



SAN JOAQUIN
REGIONAL
RAIL COMMISSION

Chair, **Christina Fugazi**, City of Stockton
Vice Chair, **Leo Zuber**, City of Ripon
Commissioner, **Ben Cantu**, City of Manteca
Commissioner, **Mikey Hothi**, City of Lodi

Executive Director, **Stacey Mortensen**

Commissioner, **Miguel Villapudua**, San Joaquin County
Commissioner, **Nancy Young**, City of Tracy
Commissioner, **Melissa Hernandez**, Alameda County
Commissioner, **Lily Mei**, City of Fremont

SAN JOAQUIN REGIONAL RAIL COMMISSION REGULAR BOARD MEETING

November 4, 2022 – 8:00 am

Call-In Information: **+1 (332) 249-0500** Phone Conference ID: 856-173-42#

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: 856-173-42# 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 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.

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, Zwahlen

2. Public Comments

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

3. Consent Calendar

- | | | |
|-----|--|--------------------|
| 3.1 | Minutes of SJRRC Board Meeting October 7, 2022
(Regular and Special Voting Members) | ACTION |
| 3.2 | Rail Commission/ACE Monthly Expenditure | INFORMATION |
| 3.3 | ACE Monthly Fare Revenue | INFORMATION |
| 3.4 | ACE Ridership | INFORMATION |
| 3.5 | ACE On-Time Performance | INFORMATION |
| 3.6 | Washington Update | INFORMATION |
| 3.7 | Update on Silicon Valley and Tri-Valley Outreach Contracts Activities | INFORMATION |
| 3.8 | 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 November 5, 2022 to December 4, 2022
(Regular and Special Voting Members) | ACTION |
| 3.9 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the 2023 ACE Service Holidays
(Regular and Special Voting Members) | ACTION |

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|---|---------------------------|
| <p>4. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Amendment to the Agreement with Ghirardelli Associates, Inc. for Professional Services for the Capital Projects Program for a new Not-To-Exceed Amount \$1,392,913 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority
(Stacey Mortensen/Autumn Gowan) (Regular Voting Members Only)</p> | <p>ACTION</p> |
| <p>5. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with California Water Service Company (Cal Water) for Reimbursement for Utility Relocation for the Stockton Diamond Grade Separation Project for an Amount Not-To-Exceed \$400,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority
(Bryan Pennino/Autumn Gowan) (Regular Voting Members Only)</p> | <p>ACTION</p> |
| <p>6. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to:</p> <ul style="list-style-type: none"> 1) Approve Change Orders to Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Each Contracts' Unforeseen Work Allowance; and 2) Amend Commissioner Approved Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Her Purchasing Authority; and 3) Delegate That Authority To a Member of Her Staff or the Resident Engineer(s) for Construction Project Contracts, #22-R-17-00 and #22-R-33-00. <p>(Stacey Mortensen)(Regular Voting Members Only)</p> | <p>ACTION</p> |
| <p>7. Future Planning Workshop Background: Presentation on the Merced Intermodal Track Connection (MITC) Project and the Status of the High-Speed Rail Expansion to Merced
(Dan Leavitt/Meg Cederroth, Director of Planning and Sustainability, CHSRA)</p> | <p>INFORMATION</p> |
| <p>8. Board Member Comments</p> | |
| <p>9. Ex-Officio Comments</p> | |

10. Executive Director's Report

11. CLOSED SESSION

11.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 151-202-09, San Joaquin County
Agency Negotiator: Jesse Ortiz, Monument
Negotiating parties: Alfonso Ocampo, an unmarried man
Under negotiation: Price and payment terms
(Regular Voting Members Only)

11.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 151-260-04, San Joaquin County
Agency Negotiator: Jesse Ortiz, Monument
Negotiating parties: Alfonso Ocampo, an unmarried man
Under negotiation: Price and payment terms
(Regular Voting Members Only)

11.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 151-240-02, San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Julian Sepulveda Jr. and Mary Jane Sepulveda, husband and wife as joint tenants
Under negotiation: Price and payment terms
(Regular Voting Members Only)

11.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 151-240-67, San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Elizabeth Madera, a married woman as her sole and separate property
Under negotiation: Price and payment terms
(Regular Voting Members Only)

11.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 151-240-68 San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Elizabeth Madera, a married woman as her sole and separate property
Under negotiation: Price and payment terms
(Regular Voting Members Only)

- 11.6 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 151-240-69 San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Elizabeth Madera, a married woman as her sole and separate property
Under negotiation: Price and payment terms
(Regular Voting Members Only)
- 11.7 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 151-240-70, San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Elizabeth Madera, a married woman as her sole and separate property
Under negotiation: Price and payment terms
(Regular Voting Members Only)
- 11.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 151-280-04, San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Jawaid Akhtar, a married man
Under negotiation: Price and payment terms
(Regular Voting Members Only)
- 11.9 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 151-280-36 San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Jawaid Akhtar and Arzamia Akhtar, husband, and wife, as community property
Under negotiation: Price and payment terms
(Regular Voting Members Only)
- 11.10 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 151-280-39, San Joaquin County
Agency Negotiator: Jennifer Cole, Monument
Negotiating parties: Jawaid Akhtar and Arzamia Akhtar, husband, and wife, as community property
Under negotiation: Price and payment terms
(Regular Voting Members Only)
- 11.11 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 169-020-04, San Joaquin County
Agency Negotiator: Jesse Ortiz, Monument
Negotiating parties: Kenneth D. Horton and Nancy Lee Horton, husband, and wife, as joint tenants
Under negotiation: Price and payment terms
(Regular Voting Members Only)

- 11.12 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 151-280-35, San Joaquin County
Agency Negotiator: Jesse Ortiz, Monument
Negotiating parties: YCART Enterprises, LLC, a California
limited liability company
Under negotiation: Price and payment terms
(Regular Voting Members Only)

12. CLOSED SESSION

- 12.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 119-1540-021, Sacramento County
Agency Negotiator: Bill Tanner, Paragon Consulting
Negotiating Parties: 95 Laguna Partners, LLC
Under negotiation: Price and payment terms
(Regular Voting Members Only)

- 12.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 119-0120-066, Sacramento County
Agency Negotiator: Bill Tanner, Paragon Consulting
Negotiating Parties: 95 Laguna Partners, LLC
Under negotiation: Price and payment terms
(Regular Voting Members Only)

13. CLOSED SESSION

- 13.1 CONFERENCE WITH LEGAL COUNSEL –**
ANTICIPATED LITIGATION
Initiation of Litigation pursuant to paragraph (4) of
subdivision (d) of Section 54956.9: One Case.
(Regular Voting Members Only)

14. Adjournment

The next regular meeting is scheduled for:
December 2, 2022 – 8:00 am

SAN JOAQUIN REGIONAL RAIL COMMISSION
Meeting of November 4, 2022

Item 3.1

ACTION

Minutes of SJRRC Board Meeting October 7, 2022

The meeting of the San Joaquin Regional Rail Commission was held at 8:00 a.m., October 7, 2022, via teleconference, videoconference, or in person.

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

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

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

Commissioners Absent: Chair Fugazi

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

2. Public Comments

Mr. David Schwegel of the United States High Speed Rail Association in Washington, DC, a national nonprofit advocating in support a high-speed rail system, commented that at the High Speed Rail Board in June, Mr. Schwegel encouraged the board, that once Palmdale to Burbank gets environmentally cleared and a general contractor is lined up to build Merced to Sacramento, that the CAHSRA go to the federal government and ask for \$50 billion in funding. Mr. Schwegel encouraged the Rail Commission to complete the Stockton to Natomas project in 2023 instead of the projected 2024 completion date, because of the \$50 billion investment from the federal government relying on the completion in 2023 and considering engineering economics, the positive cash flow net present value of a \$50 billion investment from the federal government in 2023 is higher than in 2024.

3. Consent Calendar

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|-----|---|--------------------|
| 3.1 | Minutes of SJRRC Board Meeting September 2, 2022
(Regular and Special Voting Members) | ACTION |
| 3.2 | Minutes of SJRRC Special Meeting September 22, 2022
(Regular and Special Voting Members) | ACTION |
| 3.3 | Rail Commission/ACE Monthly Expenditure | INFORMATION |
| 3.4 | ACE Monthly Far Revenue | INFORMATION |
| 3.5 | ACE Ridership | INFORMATION |
| 3.6 | ACE On-Time Performance | INFORMATION |
| 3.7 | Washington Update | INFORMATION |
| 3.8 | Update on Silicon Valley and Tri-Valley Outreach Contracts and Activities | INFORMATION |
| 3.9 | Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission (SJRRC) Determining to Conduct | ACTION |

Meetings of the SJRRC Board of Commissioners Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period October 8, 2022 to November 6, 2022 (Regular and Special Voting Members)

- 3.10 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving the Disadvantaged Business Enterprise (DBE) Program Update (Regular Voting Members)

ACTION

- 3.11 Federal Fiscal Year (FFY) 2023-2025 Disadvantaged Business Enterprise (DBE) Goal Setting Methodology

INFORMATION

There were no comments on the Consent Calendar.

M/S/C (Villapudua/Young) to Approve Items 3.1-3.11 of the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 7th day of October 2022 by the following vote to wit:

AYES: 6 Hernandez, Cantu, Hothi, Villapudua, Young, Vice-Chair Zuber
NOES: 0
ABSTAIN: 0
ABSENT: 2 Mei, Chair Fugazi

4. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with RSE Corporation for Professional Services for the Newark-Albrae Siding Connection Project for an Amount Not-To-Exceed \$984,864 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

Brian Schmidt and Autumn Gowan gave a presentation on this item.

There were no comments on this item.

M/S/C (Cantu/Young) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with RSE Corporation for Professional Services for the Newark-Albrae Siding Connection Project for an Amount Not-To-Exceed \$984,864 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 7th day of October 2022 by the following vote to wit:

AYES: 6 Hernandez, Cantu, Hothi, Villapudua, Young, Vice-Chair Zuber
NOES: 0
ABSTAIN: 0

ABSENT: 2 Mei, Chair Fugazi

5. **Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and any Other Documents Necessary to Obtain Financial Assistance Provided by the California Transportation Commission Under the Trade Corridor Enhancement Program (TCEP) for the Union Pacific (Fresno Subdivision) Ceres to Turlock Double Tracking Project** **ACTION**
(Regular Voting Members)

Mr. Dan Leavitt gave a presentation on this item.

Commissioner Cantu inquired about the length of the segment.

Mr. Leavitt explained that the segment is between 8 to 10 miles.

There were no public comments on this item.

M/S/C (Young/Cantu) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and any Other Documents Necessary to Obtain Financial Assistance Provided by the California Transportation Commission Under the Trade Corridor Enhancement Program (TCEP) for the Union Pacific (Fresno Subdivision) Ceres to Turlock Double Tracking Project

Passed and Adopted by the San Joaquin Regional Rail Commission on the 7th day of October 2022 by the following vote to wit:

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

6. **Future Planning Workshop Background: Presentation on the Status of Valley Link** **INFORMATION**

Commissioner Hernandez, as Vice Chair of the Valley Link Board, introduced Wil Ridder, who serves as the Deputy Director of Valley Link, and oversees areas including financial planning and programming, and has over 20 years of experience in California in transportation planning, policy finance, and project delivery.

Mr. Wil Ridder gave a presentation on this item.

Commissioner Young inquired about revenue service being open to the public in 2027-2028.

Mr. Ridder confirmed that this is correct and explained that it is anticipated to go through testing in 2027, and in early 2028 revenue service would be open to the public.

Commissioner Young thanked Mr. Ridder for the presentation and commented about the excitement of moving forward with the maintenance facility. Commissioner Young inquired if the presentation slides are available or if Mr. Ridder could provide another update for the City of Tracy when there has been a little bit more progress.

Mr. Ridder commented that these slides are available and would be happy to share these with Commissioner Young and the staff at the City of Tracy, and also would be happy to come out to any of the jurisdictions to provide an update on the Valley Rail Project.

Mr. Barnbaum inquired about the connectivity between Valley Link and Valley Rail and inquired if a rider would have to transfer at a shared station, or would the route alignment allow travel directly from Dublin/Pleasanton up towards Sacramento City College. Mr. Barnbaum also inquired if a transfer is necessary, which would be the common station to transfer between trains.

Mr. Ridder explained that the teams are looking at a potential shared corridor between the Mountain House Alternative Station to the North Lathrop station, if Valley Rail also will be operating at the same time. Mr. Ridder explained that the teams are discussing a seamless kind of connectivity between the two systems.

7. Board Member Comments

There were no Board Member comments.

8. Ex-Officio Comments

Mr. Tom Dumas of Caltrans commented that this year Caltrans had an increase of \$50 million in the Climate Adaptation Planning Grant Program, and there is a guide that is in draft format that is being sent out for comment for 30 days and expect to have the planning grant release for applications in late December or possibly January. Mr. Dumas explained that if anyone has any sustainable communities or client adaptation ideas for grants, to start thinking about them, and there will be a statewide and a district workshop, and Caltrans will be able to support with grant applications. Mr. Dumas commented on the update for the Caltrans Quickmap feature with a new release that will provide update on construction projects that are within a 10-mile radius of a person's location, and individuals driving that have the updated feature turned on, will be able to reroute earlier than before to avoid those areas of construction. Mr. Dumas explained that The Director has a new policy, Policy #36, on roadside

safety and enhancement approach, and Caltrans is taking on this toward Vision Zero goals of fatalities and injuries by 2050. Mr. Dumas explained that the policy looks at things differently from the past, and are moving forward with actions and designs that have worked well, and taking a new approach to try to take driver-error into account and take out kinetic energy in an accident. Mr. Dumas explained that Caltrans is looking at a lot of new ideas, and it's going to be a great opportunity to incorporate more technology and data into projects and are looking toward partnering more with industry and local agencies and on the future developments of transit and safety projects.

Ms. Diane Nguyen of SJCOG commented that the San Joaquin Council of Governments has begun the public outreach period for its annual Unmet Transit Needs Assessment, and are looking at unmet transit needs both in rail and bus transit that are reasonable to meet for the San Joaquin region, which means the cities and the unincorporated San Joaquin County. Ms. Nguyen explained that if anyone is interested in submitting comments about unmet transit needs in San Joaquin County, to send the comments to utn@sjcog.org, and that comments will be accepted through December 31st, 2022. Ms. Nguyen commented that on the SJCOG website at sjcog.org, there is information on two public hearings for the Unmet Transit Needs Assessment that will be held in this calendar year.

Mr. Ken Baxter of SJRTD commented that RTD is in the process of installing a solar system comprised of over 1600 solar panels that are being installed at the Regional Transportation Center Facility. Mr. Baxter explained that these solar panels are going on new canopies for parking and the roof, and SJRTD is anticipating this is going to offset energy costs from 95 to 100%. Mr. Baxter commented that SJRTD participated in the PG&E Electric Vehicle Ready program which included the installation of eight electric bus chargers located at the Regional Transportation Center. Mr. Baxter commented that SJRTD ridership is improving system-wide, and there is a 60% increase compared to pre pandemic ridership. Mr. Baxter sent out best wishes to Caltrans and the Rail Commission on the Trade Corridor Enhancement Program (TCEP) Grant, and explained that SJRTD recently had the honor to provide a support letter for this project, and offered SJRTD's support with this process.

