thereafter. The resolution accompanying this staff report makes those findings to continue to hold teleconference meetings for the next 30 days. As a result, any Commission meetings occurring June 4, 2022 through July 3, 2022, may use the teleconferencing option under AB 361. Though the Commission adopted an AB 361 resolution at its May 6, 2022, meeting that covers the period through June 5, 2022, adopting the proposed resolution will further extend the AB 361 period to July 3, 2022.

For upcoming teleconference meetings, the Commission can continue to follow the AB 361 requirements by declaring every 30 days that it has reconsidered the circumstances of the state of emergency and either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (2) state or local officials continue to impose or recommend measures to promote social distancing. Resolutions making those findings will be presented at future meetings for consideration.

These findings can be made through the consent calendar.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission (SJRRC) Determining to Conduct Meetings of the SJRRC Board of Commissioners Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period June 4, 2022 to July 3, 2022.

## **RESOLUTION SJRRC-R-21/22-**

### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION (SJRRRC) DETERMINING TO CONDUCT MEETINGS OF THE SJRRC BOARD OF COMMISSIONERS USING TELECONFERENCING PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE PERIOD JUNE 4, 2022 TO JULY 3, 2022**

WHEREAS, the Rail Commission is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the Rail Commission's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, one or more of the counties within the Rail Commission's boundaries remain under a Local Health Emergency due to the COVID-19 pandemic, acknowledging that close contact to other persons increases the risk of transmission; and

WHEREAS, currently the dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that

even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, since October 1, 2021, the Rail Commission Board has held its meeting remotely by teleconference/video conference in accordance with Government Code Section 54953(e) and hereby desires to adopt this resolution to continue holdings its meetings remotely in accordance with that section for the next 30 days.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. The Rail Commission Board does hereby find that the current dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to the Rail Commission's employees and other representatives, and attendees of the Rail Commission's public meetings; and

Section 3. Teleconference Meetings. The Board of Commissioners does hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and local officials that the SJRRC Board of Commissioners may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

Section 4. Direction to Staff. The Executive Director and SJRRC staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on June 4, 2022 for a period of 30 days.

PASSED AND ADOPTED, by the Board of Commissioners this 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair



**SAN JOAQUIN REGIONAL RAIL COMMISSION**  
Meeting of June 3, 2022

STAFF REPORT

**Item 3.9**

**ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Agreements for Ongoing Shuttle Services for the Altamont Corridor Express (ACE) Service for Fiscal Year 2022/2023 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Projects with the Following Agencies:**

|  |                    |
|--|--------------------|
| <b>a. Santa Clara Valley Transportation Authority</b>      | <b>\$1,326,693</b> |
| <b>b. Livermore-Amador Valley Transportation Authority</b> | <b>\$277,116</b>   |
| <b>c. Contra Costa County Transportation Authority</b>     | <b>\$80,000</b>    |

Background:

Shuttle services for the Altamont Corridor Express began with the start of train service in October 1998. The ACE shuttles provide an essential transit link by directly connecting passengers to employers, business parks, and other transit modes such as BART. Passengers with a valid ACE ticket are entitled to use the shuttle services free of charge. The Agreements also provides for missed transit connections and alternate service options in case of an emergency (Bus Bridges).

On April 6, 2020, the ACE Service decreased to two round-trips due to the COVID-19 pandemic. All shuttle partners continued to provide service for passengers. On May 3, 2021, the ACE service increased from two roundtrips to three roundtrips. On September 13, 2021, the ACE service went back to full service.

Santa Clara Valley Transportation Authority (VTA) uses a mixture of transit buses and shuttle vans to provide service on eight (8) routes connecting with the ACE trains at the Santa Clara Great America Station. The VTA shuttle buses transport approximately 33% of total ACE ridership to major employment sites in Silicon Valley. The projected total operating cost is \$2,119,668 for Fiscal Year (FY) 22/23. The projected ACE service portion of this cost is \$1,326,693 (63%). Air District grants and other regional funding sources fund the remaining 37%.

The Livermore-Amador Transportation Authority (LAVTA) operates (2) routes for the ACE service: Route 54, serves as the ACE shuttle from the Pleasanton ACE station to Bernal Business Park, Hacienda Business Park, Carr America and the Dublin/Pleasanton BART station and Route 53 is a BART express bus. The bus leaves Pleasanton ACE Station and goes directly via the highway to West Dublin BART station. The bus also serves the employment centers surrounding Stoneridge Mall. The FY 22/23 projected operating cost is \$461,860. The projected ACE service portion of this cost is \$277,116 (60%). Air District grants and other regional funding sources fund the remaining 40%.

During full-service, the Contra Costa County Transportation Authority operates three buses for the ACE service. The routes serve Bishop Ranch and the San Ramon Transit Center from the Pleasanton Station. The FY 22/23 projected operating cost is \$290,537. The projected ACE

service portion cost is \$80,000 (28%). Air District grants and other regional funding sources fund the remaining 72%.

Shuttle costs are paid on an actual cost basis for services received.

Fiscal Impact:

Expenses and Revenues for the shuttle services contracts are identified in the Fiscal Year 2022/2023 Operating Budget under the ACE Shuttle Services Line.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Agreements for Ongoing Shuttle Services for the Altamont Corridor Express (ACE) Service for Fiscal Year 2022/2023 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Projects with the Following Agencies:

|   |             |
|---|-------------|
| a. Santa Clara Valley Transportation Authority      | \$1,326,693 |
| b. Livermore-Amador Valley Transportation Authority | \$277,116   |
| c. Contra Costa County Transportation Authority     | \$80,000    |

**RESOLUTION SJRRC-R-21/22-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AGREEMENTS FOR ONGOING SHUTTLE SERVICES FOR THE ALTAMONT CORRIDOR EXPRESS (ACE) SERVICE FOR FISCAL YEAR 2022/2023 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECTS WITH THE FOLLOWING AGENCIES:**

|  |                    |
|--|--------------------|
| <b>A. SANTA CLARA VALLEY TRANSPORTATION AUTHORITY</b>      | <b>\$1,326,693</b> |
| <b>B. LIVERMORE-AMADOR VALLEY TRANSPORTATION AUTHORITY</b> | <b>\$277,116</b>   |
| <b>C. CONTRA COSTA COUNTY TRANSPORTATION AUTHORITY</b>     | <b>\$80,000</b>    |

WHEREAS, shuttle services for the Altamont Corridor Express (ACE) service began with the start of train service in October, 1998, the objective of which was to foster bus and rail integration for the provision of convenient and flexible alternatives to automobile travel and to provide a transit link for ACE passengers by connecting passengers to employers, business parks and other transit modes; and

WHEREAS, the San Joaquin Regional Rail Commission (Rail Commission) continues to partner with VTA (Great America shuttles), LAVTA (Pleasanton Station shuttles), and CCCTA (Pleasanton Station shuttle) to provide Shuttle Services for the ACE Service; and

WHEREAS, shuttle costs are paid on an actual cost basis for services received; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves Agreements for Ongoing Shuttle Services for the Altamont Corridor Express (ACE) Service for Fiscal Year 2022/2023 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Projects with the Following Agencies:

|   |             |
|---|-------------|
| a. Santa Clara Valley Transportation Authority      | \$1,326,693 |
| b. Livermore-Amador Valley Transportation Authority | \$277,116   |
| c. Contra Costa County Transportation Authority     | \$80,000    |

PASSED AND ADOPTED, by the Board of Commissioners this 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

## **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of June 3, 2022

### **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 Rogers Anderson Malody & Scott, LLP for Financial Auditing Services for Amount Not-to-Exceed \$237,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project**

#### Background:

San Joaquin Regional Rail Commission (Rail Commission) requires assistance from a firm of certified public accountants (CPA) to audit its financial statements for the fiscal years ending June 30, 2022, 2023 and 2024 with an option for fiscal years 2025 and 2026. The Rail Commission also requires assistance from the CPA firm to audit direct local distribution financial statements for the Measure B and Measure BB Program Funds.

