

**AGENDA**  
**Board of Directors Meeting**  
**November 6, 2024**

**\*\*\*\*\*Start Time: 10:00 a.m. (CLOSED SESSION)\*\*\*\*\***  
**1170 W. 3rd Street, San Bernardino, CA 92410, 2<sup>nd</sup> Fl. (The Super Chief)**

**\*\*\*Convene Regular Meeting immediately following Closed Session\*\*\***

**LOCATION**

**San Bernardino County Transportation Authority**  
**First Floor Lobby Board Room**  
**1170 W. 3rd Street, San Bernardino, CA 92410**

**Board of Directors**

**President**

Ray Marquez, Council Member  
*City of Chino Hills*

**Vice-President**

Rick Denison, Council Member  
*Town of Yucca Valley*

Daniel Ramos, Mayor Pro Tem  
*City of Adelanto*

Art Bishop, Mayor Pro Tem  
*Town of Apple Valley*

Carmen Hernandez, Council Member  
*City of Barstow*

Rick Herrick, Council Member  
*City of Big Bear Lake*

Eunice Ulloa, Mayor  
*City of Chino*

Frank Navarro, Mayor  
*City of Colton*

Acquanetta Warren, Mayor  
*City of Fontana*

Bill Hussey, Mayor  
*City of Grand Terrace*

Rebekah Swanson, Mayor Pro Tem  
*City of Hesperia*

Larry McCallon, Mayor Pro Tem  
*City of Highland*

Ronald Dailey, Mayor Pro Tem  
*City of Loma Linda*

John Dutrey, Mayor  
*City of Montclair*

Janet Jernigan, Mayor  
*City of Needles*

Alan Wapner, Council Member  
*City of Ontario*

L. Dennis Michael, Mayor  
*City of Rancho Cucamonga*

Paul Barich, Mayor Pro Tem  
*City of Redlands*

Deborah Robertson, Mayor  
*City of Rialto*

Helen Tran, Mayor  
*City of San Bernardino*

Joel Klink, Mayor Pro Tem  
*City of Twentynine Palms*

Rudy Zuniga, Council Member  
*City of Upland*

Debra Jones, Council Member  
*City of Victorville*

Bobby Duncan, Council Member  
*City of Yucaipa*

Paul Cook, Supervisor  
*County of San Bernardino*

Jesse Armendarez, Supervisor  
*County of San Bernardino*

Dawn Rowe, Supervisor  
*County of San Bernardino*

Curt Hagman, Supervisor  
*County of San Bernardino*

Joe Baca, Jr., Supervisor  
*County of San Bernardino*

Catalino Pining, Caltrans  
*Ex-Officio Member*

Ray Wolfe, *Executive Director*

Julianna Tillquist, *General Counsel*

**San Bernardino County Transportation Authority  
San Bernardino Council of Governments**

**AGENDA**

**Board of Directors  
November 6, 2024**

**\*\*\*10:00 a.m. (CLOSED SESSION)\*\*\*  
1170 W. 3rd St., 2<sup>nd</sup> Fl. (The Super Chief)  
San Bernardino, CA**

**CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1) -- 1 case  
SBCTA--*Pulice Construction, Inc. v. SBCTA, et al.*  
OAH Case No. A-0007-2021

**\*\*\*Convene Regular Meeting immediately following Closed Session\*\*\*  
1170 W. 3<sup>rd</sup> Street, 1<sup>st</sup> Floor Lobby Board Room, San Bernardino**

**Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional <i>“Meeting Procedures”</i> and agenda explanations are attached to the end of this agenda.
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**Message from the Clerk:** Pursuant to Government Code 54952.3, today the Board of Directors’ will be acting in the capacity of both the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Council of Governments (SBCOG). Each Board Member will be entitled to receive a \$100 stipend for doing business as the Authority and a \$100 stipend for doing business as the SBCOG. Compensation rates are set pursuant to the California Public Utilities Code and the SBCOG Bylaws.

**CALL TO ORDER**

(Meeting Chaired by Ray Marquez)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements  
Calendar of Events
- iv. Agenda Notices/Modifications

**Public Comment**

**Opportunity for members of the public to speak on any subject within the Board's jurisdiction.**



## **Possible Conflict of Interest Issues**

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

### **1. Information Relative to Possible Conflict of Interest**

Pg. 22

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

**This item is prepared monthly for review by Board and Committee members.**

## **INFORMATIONAL ITEMS**

Items listed are receive and file items and are expected to be routine and non-controversial. Unlike the Consent Calendar, items listed as Informational Items do not require a vote.

### **2. September 2024 Procurement Report**

Pg. 26

Receive the September 2024 Procurement Report.

**Presenter: Alicia Bullock**

**This item was received by the General Policy Committee on October 9, 2024.**

### **3. Budget to Actual Report for Fourth Quarter Ending June 30, 2024**

Pg. 34

Receive and file Budget to Actual Report for the fourth quarter ending June 30, 2024.

**Presenter: Lisa Lazzar**

**This item was received by the General Policy Committee on October 9, 2024.**

### **4. Transit and Rail Programs Contract Change Orders to On-Going Contracts**

Pg. 45

Receive and file Change Order Report.

**Presenter: Victor Lopez**

**This item was received by the Transit Committee on October 10, 2024.**

### **5. Project Delivery Contract Change Orders to On-Going Contracts**

Pg. 47

Receive and file Change Order Report.