9. Executive Director's Report

Ms. Mortensen reported that Mr. Brian Schmidt would use this time to give a quick update on the locomotive fuel transition on the ACE Service.

Mr. Schmidt reported that as of Monday, October 3, 2022, ACE has started fueling all of their locomotives with 100% renewable diesel. Mr. Schmidt explained that this is a cleaner burning fuel, it will enhance the vehicle performance, will result in better fuel mileage, will reduce the carbon dioxide footprint, there will be superior power performance in cold weather, and overall looking at reducing greenhouse gas emissions by 50%, and overall 80% lower lifecycle emissions for these locomotives. Mr. Schmidt explained that this is the first step in going towards zero emission units, and that ACE is the first

commuter rail agency in Northern California to be running 100% renewable diesel.

Commissioner Cantu inquired what the fuel consists of.

Mr. Schmidt explained that the fuel is made of organic materials, vegetable oils, is 100% sustainable, and is different from biodiesel because it is all plant-based.

10. CLOSED SESSION

10.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 214-0290-001, Sacramento County

Agency Negotiator: Stephen Fox, Paragon Partners

Negotiating parties: Yanchuk Vitaly & Alexander Zhelezoglo

Under negotiation: Price and payment terms.

(Regular Voting Members Only)

10.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 214-0290-002, Sacramento County

Agency Negotiator: Stephen Fox, Paragon Partners

Negotiating parties: Yanchuk Vitaly & Alexander Zhelezoglo

Under negotiation: Price and payment terms.

(Regular Voting Members Only)

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

11. Adjournment

Vice Chair Zuber adjourned the meeting at 9:12 am.

The next regular meeting is scheduled for:
November 4, 2022 – 8:00 am

**San Joaquin Regional Rail Commission
Altamont Corridor Express
Operating and Capital Expense Report
August 2022
17% of Budget Year Elapsed**

OPERATING EXPENSES	SJRRC FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE	ACE FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
Project Management, Services & Supplies Subtotal	3,266,866	382,714	12%	5,791,735	666,724	12%
Contracted Services Subtotal	530,530	69,846	13%	27,769,943	3,212,265	12%
Shuttle Services				1,792,856	298,809	17%
TOTAL OPERATING EXPENSES	3,797,396	452,560	12%	35,354,534	4,177,798	12%

OPERATING EXPENSES	SJRRC - CONTRACTED SERVICES FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE	SJRRC - TRACC FY 22-23 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
Project Management, Services & Supplies Subtotal	200,000	-	0%	112,205	-	0%
Contracted Services Subtotal	5,425,000	138,552	3%	1,501,491	-	0%
TOTAL CONTRACTED SERVICES EXPENSES	5,625,000	138,552	2%	1,613,696	-	0%

CAPITAL PROJECTS	CAPITAL FY 22-23 ALLOCATION	EXPENSE TO DATE	SPENT TO DATE
SAN JOAQUIN RAIL COMMISSION			
1 East Channel Street Improvements	500,000	708	0%
2 Robert J. Cabral Station Expansion	2,500,000	83,593	3%
TOTAL CAPITAL PROJECT SJRRC	\$ 3,000,000	\$ 84,301	3%

ALTAMONT CORRIDOR EXPRESS			
1 SJ COG Loan Repayment	1,118,012	1,118,012	100%
2 A1 & A2 Bond Repayment	1,775,164	-	0%
3 UPRR Capital Access Fee	3,242,516	1,621,258	50%
4 UPRR Capitalized Maintenance Projects	4,000,000	92,907	2%
5 UPRR Safety Improvement Fund	500,000	-	0%
6 Valley Rail - Stockton to Natomas	29,700,000	518,318	2%
7 Valley Rail - Lathrop to Ceres/Merced	27,700,000	933,927	3%
8 Valley Rail - Ceres to Turlock	750,000	-	-
9 Stockton Diamond Grade Separation	36,000,000	419,943	1%
10 Locomotive Simulator Purchase	1,000,000	-	0%
11 Charger Locomotives	500,000	-	-
12 Platform Extension Projects	3,500,000	57,848	2%
13 Cabral Station Track Extension	23,000,000	2,299,242	10%
14 Positive Train Control	700,000	154,967	22%
15 Rail Cars - (5) passenger rail cab cars (12) passenger coach cars (4) Option Coach	5,500,000	-	0%
16 Phase 2 Wi-Fi Installation	1,200,000	-	-
17 Railcar Midlife Overhaul	7,130,166	530,985	7%
18 Locomotive Conversion	1,739,328	-	0%
19 Rail Maintenance Facility Expansion	25,654,435	1,611,508	6%
20 Newark-Albrae Siding Connection	1,470,000	-	0%
21 Facility Upgrades and Capital Improvements	199,260	-	0%
22 Tracy ACE Station Improvements	1,500,000	4,877	0%
23 Capital Spares	1,000,000	56,705	6%
24 Network Integration	1,041,578	-	0%
25 Short Range Transit Plan	46,123	-	0%
26 The Rail Academy of Central California (TRACC)	3,100,000	-	0%
TOTAL CAPITAL PROJECTS ACE	\$ 183,066,582	\$ 9,420,497	5%
TOTAL CAPITAL PROJECTS SJRRC & ACE	\$ 186,066,582	\$ 9,504,798	5%

Status of FY 22/23 Capital Projects - Notes as of October 2022

SAN JOAQUIN RAIL COMMISSION

- 1 East Channel Street Improvements - SJRRRC 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. 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 Spring 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.

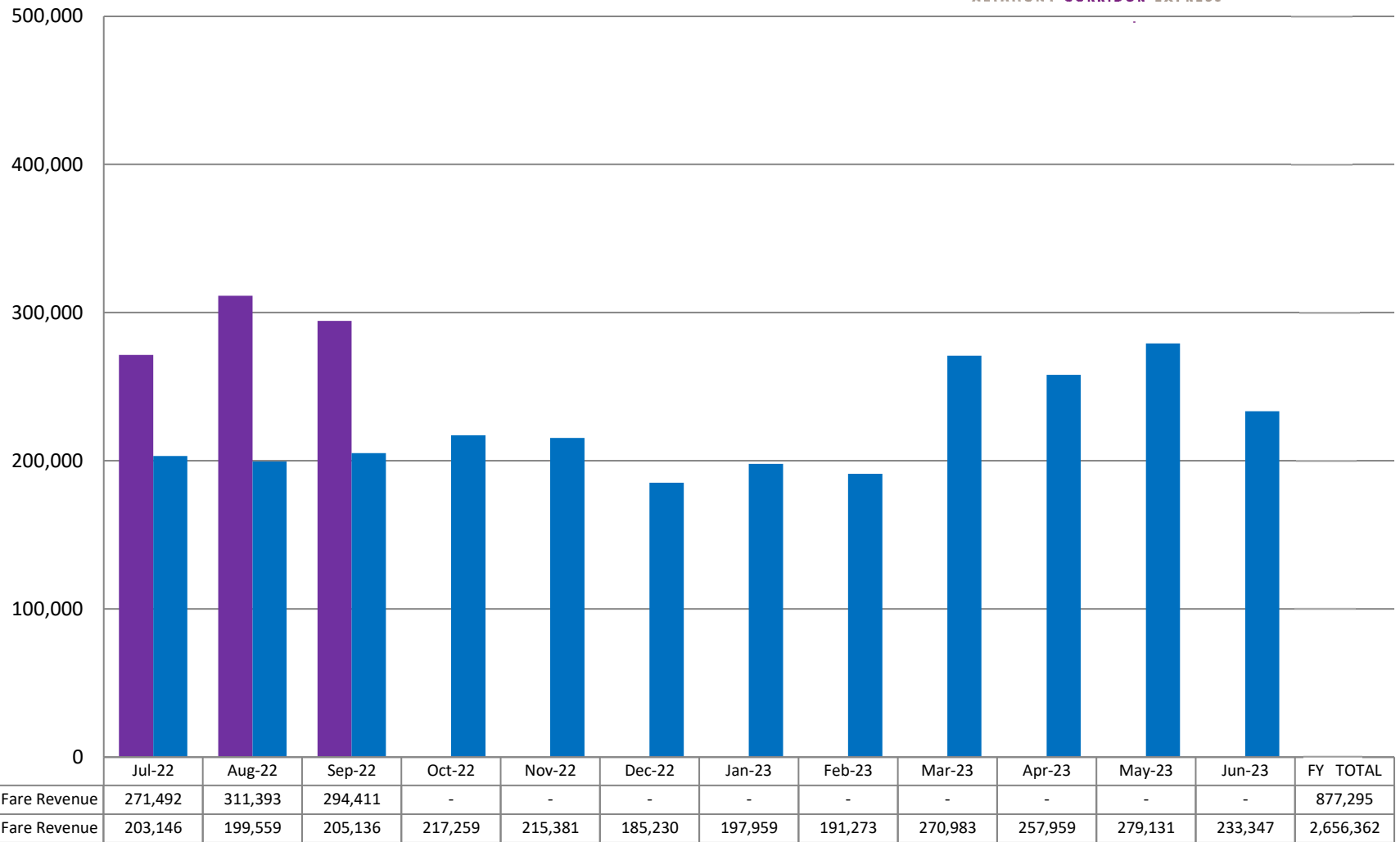
ALTAMONT CORRIDOR EXPRESS

- 1 SJ COG Loan Repayment - Annual payment made July 1, 2022 per SJCOG amended loan agreement.
- 2 Bond Repayments - Bond repayments are made bi-annually, payments FY 22-23 are due in November 2022 and May 2023.
- 3 UPRR Capital Access Fee - Payment for calendar year 2022 paid in two installments in July 2022 and January 2023.
- 4 UPRR Capitalized Maintenance Projects - Multi-year project is budgeted at \$4,000,000 for the year. Invoices are received throughout the year.
- 5 UPRR Safety Fund - Ongoing project.
- 6 Valley Rail Natomas to Stockton - 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 December 2021 with the public comment period ending January 18th, 2022.
- 7 Valley Rail Lathrop to Ceres/Merced - The Environmental Impact Report (EIR) was certified in August 2018. Final design is currently underway for individual projects along the corridor. Preparation of a project level EIR for Ceres to Merced is underway. The project level Draft EIR for Ceres to Merced was released for public review on April 22nd, 2021 and comments were due June 7th, 2021. The Final EIR was approved at the December 3 2021 Board Meeting.
- 8 Valley Rail Ceres to Turlock - The Rail Commission submitted a joint Transit and Intercity Rail Capital Program (TIRCP) which included the improvements needed to extend ACE from Ceres to Turlock. In the TIRCP application it was noted that the Turlock Mayor and Vice Mayor expressed interest in moving the station location from the Transit Center to a Downtown location.
- 9 Stockton Diamond Grade Separation - The project will grade separate the existing UPRR and BNSF lines creating an uninterrupted flow of rail traffic through the crossing. Project Approval (PA) and Environmental Document (ED) services for the project are currently underway. The Final EIR was adopted by the Board on June 4th, 2021. The California Transportation Commission approved the project for Future Consideration of Funding at their June 23-24, 2021 meeting and allocate funding for the final design and right of way phases. The consultant contract for the final design phase was approved for Future Consideration at the October 1 2021 Board Meeting. Early construction activities will commence toward the end of 2023. This is a multi-year project estimated to be completed in 2026.
- 10 Locomotive Simulator Purchase - Purchase of a Locomotive Simulator that would allow staff to go through refresher training annually and provides new engineers a strong understanding of the Positive Train Control (PTC) system.
- 11 Charger Locomotives - Special Tooling & Capital Spares for the Siemens Charger Locomotives.
- 12 Platform Extension Projects - Multi-year project to extend the existing Lathrop/Manteca, Tracy, Vasco, Livermore, and Pleasanton platforms. 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 in construction in FY 22/23. The Fremont platform extension project is currently in preliminary engineering. The final design for the Fremont project will be completed in FY 22/23.
- 13 Cabral Station Track Extension - In June, SJRRRC received approval from FTA Region 9 for a NEPA Categorical Exclusion. The construction contract was awarded at the March 2022 SJRRRC Board Meeting and construction is scheduled to be completed by Winter 2023.
- 14 Positive Train Control - Staff continues to work with UPRR, Caltrain, FRA and all Passenger Rail Partners on software updates and system improvements.
- 15 Rail Cars - A contract with Bombardier was Approved at the April 2020 SJRRRC Board meeting. Additionally, an option order was approved by the Board at the December 2020 meeting for 4 additional coaches. This is a Multi-year project for the procurement of five (5) passenger rail cab cars and 16 passenger coach cars. Delivery of the first cars is scheduled for Spring 2022. Delays to the delivery are associated with supply chain issues and illness due to the Covid-19 Pandemic.
- 16 Phase 2 Wi-Fi Installation - With the purchase and imminent delivery of 21 new rail cars from Bombardier, an Amendment to the contract with Nomad was approved at the February 2022 SJRRRC Board Meeting with an end date of May 31, 2025.
- 17 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 in FY 23/24.
- 18 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.
- 19 Rail Maintenance Facility Expansion - This project will expand the existing Stockton Regional Rail Maintenance Facility to allow for the repair, maintenance, and storage of new state-owned Siemens Venture cars for the San Joaquins. The contract for construction management services was awarded at the July 2021 SJRRRC Board Meeting. Construction is scheduled to be completed by Summer 2023.
- 20 Newark-Albrae Siding Connection - The Newark Albrae siding in Southern Alameda County is required to allow the operation of the 5th ACE train. A Professional Services agreement for the project was awarded at the October 2022 meeting.
- 21 Facility Upgrades and Capital Improvements - Currently ongoing
- 22 Tracy ACE Station Improvements - Consultant contract was awarded at the May 3rd 2019 Board meeting. Environmental and design are currently underway. Construction is anticipated to begin in Summer 2022.
- 23 Capital Spares - Preventative Maintenance is ongoing.
- 24 Network Integration - Planning consulting services of integrating the ACE and SJJPA services with high-speed rail and other rail transit services.
- 25 Short Range Transit Plan - Update to FY 2018 - FY 2027 SRTP is ongoing.
- 26 The Rail Academy of Central California (TRACC) - The Rail Academy will provide the youth of Stockton and the surrounding region the opportunity to gain marketable skills and position them for successful careers in the transportation industry. The first Open House was held on May 25, 2022.