The Auditor will review draft Financial Statements provided by Rail Commission Staff. The Rail Commission desires the Auditor to express an opinion on the fair presentation of its basic financial statements in conformity with auditing standards, accounting principles generally accepted in the United States of America, and the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States. The Auditor will prepare and deliver the Final Audited Financial Statements to the Rail Commission.

#### Procurement Approach:

On February 17, 2022, the Rail Commission released a Request for Proposals (RFP) via vendor portal Planet Bids. By utilizing Planet Bids, 529 firms were notified of the opportunity and fifteen (15) firms showed interest.

On the due date of March 21, 2022, three (3) potential proposers had indicated that they were planning to submit proposals. Four (4) proposals were received through PlanetBids at 5:00pm from the following firms:

- Eide Bailly, LLP
- Kemper CPA Group, LLP
- Rogers Anderson Malody & Scott, LLP
- Vasquez & Company, LLP

The proposals received were reviewed for completeness and responsiveness by the Procurement and Contracts Department. All proposals received were deemed responsive and were evaluated by a panel consisting of the Rail Commission's Senior Accountant – Reporting & Compliance, Senior Accountant, and Pressley & Associates' Owner.

Following the initial evaluation of the written proposals, all four (4) firms were invited for interviews and presentations. The firms were evaluated on their presentations and responses to the evaluation panel's questions.

After combining the scores from the written proposals and interviews, staff deemed Rogers Anderson Malody & Scott, LLP as the most responsive and responsible proposer.

The Notice of Intent to Award was published on May 9, 2022. Pursuant to the approved and adopted protest procedure, the proposal protest period closes on May 19, 2022, at 2:00 P.M. PDT. No Proposal Protests were received.

The agreement commencement date is July 1, 2022, with an end date of June 30, 2025 and two (2) one-year option periods.

The base contract amount of \$237,945 is for three (3) years. The two (2) one-year options are at the sole discretion of the Rail Commission and will be negotiated in advance.

Fiscal Impact:

Expenses and Revenues for this agreement are identified in the FY 2022/2023 Operating Budget in the SJRRC/ACE Project Management Service and Supplies – Audits/Regulatory Reporting Line.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Rogers Anderson Malody & Scott, LLP for Financial Auditing Services for Amount Not-to-Exceed \$237,945 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.

**SJRRC RESOLUTION-R-21/22-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH ROGERS ANDERSON MALODY & SCOTT, LLP FOR FINANCIAL AUDITING SERVICES FOR AMOUNT NOT-TO-EXCEED \$237,945 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, San Joaquin Regional Rail Commission (Rail Commission) requires assistance from a firm of certified public accountants (CPA) to audit its financial statements for the fiscal years ending June 30, 2022, 2023 and 2024 with an option for fiscal years 2025 and 2026; and

WHEREAS, the Rail Commission also requires assistance from the CPA firm to audit direct local distribution financial statements for the Measure B and Measure BB Program Funds.; and

WHEREAS, on February 17, 2022, the Rail Commission released a Request for Proposals (RFP) to solicit a firm for Financial Auditing Services; and

WHEREAS, after combining the scores from the written proposals and interviews, staff deemed Rogers Anderson Malody & Scott, LLP as the most responsive and responsible proposer; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby approves an Agreement with Rogers Anderson Malody & Scott, LLP for Financial Auditing Services for Amount Not-to-Exceed \$237,945 and Authorizes 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 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of June 3, 2022

## **STAFF REPORT**

### **Item 3.11**

### **ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Professional and Contracted Service Amendments for Fiscal Year 2022/2023 as Listed Below and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Services:**

| <b>Vendor/Firm</b>              | <b>Project Description</b>                                  | <b>Approved Amount</b>   |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$475,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |

### **Background:**

Annually, the San Joaquin Regional Rail Commission (Rail Commission) utilizes option years for applicable professional and contracted services agreements. The Agreements have been previously approved by the Board for the base term and pricing. The following Amendments are recommended in the 2022/2023 fiscal year:

| <b>Vendor/Firm</b>              | <b>Project Description</b>                                  | <b>Approved Amount</b>   |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$475,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |

The fuel budget has increased from last year based on the current spike in global fuel prices and the industry assumption that prices will remain high for the next 12- 18 months. If the Fuels costs end up exceeding the budgeted amount, staff will come to the Board for approval on a Budget Amendment if needed.

The budget for Legal services for the Capital Projects increased due to the need for the increase of property acquisitions and general legal services for the Valley Rail Program.

In addition to the above, the following amendments are under \$250,000 and within the Executive Director's Expenditure Authority for the 2022/2023 fiscal year:

| Vendor/Firm                    | Project Description   | Approved Amount |
|--------------------------------|---|-----------------|
| Buchanan Ingersoll & Rooney PC | Federal Advocacy Services                                     | \$93,125        |
| Dorhmann Insurance Group       | Employee Benefits Broker – Time Extension                     | \$0             |
| Infinity Technologies          | Information Technology Services                               | \$82,404        |
| GoTo Technologies USA, Inc.    | Cloud Hosted Voice Over Internet Protocol (VoIP) Phone System | \$10,857        |
| LAVTA                          | Ticket Sales  | \$23,096        |
| Pressley & Associates          | On-Call Controller Services                                   | \$34,002        |
| Ray Morgan Company             | Copier Equipment Lease and Support Services                   | \$54,490        |

To enter into these Amendments utilizing an option year, staff coordinated with the consultants to confirm or negotiate option year pricing. Procurement and Contracts staff reviewed the final pricing for all amendments and deemed them fair and reasonable.

Fiscal impact:

Expenses and Revenues for these agreements are identified in the FY 2022/2023 Operating Budget in the SJRRC/ACE Project Management Service and Supplies and Contracted Services.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving Professional and Contracted Service Amendments for Fiscal Year 2022/2023 as Listed Below and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Services:

| Vendor/Firm                     | Project Description   | Approved Amount  |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$475,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |



**SJRRC RESOLUTION-R-21/22-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING PROFESSIONAL AND CONTRACTED SERVICE AMENDMENTS FOR FISCAL YEAR 2022/2023 AS LISTED BELOW AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE SERVICES:**

| <b>Vendor/Firm</b>              | <b>Project Description</b>                                  | <b>Approved Amount</b>   |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$475,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |

WHEREAS, annually, San Joaquin Regional Rail Commission (Rail Commission) utilizes option years for applicable professional and contracted services agreements; and

WHEREAS, the Agreements have been previously approved by the Board for the base term and pricing; and

WHEREAS, the following Amendments are recommended in the 2022/2023 fiscal year:

| <b>Vendor/Firm</b>              | <b>Project Description</b>                                  | <b>Approved Amount</b>   |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$475,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |

WHEREAS, Procurement and Contracts staff reviewed the final pricing for all amendments and deemed them fair and reasonable; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves Professional and Contracted Service Amendments for Fiscal Year 2022/2023 as Listed Below and Authorizes the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Services:

| Vendor/Firm                     | Project Description   | Approved Amount  |
|---------------------------------|---|--|
| Herzog Technologies, Inc        | Host Back Office Services for Positive Control Technologies | \$267,600  |
| Herzog Transit Services         | Locomotive Fuel   | \$3,030,290  |
| Neumiller & Beardslee           | Legal Services – General Counsel                            | \$460,000 (\$160,000 for General Counsel, \$240,000 Claims, and \$75,000 for Capital Projects) |
| Burke, Williams & Sorensen, LLP | Legal Services – Capital Projects Program                   |  |

PASSED AND ADOPTED, by the Board of Commissioners this 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