Fare Revenue



Item 3.3



% of Budget Year Elapsed: 25%

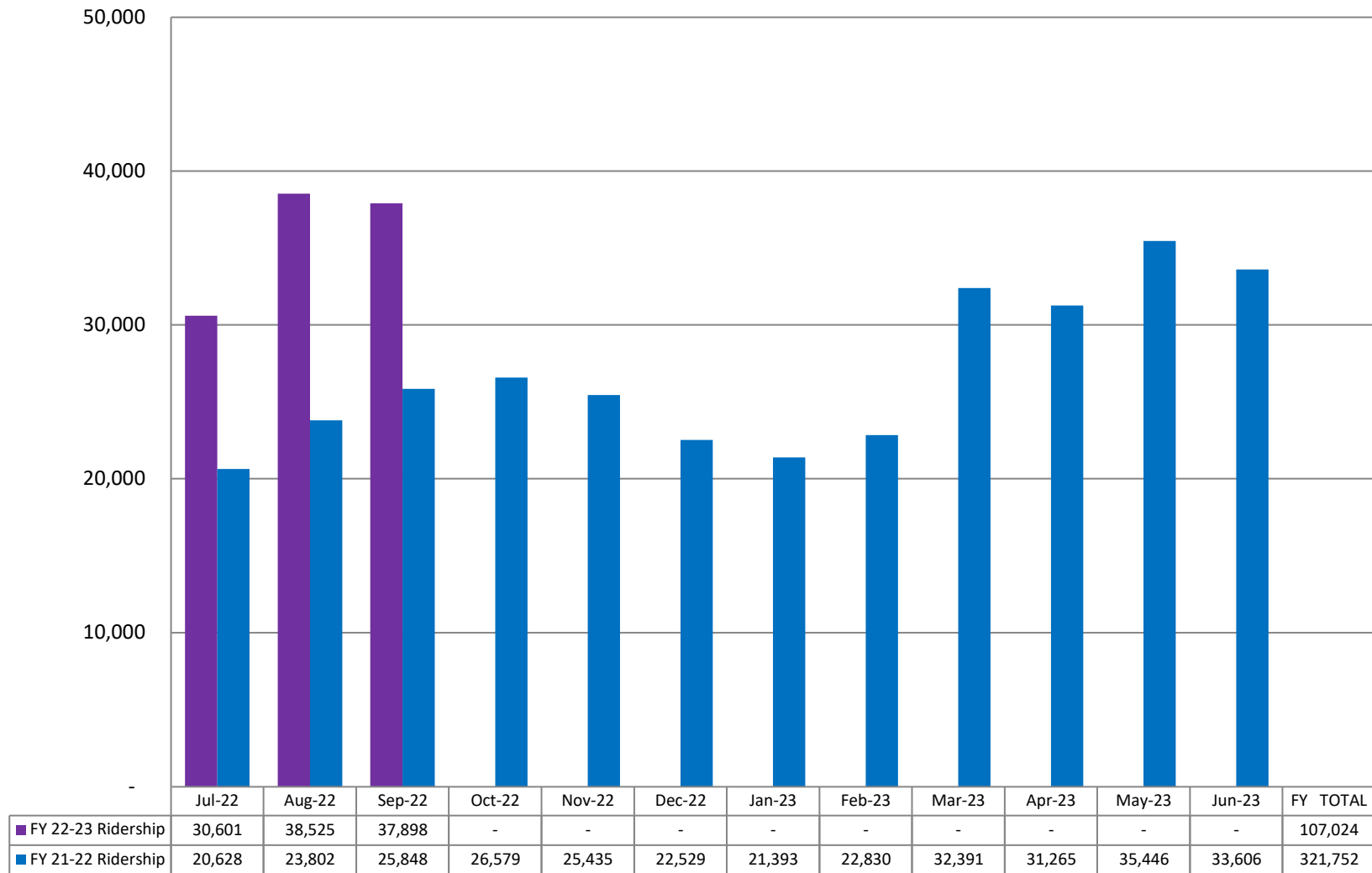
FY 22-23 % of Fare Revenue Received over Budget to Date: 20.5%

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

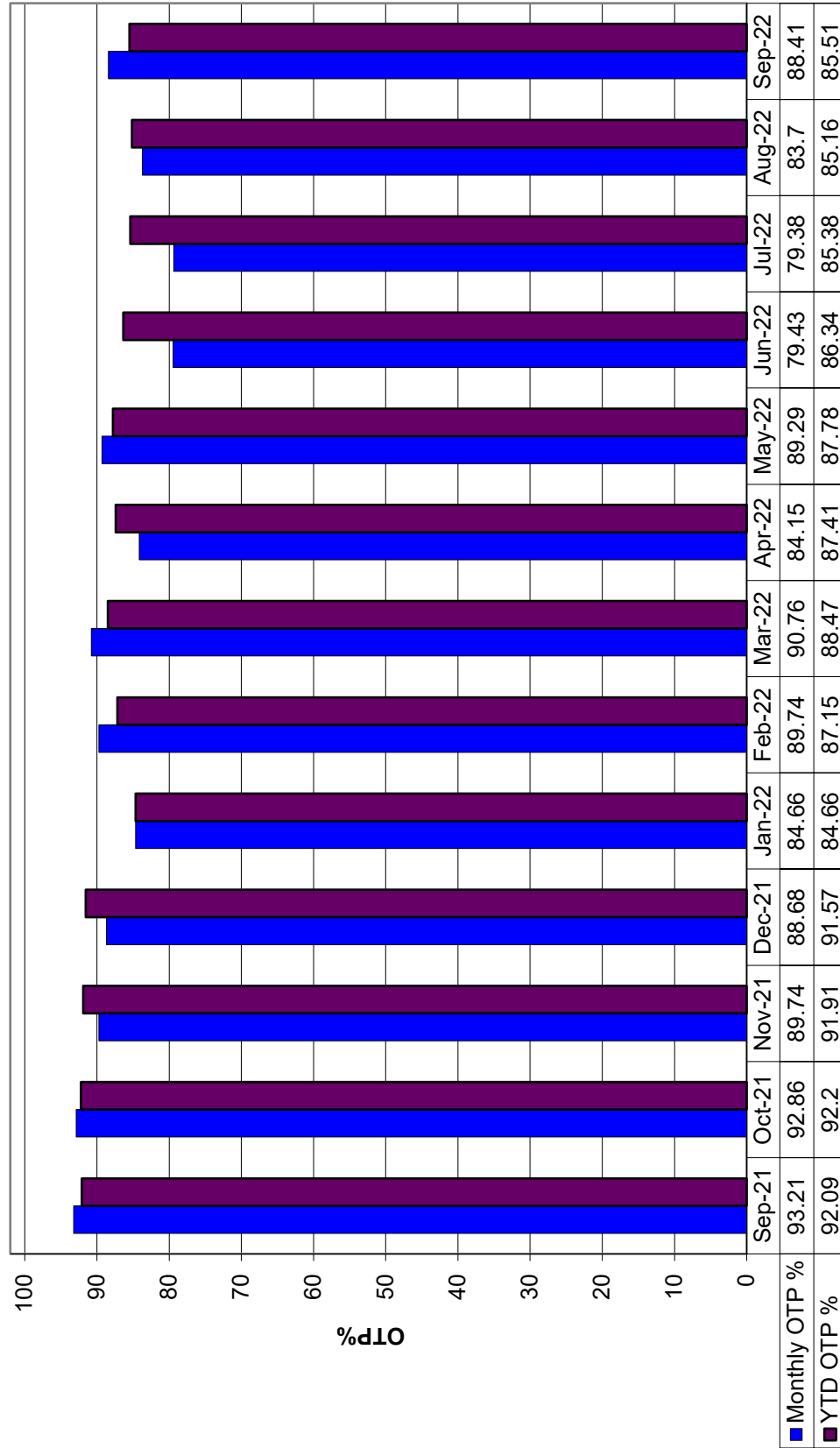
Ridership



Item 3.4



ACE ON TIME PERFORMANCE



Tai Ginsberg & Associates, LLC
200 Massachusetts Ave. NW, 7th 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 OCTOBER 2022
DATE: October 26, 2022

THE BIDEN ADMINISTRATION/EXECUTIVE BRANCH

October 22, 2022 – Update: The White House deal reached between the United Rail Unions and the National Carriers Conference Committee (NCCC) via Presidential Emergency Board (PEB) negotiations last month to avert a freight rail strike is in jeopardy. The Brotherhood of Maintenance of Way Employees Division (BMWED – the 3rd largest railroad union) rejected the compromise tentative five-year contract on October 10, 2022. *[Recall – the PEB recommendations included a 24 percent general compounded wage increase during the 5-year period from 2020-2024 and an annual \$1,000 service recognition bonus.]* On October 18, the NCCC rejected the BMWED’s request and appear unwilling to concede any more than the PEB framework deal. In summary, six of the 12 unions have approved the tentative agreement, two unions have voted theirs down and over the next month, four more are set to vote. Every one of the 12 unions representing freight rail employees must ratify their contracts to prevent a strike. The rejection of the tentative agreement by the BMWED results in a “status quo” period where the union will re-engage bargaining with the Class I freight carriers. That status quo period will extend to five days after Congress reconvenes, which is currently set for November 14, 2022. Assuming Congress returns to session on the 14th there could be no “self help” until after the 19th (this deadline is likely to be extended as voting by the two largest of the rail unions will not be completed before November 17 and because November 19, is the Saturday before the Thanksgiving Day holiday). *[For the Union, Self-Help means engaging in activities that may inflict economic harm on the Company, up to and including a strike.]* The NCCC issued a statement noting that, “We are disappointed that members of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED) have declined to ratify the recent tentative agreement between the BMWED and the nation’s freight railroads.” See nearby POLITCO union railroad worker diagram.

October 14, 2022. As a result of the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic, the Department of Health and Human Services renewed, effective October 13, 2022 and for the duration of 90 days, the that a public health emergency exists and has existed since January 27, 2020, nationwide. Federal public health officials are bracing for a possible winter surge in COVID-19 cases and a few weeks after President Biden said in a “60 Minutes interview” “the pandemic is over.”

More than half of railroad workers have yet to ratify new contracts

Freight railroad union ratification vote results, deadlines and representation

Union	Voted to ratify?	Ratification results expected	Tentative agreement reached	Members (2020)	Percentage of overall coalition
SMART Transportation Division	TBD	Nov. 17	Sept. 15	37,400	30%
Brotherhood of Locomotive Engineers and Trainmen	TBD	Nov. 17	Sept. 15	24,700	19.8%
Brotherhood of Maintenance of Way Employees (Teamsters)	No	Oct. 10	Sept. 11	23,900	19.2%
Brotherhood of Railway Carmen	Yes	Sept. 14	Aug. 29	9,200	7.4%
Brotherhood of Railroad Signalmen	TBD	Oct. 26	Sept. 15	7,300	5.9%
District 19 (IAM)	TBD	Nov. 5	Aug. 29	6,600	5.3%
Voted “no” Sept. 14, now voting on new tentative agreement					
Int. Brotherhood of Electrical Workers	Yes	Sept. 28	Sept. 1	5,800	4.7%
Transportation Communications Union (IAM)	Yes	Sept. 14	Aug. 29	3,800	3.1%
National Conference of Firemen & Oilers (SEIU)	Yes	Oct. 13	Sept. 13	2,400	1.9%
American Train Dispatchers Association	Yes	Oct. 4	Sept. 1	1,500	1.2%
SMART Mechanical Department	Yes	Oct. 12	Sept. 11	1,400	1.1%
Int. Brotherhood of Boilermakers	TBD	Nov. 14	Sept. 11	500	0.4%

Source: Unions, National Rail Labor Conference
Eleanor Mueller and Nick Niedzwiedzki / POLITICO

See Dr. Ashish Jha White House statement [here](#). The Federal Transit Administration's Office of Inspector General (OIG) also issued a report entitled, "[FTA Can Enhance Its Controls To Mitigate COVID-19 Relief Funding Risks](#)." Since March 2020, Congress has provided \$69.5 billion in supplemental funding to the FTA to help transit systems in the United States mitigate the impacts of the Coronavirus Disease 2019 (COVID-19) pandemic. As of August 1, 2022, FTA had obligated over \$63 billion and expended over \$46 billion. The OIG determined that FTA's controls fully address 8 of 12 identified risks, and that four risks no longer apply.

October 13, 2022. President Joe Biden issued a [statement](#) in conjunction with the White House Accelerating Infrastructure Summit. State DOT CEOs participated in two panel discussions moderated by Buttigieg and Michael Regan, administrator of the US EPA. Moreover, the Administration and outside organizations announced new efforts and an Action Plan to accelerate the rebuilding of the nation's infrastructure. See [here](#) for "The Biden-Harris Action Plan For Accelerating Infrastructure." See [here](#) for fact sheet on "Biden-Harris Administration Announces Action Plan to Accelerate Infrastructure."

BIDEN 2022 TRANSPORTATION-RELATED NOMINATIONS/CONFIRMATIONS

Since the September 2022 report, the following is the only relevant change in status to transportation-related nominees. **A full 2022 listing of "Nominations" is available from TG&A upon request.**

Note: On October 20, 2022, the US DOT [announced](#) **Gloria Shepherd** as the **Executive Director of the Federal Highway Administration** (FHWA), the eleventh person to hold this position since FHWA's founding in 1971. Since 2007, Gloria has served as the Associate Administrator for Planning, Environment, and Realty. Prior to becoming an Associate Administrator, Ms. Shepherd served for 8 years as the Director, Office of Planning where she was the principal advocate for metropolitan and statewide planning and programs. Before joining FHWA, she served in executive level positions with the Maryland State Highway Administration and the New York Department of Transportation. **More....**until Shailen Bhatt is confirmed by the full Senate, the overall ranking official at FHWA remains Stephanie Pollack, a political appointee who is serving as deputy administrator and acting administrator.



APPROPRIATIONS/BUDGET

General Status of FY 2023 Appropriations Process

October 21, 2022. The US Department of Treasury issued its [Monthly Treasury Statement Receipts and Outlays of the United States Government For FY 2022 Through September 30, 2022](#). This report includes the final budget results for FY 2022. The government scored a \$430 billion deficit in the month of September with **total September receipts reaching \$488 billion** against **September outlays of \$917 billion**. Total FY 2022 receipts amounted to \$4.896 trillion (up 21 percent from last year) and outlays of \$6.272 trillion (down 8 percent from last year) – an overall FY 2022 deficit of \$1.375 trillion. **The government spent \$718 billion on interest costs on the public debt in FY 2022.** A WSJ article noted, "Some budget analysts say higher deficits and government debt levels carry hazards for the nation's fiscal outlook. Running annual deficits requires the government to borrow, often from overseas investors. The debts need to be repaid through more borrowing, higher taxes or reduced spending." Also, see press release [here](#) from the Committee for a Responsible Federal Budget noting concern over increased deficits and attributing the [declining FY 2022 deficit to shrinking or expiring COVID relief](#).

October 11, 2022. The Congressional Budget Office (CBO) released its final [Monthly budget Review: September 2022](#) of FY 2022, which shows that the budget deficit totaled \$1.4 trillion in FY 2022 and \$431 billion in September. Revenues were \$850 billion (or 21%) higher and outlays were \$548 billion (or 8%) lower than they were in FY 2021. The Committee for a Responsible Federal Budget commented, "As expected, after two years of deficits averaging \$3 trillion, the deficit is heading downwards as the economy recovers and COVID borrowing runs off. A \$1.4 trillion annual deficit is most certainly not a cause for celebration—anyone who sees it differently is not taking the issue of fiscal responsibility seriously." The WSJ noted that, "Expenditures related to Covid-19 programs, such as stimulus checks and small-business loans, fell. In FY year 2019, before the pandemic, the government reported a roughly \$984 billion deficit."

October 3, 2022. The Department of Treasury issued its [Daily Treasury Statement](#) noting **that total public debt breached the \$31 trillion threshold (\$31.064 trillion) – a new record**. [That is approximately \$93,000 per citizen and about \$247,000 for every taxpayer in the US.] As of October 4, the [Debt to the Penny](#) is shown below. See real-time US Debt Clock [here](#).

Record Date	Debt Held by the Public	Intragovernmental Holdings	Total Public Debt Outstanding
10/4/2022	\$24,288,376,193,590.75	\$6,848,642,913,463.43	\$31,137,019,107,054.18

On September 30, 2022, President Joe Biden signed the “[Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 \(CR\)](#).” The bipartisan CR continues federal funding (FY 2022 appropriations expired on September 30) through December 16, 2022, at FY 2022 pro-rata levels, and is a temporary measure to afford Congress sufficient time to complete an FY 2023 omnibus package (typically via a 12-bill compilation). The bill also provides relief to communities recovering from natural disasters and includes more than \$12 billion in support for Ukraine military aid. However, the CR did not include any COVID-19 or monkeypox funding as requested by the Administration. Earlier, the Senate had passed the CR bill on 9/29/22 and the House passed it on 9/30/22. Provided Congress cannot reach an agreement on final FY 2023 appropriations by the December 16, CR deadline, a second CR might be needed to extend the funding of the US government further into FY 2023. [The CR Senate/House deal was reached on September 27, 2022, after Senator Joe Manchin (D-WV) relented on a provision that he was championing to streamline the permitting of certain energy-related projects. Senate Democratic leadership had earlier struck a deal with Senator Manchin that they would include his provision in exchange for his support on the [Inflation Reduction Act \(IRA\)](#), which was enacted on August 16, 2022.] After the Senate/House acted on the passing the CR, they returned home to their respective states for the month of October to campaign prior to the November 8, mid-term elections. **Note: FY 2023 earmarks as negotiated and included in House/Senate appropriation bills (i.e. Congressionally Directed Spending in the Senate and Community Project Funding in the House of Representatives) still need to be resolved in a final appropriations package.** CR summary [here](#) and CR one-pager [here](#).

FY 2023 Continuing Resolution(s)										
Continuing Resolution	Subcommittee Approval		Full Committee Approval		Initial Passage		Resolution of House-Senate Differences			Presidential Approval
	House	Senate	House	Senate	House	Senate	Conference Rpt.	House	Senate	
No. 1 CR HR 6833								(230-201) 9/30/2022	(72-25) 9/29/2022	P.L. 117-180 9/30/2022
FY 2023 Continuing Appropriations and Ukraine Supplemental Appropriations Act (through 12/16/2022)										Continuing Appropriations and Ukraine Supplemental Appropriations Act

BACKGROUND TO FY 2023 APPROPRIATIONS

The **HOUSE** passed the FY 2023 Consolidated Appropriations Act ([HR 8294](#)) on July 20, 2022 by a vote of 220-207. The bill contained the text of six regular FY 2023 appropriations bills reported by the House Appropriations Committee, with modifications: (Div. A) Transportation-HUD H.R. 8294, (Div. B) Agriculture H.R. 8239, (Div. C) Energy and Water H.R. 8255, (Div. D) Financial Services H.R. 8254, (Div. E) Interior H.R. 8262, (Div. F) Military Construction-VA H.R. 8238. On July 28, 2022, the **SENATE** Appropriations Committee released a [press release](#) containing links to draft bill text, explanatory statement, and bill summary information for 12 regular FY 2023 appropriations bills. A topline summary of all 12 bills prepared by the office of Chairman Patrick Leahy (D-VT) is available [here](#). The Senate; however, never scheduled any committee votes on any of their appropriation bills.

OVERALL FY 2023 APPROPRIATION BILL SUMMARY		
	Bills Passed:	House (6 of 12)
		Senate (0 of 12)
	Bills Vetoed:	(0 of 12)
	Both Chambers Passed:	(0 of 12)
	Bills Enacted:	(0 of 12)

U.S. CONGRESS - GENERAL ELECTION 2020 BALANCE OF POWER SCORECARD						
As of 10/12/2022						
HOUSE - 218 NEEDED FOR CONTROL						
	Republican	Democrat	Libertarian	Independent	Vacancies/Undecided	Total
Before Election (117 th - 2nd Session)	212	220	0	0	3	435
After Election (118 th - 1st Session)	TBD	TBD	TBD	TBD	TBD	435
House Notes:						
All 435 House Seats are up for election on November 8, 2022.						
<p> 6 There are a total of 3 vacant seats in the House, two vacant seats in Florida (Charlie Crist - resigned to run for Governor of FL and there is a special election for the resignation of Ted Deutch who resigned on September 30, 2022 to become the CEO of the American Jewish Committee). There is vacant seat in IN (to fill the seat of the passing of Jackie Walorski). </p>						
SENATE - 51 NEEDED FOR CONTROL						
	Republican	Democrat	Libertarian	Independent	Vacancies/Undecided	Total
Before Election (117 th - 2nd Session)	50	48	0	2	6	100
After Election (118 th - 1st Session)	TBD	TBD	TBD	TBD	TBD	100
Senate Notes:						
<p> The Senate chamber is split 50-50, with Democratic Vice President Kamala Harris serving as the tiebreaker. </p> <p> There are 34 Senate Class 3 Seats (14 Democrats and 20 Republicans) up for election on November 8, 2022, the winners of which will serve six-year terms in the US Congress from January 3, 2023, to January 3, 2029. </p> <p> Two special elections will also be held—in CA, to fill the final weeks (until January 3, 2023) of now-Vice President Kamala Harris' term (currently held by Alex Padilla), and in OK, to serve the four remaining years of Jim Inhofe's term who is resigning at the end of the 117th Congress. On the ballot is also a contest for the next full-term US Senate seat in CA and a full-term Senate seat in OK, as well. </p> <p> 6 Two independents caucus with the Democrats, i.e. Bernie Sanders (VT) and Angus King (ME). </p>						

September 28, 2022. House Committee on Transportation and Infrastructure Chairman, Peter DeFazio sent a [letter](#) to the Federal Transit Administration regarding the enforcement of “Buy America” provisions within their jurisdiction. Specifically, Chairman DeFazio asked the FTA to:

- Ensure that when transit agencies procure State-Owned Enterprises-built (SOE) rolling stock, the manufacturer and the transit agency comply with all aspects of transit Buy America requirements, to which they are still subject;
- Undertake enhanced Buy America compliance reviews for procurements from SOEs;
- Identify Buy America oversight standards and reporting requirements to improve transit agencies’ oversight when procuring rolling stock from SOEs; and,
- Require robust and publicly-available reporting by exempt transit agencies of all mandatory and voluntary oversight steps they take when procuring rolling stock from SOEs.

SELECTED CONGRESSIONAL “TRANSPORTATION-RELATED” BILLS – SEPTEMBER

SENATE BILLS (No Relevant Items)	
HOUSE BILLS	
HR 5641 Press Release T&I Press Release	S. Graves (R-MO) “Small Project Efficient and Effective Disaster Recovery Act” or the “SPEED Recovery Act.” Increases to \$1 million the threshold for what qualifies as a small project under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, allowing more recovery projects to proceed under simplified procedures. The threshold must be reviewed every three years. Passed the Senate on 9/20/22 and passed the House on 9/29/22. Became Public Law on 10/10/22.

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

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

[Selected Upcoming NOFO Announcements in 2022 – \(As of October 14, 2022 - Hyperlink\)](#)

Month	Notice of Funding Opportunity (NOFO)	Operating/Admin. Office
September	State of Good Repair and Rail Vehicle Replacement Program – NOFO issued 10/11/22.	Federal Transit Administration
October	Thriving Communities – NOFO issued 10/6/22.	Office of the Secretary
October	Federal-State Partnership for Intercity Passenger Rail Grant Pgm.	Federal Railroad Administration
December	FY 2022 Federal-State Partnership (Northeast Corridor)	Federal Railroad Administration

Note: Awards will be announced in the coming weeks for several major discretionary grant programs, such as the MEGA and the Rural Surface Transportation Program.

October 11, 2022. The Federal Transit Administration (FTA) issued a [Notice of Funding Opportunity](#) (NOFO – and [here](#)) making available \$300 million for each of FY 2022 and FY 2023 for competitive grants under the **FYs 2022/2023 Competitive Grants for Rail Vehicle Replacement Program**. The NOFO announces two FYs of funding; as such, FTA may select up to six awards. Eligible applicants for the Competitive Grants for Rail Vehicle Replacement Program are States and local governmental authorities. The Competitive Grants for Rail Vehicle Replacement funding may be up to 50 percent of the total eligible project cost. Other Federal funding, including FTA funding, such as State of Good Repair Program formula funding, may be applied for the project up to a maximum 80 percent Federal share of eligible project costs. **Applications are due by 11:59 P.M. ET, January 5, 2023.**

October 7, 2022. The Federal Highway Administration (FHWA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$196 million under the **FY 2022 National Culvert Removal, Replacement, and Restoration Grant Program** ([Culvert AOP Program](#)). Funds made available for FY 2022 for the Culvert AOP Program are to be awarded on a competitive basis for the replacement, removal, repair, and improvement of culverts or weirs that would meaningfully improve or restore fish passage for anadromous fish. Eligible Applicants are: (1) States; (2) a unit of local government; or an (3) Indian Tribe. There is no minimum or maximum award size for the FY 2022 Culvert AOP Program. In FY 2022, DOT anticipates awarding hundreds of Culvert AOP Program Grants with anticipated awards ranging from \$100,000 to \$2,000,000. There is an 80 percent limit to the Federal share of the total project costs of carrying out a project with a grant to a State or a unit of local government under the Culvert AOP Program.

Recipients are required to contribute a local matching share of no less than 20 percent of eligible activities of the total project costs. Indian Tribes are not required to provide a cost share under the Culvert AOP Program. There is no limitation on the number of applications that may be submitted by an eligible applicant. US DOT plans to conduct outreach regarding the Culvert AOP Program in the form of a virtual meeting on October 26, 2022, at 1:30 to 3:00 p.m., ET. See US DOT press release [here](#). **Applications must be submitted no later than 11:59 p.m., ET, on February 6, 2023.**

October 6, 2022. The US DOT [issued](#) a [Notice of Funding Opportunity](#) (NOFO) making \$25 million available under the **FY 2022 Thriving Communities Program**. The Department released both a call for [Letters of Interest](#) (LOI and [here](#)) from community leaders seeking support from the program as well as a NOFO for capacity builders. **LOIs must be submitted no later than December 6, 2022.** The NOFO will provide funding for organizations to provide technical assistance, planning and capacity building support to recipients under the Thriving Communities Program. Eligible applicants are non-profit organizations, state or local governments and their agencies (such as transit agencies or metropolitan planning organizations), Tribes, philanthropic entities. **The NOFO will be open until November 22, 2022.** No cost sharing or matching is required as a condition of eligibility under this competition. US DOT will fund up to 100 percent of eligible project costs. DOT will determine the amount of funds to be awarded but anticipates a range between \$3.5 - \$6.0 million for each cooperative agreement. The Department will host a series of webinars to provide more information both to interested communities and capacity builders. More information on the series can be found [here](#). A Thriving Communities Program fact sheet can be found [here](#). **Update:** A [NOFO](#) was issued on 18 October 2022 regarding US DOT's application submission requirements and application review procedures to select capacity builders to provide technical assistance, planning and capacity building through cooperative agreements for FY 2022 Thriving Communities Program.

September 29, 2022. The U.S. [Department of the Treasury announced the release of Local Assistance and Tribal Consistency Fund \(LATCF\) payments](#) to counties, which provide \$1.5 billion in two equal payments of \$750 million for FYs 2022 and 2023 to "eligible revenue sharing counties" – or those counties with large amounts of federally owned public lands – under the American Rescue Plan Act. See [here](#) for a list of State counties and FY 2022/2023 allocations. See [here](#) for allocation methodology.

OTHER TRANSPORTATION-RELATED FEDERAL REGISTER NOTICES

October 25, 2022. The Federal Transit Administration (FTA) issued a [Notice of Buy America Waiver](#) because the FTA has been unable to identify any manufacturer of non-ADA-accessible vans or minivans that fully comply with Buy America. Hence, FTA is issuing a partial, time-limited, general nonavailability waiver from the requirements of Buy America. The waiver covers mass-produced, unmodified non-ADA accessible passenger vans and minivans. Final assembly of these vehicles must occur in the US, and to maximize domestic content, the waiver requires that the engines or motors must be manufactured in the US. **The waiver is effective October 25, 2022 and expires two years from this date, or upon publication of a rescission notice if FTA determines that a fully Buy America-compliant vehicle has become available, whichever occurs first.**

October 17, 2022. TRIP|A National Transportation Research Nonprofit [released](#) a report entitled, "[Rural Connections: Challenges and Opportunities in America's Heartland](#)." The report looks at the condition, use and safety of the nation's rural transportation system, particularly its roads, highways and bridges, and identifies needed improvements. An analysis of the [Status of the Nation's Highways, Bridges, and Transit Conditions and Performance Report](#) notes that America's rural transportation is facing a \$180 billion backlog in funding for needed repairs and improvements. This includes a \$109 billion backlog for rural road and highway rehabilitation, a \$35 billion backlog for needed rural bridge rehabilitation, and a \$36 billion backlog for needed rural roadway enhancements.

October 13, 2022. The Department of Labor published a [Notice of Proposed Rulemaking](#) (NPRM) to modify Wage and Hour Division regulations to revise its analysis for determining employee or independent contractor classification under the Fair Labor Standards Act (FLSA or Act). [*Currently, the FLSA generally requires covered employers to pay nonexempt employees at least the Federal minimum wage for all hours worked and at least one and one-half times the employee's regular rate of pay for every hour worked over 40 in a workweek. The FLSA's minimum wage and overtime pay protections do not apply to independent contractors.*] The NPRM proposes to establish a six-pronged multifactor or economic reality analysis to distinguish between employees and independent contractors. Provided the rule becomes final, gig workers such as drivers for ride-share or food delivery companies such as Uber Technologies, Inc. and Lyft Inc., or DoorDash Inc. could be classified as employees and subject to the rules of the FLSA. [*The aforementioned companies are likely to legally challenge the proposal to reclassify gig workers.*] See American Trucking Association article [here](#). **Written comments are due by November 28, 2022.**

October 7, 2022. The Federal Highway Administration (FHWA) issued a [Final Rule](#) (and [here](#)) amending its regulation governing each State's certification of whether they choose to enact and enforce drug offender's driver's license requirements or choose to oppose enacting or enforcing the drug offender's driver's license requirement. The regulation applies to each State and specifies the steps that States must take to avoid the withholding of Federal-aid highway funds for noncompliance with the certification requirements. **The rule becomes effective November 10, 2022.**

October 3, 2022. The Federal Railroad Administration (FRA) issued a [Notice of Proposed Rulemaking](#) (NPRM) proposes amending its regulation on Training, Qualification, and Oversight for Safety-Related Railroad Employees (Training Rule) to codify agency guidance and clarify existing requirements. **Written comments on the proposed rule must be received by December 2, 2022.**

OTHER REPORTS/NOTICES/NEWS ARTICLES

October 21, 2022. The Federal Transit Administration (FTA) issued 31 [Special Directives](#) to require all State [Safety Oversight Agencies](#) (SSOAs) to develop and implement a risk-based inspection program of the Rail Fixed Guideway Public Transportation Systems (RFGPTS) they oversee in accordance with changes to FTA's Public Transportation Safety Program as required by the IIJA. SSOAs must submit documentation to FTA to demonstrate their inspection programs address the requirements in accordance with their relevant Special Directive by October 21, 2024.