\_\_\_\_\_  
STACEY MORTENSEN, Secretary

\_\_\_\_\_  
CHRISTINA FUGAZI, Chair

## **SAN JOAQUIN REGIONAL Rail Commission**

Meeting of June 3, 2022

### **STAFF REPORT**

#### **Item 3.12**

#### **ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with ETA Phi Systems, Inc for Train Tracking System Hardware Upgrade, Software Maintenance, & Repair Services for Amount Not-to-Exceed \$84,323 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project**

#### Background:

In 2004 the ACE Train GPS system, or Passenger Information Display System (PIDS), was originally put into service. In order to continue providing passenger information through both visual and audio, Capitol Corridor Joint Powers Authority (CCJPA), and the state of California along with Rail Commission purchased the system from Geo Focus. When the system was purchased, the rail partners only purchased license agreements to use the software. Since then, Geo Focus sold the software license and rights to ETA Phi Systems, Inc. (ETA), who is the current vendor that manages the service for the Altamont Corridor Express (ACE), Capitol Corridor, Pacific Surfliner (LOSSAN JPA), and San Joaquins (SJJPA). In September 2012, Rail Commission Board approved a Resolution to upgrade the Geo Focus system and authorized the Executive Director to execute the contract with ETA Phi Systems.

Currently, with the CCJPA acting as lead agency for the project, CCJPA, SJJPA, Rail Commission, and LOSSAN JPA have committed to and are currently working on a Joint Solicitation to purchase a new PIDS system to replace the current ETA owned PIDS system. With the onset of the COVID19 pandemic the project experienced delays. The original implementation date of the new system was estimated in September 2022, however the current time frame for this new system is 18-24 months away.

The Rail Commission does not have the ability with the current license to hire another vendor to make repairs or modifications to the software that ETA owns, nor would ETA allow another vendor to replace equipment on their system. Any new system would have to interface with ETA's software or completely replace the system for the 18-24 months it would take for completion of the Joint Solicitation which could result in three (3) separate systems in a two (2) year period: ETA system, and interim system for less than two (2) years, and then the final Joint Solicitation system. The Rail Commission's only real option to maintain the existing PIDS system until the solicitation for a new system is completed, is to contract with ETA. For this reason, Rail Commission is seeking a Sole Source agreement in accordance with Section 7.1 of Rail Commission's Procurement Manual with ETA for the following items:

- **Service Agreement – Operations and Maintenance**
  - Unlimited user accounts/data retention
  - Real-time arrivals and departures predictions
  - Web-based dispatch module

- Reports module
- Service announcements module
- Cellular data
- Hosting
- Maintenance
- 24/7/365 technical support
- **On-Call Out of Scope Repairs**
  - Time and Materials

Currently all software updates and repairs are conducted by ETA Phi Systems, Inc. since they own the software and rights to the system. The system is now beyond its useful life and technical issues have been arising more frequently. With the system being outdated, parts for the hardware components are becoming obsolete. Therefore, it is in Rail Commission's best interest to continue upgrading the system.

#### Non-Competitive Procurement

Section 7.1 of Rail Commission's Procurement Manual sets forth the criteria allowing for sole source purchases. Pursuant to Sections 7.1.1.3 "The sole source must be the only known source of supply with the capability of meeting the bona fide specification requirements." And 7.1.1.5 "[Where] [t]here are other sources of supply but because of financial, schedule, performance, and other factors a single source of supply is immune from effective competition. Such an immunity is created when the award to a different contractor would create a waste of Rail Commission funds resulting from a substantial increase in support costs, a substantial schedule delay not owing to poor planning by Rail Commission, an unacceptable technical risk towards completion of a project (or continuation of a warranty), or substantial increases in lifecycle costs."

Furthermore, pursuant to Section 7.1.2.3.1 of Procurement Manual, "...No purchase order shall be issued to the vendor until the Contracts and Compliance Department and a Director have confirmed that the procurement qualifies as a sole source purchase, and an encumbered requisition confirms that budgeted funds are available and Rail Commission Legal Counsel has been consulted."

At this time, it is at the Rail Commission's best interest to approve a sole source agreement with ETA Phi Systems, Inc. for these services based on the following:

- A waste of funds would result in a substantial increase in support/staff costs if the Rail Commission were to solicit. This is a unique situation where another agency has completed the procurement process which allows other agencies to cost share in a unique fashion. After extensive review staff determined that there is no other group or institute initiating the same service or structure to allow in cost savings. CCJPA's procurement took approximately twelve (12) months from release to award in 2019.
- Because the Rail Commission does not have the ability with the current license to hire another vendor to make repairs or modifications to the software that ETA owns nor would ETA allow another vendor to replace equipment on its system, and any system would have to interface with ETA's software. Rail Commission's only option to

maintain the existing PIDS system until the solicitation for a new system is completed is to contract with ETA.

- If the Rail Commission were to not utilize CCJPA's procurement/award and perform a separate solicitation for the same services, it would be a waste of public funds because Rail Commission would be responsible for the entire cost of the end system. By utilizing CCJPA's procurement and award, Rail Commission will pay a fraction of the cost as opposed to burdening the entire cost. This cost sharing arrangement is in the best interest of Rail Commission.
- Schedule delay is not due to any poor planning of Rail Commission. CCJPA has several high-profile technology related projects for the intercity rail program and lack of speedy progress was further delaying completion. Thus, staff determined that continuing the current system with ETA Phi Systems, Inc. would be the only choice to avoid service interruption.
- CCJPA's award process that provides backup that an open and fair competition was performed, and that Rail Commission is taking advantage of the cost savings by using this procurement will be included in the procurement documentation.
- The Procurement and Contracts Department and a Director have confirmed that the procurement qualifies as a sole source purchase, budgeted funds are available, and Legal Counsel has been consulted.

Rail Commission staff, in accordance with the procedures set forth in Section 7.1.2 of the Procurement Manual, have determined that the agreement with ETA Phi Systems, Inc. qualifies as a non-competitive procurement.

The contract is to be awarded for an amount not-to-exceed \$62,323 for the fiscal year for Operations and Maintenance, and \$22,000 contingency for On-Call Out of Scope Repairs.

#### Fiscal Impact:

Expenses and revenues for this agreement are identified in the FY 2022/2023 Operating Budget in the ACE Professional Services – Operations Line.

#### Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with ETA Phi Systems, Inc for Train Tracking System Hardware Upgrade, Software Maintenance, & Repair Services for Amount Not-to-Exceed \$84,323 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.

**RESOLUTION SJRRC-R-21/22-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH ETA PHI SYSTEMS, INC FOR TRAIN TRACKING SYSTEM HARDWARE UPGRADE, SOFTWARE MAINTENANCE, & REPAIR SERVICES FOR AMOUNT NOT-TO-EXCEED \$84,323 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, the current ACE Train GPS System or Passenger Information Display System (PIDS) was put into service in 2004; and

WHEREAS, Capitol Corridor Joint Powers Authority (CCJPA), San Joaquin Joint Powers Authority (Authority), San Joaquin Regional Rail Commission (Rail Commission), and LOSSAN JPA are currently working on a joint solicitation to purchase a new PIDS system to replace the current ETA owned PIDS system with the CCJPA acting as lead agency for the project; and

WHEREAS, the Rail Commission's only option to maintain the existing PIDS system until the solicitation for a new system is completed is to contract with ETA; and

WHEREAS, Rail Commission staff, in accordance with the procedures set forth in Section 7.1.2 of the Procurement Manual, have determined that the agreement with Masabi, LLC qualifies as a non-competitive procurement; and

WHEREAS, the contract is to be awarded for an amount not-to-exceed \$62,323 for the fiscal year for Operations and Maintenance, and \$22,000 contingency for On-Call Out of Scope Repairs; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Agreement with ETA Phi Systems, Inc for Train Tracking System Hardware Upgrade, Software Maintenance, & Repair Services for Amount Not-to-Exceed \$84,323 and Authorizes 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 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# **SAN JOAQUIN REGIONAL RAIL COMMISSION**

Meeting of June 3, 2022

## **STAFF REPORT**

### **Item 3.13**

### **ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Masabi, LLC. for Altamont Corridor Express Mobile Ticketing System for an Amount Not-To-Exceed \$18,000.00 total for Monthly Maintenance Costs, plus 6.95 % Transaction Fees of the Gross Ticket Sales and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.**

#### Background:

In May 2018, Masabi, LLC was awarded a two-year contract with two one-year options to help create, implement, and maintain a mobile ticketing solution for the Altamont Corridor Express (ACE). The ACE Rail mTickets Application (Mobile app) went live in April 2019 and has been a popular ticketing purchase option for passengers. The Mobile app has seen an adoption rate of 60% and was a key tool for passenger's during the pandemic and allowed ACE to close ticket booths at stations to minimize person to person contact.