October 18, 2022. The Transportation Security Administration (TSA) [announced](#) a new cybersecurity security directive regulating designated passenger and freight railroad carriers. The [Enhancing Rail Cybersecurity Directive](#) strengthens cybersecurity requirements and focuses on performance-based measures to achieve critical cybersecurity outcomes. The Directive requires actions necessary to protect the national security, economy, and public health and safety of the US and its citizens from the impact of malicious cyber-intrusions affecting the nation's railroads. See the aforementioned Directive for Owner/Operator required measures. See Association of American Railroads (AAR) "Railroads & Cybersecurity" fact sheet [here](#).

October 13, 2022. The [US DOT released](#) its "[Promising Practices for Meaningful Public Involvement in Transportation Decision-Making document](#)." The purpose of the document is to provide promising practices which can promote a shared understanding of meaningful public involvement. The goal is to promote promising practices for transportation professionals to incorporate meaningful public involvement into each stage of the transportation decision-making process and project lifecycle, including operations and service provision. The guide is intended to support practitioners in all modes of transportation in various roles, including those working in policy, planning, engineering, operations, civil rights, environmental justice, and public involvement. Over the coming months, the US DOT will be offering additional training and technical assistance around the guide.

October 12, 2022. The US DOT Office of Inspector General (OIG) issued a [memorandum](#) concerning, “FRA’s Oversight of Railroad Hours of Service and Fatigue Management.” FRA data shows that human factors, including fatigue, remain the leading cause of reportable non-grade crossing train accidents. The OIG is initiating an audit to evaluate FRA’s oversight of railroad hours of service and fatigue management.

October 12, 2022. The Federal Highway Administration (FHWA) [announced](#) the first round of grants from the IIJA’s competitive Bridge Investment Program. The first round of planning grants under the Bridge Investment Program will provide \$18.4 million in FY 2022 funding for 23 projects in 23 states. View the fact sheets about the awards [here](#).

October 11, 2022. The Federal Highway Administration (FHWA) [announced](#) that it has released \$59.9 billion in FY 2023 apportionments for 12 formula programs. Click [here](#) to view the allocation of funding by state and program (scroll near the bottom of the page “FY 2023 Apportionment and Obligation Limitation Notices).

October 11, 2022. The American Public Transportation Association (APTA) issued a report entitled, “[Transit Workforce Shortage Root Causes, Potential Solutions, and the Road Ahead](#).” The report notes that, “Public transit providers across North America face a shortage of operators and mechanics during a period of economic instability and reshuffling exacerbated by the COVID-19 pandemic.” Furthermore, agencies’ ability to respond to the worker shortage has been hampered by inadequate information about its causes and effects. The report highlights what agencies and the industry can do to deal with these workforce issues by combining background research and the results from surveys of public transit agencies.

October 5, 2022.

The US DOT Office of Inspector General issued a Memorandum entitled, “[Challenges Facing DOT in Implementing the Infrastructure Investment and Jobs Act](#).” The Infrastructure Investment and Jobs Act (IIJA) authorized about \$660 billion in funding for new and existing US DOT programs for fiscal years 2022 through 2026. The Memo identifies key challenges and potential risks for US DOT’s consideration in bolstering its implementation and oversight of the IIJA. *[The IIJA included about \$383 billion in contract authority—specified amounts that DOT can expend in each of the years covered by the law—and provided over \$184 billion in appropriations (nearby table).]* The remaining approximately \$93 billion that Congress authorized in IIJA was subject to future appropriations.

Federal Modal Allocation of Appropriations

Operating Administration	Contract Authority	Appropriated
FAA	-	\$25.0
FHWA	\$303.5	\$47.3
FMCSA	\$4.5	\$0.7
FRA	-	\$66.0
FTA	\$69.9	\$21.3
MARAD	-	\$2.3
NHTSA	\$5.1	\$1.6
OST	-	\$19.0
PHMSA	-	\$1.0
Total	\$383	\$184.1

Source: OIG analysis of IIJA

October 4, 2022. The US DOT [announced](#) that the Department’s Build America Bureau will offer low-cost and flexible financing for transit and Transit-oriented Development (TOD) projects at the maximum level authorized under law. This new initiative, “TIFIA 49,” authorizes borrowing up to 49 percent of eligible project costs for projects that meet certain eligibility requirements, helping more projects get off the ground. With few exceptions, TIFIA loans have historically been capped at 33 percent of eligible project costs. Learn more about TIFIA 49 [here](#).

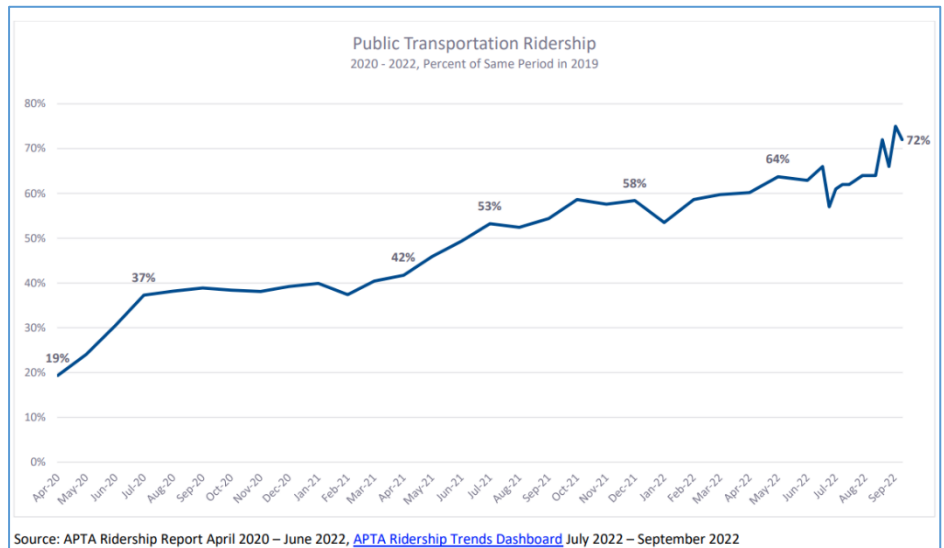
September 30, 2022. The ENO Center for Transportation released a report entitled, “[On the Right Track: Rail Transit Project Delivery Around the World](#).” The report examines project delivery in 10 peer nations across the globe and builds on Eno’s 2021 report [Saving Time and Making Cents](#), and the ongoing initiative to improve transit rail project delivery in the United States. The research includes new [case studies](#) of how countries govern, plan, regulate, fund, and construct projects.

The report found that urban rail transit projects in the United States suffer from disproportionately high costs and long timelines compared to international peers.

September 28, 2022. According to the [American Public Transportation Association's \(APTA\) Ridership Trends Dashboard](#) the public

transportation industry saw ridership rebound to more than 70 percent of pre-pandemic levels in September. Due to the COVID-19 pandemic, public transportation ridership declines began in mid-March 2020, coinciding with stay-at-home emergency orders in many cities and states across the country. Ridership declined to a low point of 10 to 40 percent of pre-pandemic levels in many cities. After falling to

20 percent of pre-pandemic levels in April 2020, ridership has recovered to more than 70 percent of pre-pandemic levels. See APTA Public Transportation Ridership Update [here](#).



UPCOMING CONGRESSIONAL CALENDAR – NOVEMBER

The Senate and the House of Representatives do not have another scheduled roll-call vote until November 14, six days after the midterm elections.

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

November

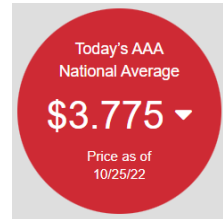
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
		1	2	3	4	5
6	7	8 Election Day	9	10	11 Veterans Day	12
13	14	15	16	17	18	19
20	21	22	23	24 Thanksgiving Day	25	26
27	28	29	30			

UPCOMING DEADLINES/EVENTS

October 25-27 [FTA Joint State Safety Oversight and Rail Transit Agency Workshop](#) (Washington DC);
 November 3 [FTA Cybersecurity Awareness for Transit Agencies Webinar](#);
 November 3 [FTA Rail Vehicle Replacement Program Webinar](#);
 November 9 [FTA Whistleblower Protection for Transit Workers Webinar](#);
 November 14-15 [AASHTO 2022 Council on Public Transportation & MTAP Winter Meeting](#);
 November 14-16 [Commuter Rail Coalition Retreat](#) (San Carlos, CA);
 November 14-20 [National Apprenticeship Week](#);
 November 15-16 [RailTrends 2022](#) Executive-Level Conference (New York);
 December 5-8 [AASHTO 2022 Conference on Performance-Based Mgt./Planning and Data](#);
 January 4-7 [2023 NRC Annual Conference & NRC-REMSA Exhibition](#) (Boca Raton, FL);
 February 11-14 [2023 NACo Legislative Conference](#);
 March 12-14 APTA Legislative Conference (Washington D.C.).

SCUTTLEBUTT/ICYMI

October 25, 2022. The Automobile Association of America (AAA) national average gas price can be found [here](#) (price per gallon as of 10/25/22). One month ago the average price for regular gas was \$3.714 and one year ago the average price was \$3.387.



October 19, 2022. The National Academies of Sciences, Engineering, and Medicine [announced](#) that, following a national search, Victoria Sheehan will join the organization as the new executive director of the Transportation Research Board (TRB) on December 5, 2022. Ms. Sheehan comes to the National Academies from the New Hampshire Department of Transportation (DOT), which she has led as its commissioner for the past seven years. Before joining the New Hampshire DOT, Sheehan spent 10 years at the Massachusetts DOT leading strategic planning and highway performance, managing the bridge consulting program, and overseeing an eight-year, \$3 billion Accelerated Bridge Program.



October 19, 2022. Canadian National Railway Co. and [Unifor began bargaining](#) for a new collective agreement. Unifor represents about 3,600 workers, including mechanics, crane operators, machinists and electricians, et al. The current collective agreement expires on December 31, 2022.

October 14, 2022. The National Association of Counties (NACo) [reported](#) that due to a shortfall in administrative funding from the American Rescue Plan Act (ARPA) that the Treasury's contact center will no longer be able to respond to phone calls. This will impact counties and other recipients of the American Rescue Plan Act (ARPA) Recovery Funds, including the State and Local Fiscal Recovery Fund, Local Assistance and Tribal Consistency Fund (LATCF) and Emergency Rental Assistance (ERA) program. Moreover, NACo is still urging Congress to include [S. 3011/H.R. 5735](#) in the next federal spending bill to unlock unobligated funds allocated to the Treasury Department for administrative expenses related to operating the Recovery Fund and allow the Treasury to continue to work with state and local government partners to implement needed investments in America's communities.

October 14, 2022. The [Tri-Valley – San Joaquin Valley Regional Rail Authority](#) (Authority) board of directors approved the final purchase agreement with the City of Tracy for 200 acres of property to be used for the [Valley Link rail project](#).



[Valley Link is a new 42-mile, 7-station passenger rail project that establishes rail connectivity between BART's rapid transit system in the Bay Area's Tri-Valley and the ACE commuter service in Northern San Joaquin County – linking nearly 500 miles of commuter and intercity rail with more than 130 stations in the Northern California Megaregion. Phase 2 of the Valley Link project would extend the rail line to Stockton.]

The property will provide the critical land area needed to implement a green hydrogen production facility that will support the Authority's vision of sustainability for the Valley Link rail project. [In related news](#), the California Governor's Office of Business and Economic Development (GO-Biz) formally [announced](#) the formation of the [Alliance for Renewable Clean Hydrogen Energy Systems](#) (ARCHES), a shared not-for-profit LLC public-private partnership designed to accelerate hydrogen's contribution to decarbonizing the economy in California. The Alliance's first task is to submit California's single, state-wide application for federal hydrogen hub funding from the U.S. Department of Energy (DOE) through the IJA. \$8 billion in funding is available to fund between six-ten hubs nationally, with a maximum award of \$1.25 billion.

October 13, 2022. Congressman Mike Gallagher (R-WI) and John Garamendi (D-CA) sent a [letter](#) to Treasury Secretary Janet Yellen requesting that Chinese state-owned China Railway Rolling Stock Corporation Limited (CRRC) be listed as a state-owned and directed enterprise with clear links to the People's Liberation Army (PLA). The letter states that, "We are deeply concerned that CRRC will continue to undercut good-faith actors in the rail sector, further compromising the global rail market." And furthermore the letter concludes that, "Due to CRRC's established ties to the PLA and its status on the DoD list, we request the rationale and criteria considered for excluding CRRC from the Department of Treasury's NSCMIC list, and that a revised list including CRRC be released."

October 13, 2022. Attorney Generals from 13 states (CA, CO, IL, MD, MN, NY, OR, RI, WA, WI, VT, MA, and D.C.) sent a letter to US DOT Secretary Pete Buttigieg commenting on the Federal Highway Administration's (FHWA's) [Notice of Proposed Rulemaking](#) to institute a greenhouse gas performance measure to require State departments of transportation (State DOTs) and metropolitan planning organizations (MPOs) to establish declining carbon dioxide (CO2) targets for the and to establish a method for the measurement and reporting of greenhouse gas (GHG) emissions associated with transportation under the Highways title of the United States Code. The letter concluded that, "the GHG Emissions Measure would build on existing efforts by FHWA, State DOTs, and MPOs to track CO2 emissions from on-road mobile sources, and would provide a consistent set of data to inform highway investment and planning decisions."

October 11, 2022. Canadian National Railway (CN) [announced](#) the conclusion of a new contract with the [International Brotherhood of electrical Workers](#) (IBEW). The three-year collective agreement is retroactive to January 01, 2022, and runs through December 31, 2024. The agreement includes a 3 percent wage increase for each of 2022, 2023 and 2024. The IBEW represents approximately 750 unionized Signals and Communications employees in CN's Canadian operations.

October 11, 2022. The American Association of State Highway and Transportation Officials (AASHTO) released two new "[Commuting in America](#)" reports, which are free to download. If you do not have an AASHTO account, you can register online at the AASHTO Store by clicking "My Account" in the top right of the page. AASHTO has also released the third edition of its "[Transportation Governance and Finance: A 50-State Review of State Legislatures and Departments of Transportation](#)" publication, which is free to download.

October 7, 2022. The American Association of State Highway and Transportation Officials recently issued the third edition of its "Transportation Governance and Finance: A 50-State Review of State Legislatures and Departments of Transportation" publication, which is free to download. The report offers a comprehensive, up-to-date reference on how 50 states and the District of Columbia provide and pay for their transportation systems. Click [here](#) to access the report.

October 4, 2022. Senator Dick Durbin (D-IL), accompanied by Congressman Raja Krishnamoorthi (D-IL), spoke in Schaumburg urging the Surface Transportation Board (STB) to postpone the merger on Canadian Pacific Railway and Kansas City Southern. Their concern is the increased rail traffic, noise, environmental impacts, blocked crossings and compromised emergency service responses impacting various Chicagoland communities.

[Approval of the CN/KCS merger could add up to 14 freight trains per day to Metra's Milwaukee line that runs from Elgin to Bensenville.] Senator Durbin is requesting that additional environmental impact studies be completed before the STB renders a decision which could be finalized in the ensuing months.

October 4, 2022. See useful URL that lists FTA Reports and Publications from 2017-present [here](#).

October 3, 2022. Three transportation organizations (the Community Transportation Association of America, the American Public Transportation Association and, the American Association of State Highway and Transportation Officials) sent a [letter](#) to US DOT Secretary Pete Buttigieg “to bring awareness to a burgeoning crisis in the small bus industry that threatens the ongoing operations of rural, small-city, paratransit and nonemergency medical transportation providers across the nation. Today, the demand for small buses, particularly body-on-chassis vehicles, far outstrips supply with estimates of 20,000 small bus purchases currently backlogged.” The letter concluded by “encourage[ing] the US DOT to help the public transit industry secure additional chassis for the small bus market.”

October 3, 2022. Canadian National Railway (CN) has prepared this Winter Plan ([2022-2023 CN Winter Plan – Meeting the Challenge](#)) as required by the provisions of the Canada Transportation Act. The plan sets out the actions we are taking to improve our operation, increase our resiliency and enhance our recovery capabilities during periods when winter impacts our ability to operate the railway at normal levels.

September 30, 2022. The Transportation Research Board (TRB) released a report on the rapid rise in the use and prevalence of electric scooters (e-scooters) on U.S. roads and sidewalks. The report ([E-Scooter Safety: Issues and Solutions](#)) highlights that more must be done to address regulatory, infrastructure and educational deficiencies that are putting riders at risk. The US DOT’s Bureau of Transportation Statistics said there were at least 158 U.S. cities with e-scooter systems as of July 2022, nearly double the 87 systems in operation in 2019.

September 30, 2022. The Surface Transportation Board (STB) hearing on the proposed merger between Canadian Pacific and Kansas City Southern has been extended beyond the original dates of [September 28-30](#) into [October 3, 4, and 6](#).

September 27, 2022. [Paula Hammond, senior vice president of WSP USA, was elected ARTBA's 2022-2023 chair](#) September 27, 2022 during the association's national convention in Nashville, Tennessee. Hammond has been WSP USA’s senior vice president and national market leader since 2013 after almost 35 years at Washington State’s Department of Transportation (WSDOT), serving as its first female transportation secretary from 2007 to 2013. See ARTBA 2022-2023 Officers [here](#).

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

**SELECTED TRANSPORTATION NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS
(SCORECARD for CY 2022)**

10/13/2022										
	NOFO TITLE	TYPE (NOFO / AWARD)	NOFO ISSUANCE DATE	NOFO URL	NOFO \$s MADE AVAILABLE	APPLICATION DEADLINE	NOFO \$ AWARDS	AWARDS URL	AWARDED - DATE	COMMENTS
EDA										
	FY 2021 American Rescue Plan Act Good Jobs Challenge	NOFO/AWARD	7/22/2021	NOFO URL	500,000,000	2/10/2022	500,000,000	Award URL		
FAA										
	FY 2021 Small Community Air Service Development Program	NOFO	1/12/2022	NOFO URL	17,000,000	3/15/2022	TBD	TBD	TBD	
	FY 2022 Airport Terminal Program (ATP)	NOFO/AWARD	2/25/2022	NOFO URL	1,000,000,000	3/28/2022	968,625,660	Award URL	7/7/2022	Award Announcement
	Aviation Research Grants Program	NOFO	3/2/2022	NOFO URL	6,000,000	9/7/2027	TBD	TBD	TBD	
	FY 2022 Contract Tower Competitive Grant Program	NOFO	4/15/2022	NOFO URL	20,000,000	5/15/2022	TBD	TBD	TBD	
	FY 2022 Airport Improvement Program Discretionary Grants	NOFO	4/20/2022	NOFO URL	1,500,000,000	6/30/2022	TBD	TBD	TBD	
	FAA Aircraft Pilots Workforce Development Grant Program - 2nd Round	NOFO	4/26/2022	NOFO URL	5,000,000	6/17/2022	TBD	TBD	TBD	Deadline extended to 6/17/22.
	FAA Aviation Maint. Tech. Workers Workforce Development Grant Pgm. - 2nd Round	NOFO	4/26/2022	NOFO URL	5,000,000	6/17/2022	TBD	TBD	TBD	Deadline extended to 6/17/22.
	FY 2023 Airport Terminal Program	NOFO	9/27/2022	NOFO URL	1,000,000,000	10/24/2022	TBD	TBD	TBD	
FHWA										
	Center for Environmental Excellence (CEE)	NOFO	1/21/2022	NOFO URL	5,000,000	3/31/2022	TBD	TBD	TBD	
	National Pedestrian and Bicycle Information Center	NOFO	2/1/2022	NOFO URL	2,670,000	3/31/2022	TBD	TBD	TBD	
	FY 2020/2021 Commuter Authority Rail Safety Improvement (CARSI) Grants Round 2	NOFO/AWARD	2/15/2022	NOFO URL	59,744,250	4/14/2022	59,700,000	Award URL	9/20/2022	
	FY 2021 Highway Use Tax Evasion - Intergovernmental Efforts Program	NOFO	2/16/2022	NOFO URL	4,190,000	4/22/2022	TBD	TBD	TBD	
	FY 2022 National Scenic Byways Program	NOFO	3/17/2022	NOFO URL	22,000,000	5/16/2022	TBD	TBD	TBD	Letter of Intent due 4/4/2022.
	FY 2022 Bridge Investment Program	NOFO	6/10/2022	NOFO URL	2,360,000,000	7/25 - 9/8/22	TBD	TBD	TBD	See NOFO for specific deadlines .
	Complete Trip - ITS4US Deployment Program Phases 2 & 3	NOFO/AWARD	11/30/2021	NOFO URL	31,375,749	3/11/2022	27,000,000	Award URL	6/8/2022	
	D. D. Eisenhower Transportation Fellowship Pgm. Local Competition at Higher Ed.	NOFO	6/10/2022	NOFO URL	1,000,000	7/11/2022	TBD	TBD	TBD	
	D. D. Eisenhower Transportation Fellowship Pgm. Graduate Fellowship	NOFO	6/10/2022	NOFO URL	1,000,000	7/25/2022	TBD	TBD	TBD	
	FY 2022 Nationally Significant Federal Lands and Tribal Projects Program	NOFO	8/18/2022	NOFO URL	125,215,000	10/24/2022	TBD	TBD	TBD	
	FY 2022 Advanced Transportation Tech. & Innovative Mobility Deployment Pgm.	NOFO	9/19/2022	NOFO URL	60,000,000	10/12/2022	TBD	TBD	TBD	AKA ATTAIN
	FY 2023 Tribal Transportation Program Safety Fund	NOFO	10/1/2022	NOFO URL	21,238,560	1/15/2023	TBD	TBD	TBD	
	FY 2022 National Culvert Removal, Replacement, and Restoration Grant Program	NOFO	10/6/2022	NOFO URL	196,000,000	2/6/2023	TBD	TBD	TBD	
FRA										
	Amtrak - FY 2022 National Network Cooperative Agreement	NOFO	2/18/2022	NOFO URL	498,906,450	3/7/2022	TBD	TBD	TBD	
	Amtrak - FY 2022 Northeast Corridor Cooperative Agreement	NOFO	2/18/2022	NOFO URL	267,126,450	3/7/2022	TBD	TBD	TBD	
	FY 2021 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program	NOFO/AWARD	6/2/2022	NOFO URL	361,978,796	11/29/2021	368,577,068	Award URL	6/2/2022	Announcement URL
	FY 2021 Railroad Trespassing Enforcement Grant Program	NOFO/AWARD	6/13/2022	NOFO URL	2,034,296	11/29/2021	1,956,376	Award URL	6/13/2022	Embedded w/in CRISI NOFO
	FY 2021 Railroad Trespassing Suicide Prevention Grant Program	NOFO/AWARD	6/13/2022	NOFO URL	207,000	11/29/2021	207,000	Award URL	6/13/2022	Embedded w/in CRISI NOFO
	FY 2022 Railroad Crossing Elimination Program	NOFO	6/30/2022	NOFO URL	573,264,000	10/11/2022	TBD	TBD	TBD	FRA Press Release.
	FY 2022 Rail Safety Innovations Deserving Exploratory Analysis (Rail Safety IDEA) Pgm	NOFO	7/7/2022	NOFO URL	400,000	7/15/2022	TBD	TBD	TBD	
	FY 2022 Railroad Safety State Participation Grant Program	NOFO	7/23/2022	NOFO URL	209,312	9/2/2022	TBD	TBD	TBD	Deadline extended to 9/2/2022.
	FY 2022 Supplemental NE Corridor Cooperative Agreement to the Amtrak	NOFO	8/17/2022	NOFO URL	602,002,045	8/26/2022	TBD	TBD	TBD	
	FY 2022 Supplemental for the National Network for Amtrak	NOFO	8/17/2022	NOFO URL	950,679,200	8/26/2022	TBD	TBD	TBD	
	FY 2021 Federal-State Partnership for State of Good Repair Program	NOFO/AWARD	12/6/2021	NOFO URL	198,000,000	3/7/2022	233,100,319	Award URL	8/18/2022	Awards/Projects
	FY 2022 Highway-Rail Grade Crossing Safety Education and Enforcement Program	NOFO	8/23/2022	NOFO URL	1,000,000	9/23/2022	TBD	TBD	TBD	Only Operation Lifesaver Inc is permitted to apply for this NOFO.
	FY 2022 Consolidated Rail Infrastructure and Safety Improvement Program	NOFO	9/1/2022	NOFO URL	1,427,462,902	12/1/2022	TBD	TBD	TBD	FR URL
	National Network IIA Supplemental Cooperative Agreement to Amtrak	NOFO	9/20/2022	NOFO URL	3,113,000,000	9/20/2022	TBD	TBD	TBD	Amtrak is the only entity eligible to apply.
	Northeast Corridor IIA Supplemental Cooperative Agreement to Amtrak	NOFO	9/20/2022	NOFO URL	1,189,000,000	9/20/2022	TBD	TBD	TBD	Amtrak is the only entity eligible to apply.
FTA										
	FY 2021 Pilot Program for Transit-Oriented Development Planning	NOFO/AWARD	4/26/2021	NOFO URL	10,052,572	6/21/2021	11,026,500	Award URL	1/20/2022	Announcement URL
	FY 2022 Low or No Emission Grant Program	NOFO/AWARD	4/4/2022	NOFO URL	1,100,561,189	5/31/2022	1,170,000,000	Award URL	8/16/2022	
	FY 2022 Buses and Bus Facilities Program	NOFO/AWARD	4/4/2022	NOFO URL	372,341,813	5/31/2022	TBD	Award URL	8/16/2022	FR Notice on Project Corrections
	FY 2021 Grants for Buses and Bus Facilities	NOFO/AWARD	9/20/2021	NOFO URL	409,588,848	11/19/2021	409,274,220	Award URL	3/14/2022	
	FY 2022 Public Transportation on Indian Reservations Program	NOFO/AWARD	2/16/2022	NOFO URL	8,750,000	5/25/2022	8,600,000	Award URL	10/11/2022	