Currently, the Mobile app is stand-alone from the in-person ticket sales at ACE Stations. With the ACE expansion, this current in person ticket system would not be ideal, but the current Mobile App can work for the expansion. Currently, the Rail Commission is in the process of putting together a procurement for a ticketing system solution that will involve two steps. The first step is to retain a Consultant to assist staff in putting together a Request for Proposal (RFP) for the actual system solution. An RFP for a Ticketing Platform Project Technical Support Services Consultant is out which could result in replacing or integrating the existing ACE Rail mTickets App. The second step is, with the assistance of the Consultant, would be to issue an RFP for the actual system solution.

With Masabi being familiar with SJRRC staff and agency policies, operations, and the current ACE Rail mTickets App, they are best situated to perform the necessary services to continue providing support while a new solicitation is completed.

#### Non-Competitive Procurement

Section 7.1 of Rail Commission's Procurement Manual sets forth the criteria allowing for sole source purchases. Pursuant to Sections 7.1.1.3 "The sole source must be the only known source of supply with the capability of meeting the bona fide specification requirements." And 7.1.1.5 "[Where] [t]here are other sources of supply but because of financial, schedule, performance, and other factors a single source of supply is immune from effective competition. Such an immunity is created when the award to a different contractor would create a waste of Rail Commission funds resulting from a substantial increase in support costs, a substantial schedule delay not owing to poor planning by Rail Commission, an unacceptable technical risk towards completion of a project (or continuation of a warranty), or substantial increases in lifecycle costs."

Furthermore, pursuant to Section 7.1.2.3.1 of Procurement Manual, "...No purchase order shall be issued to the vendor until the Contracts and Compliance Department and a Director have confirmed that the procurement qualifies as a sole source purchase, and an encumbered requisition confirms that budgeted funds are available and Rail Commission Legal Counsel has been consulted."

At this time, it is at the Rail Commission's best interest to approve a sole source agreement with Masabi, LLC for these services based on the following:

- A waste of funds would result in a substantial increase in support/staff costs if the Rail Commission were to solicit for these services. Staff has determined the need for a new ticketing system for both the ACE services and the Valley Rail Expansion. Staff is soliciting a consultant to assist with developing the scope of work for that system that will ultimately replace or upgrade the current mobile ticketing system. The time needed for that solicitation does not allow for additional time to solicit another mobile ticketing vendor at the same time. With this solution, Masabi has agreed to provide services for another year knowing that the Rail Commission is working on the other solution.
- Schedule delay is not due to any poor planning of Rail Commission. Staff sought other systems and solutions for the ticketing system throughout the year and determined that an subject matter expert consultant would be needed to assist staff in this process. Thus, staff determined that continuing the current system with Masabi, LLC would be the only choice to avoid service interruption.
- The Procurement and Contracts Department and a Director have confirmed that the procurement qualifies as a sole source purchase, budgeted funds are available, and Legal Counsel has been consulted.

Rail Commission staff, in accordance with the procedures set forth in Section 7.1.2 of the Procurement Manual, have determined that the agreement with Masabi, LLC qualifies as a non-competitive procurement.

The contract is to be awarded for an amount not-to-exceed \$18,000 total for the Monthly Maintenance Costs, plus 6.95% Transaction Fees of the Gross Ticket Sales, for the Fiscal Year 2022/2023.

Fiscal Impact:

Expenses and revenues for this agreement are identified in the FY 2022/2023 Operating Budget in the ACE Professional Services – Operations Line.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Masabi, LLC. for Altamont Corridor Express Mobile Ticketing System for an Amount Not-To-Exceed \$18,000.00 total for Monthly Maintenance Costs, plus 6.95 % Transaction Fees of the Gross Ticket Sales and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.



**RESOLUTION SJRRC-R-21/22-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH MASABI, LLC. FOR ALTAMONT CORRIDOR EXPRESS MOBILE TICKETING SYSTEM FOR AN AMOUNT NOT-TO-EXCEED \$18,000.00 TOTAL FOR MONTHLY MAINTENANCE COSTS, PLUS 6.95 % TRANSACTION FEES OF THE GROSS TICKET SALES AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT.**

WHEREAS, in May 2018, Masabi, LLC was awarded a two-year contract with two one-year options to help create, implement, and maintain a mobile ticketing solution for the Altamont Corridor Express (ACE); and

WHEREAS, the Mobile app is stand-alone from the in-person ticket sales at ACE Stations and with the ACE expansion, this current in person ticket system would not be ideal, but the current Mobile App can work for the expansion; and

WHEREAS, the Rail Commission has a Request for Proposal (RFP) for Ticketing Platform Project Technical Support Services which could result in replacing or integrating the existing ACE Rail mTickets App; and

WHEREAS, with Masabi being familiar with SJRRC staff and agency policies, operations, and the current ACE Rail mTickets App, Masabi is best situated to perform the necessary services to continue providing support while a new solicitation is completed; and

WHEREAS, Rail Commission staff, in accordance with the procedures set forth in Section 7.1.2 of the Procurement Manual, have determined that the agreement with Masabi, LLC qualifies as a non-competitive procurement; and

WHEREAS, the contract is to be awarded for an amount not-to-exceed \$18,000 total for the Monthly Maintenance Costs, plus 6.95% Transaction Fees of the Gross Ticket Sales, for the Fiscal Year 2022/2023; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Agreement with Masabi, LLC. for Altamont Corridor Express Mobile Ticketing System for an Amount Not-To-Exceed \$18,000.00 total for Monthly Maintenance Costs, plus 6.95 % Transaction Fees of the Gross Ticket Sales and Authorizes 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 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of June 3, 2022

## STAFF REPORT

### Item 4

### ACTION

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with WSP USA, Inc. for Construction Management Services for the ACE Platform Extension Projects and Fremont Platform Extension Project for an Amount Not-to-Exceed \$1,001,552 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project**

#### Background:

Construction Management Services are needed for six (6) platform extensions along the ACE corridor. Construction Management Services personnel shall coordinate operations between the design firm, construction firm, and the Rail Commission for these projects. The scope of services for Construction Management includes, but is not limited to:

- Preconstruction Services (includes constructability reviews, Construction Management General Contracting Methods.)
- Labor and Disadvantaged Business Enterprise (DBE) compliance administration (interviews and Certified payroll checking).
- Responsible for ensuring that all work is built to standards defined by the contract documents.
- Monitor and assess project budgets and cost controls.
- Track project progress against schedules and contract duration.
- Complete contract administration paperwork, including, but not limited to, processing & reviewing Requests for Information, submittals, potential change orders, progress payments, and potential claims.
- Public outreach activities.
- Coordinate construction inspection services and utilities relocations.
- Construction staking.
- Coordinate and lead weekly progress meetings to discuss and resolve project issues.
- Materials testing services which includes sampling and testing of soils, asphalt concrete, concrete, steel, and other construction material.
- Evaluation of results and furnishing of testing reports.
- Inspection of construction activities.