SELECTED TRANSPORTATION NOTICE OF FUNDING OPPORTUNITIES (NOFOs) &/OR AWARDS (SCORECARD for CY 2022)										
10/13/2022										
	NOFO TITLE	TYPE (NOFO / AWARD)	NOFO ISSUANCE DATE	NOFO URL	NOFO \$s MADE AVAILABLE	APPLICATION DEADLINE	NOFO \$ AWARDS	AWARDS URL	AWARDED - DATE	COMMENTS
	FY 2021 Technical Assistance and Workforce Development Program	NOFO	4/11/2022	NOFO URL	1,000,000	6/13/2022	TBD	TBD	TBD	
	FY 2022 Safe Streets and Roads for All (SS4A) Grant Program	NOFO	5/16/2022	NOFO URL	1,000,000,000	9/15/2022	TBD	TBD	TBD	
	FY 2021/2022 Pilot Program for Transit-Oriented Development Planning	NOFO	5/25/2022	NOFO URL	13,160,021	7/25/2022	TBD	TBD	TBD	
	FY 2021 Route Planning Restoration Program	NOFO/AWARD	9/14/2021	NOFO URL	25,000,000	11/15/2021	25,000,000	Award URL	6/2/2022	Announcement URL
	FY 2021 Innovative Coordinated Access and Mobility (ICAM) Pilot Program	NOFO/AWARD	10/6/2021	NOFO URL	3,500,000	12/6/2021	8,404,279	Award URL	6/17/2022	Funding increased under the IIJA.
	FY 2020/2021 Areas of Persistent Poverty Program	NOFO/AWARD	6/23/2022	NOFO URL	16,259,614	8/30/2021	16,217,744	Award URL	6/23/2022	
	FY 2022 Ferry Grant Programs (3 Separate Programs Combined)	NOFO	7/8/2022	NOFO URL	294,500,000	9/6/2022	TBD	TBD	TBD	
	FY 2022 All Stations Accessibility Program	NOFO	7/26/2022	NOFO URL	343,000,000	10/7/2022	TBD	TBD	TBD	Deadline extended to 10/7/2022.
	FY 2021 Mobility, Access, Transpo. Insecurity-Creating Links/Opportunity Demo.	NOFO	8/8/2022	NOFO URL	6,000,000	10/11/2022	TBD	TBD	TBD	
	Public Transportation Innovation Program	NOFO	9/21/2022	NOFO URL	6,500,000	11/21/2022	TBD	TBD	TBD	
	FYs 2022/2023 Competitive Grants for Rail Vehicle Replacement Program	NOFO	10/11/2022	NOFO URL	600,000,000	1/5/2023	TBD	TBD	TBD	Note: \$300 m for each of FYs 2022/2023.
MARAD										
	2022 Port Infrastructure Development Program Grants	NOFO	2/15/2022	NOFO URL	450,000,000	5/16/2022	TBD	TBD	TBD	Amount increased to \$684 m. on 5/9/22.
	America's Marine Highway (IIJA)	NOFO/AWARD	3/2/2022	NOFO URL	39,819,000	6/17/2022	38,621,771	Award URL	10/6/2022	Amended NOFO on 4/21/2022.
	FY 2022 Small Shipyard Grants	NOFO	4/7/2022	NOFO URL	19,600,000	5/16/2022	19,600,000	Award URL	7/21/2022	FY 2022 Awardees List
NHTSA / FMCSA										
	FY 2022 Commercial Driver's License Program Implementation Program	NOFO	12/31/2021	NOFO URL	32,702,000	2/28/2022	TBD	TBD	TBD	
	FY 2022 Commercial Motor Vehicle Operator Safety Training Program (CMVOST)	NOFO	2/4/2022	NOFO URL	2,000,000	3/31/2022	TBD	TBD	TBD	
	FY 2022 High Priority Program – Innovative Technology Deployment (HP-ITD)	NOFO	2/4/2022	NOFO URL	25,000,000	3/31/2022	TBD	TBD	TBD	
	FY2022 High Priority Program – Commercial Motor Vehicle (HP-CMV)	NOFO	2/4/2022	NOFO URL	25,211,500	3/31/2022	TBD	TBD	TBD	
	Innovative Approaches to Advancing Traffic Safety and Enforcement Program	NOFO	2/24/2022	NOFO URL	5,572,961	4/25/2022	TBD	TBD	TBD	
	FY 2023 Commercial Vehicle Safety Plans (CVSPs)	NOFO	6/23/2022	NOFO URL	471,322,500	8/15/2022	TBD	TBD	TBD	Closing date extended to 9/19/22.
	FY 2022 Commercial Motor Vehicle Enforcement Training and Support Grant Pgm.	NOFO	7/5/2022	NOFO URL	5,000,000	8/19/2022	TBD	TBD	TBD	
	State Process for Informing Consumers of Recalls Program	NOFO	7/15/2022	NOFO URL	7,500,000	8/15/2022	TBD	TBD	TBD	\$1.5 m. for each of FYs 2022-2026
	Distracted Driving and Walking Among Hispanic Youth Program	NOFO	7/13/2022	NOFO URL	320,983	8/9/2022	TBD	TBD	TBD	
OPERATION LIFESAVER										
	Rail Transit Safety Education Grants	NOFO	9/9/2022	NOFO URL	200,000	10/17/2022	TBD	TBD	TBD	
US DHS/ FEMA										
	FY 2021 Fire Prevention and Safety Grant Program	NOFO	1/10/2022	NOFO URL	46,000,000	2/18/2022	TBD	TBD	TBD	
	FY 2022 Port Security Grant Program	NOFO	5/13/2022	NOFO URL	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	NOFO URL	10,000,000	6/13/2022	TBD	TBD	TBD	
	FY 2022 Intercity Bus Security Grant Program	NOFO	5/13/2022	NOFO URL	2,000,000	6/13/2022	TBD	TBD	TBD	
	FY 2022 Transit Security Grant Program	NOFO	5/13/2022	NOFO URL	93,000,000	6/13/2022	TBD	TBD	TBD	
	FY 2022 Building Resilient Infrastructure and Communities	NOFO	9/30/2022	NOFO URL	2,295,000,000	1/27/2023	TBD	TBD	TBD	
US DOT										
	Regional Infrastructure Accelerators Demonstration Program	NOFO	1/5/2022	NOFO URL	10,000,000	4/11/2022	TBD	TBD	TBD	URL Additional \$5 m. for total of \$10 m.
	FY 2022 National Infrastructure Investments (Local/Reg. Proj. Asst.) - RAISE Grants	NOFO/AWARD	1/14/2022	NOFO URL	1,500,000,000	4/14/2022	2,200,000,000	Awards URL	8/11/2022	On 3/15/22 NOFO was amended to add \$775 million, making available \$2.275
	National Infrastructure Project Assistance (Mega Projects)	NOFO	3/23/2022	NOFO URL	1,000,000,000	5/23/2022	TBD	TBD	TBD	Uses the Multimodal Project Discretionary Grant Common Application
	INFRA Grants	NOFO/AWARD	3/23/2022	NOFO URL	1,553,000,000	5/23/2022	1,515,600,000	Awards URL	9/14/2022	Uses the Multimodal Project Discretionary Grant Common Application
	Rural Surface Transportation Grant Program	NOFO	3/23/2022	NOFO URL	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	NOFO URL	170,000	6/3/2022	TBD	TBD	TBD	One-year grant with an option to renew for two additional years
	University Transportation Centers Program Competition 2022-2026 Grants	NOFO	5/26/2022	NOFO URL	450,000,000	8/25/2022	TBD	TBD	TBD	\$90 million made available for each of FYs 2022-2026. LOI due 7/1/22.
	Reconnecting Communities Pilot (RCP) Discretionary Grant Program	NOFO	6/30/2022	NOFO URL	195,000,000	10/13/2022	TBD	TBD	TBD	
	FY 2022 Strengthening Mobility & Revolutionizing Transportation Grants Pgm.	NOFO	9/19/2022	NOFO URL	100,000,000	12/18/2022	TBD	TBD	TBD	
	FY 2022 Thriving Communities Program	NOFO	10/6/2022	NOFO URL	25,000,000	11/22/2022	TBD	TBD	TBD	LOI Announcement

SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of November 4, 2022

STAFF REPORT

Item 3.7

INFORMATION

Update on Silicon Valley and Tri-Valley Outreach Contracts Activities

Background:

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

To accomplish continued engagement of key stakeholders, 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 (September 25, 2022 – October 25, 2022)

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:

- Greater Silicon Valley Chambers' Mayors' Breakfast on 10/26, including coordinating a table for 8 guests, coordinating with SJRRC staff, and handling sponsorship details
- ACE brochures, rack cards, and merchandise distributed at the Nuevo-Prado Community Transportation Fair on 10/1
- Retrieved a large box of ACE materials and merchandise for future engagement events

ACE Shuttle Service out of Great America:

- Interfacing with VTA staff to receive a full week of data from the ACE shuttle operator
- Analysis of collected data
- Drafted ACE Shuttle report addendum, submitted to client on 10/25
- Coordination meetings with various ACE staff and VTA staff
- Presentation at ACE management meeting on 9/26

Relevant activities covered under separate contracts:

- Meeting with Fremont Chamber of Commerce Government Affairs Committee on 9/28, meeting with AECOM staff to prepare presentation
- Meeting with Tri-City for SoCo on 10/4
- Meeting with Union City to discuss station design 10/19
- Internal coordination with SoCo consulting team on presentations and approach for agency meetings

Tri-Valley Outreach Summary for California Gold Advocacy Group (September 29, 2022 – October 25, 2022)

Guy Houston with California Gold Advocacy Group, attended and represented SJRRC at the following meetings and events:

- Meeting City Manager Pleasanton Housing Density at Major Transportation Hub - Oct 21
- Community Event representation- Pleasanton Chamber Community Awards Event - Oct 24
- Meeting Pleasanton Chamber Governmental Affairs Committee - Oct 5
- Solicit support Letters TCEP Grant from City, County and local organizations
- Follow up Meeting Dan Leavitt- Pleasanton Community Development Director and City Manager re Fairgrounds/ ACE Station and parking – Oct 21

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 November 4, 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 November 5, 2022 to December 4, 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 October 7, 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 October 8, 2022 through November 6, 2022, may use the teleconferencing option under AB 361. Though the Commission adopted an AB 361 resolution at its October 7, 2022 meeting that covers the period through November 6, 2022, adopting the proposed resolution will further extend the AB 361 period to December 4, 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 November 5, 2022 to December 4, 2022.

RESOLUTION SJRRC-R-22/23-

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 NOVEMBER 5, 2022 TO DECEMBER 4, 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 November 5, 2022 for a period of 30 days.

PASSED AND ADOPTED, by the Board of Commissioners this 4th day of November 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 November 4, 2022

STAFF REPORT

Item 3.9

ACTION

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the 2023 ACE Service Holidays

The proposed 2023 ACE Service Holidays:

Memorial Day	Monday, May 29, 2023
Day Before Independence Day	Monday, July 3, 2023
Independence Day	Tuesday, July 4, 2023
Labor Day	Monday, September 4, 2023
Thanksgiving	Thursday, November 23, 2023
Day after Thanksgiving	Friday, November 24, 2023
Christmas Day	Monday, December 25, 2023
New Year's Day	Monday, January 1, 2024

ACE service will not operate on the days listed above.

In addition, due to the low historical ridership on the following days or proclaimed State and Federal holidays, modified service will be evaluated for the following days:

Martin Luther King Day	Monday, January 16, 2023
Presidents' Day	Monday, February 20, 2023
Cesar Chavez Day	Friday, March 31, 2023
Good Friday	Friday, April 7, 2023
Juneteenth	Monday, June 19, 2023
Day before Thanksgiving	Wednesday, November 22, 2023
Friday before Christmas Day	Friday, December 22, 2023
Friday before New Year's Day	Friday, December 29, 2023

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Adopting the 2023 ACE Service Holidays.

RESOLUTION SJRRC-R-22/23-

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION ADOPTING THE 2023 ACE SERVICE HOLIDAYS

WHEREAS, the San Joaquin Regional Rail Commission, as the policy-making body of the ACE Service, has the responsibility for adopting the ACE Service Holidays;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission adopts the following ACE Service Holidays for 2023 and potential service modification dates:

Memorial Day	Monday, May 29, 2023
Day Before Independence Day	Monday, July 3, 2023
Independence Day	Tuesday, July 4, 2023
Labor Day	Monday, September 4, 2023
Thanksgiving	Thursday, November 23, 2023
Day after Thanksgiving	Friday, November 24, 2023
Christmas Day	Monday, December 25, 2023
New Year's Day	Monday, January 1, 2024

ACE service will not operate on the public holidays listed above.

In addition, due to the low historical ridership on the following days or proclaimed State and Federal holidays, modified service will be evaluated for the following days:

Martin Luther King Day	Monday, January 16, 2023
Presidents Day	Monday, February 20, 2023
Cesar Chavez Day	Friday, March 31, 2023
Good Friday	Friday, April 7, 2023
Juneteenth	Monday, June 19, 2023
Day before Thanksgiving	Wednesday, November 22, 2023
Friday before Christmas Day	Friday, December 22, 2023
Friday before New Year's Day	Friday, December 29, 2023

PASSED AND ADOPTED, by the Board of Commissioners this 4th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL
RAIL COMMISSION

STACEY MORTENSEN, Secretary

CHRISTINA FUGAZI, Chair

SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of November 4, 2022

STAFF REPORT

Item 4

ACTION

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Amendment to the Agreement with Ghirardelli Associates, Inc. for Professional Services for the Capital Projects Program for a New Not-To-Exceed Amount \$1,392,913 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority

Background:

At the October 2021 Rail Commission special meeting, the Board approved an agreement with Mott MacDonald for interim capital project support services to help cover the staff vacancies created in the Capital Program Department during the Summer and Fall of 2021. Mott MacDonald evaluated the previous capital work plan organization, future project workload and assisted with recommending and interviewing candidates to fill the staff positions. However, candidates in the engineering and construction management field have been difficult to locate and hire, as has been experienced by many other public and private agencies in the Central Valley. Additionally, the previous department structure was not going to be adequate for the numerous, simultaneous projects that would be underway starting in 2023. After the initial support and recommendations from Mott MacDonald, and discussions with other agency leaders with large capital programs, it was determined that the Commission is in urgent need of additional interim support through consultant seconded positions with high-level expertise in multi-billion-dollar program management, engineering coordination, and construction oversight to assist the Rail Commission in implementing its numerous projects and to maintain compliance with its contractual obligations. California State Transportation Agency (CalSTA) and Caltrans also supported bringing on sequestered consultants to bolster the program delivery capabilities.

Commission staff reached out to Ghirardelli and Associates (GA) who specialize in complex construction management. GA has placed seconded staff on several large programs with the United States Army Corps of Engineers (USACE), Department of State (DoS), Santa Clara Valley Transportation Authority (VTA), and Bay Area Rapid Transit (BART). After reviewing the critical needs and deadlines of the Valley Rail Program and the continued difficulty in hiring engineering and construction staff, the Executive Director approved a \$150,000 agreement on July 27, 2022, to evaluate the performance of two Ghirardelli engineers for a potential longer-term agreement to be considered by the Board. The senior of the two GA engineers would serve as the interim Director of Capital Projects (P.E., PMP, CCM) and oversee the following support effort:

- Develop a project delivery organization that mirrors other large scale transit agencies undergoing rapid growth in their engineering, construction, project, and program delivery requirements.
- Create and develop positions not presently in the organization but critically needed for large scale project delivery, such as Chief of Program Management, Chief of Design, Chief of Construction and Construction Coordination Manager.
- Create, monitor, and manage all project scheduling, and deconflict scheduling issues from a program level basis. Comply with all federal scheduling requirements concerning technical areas such as earned value, PERT, and Monte Carlo scheduling methods
- Provide technical Right-of-Way expertise related to engineering requirements and construction limitations
- Manage and mitigate potential construction issues, change orders and claims on numerous and simultaneous construction projects throughout a large geographic territory in Northern CA.
- Serve as a conduit between project delivery teams and internal Grants Management, Fiscal and Procurement Departments and create templates for efficient reporting.

Based upon the emergency magnitude of the existing project delivery needs, procurement staff and Counsel determined that a short-term sole source contract with Ghirardelli met the requirements of Section 7.1, specifically Section 7.1.1.5, of the Rail Commission Procurement Manual.

The end of October marks the end of the initial evaluation period. A critical milestone of success is the GA engineers assuming the internal project management functions that were temporarily assigned to the executive and senior management staff in other agency departments. With over 40 projects in various stages of implementation, these assignments put a severe strain on the other Commission activities and could not be sustained much longer. Additionally, all six (6) of the above-listed support activities are well underway and there is a roadmap for streamlining the complex work effort. Based upon the feedback from agency departments and other project stakeholders, staff is recommending the GA engineers be retained through June 30th, 2023, with an option to extend up to another twelve (12) months, subject to need, justification and board approval. During that time, GA will assist with competitive solicitations for other seconded consultants or new agency hires to fill out the required program delivery positions described above.

Non-Competitive Procurement:

Section 7.1 of SJRRC'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 SJRRC funds resulting from a substantial increase in support costs, a substantial schedule delay not owing to poor planning by SJRRC, an

unacceptable technical risk towards completion of a project (or continuation of a warranty), or substantial increases in lifecycle costs."

Additionally, the Master Funding Agreement between Caltrans and the Commission, requires the Commission to comply with Title 2 CFR 200 (2 CFR 200) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Specifically, 2 CFR 200.320(c)(3) Methods of Procurement for Noncompetitive procurement, states that there are specific circumstances in which non-competitive procurement can be used. One of those circumstances states, "...the public exigency [emphasis added] or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;"

At this time of urgency with so much at risk for the Valley Rail Program, it is in the Rail Commission's best interest to approve a non-competitive, sole source agreement with Ghirardelli Associates for the needed services based on the following:

- Given the immediate need for these services, there would be a substantial schedule delay in over 40 projects if these services were not available to the Rail Commission.
- Delays leading to unacceptable technical risk towards the program could result in the loss of funding for the Valley Rail Program if certain milestones are not met.
- Lack of immediate support services would continue significant, unsustainable work impacts on existing staff which would be overwhelmed by the sheer volume of the work absent retaining Ghirardelli Associates.
- 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 this contract qualifies as a non-competitive procurement.