Based upon available funding, number of parties involved and project readiness, the platform extension program was broken up into the Fremont station as a stand-alone design package and the remaining five (5) ACE stations in Alameda and San Joaquin Counties.

### **ACE Platform Extension Projects**

Five (5) platforms located at the current ACE stations in Lathrop/Manteca, Tracy, Vasco, Livermore, and Pleasanton are being extended. Extending existing station platforms will promote efficient and safe boarding and alighting of passengers at the stations and will allow for longer trainsets.

#### **Lathrop/Manteca Station**

Project includes an extension of the existing 12' wide platform and appurtenances to the north by 172' for the base bid and 342' for the bid alternative. The base bid will allow an 8-car ACE train to stop at the station while the bid alternative will allow a 10-car train. Project includes new passenger shelters, electrical, Closed-Circuit Television (CCTV), landscaping, and a new connection to the parking lot. The expansion will match the existing platform. Construction of the platform will be within Union Pacific Railroad (UPRR) right of way.

#### **Tracy Station**

Project includes an extension of the existing 12' wide platform and appurtenances to the east by 170' for the base bid and 310' for the bid alternative. The base bid will allow an 8-car ACE train to stop at the station while the bid alternative will allow a 10-car train. Project includes new passenger shelters, electrical, CCTV, landscaping, and a new connection to the parking lot. The expansion will match the existing platform. Construction of the platform will be within UPRR right of way.

#### **Vasco Station**

Project includes an extension of the existing 12' wide platform and appurtenances to the east by 320' for the base bid and 490' for the bid alternative. The base bid will allow an 8-car ACE train to stop at the station while the bid alternative will allow a 10-car train. Project includes new passenger shelters, electrical, CCTV, landscaping, and a new connection to the parking lot. The expansion will match the existing platform. Construction of the platform will be within UPRR right of way.

#### **Livermore Station**

Project includes an extension of the existing 12' wide platform and appurtenances to the north by 320' for the base bid and 495' for the expanded bid. The base bid will allow an 8-car ACE train to stop at the station while the expanded bid will allow a 10-car train. Project includes new passenger shelters, electrical, CCTV, landscaping, and a new connection to the LAVTA bus transit center. The expansion will match the existing platform. Construction of the platform will be within UPRR right of way.

#### **Pleasanton Station**

Project includes an extension of the existing 12' wide platform and appurtenances to the north by 320' for the base bid and 487' for the expanded bid. The base bid will allow an 8-car ACE train to stop at the station while the expanded bid will allow a 10-car train. Project includes new passenger shelters, electrical, CCTV, landscaping, a new connection to the parking lot and an asphalt concrete path and fence from the east end of the platform to Angela Street. The expansion will match the existing platform. Construction of the platform will be within UPRR right of way.

## **Fremont Platform Extension**

The Fremont Platform Extension will see the construction of a 400-foot extension of the platform at the Fremont ACE Station. The base bid will allow an 8-car ACE train to stop at the station while the expanded bid will allow a 10-car train. Project includes new passenger shelters, electrical, CCTV, landscaping, a new connection to the parking lot. The expansion will match the existing platform. Construction of the platform will be within UPRR right of way.

### **Status:**

As of the release of this staff report, the design for Fremont Station is at 35% and is anticipated that final design review will be completed in August 2022 for review by UPRR.

As of the release of this staff report, the design for the other platforms is at 100% and is being reviewed by UPRR. It is anticipated a final design for construction will be completed by November 2022 for the remaining stations.

### **Construction Schedule:**

Each project will require approximately a six (6) month construction duration. A portion of this time will be to accommodate the purchase of long lead item features including, light poles and passenger shelters. Construction will be staggered between the five (5) stations and the total project duration will be approximately nine (9) months.

It is anticipated that this work will be completed in ten (10) months from Notice to Proceed.

### **Procurement Process:**

In December 2021, Rail Commission staff solicited Request for Proposals (RFP) for Construction Management services. The solicitation was requested from SJRRC's pre-qualified consultant list that was established in 2019 under RFQ 19-C668.

In response to the RFP, the following four (4) of the seven (7) firms solicited from SJRRC's pre-qualified construction management services list responded by the due date of January 26, 2022:

- Kleinfelder Construction Services, Inc.
- Mott MacDonald Group, Inc.
- NV5, Inc.
- WSP USA, Inc.

The proposals received were reviewed for completeness and responsiveness by the Procurement and Contracts Department. All proposals received were deemed responsive and were evaluated by a panel consisting of staff from the Rail Commission. Based on the written proposal scores, two (2) of the (4) four consulting firms were invited to interview with the panel.

After the interview, staff combined the scores from the written proposal and interview. Based on the scores, staff deemed WSP USA, Inc. the most responsive and responsible proposer.

Rail Commission staff and WSP USA, Inc. met to negotiate a precise scope of work and price. Both parties came to an agreement on the terms of conditions of the agreement.

The contract will commence on or around June 3, 2022 and expire on June 30, 2024.

Fiscal Impact:

Expenses for the ACE Platform Extension Projects and the Fremont Platform Extension Project are identified in the approved SJRRC/ACE/SJJPFA Fiscal Year 2021/2022 Capital Budget and are funded by Transit and Intercity Rail Capital Program (TIRCP) and State Rail Assistance Program (SRA) Funds. The Rail Commission has encumbered \$902,213 to date for this project. This action will commit an additional \$1,001,552 leaving \$10,530,235 available for this project.

| <b>Funding Type</b>             | <b>Type</b>  | <b>Project Budget</b> | <b>Funds Previously Encumbered</b> | <b>Funds Encumbered Due to this Action</b> | <b>Available For Future Phases for Entire Project</b> |
|---------------------------------|--------------|-----------------------|------------------------------------|--|---|
| 2016 TIRCP                      | State        | \$8,959,000           | \$500,000                          | \$674,969                                  | \$7,784,031   |
| SJRRC SRA                       | State        | \$75,000              | \$75,000                           | \$0  | \$0   |
| SRA Specific to Fremont Station | State        | \$3,400,000           | \$327,213                          | \$326,583                                  | \$2,746,204   |
|                                 | <b>Total</b> | \$12,434,000          | \$902,213                          | \$1,001,552                                | \$10,530,235  |

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with WSP USA, Inc. for Construction Management Services for the ACE Platform Extension Projects and Fremont Platform Extension Project for an Amount Not-to-Exceed \$1,001,552 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.

**RESOLUTION SJRRC-R-21/22-**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH WSP USA, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ACE PLATFORM EXTENSION PROJECTS AND FREMONT PLATFORM EXTENSION PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$1,001,552 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, Construction Management Services are needed for six (6) platform extensions along the Altamont Corridor Express (ACE) corridor; and

WHEREAS, Construction Management Services personnel shall coordinate operations between the design firm, construction firm, and the San Joaquin Regional Rail Commission (Rail Commission) for these projects, and

WHEREAS, five (5) platforms located at the current ACE stations in Lathrop/Manteca, Tracy, Vasco, Livermore, and Pleasanton are being extended to promote efficient and safe boarding and alighting of passengers at the stations and will allow for longer trainsets; and

WHEREAS, the Fremont Platform Extension will see the construction of a 400-foot extension of the platform that will allow ACE to run up to ten-car trainsets; and

WHEREAS, in December 2021, Rail Commission staff solicited Request for Proposals (RFP) for Construction Management services and based on the scores, staff deemed WSP USA, Inc. the most responsive and responsible proposer; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Agreement with WSP USA, Inc. for Construction Management Services for the ACE Platform Extension Projects and Fremont Platform Extension Project for an Amount Not-to-Exceed \$1,001,552 and Authorizes 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 3<sup>rd</sup> day of June 2022, 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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CHRISTINA FUGAZI, Chair

**SAN JOAQUIN REGIONAL RAIL COMMISSION**  
Meeting of June 3, 2022

**STAFF REPORT**

**Item 5**

**ACTION**

**Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Crane Payment Innovations for Vending Machines for Intercity Passenger Rail for an Amount Not-to-Exceed \$577,800 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project**

Background:

This is a unique situation relating to the Rail Commission serving as the Managing Agency of the San Joaquin Joint Powers Authority but acting directly on behalf of Caltrans for this procurement related to the State's intercity railcars. As a result of this arrangement, the Rail Commission will enter into the agreement for the Vending Machines. The San Joaquin Joint Powers Authority approved the Rail Commission entering into this agreement at their meeting on May 20, 2022.