Fiscal Impact:

Fully burdened costs for the vacant staff positions in the Capital Program Department were estimated to cost approximately \$500,000. Funding for the agreement is identified in the FY 22-23 Operating Budget within the Professional Services line item. Funding for this amendment is identified in the FY 22-23 Operating Budget within the Professional Services line item and in the FY22-23 Capital Program, programmed through the TIRCP and SB132 Funding Sources.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Amendment to the Agreement with Ghirardelli Associates, Inc. for Professional Services for the Capital Projects Program for a new Not-To-Exceed Amount \$1,392,913 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority.

RESOLUTION SJRRC-R-22/23-

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AMENDMENT TO THE AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC. FOR PROFESSIONAL SERVICES FOR THE CAPITAL PROJECTS PROGRAM FOR A NEW NOT-TO-EXCEED AMOUNT \$1,392,913 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT INCLUDING APPROVING ANY AND ALL AMENDMENTS THERETO WITHIN HER SPENDING AUTHORITY

WHEREAS, staff vacancies created in the Commission's Capital Program Department during the Summer and Fall of 2021 have proven extremely difficult to fill in the current work environment; and

WHEREAS, the Commission is in urgent need of interim support to deliver the multi-billion dollar Valley Rail Program; and

WHEREAS, consultant seconded positions can provide the needed, high-level expertise in program management, engineering coordination, and construction oversight to assist in implementing the numerous Valley Rail projects and to maintain compliance with the Commission's contractual obligations; and

WHEREAS, the Executive Director executed a three-month trial contract with Ghirardelli Associates to assess potential seconded engineers to fit the Commission's project oversight needs; and

WHEREAS, the two Ghirardelli Associates engineers assigned to the Commission have made significant advances on managing and streamlining the Valley Rail Program effort,

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Amendment to the Agreement with Ghirardelli Associates, Inc. for Professional Services for the Capital Projects Program for a new Not-To-Exceed Amount \$1,392,913 and Authorizes the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority.

PASSED AND ADOPTED, by the Board of Commissioners this 4th day of November 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL
COMMISSION

STACEY MORTENSEN, Secretary

CHRISTINA FUGAZI, Chair

SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of November 4, 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 California Water Service Company (Cal Water) for Reimbursement for Utility Relocation for the Stockton Diamond Grade Separation Project for an Amount Not-To-Exceed \$400,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority

Background:

The Stockton Diamond Grade Separation Project (Project) is a critical passenger and freight mobility project. The current Altamont Corridor Express (ACE) and Amtrak San Joaquin's passenger rail services are constrained by the Stockton Diamond Interlock at-grade crossing, which can reduce reliability and on-time performance for both passenger and freight rail. The grade separation would help improve the operational performance for SJRRC and the San Joaquin Joint Powers Authority (SJJPA) as they provide service between the Central Valley, Sacramento, and the San Francisco Bay Area.



Currently, the BNSF Railway (BNSF) Stockton Subdivision and the Union Pacific Railroad (UP) Fresno Subdivision consist of two main tracks each, that intersect each other at a level to form an at-grade crossing known as the Stockton Diamond. This rail intersection, located just south of Downtown Stockton near South Aurora Street and East Scotts Avenue, is the busiest at-grade

railway junction in California. The at-grade crossing experiences substantial congestion and delays service for people and freight throughout the Central Valley—and for freight on the broader national network. The current, at-grade configuration of the tracks results in critical delays to passenger and freight trains in the area, including those serving the Port of Stockton. Train congestion also causes vehicle delays at roadway-rail crossings and creates potential motor vehicle, rail, bicycle, and pedestrian conflicts.

The project will construct a grade separation of the BNSF and UP rail lines to reduce rail congestion and allow passenger and freight rail traffic to flow uninterrupted through the crossing.

In achieving the proposed Project, existing utilities need to be protected or relocated. Cal Water is a regulated public water utility that owns and operates a water system that serves residents in its service area in the City of Stockton. As owner of the utilities, Cal Water requires their workforce to perform design, engineering, and permitting services.

Procurement Approach:

Section 7.1 of SJRRC'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 SJRRC funds resulting from a substantial increase in support costs, a substantial schedule delay not owing to poor planning by SJRRC, an unacceptable technical risk towards completion of a project (or continuation of a warranty), or substantial increases in lifecycle costs."

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

- As the owner of the utility, Cal Water requires that their forces perform the work. No other company is allowed to complete this work for Cal Water and therefore Cal Water is the only contractor who can complete the installation.
- Delays would cause a substantial increase in support costs since projects would be pushed and support staff would have to work more hours to make up for the deficit.
- An unacceptable technical risk towards the project could result in the loss of funding for the Valley Rail Program if certain milestones are not met.
- Substantial increases in lifecycle costs could result due to having to utilize consultants more, increase their contract amounts, or extend their contracts longer.
- 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 this contract qualifies as a non-competitive procurement.

Fiscal Impact:

This project is funded by state Interregional Transportation Improvement Program (ITIP), Senate Bill 132, and Trade Corridor Enhancement Program (TCEP) funds, along with a federal Better Utilizing Infrastructure to Leverage Development (BUILD) grant. Funding for the project is identified in the FY 22-23 Capital Budget within the Stockton Diamond Grade Separation line item. The Rail Commission has encumbered \$20,764,360 to date for this project. This action will commit an additional \$400,000, leaving an available fund balance of \$218,389,913 for this project.

Funding Type	Source	Project Budget	Prior Encumbered	Total for this Contract	Available For Future Phases
ITIP	State	\$20,800,000	\$15,167,532	\$400,000	\$5,232,468
SB 132	State	\$98,754,273	\$5,596,828	\$ -	\$93,157,445
TCEP	State	\$100,000,000	\$ -	\$ -	\$100,000,000
BUILD	Federal	\$20,000,000	\$ -	\$ -	\$20,000,000
	Total	\$239,554,273	\$20,764,360	\$400,000	\$218,389,913

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Approving an Agreement with California Water Service Company (Cal Water) for Reimbursement for Utility Relocation for the Stockton Diamond Grade Separation Project for an Amount Not-To-Exceed \$400,000 and Authorizing the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority.

RESOLUTION SJRRC-R-22/23-

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION APPROVING AN AGREEMENT WITH CALIFORNIA WATER SERVICE COMPANY (CAL WATER) FOR REIMBURSEMENT FOR UTILITY RELOCATION FOR THE STOCKTON DIAMOND GRADE SEPARATION PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$400,000 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PROJECT INCLUDING APPROVING ANY AND ALL AMENDMENTS THERETO WITHIN HER SPENDING AUTHORITY

WHEREAS, the BNSF Railway (BNSF) Stockton Subdivision and the Union Pacific Railroad (UP) Fresno Subdivision consist of two main tracks each, that intersect each other at a level to form an at-grade crossing known as the Stockton Diamond; and

WHEREAS, the Stockton Diamond Grade Separation Project will construct a grade separation of the BNSF and UP rail lines to reduce rail congestion and allow passenger and freight rail traffic to flow uninterrupted through the crossing; and

WHEREAS, in achieving the proposed Project, existing utilities need to be protected or relocated; and

WHEREAS, Cal Water is a regulated public water utility that owns and operates a water system that serves residents in its service area in the City of Stockton; and

WHEREAS, as owner of the utilities, Cal Water requires their workforce to perform design, engineering, and permitting services; and

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Approves an Agreement with California Water Service Company (Cal Water) for Reimbursement for Utility Relocation for the Stockton Diamond Grade Separation Project for an Amount Not-To-Exceed \$400,000 and Authorizes the Executive Director to Execute Any and All Documents Related to the Project including Approving any and all Amendments thereto within Her Spending Authority.

PASSED AND ADOPTED, by the Board of Commissioners this 4th day of November 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL
COMMISSION

STACEY MORTENSEN, Secretary

CHRISTINA FUGAZI, Chair

SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of November 4, 2022

STAFF REPORT

Item 6

ACTION

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to:

- 1) Approve Change Orders to Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Each Contracts' Unforeseen Work Allowance; and**
- 2) Amend Commissioner Approved Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Her Purchasing Authority; and**
- 3) Delegate That Authority To a Member of Her Staff or the Resident Engineer(s) for Construction Project Contracts, #22-R-17-00 and #22-R-33-00.**

Background:

The Rail Commission currently has two (2) current construction contracts, Stronghold Engineering, Inc. for the RMF Expansion Project (Contract #22-R-17-00) and A&B Construction (Contract #22-R-33-00) for the Cabral Station Track Platform Extension Project. The Rail Commission will enter into numerous more associated with the Valley Rail expansion program and other Capital Projects. These projects are mostly within or adjacent to the operating railroad right-of-way and field conditions may require daily decisions and approvals related to project changes orders to avoid costly schedule delays. Each construction contract has an allowance for unforeseen work, but the current process to approve these field condition changes requires a multi-step process that at times is not efficient and may result in project delay fees for the Rail Commission. The Rail Commission will have Construction Management consultants managing the day-to-day project operations, including project safety issues.

Contract Number	Contractor	Project	Unforeseen Work Allowance	Total Contract	Percentage of Allowance
22-R-17-00	Stronghold Engineering, Inc.	RMF Expansion	\$570,000	\$23,301,439	2%
22-R-33-00	A&B Construction	Cabral Station Track Platform Extension	\$1,500,000	\$27,776,844	5%

As future construction contracts are awarded, Staff will include language in the recommendation to authorize the Executive Director to amend future contracts as needed, and within her purchasing authority, and within each contract's unforeseen work allowance. The average project cost will exceed \$25-30M and the Executive Director purchasing authority is \$250,000,

or one (1) percent, or less, of the project total. Each contract's unforeseen work allowance is approximately ten (10) percent of the project total.

Staff is recommending the Board authorize the Executive Director to delegate the authority to approve field condition changes that are within each contract's unforeseen work allowance to a member of staff or a representative of the Rail Commission. This will allow timely approvals and reduce project delays. This will also satisfy a requirement by the State of California to "designate a qualified engineer who is empowered to administer the construction contract, known as the Resident Engineer (RE)" (Local Assistance procedures Manual (LAPM) Chapter 16, page 3 of 64) when using State and/or Federal funds.

This recommendation does not include approvals over any previously not-to-exceed amount which would still be presented to the Board for consideration as needed. Staff will be updating resolution language on future items to give the Executive Director this same authority on a contract-by-contract basis.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to:

- 1) Approve Change Orders to Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Each Contracts' Unforeseen Work Allowance; and
- 2) Amend Commissioner Approved Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Her Purchasing Authority; and
- 3) Delegate That Authority To a Member of Her Staff or the Resident Engineer(s) for Construction Project Contracts, #22-R-17-00 and #22-R-33-00.

RESOLUTION SJRRC-R-22/23-

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING THE EXECUTIVE DIRECTOR TO:

- 1) APPROVE CHANGE ORDERS TO CONSTRUCTION PROJECT CONTRACTS, #22-R-17-00 AND #22-R-33-00, WITHIN EACH CONTRACTS' UNFORESEEN WORK ALLOWANCE; AND**
- 2) AMEND COMMISSIONER APPROVED CONSTRUCTION PROJECT CONTRACTS, #22-R-17-00 AND #22-R-33-00, WITHIN HER PURCHASING AUTHORITY; AND**
- 3) DELEGATE THAT AUTHORITY TO A MEMBER OF HER STAFF OR THE RESIDENT ENGINEER(S) FOR CONSTRUCTION PROJECT CONTRACTS, #22-R-17-00 AND #22-R-33-00**

WHEREAS, the Rail Commission currently has two (2) current construction contracts, Stronghold Engineering, Inc. for the RMF Expansion Project (Contract #22-R-17-00) and A&B Construction (Contract #22-R-33-00) for the Cabral Station Track Platform Extension Project and will enter into numerous more associated with the Valley Rail expansion program and other Capital Projects; and

WHEREAS, each construction contract has an allowance for unforeseen work, but the current process to approve these field condition changes requires a multi-step process that at times is not efficient and may result in project delay fees for the Rail Commission; and

WHEREAS, the Rail Commission will have Construction Management consultants managing the day-to-day project operations, including project safety issues; and

WHEREAS, as future construction contracts are awarded, Staff will include language in the recommendation to authorize the Executive Director to amend future contracts as needed, and within her purchasing authority, and within each contract's unforeseen work allowance; and

WHEREAS, staff is recommending the Board authorize the Executive Director to delegate the authority to approve field condition changes that are within each contract's unforeseen work allowance to a member of staff or a representative of the Rail Commission to allow timely approvals and reduce project delays; and

WHEREAS, this will also satisfy a requirement by the State of California to "designate a qualified engineer who is empowered to administer the construction contract, known as the Resident Engineer (RE)" (Local Assistance procedures Manual (LAPM) Chapter 16, page 3 of 64) when using State and/or Federal funds; and

WHEREAS, the recommendation does not include approvals over any previously not-to-exceed amount which would still be presented to the Board for consideration as needed; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the San Joaquin Regional Rail Commission hereby Authorizes the Executive Director to:

- 1) Approve Change Orders to Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Each Contracts' Unforeseen Work Allowance; and
- 2) Amend Commissioner Approved Construction Project Contracts, #22-R-17-00 and #22-R-33-00, Within Her Purchasing Authority; and
- 3) Delegate That Authority To a Member of Her Staff or the Resident Engineer(s) for Construction Project Contracts, #22-R-17-00 and #22-R-33-00

PASSED AND ADOPTED, by the Board of Commissioners this 4th day of November 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

SAN JOAQUIN REGIONAL RAIL
COMMISSION

STACEY MORTENSEN, Secretary

CHRISTINA FUGAZI, Chair

SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of November 4, 2022

STAFF REPORT

Item 7

INFORMATION

Future Planning Workshop Background: Presentation on the Merced Intermodal Track Connection (MITC) Project and the Status of the High-Speed Rail Expansion to Merced

Background:

The Rail Commission is involved in many different rail planning and expansion efforts in northern California. To facilitate the most productive agency planning workshop this next year, the Board approved the proposed list of concepts below to be presented at upcoming Rail Commission meetings to include educational information items on these efforts.

- Status of Valley Rail North and South
- Status of Valley Link
- Southern Alameda County (SOCO) Rail Study
- Status of High-Speed Rail Expansion to Merced
- Scope of Merced Intermodal Track Connection Project
- Status of Potential Service to Union City Multimodal Station
- Status of Valley Rail Expansion North to Yuba County
- Status of Cross Valley Rail Program in the Southern Central Valley
- Connecting Shuttles and Thruway Bus Programs
- The Rail Academy of Central CA (TRACC)
- Opportunities for Transitioning Rolling Stock to Near Zero and Zero Emissions

At the November 4, 2022 meeting, Dan Leavitt will provide a presentation on the Merced Intermodal Track Connection (MITC) Project and Meg Cederoth, the Director of Planning and Sustainability for the California High-Speed Rail Authority (CHSRA), will provide an update on the High-Speed Rail Expansion to Merced.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

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