The State of California, which funds the San Joaquins service, has procured forty-nine (49) single-level railcars from Siemens, intended for use on the San Joaquins. The Rail Commission, as the managing agency of the San Joaquin Joint Powers Authority (Authority) has an existing contract with Caltrans for Pre-Revenue Activities related to the Venture Cars.

The San Joaquins' typical food service is comprised of a dedicated 'Café Car'. Each 'Café Car' train consist of an attendant providing over 65 different products including, but not limited to: coffee, water, soda, snacks, fresh sandwiches, small hot meals, beer, wine, and liquor. Space has been provided within fourteen (14) cars for a vending solution to provide food service to passengers. The Authority intends to operate each train with two of these vending cars.

To maintain customer satisfaction by providing a similar product mix to the concurrent attended Café Car service (which will continue to operate on the current fleet), the Authority envisions the vending solution to provide the following product mix: coffee, water, soda, snacks, fresh sandwiches, and salads. It is the desire of the Authority that the vending solution provide a seamless customer experience, consistent with the modern aesthetics and environment of the new Siemens cars. The vending solution should feel like a natural extension of the overall travel experience onboard the train.

| <b>Siemens Venture Car Draft Vending Project Schedule</b> |  |                            |
|---|--|----------------------------|
| <b>Phase</b>  | <b>Description</b>   | <b>Fiscal Year Quarter</b> |
| Project Kick-Off  | Final Machine Choice, Rail Environment Evaluation and Testing, Bucket Design, and Install Planning | FY22/23 Q1                 |
| Proof-of Concept  | Delivery of First Machines and Vending Car   | FY22/23 Q2                 |
| Phase 1 Install   | 2 - Cars   | FY22/23 Q4                 |
| Phase 2 Install   | 4 - Cars   | FY23/24 Q1                 |
| Phase 3 Install   | 7 - Cars   | FY23/24 Q3                 |



A Task Order was issued in the Pre-Revenue Activities Agreement 75A0528 to include funding and procurement of the vending machines. The intent of the Task Order is for the Rail Commission to be the purchasing entity of vending machines on behalf of Caltrans.

Procurement Approach:

An initial Request for Proposals (RFP) was released via vendor portal PlanetBids in August 2021 with proposals due September 2021. By utilizing Planet Bids, 258 firms were notified of the opportunity and fifteen (15) firms showed interest. No proposals were received. Staff reached out to those vendors that expressed interest to see why they did not submit a proposal. Staff received one (1) response stating that they did not submit a proposal because the scope was too big.

In October 2021, a second RFP was released with proposals due March 2022. By utilizing Planet Bids, 512 firms were notified of the opportunity and fifteen (15) firms showed interest. One (1) proposal was received but deemed non-responsive. Staff reached out to those vendors that expressed interest to see why they did not submit a proposal. Staff received one (1) response stating that they did not submit a proposal because they did not have time.

On April 12, 2022, a new RFP was released for a third time. By utilizing Planet Bids, 468 firms were notified of the opportunity and thirteen (13) firms showed interest.

On the due date of April 28, 2022, two (2) potential proposers had indicated that they were planning to submit proposals. Three (3) proposals were received through PlanetBids at 2:00pm PDT from the following firms:

- Crane Payment Innovations
- J&J Vending Inc.
- Vegan Soul Bakery

The proposals received were reviewed for completeness and responsiveness by the Procurement and Contracts Department. One (1) proposal was deemed non-responsive. The other two (2) were deemed responsive proposals and were evaluated by a panel consisting of the Authority's Marketing Manager, Herzog's General Manager, Caltran's Senior Transportation Engineer, and Jacob's Engineering's Project Manager.

The written proposals were scored and staff deemed Crane Payment Innovations as the most responsive and responsible proposer.

The Notice of Intent to Award was published on May 4, 2022. Pursuant to the approved and adopted protest procedure, the proposal protest period closes on May 19, 2022, at 2:00 P.M. PDT. No Proposal Protests have been received.

The agreement will commence when all parties agree to the final terms and conditions and shall expire upon completion of the project.

Fiscal Impact:

Expenses and Revenues for this project are identified in the FY 2021/2022 and 2022/2023 Operating Budget in the SJRRC Contracted Services - Contracted Services Line.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with Crane Payment Innovations for Vending Machines for Intercity Passenger Rail for an Amount Not-to-Exceed \$577,800 and Authorizing the Executive Director to Negotiate, Award, and Execute Any and All Agreements and Documents Related to the Project.

## **SJRRC RESOLUTION-R-21/22-**

### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH CRANE PAYMENT INNOVATIONS FOR VENDING MACHINES FOR INTERCITY PASSENGER RAIL FOR AN AMOUNT NOT-TO-EXCEED \$577,800 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE, AWARD, AND EXECUTE ANY AND ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PROJECT**

WHEREAS, the State of California, which funds the San Joaquins service, has procured forty-nine (49) single-level railcars from Siemens intended for use on the San Joaquins; and

WHEREAS, the Rail Commission, as the managing agency of the San Joaquin Joint Powers Authority (Authority) has an existing contract with Caltrans for Pre-Revenue Activities related to the Venture Cars; and

WHEREAS, space has been provided within fourteen (14) cars for a vending solution to provide food service to passengers; and

WHEREAS, the Authority intends to operate each train with two of these vending cars in each train; and

WHEREAS, on April 12, 2022, a Request For Proposals (RFP) was released for the third time via vendor portal PlanetBids for the re-solicitation of the Vending Machines for Intercity Passenger Rail with proposals due April 28, 2022; and

WHEREAS, the written proposals were scored, and staff deemed Crane Payment Innovations as the most responsive and responsible proposer; and

WHEREAS, due to the existing contract between Caltrans and the San Joaquin Regional Rail Commission (Rail Commission) for Pre-Revenue Activities related to the Venture Cars, a Task Order was issued in the Pre-Revenue Activities agreement 75A0528 to include funding and procurement of the vending machines; and

WHEREAS, as a result of this arrangement, the Rail Commission will enter into the agreement for the Vending Machines once a contract is agreed upon by both the Authority and Rail Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Agreement with Crane Payment Innovations for Vending Machines for Intercity Passenger Rail for an Amount Not-to-Exceed \$577,800 and Authorizes 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 3<sup>rd</sup> day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL  
COMMISSION

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STACEY MORTENSEN, Secretary

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CHRISTINA FUGAZI, Chair

**SAN JOAQUIN REGIONAL RAIL COMMISSION**  
Meeting of June 3, 2022

**STAFF REPORT**

**Item 6**

**INFORMATION**

**Fiscal Year 2022/2023 San Joaquin Regional Rail Commission Work Program and Budget Preview**

Background:

On an annual basis, the 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. Since the Rail Commission also serves as the Managing Agency for the San Joaquin Joint Powers Authority, a brief description of the Work Program and Budget for the San Joaquin Intercity Rail Service is included. The San Joaquin Joint Powers 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 the shared Valley Rail Program stations and facilities.

The Rail Commission plans to adopt its FY22/23 Work Program at its July 1, 2022, meeting. The theme of the Work Program for the upcoming year is “Back Onboard” in light of a rebounding economy and people returning to normal travel activities. In advance of the delivery of the Work Program for approval, staff is providing a preview of the Capital Projects and Operating Budget for FY22/23.

**FY22/23 Capital Project Preview**

The Rail Commission’s Capital Program reflects an unprecedented expansion and spans a significant geographic area. From Merced to Natomas to Fremont, the program consists of track improvement, platform extensions, new stations, new train layover facilities, railcars and locomotives. With over \$1.3B in hand, the existing ACE service will be complemented by 120 miles of expanded service to Natomas and Ceres/Merced. ACE and San Joaquin trains will share a rail corridor between Stockton and Natomas and provide more travel options within the Central Valley and to Sacramento and the Bay Area. Significant phases and projects are further described below:

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

Final design continues for stations, track and bridge work, and a layover facility for the extension of ACE service to Ceres. Right-of-way activities will be underway for key facility locations. Union Pacific Railroad has primary approval authority over all projects within the railroad corridor. Given the extensive reviews required when the project designs are at the 10%, 25%, 60% and 90%, UP has required the Rail Commission to prioritize the minimum projects necessary to begin the new service. In this segment, the priority projects include

Ceres Station and Train Layover Facility, Modesto Station, Manteca Station and the Lathrop Wye. Several double-track projects are also required by Union Pacific. The Lathrop Wye is the most critical project for allowing trains to run from Ceres to San Jose. The trackwork associated with the Lathrop Wye is also connected to the trackwork leading into the Manteca station. The construction activities will have some limiting seasonal windows related to endangered species and waterflow in an irrigation culvert. A detailed phasing plan will be completed along with final design in FY22/23. Additionally, due to the constrained area under Highway 99 adjacent to the Union Pacific rail corridor in downtown Ceres, a new layover location is being explored south of Ceres which will simplify the Ceres station final design and construction. Final design will also be completed for Modesto and Manteca stations. The Ripon station is also in final design and will be reviewed by Union Pacific as time permits.

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

Final design is well underway for the stations, infrastructure, and layover facility necessary to implement the extension of ACE service to Natomas. Right-of-way activities are also anticipated to begin during the upcoming year for key facility locations. Union Pacific requested priority projects for this segment which include Natomas Station and Train Layover Facility and Midtown Station. Several double-track projects are required by Union Pacific and some track resurfacing is required as this rail line has only been used for freight trains (unless the San Joaquins need to use it as an alternate route during an incident on their existing corridor) The Elk Grove Station is also in final design and will be reviewed by Union Pacific as time permits.

## **UNIFIED VALLEY RAIL STATION DESIGN CRITERIA**

In FY20/21, work began to define the principles, guidelines, and design criteria for the Valley Rail Stations. With passengers in mind, the effort focuses on designing stations that are convenient, safe, attractive, and include distinctive “place-making” elements. This will be accomplished by taking into account the station area, working with the communities, defining elements that will be consistent in the corridor, as well as, elements that will be distinctive, and ensuring that design endures for future expansions. The final design and engineering work will be completed for most elements in by the end of 2023.

## **STOCKTON DIAMOND GRADE SEPARATION**

The Stockton Diamond Grade Separation project will grade separate the crossing of the Union Pacific (UP) and the Burlington Northern Santa Fe (BNSF) rail lines in downtown Stockton, the busiest, most congested rail bottlenecks in the State. National Environmental Protection Act (NEPA) Environmental approval is scheduled for July 30, 2022, which will allow right-of-way acquisition to proceed and final engineering to be completed for the flyover structure, street crossings, and other related improvements. Early construction activities will commence toward the end of 2023 and will likely include utility relocations and clearing/grading of properties in the flyover area. This is a multi-year project estimated to be completed in 2026.

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

The expansion of the Robert J. Cabral Station Master Plan Area includes the construction of a new Western Pacific Depot building, along with a permanent parking lot and site improvements. In FY22/23, final design will be completed and construction is anticipated to begin in Fall 2022.

## **CABRAL STATION TRACK EXTENSION**

This project will provide the final track extension between the Cabral Station and the Rail Maintenance Facility (RMF). The construction contract for the Project was awarded at the Rail Commission's March 4, 2022, meeting. Staff continues coordinating with Union Pacific and the City of Stockton on the project and construction is scheduled to be completed by Winter 2023/2024.

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

The State of CA has asked Rail Commission (through its relationship as the Managing Agency to San Joaquin JPA) to perform a variety of testing, acceptance, and maintenance work on the state-owned rolling stock for the Capitol Corridor, San Joaquins, and Pacific Surfliners. This expansion is on a critical path to support the deployment of the new State-owned Venture Cars manufactured by Siemens. The cars are anticipated to enter revenue service in 2022 on the San Joaquins Corridor. Due to the need for additional tooling and service areas a spare parts storage building is being constructed as part of the project. The construction contract was awarded at the November 5, 2022, Rail Commission meeting. Construction is scheduled to be completed by Summer 2023.

## **RAIL CAR PURCHASE**

To allow for increased capacity of the current ACE service and prepare for the expansion of service to Natomas and Ceres/Merced, Rail Commission entered a joint procurement with other transit agencies in May 2020. Rail Commission purchased 21 cars to expand its fleet. 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. Due to COVID-19, there has been a delay in the delivery of the new cars, but the first cars are scheduled to arrive in Summer of 2022. Final progress payments are included in the 2022/23 Budget.

## **RAILCAR MIDLIFE OVERHAUL**

As part of Rail Commission's commitment to maintaining assets in a State of Good Repair, work is underway to overhaul 30 ACE railcars. Rail Commission's Transit Asset Management Plan (TAM Plan) identified midlife overhauls as a key initiative to ensure ACE's revenue fleet operates at maximum performance. The Project includes a new paint scheme, seats, flooring, updated exterior paint scheme, and on-board information system including digital audio and LCD screens, etc. These overhaul projects will improve passenger experience and reduce

maintenance. This is a multi-year project started in FY19/20 and is scheduled to be completed in FY23/24.

### **NEAR ZERO EMISSION LOCOMOTIVE CONVERSION PILOT PROGRAM**

In Summer of 23, an RFQ will be issued for a consultant team to analyze the specific energy demands of the existing ACE and Valley Rail corridors. From this energy demand data, various options for traction and head-end power, or combinations of options can be developed for modifying two mothballed locomotives into near zero emissions status. Factors such as ridership, terrain, hills, length of grades, curves and station spacing, all have inputs into determining the most viable power selection.

### **EXISTING ACE PLATFORM EXTENSION PROJECTS**

Station platforms for the ACE Service need to be extended to accommodate longer trainsets. The final design has been completed for Lathrop/Manteca, Tracy, Vasco Road, Livermore, and Pleasanton. Pending final approval from Union Pacific, the platform extension projects will move into construction in FY22/23. The Fremont platform extension project is currently in preliminary engineering. The final design for the Fremont project will be completed in FY22/23.

### **NEWARK ALBRAE SIDING**

The Newark Albrae siding in Southern Alameda County is required to allow the operation of the 5<sup>th</sup> ACE train. Environmental clearance and design work will begin in Summer 2023.

### **EAST CHANNEL STREET IMPROVEMENTS**

Improvements on Channel Street and the connecting side streets of Stanislaus Street, Grant Street, and Aurora Street will offer better connectivity between the San Joaquin Regional Transit District's (RTD) Downtown Transit Center and Cabral Station. Final design for the project is being completed, but construction is delayed in order for the City to complete its utility undergrounding in the project area. Construction is anticipated to begin in late 2022/early 2023.

### **TRACY ACE STATION IMPROVEMENTS**

Based upon the ridership of the Tracy station, improvements and upgrades are needed for driveway access at Tracy Blvd., parking capacity, and improved circulation. Construction is anticipated to begin in Summer 2022.

### **STATE-OWNED EQUIPMENT TRUCK, DRAFT GEAR AND DIAPHRAGM OVERHAUL PROGRAM**



SJRRC has been contracted by the State of California to perform an overhaul program of the trucks, draft gears, and diaphragms on the 88 State owned Intercity Passenger Rail cars. This is a multi-year program which was broken up into two Phases. Phase 1 included getting spare trucks, diaphragms and draft gears recertified. Phase 2 consists of completing the overhaul work on the equipment and is scheduled to begin in Summer 2022 with completion in Summer 2027. This is a 5-year program.

## **MAJOR SAN JOAQUIN JOINT POWERS AUTHORITY PROJECTS**

- **Madera Station Relocation**

This project completes the final engineering for relocating the existing Madera Station and begins the environmental clearance and preliminary design to accommodate the Interim HSR service.

- **Stockton Wye**

The project constructs a new connector track in the northwest quadrant of the intersection of the Union Pacific and BNSF Railway lines into Downtown Stockton. Construction will begin in Summer 2022/23 and will precede the ultimate construction of the Stockton Diamond.

- **Oakley Station Platform**

The project constructs a new platform for a new station. The city of Oakley is providing matching funds for parking lot(s) and other station facilities. Final design will be completed, and construction initiated in 2023.

- **Lake Project And Modesto Empire Project**

These two projects construct 2nd mainline track, signal and crossover upgrades to improve operational efficiency of freight trains and San Joaquin Intercity Passenger Rail Service in the Central Valley. BNSF is designing and constructing the projects.

- The Lake Project is located in San Joaquin County northwest of the City of Escalon. The project consists of the construction of 3.8 miles of second mainline track to allow freight and passenger trains to pass each other in this area.
- The Modesto Empire Project is located in Stanislaus County in the community of Empire. The project consists of the construction of four turnouts to allow trains to cross over to avoid conflicts.

- **BNSF 2nd Main Track**

BNSF will prepare environmental permitting and preliminary engineering necessary for construction of a second mainline track in the seven-remaining single-track segments between Escalon and Merced.

- **Merced Integrated Track Connection**

This project includes environmental clearance and preliminary engineering for a flyover track connection between the San Joaquins on the BNSF line and the ACE /HSR station location adjacent to the UP line in Merced.

## **FY22/23 Operating Budget Preview**

The Rail Commission Operating Budget includes separate enterprises for the ACE Service, San Joaquins service, Valley Rail Program implementation and other direct activities of the Rail Commission. This provides the Rail Commission full Budget Authority for all expenses and revenues related to all services and enterprises for which it serves in a lead role. The Operating Budget for FY22/23 captures a full fiscal year of pre-pandemic levels of ACE service (4 daily roundtrips) and continued efforts to bring passenger ridership 'Back Onboard' closer to pre-pandemic levels. The Budget also reflects the additional staffing for the Valley Rail Program planning efforts and work performed on behalf of Caltrans related to Intercity Rail equipment. Both efforts will span at least ten years. The San Joaquins service is expected to return to full service (7 daily round trips) in Fall of 2023.

In order to provide the most relevant comparison of the proposed operating costs for FY22/23, the fiscal year just prior to the full COVID-19 shutdowns (FY19/20) will be utilized. Given there are several years between these comparisons, it is important to note that the CPI used to adjust a variety of pricing equaled approximately 10 percent between 19/20 and 22/23. For ACE Operations, the final COVID-19 relief funds will be utilized, including Federal Transit Administration (FTA) Coronavirus Aid, Relief, and Economic Security (CARES) Funds and FTA American Rescue Plan Act (ARPA) funds totaling \$16,139,715 from the Stockton and Bay Area Urbanized Areas (UZAs). This reduces the operating contributions from the ACE Service member agencies for one final year. The San Joaquins service is funded by State Public Transportation Account (PTA) funds, but all expenditures are approved and directed to the San Joaquin Joint Powers Authority. Upon those approvals, the Rail Commission (as Managing Agency) implements the directives. More detailed budget spreadsheets will be presented and discussed at the June 3<sup>rd</sup> meeting. Narrative descriptions of key budget areas are shown below.

### **KEY CATEGORIES – Project Management**

#### **Salaries and Benefits**

As the Region's passenger rail related programs and services expand, the Rail Commission staffing and consultant services need to keep pace to deliver the ambitious programs. The proposed Program Management category of the Budget includes the addition of Director of Equipment Services, two Equipment Services Assistants, IT Coordinator, Grants Manager, Planning Manager, Manager of Capital Programs and Procurement and Contracts Assistant. Even with these additional positions, most which cover Rail Commission, Valley Rail, San Joaquins and ACE responsibilities, the agency is still smaller than those that only operate one small system.

#### **Computer Systems**

As technology becomes more integrated into real-time data, equipment, operations, and staff work tasks, Rail Commission has assessed and determined its IT servers are outdated and in need of replacement for current working requirements. Additionally, upgrades to the agency's Network Firewall are necessary and increasing its Cyber Security to protect against attacks such as malware and ransomware are required.

## **KEY CATEGORIES – Contracted Services**

### **Consumables and Repair Parts**

As the agency has implemented the cleaner Tier IV Charger Locomotives, an assessment of the consumable engine components has indicated a lower operational life resulting in an increased need to purchase and replace certain parts. Also, certain components in this category tend to be more expensive when compared to similar components on previously maintained engines.

### **Railroad Maintenance, Oversight/Dispatching**

The Rail Commission pays an annual fee to Union Pacific on a per-train-mile basis for UP oversight, train dispatching and track maintenance for the ACE service. Due to an error in the UP invoices over the last several years, the appropriately indexed increases were not billed to the Rail Commission. Staff are negotiating with UP to “catch up” the payments over several years, rather than all at once in FY22/23. The final budget numbers will reflect the outcome of these negotiations.

### **Fuel**

Rack diesel fuel prices are seeing the same volatility as those at the gas pumps. Based upon the global uncertainties affecting oil and gas prices, a significant contingency for diesel fuel will be carried in FY22/23.

### **Insurance and Insurance Management Fees**

After FY19/20, Host Railroads began requiring passenger rail operators to carry a Federal Liability Insurance Cap amount of \$323 million due to the implementation of Positive Train Control (PTC). Prior to this, the Rail Commission carried \$200 million for the ACE Service. As a note, the Federal Liability Cap increases every 5-years by CPI and any upward adjustment will require the Rail Commission policy limits to be adjusted to the new higher limits, which increases the annual costs of the insurance premiums. The next adjustment is scheduled for 2025.

### **Marketing and Passenger Experience**

Significant, creative efforts are needed to regain ACE ridership post-pandemic. A series of passenger surveys and focus groups were conducted during this year which will help inform strategic one-time projects and the most effective ongoing marketing efforts in the next FY.

### **Security Services/Safety Programs**

As societal conditions have become a little more unsettled, the Rail Commission is making extra effort to improve passenger experience and safety, deter vandalism, and protect property. This will be achieved through a combination of real-time cameras and on-site security presence at key locations.

### **ACE Connecting Shuttle Services/Emergency Ride Home/Bus Bridges**

The pandemic environment continues to have lasting effects on shuttle/bus driver availability and fuel prices. The Rail Commission contracts for regular connecting shuttles and emergency bus bridges through partner agencies such as LAVTA, VTA and SJRTD. The Emergency Ride

Home Program may utilize buses, taxis or Uber/Lyft depending on the emergency situation. A contingency will be carried in FY22/23.

### **SAN JOAQUINS SERVICE**

At the direction of the San Joaquin Joint Powers Authority, Rail Commission staff negotiate with Amtrak for the Annual Operating Agreement which includes all Amtrak related costs for the San Joaquins. Negotiations are not very robust however, because 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 to bring the Amtrak cost model more in line with the services actually received, but these discussions will take at least another year. Another complication is that 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. 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.