**Presenter: Kristi Harris**

**This item was received by the Board of Directors Metro Valley Study Session on October 10, 2024.**

## **CONSENT CALENDAR**

The Consent Calendar will be acted upon as a single motion. Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at Policy Committee meetings and made available for public review as noted in the agenda. No public comment will be allowed on the Consent Calendar, unless the item was not previously reviewed at a policy committee. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up immediately following the vote on the Consent Calendar.

## Consent - Air Quality/Traveler Services

### 6. Long Term Budget for the Freeway Service Patrol Program

Pg. 54

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Receive information on the proposed Freeway Service Patrol (FSP) Program long-term budget.

~~B. Direct staff on how to proceed with addressing the financial challenges of the FSP Program over the next six years.~~ **Approve the following strategy for subsequent SBCTA budgeting cycles to keep FSP expenditures in line with projected revenue:**

- **In Fiscal Year 2024/2025 - Reduce FSP weekend services (starting January 1, 2025)**
- **In Fiscal Year 2025/2026/2027 - Combine Beat 11 (Interstate 10 (I-10) Sierra Avenue to Waterman Avenue) and Beat 29 (I-10 Waterman Avenue to Yucaipa Boulevard), thereby reducing the need from four trucks to two trucks (starting April 1, 2026)**
- **In Fiscal Year 2027/2028 - Reduce Beat 31 (State Route (SR) 210 from Los Angeles County Line to Citrus Avenue) from two trucks to one truck (starting January 1, 2028)**
- **In Fiscal Year 2028/2029 - Reduce service hours to the original number of hours (this will also allow for the SBCTA FSP Program to match the hours of the FSP Program in Riverside)**
- **In Fiscal Year 2029/2030 - Reduce Beat 5 (SR-60 Reservoir Street/Los Angeles County Line to Milliken Avenue) from two tow trucks to one tow truck (starting January 1, 2030)**

The strategy will need to be reviewed and potentially updated on an annual basis in consideration of the most current revenue forecasts and costs.

Presenter: Steve Smith

This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.

## Consent - Project Delivery

### 7. Interstate 10 Mount Vernon Avenue Interchange Project - Request to Release Invitation for Bids No. 24-1003141

Pg. 60

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

Authorize the Executive Director, or his designee, to release Invitation for Bids No. 24-1003141 for the construction of Interstate 10 Mount Vernon Avenue Interchange Project, subject to final approval of the Plans, Specifications, and Estimates package, and approval as to form by SBCTA General Counsel or her designee.

Presenter: Juan Lizarde

This item was reviewed and recommended for approval (16-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on October 10, 2024. SBCTA General Counsel, Procurement Manager, and Enterprise Risk Manager have reviewed this item.

**8. On-Call Right-of-Way Services - Release of Request for Proposals No. 25-1003206** Pg. 62

That the Board, acting as the San Bernardino County Transportation Authority:

Authorize the release of Request for Proposals No. 25-1003206 for procurement of On-Call Right-of-Way Services to support the delivery of the Major Projects Program.

**Presenter: Tracy Escobedo**

**This item was reviewed and recommended for approval (16-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on October 10, 2024. SBCTA General Counsel, Procurement Manager, and Enterprise Risk Manager have reviewed this item and the draft RFP.**

**9. State Route 60 Central Avenue Interchange Project - Amendment No. 5 to Cooperative Agreement No. 15-1001091 with the City of Chino** Pg. 64

That the Board, acting as the San Bernardino County Transportation Authority:

Approve Amendment No. 5 to Cooperative Agreement No. 15-1001091 (R14050) with the City of Chino to revise the Project Funding Table to reflect an increased total project cost in the amount of \$759,593, increasing the Measure I Interchange Program funds by \$354,152 and City of Chino funds by \$405,441.

**Presenter: Paul Melocoton**

**This item was reviewed and recommended for approval (16-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on October 10, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.**

**10. Progress Briefing Report through September 2024** Pg. 71

Receive the Major Projects Status Report for the period through September 2024.

**Presenter: Kristi Harris**

**This item was received by the Board of Directors Metro Valley Study Session on October 10, 2024.**

**Consent - Regional/Subregional Planning**

**11. Award Contract No. 24-1003088 with Jacobs Engineering Group, Inc., for an Emergency Evacuation Network Resilience Study** Pg. 74

That the Board, acting as the San Bernardino County Transportation Authority:

Approve Contract No. 24-1003088, in the amount of \$1,208,910.89, to be funded with a Climate Adaptation Planning grant, with Jacobs Engineering Group, Inc., to conduct an Emergency Evacuation Network Resilience Study for a one-year contract through December 31, 2025, with one one-year option term.

**Presenter: Stacey Morales**

**This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft contract.**

**12. Climate Pollution Reduction Grant Program Update and Goods Movement Charging Facilities** Pg. 118

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG):

A. Receive and file a report on the progress of the Environmental Protection Agency’s Climate Pollution Reduction Grants planning and infrastructure programs.

B. ~~Provide direction to staff on SBCOG’s participation in the development and construction of zero emission goods movement medium and heavy duty charging facilities in San Bernardino County.~~ **Direct staff to proceed with the candidate principles listed in the background section of this agenda item, and at the request of the General Policy Committee, be aggressive with grant funding programs.**

**Presenter: Josh Lee**

**This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.**

**13. Update on Activities of the Planning and Regional Programs Department** Pg. 129

Receive an update on the activities of the Planning and Regional Programs Department, providing services under both the San Bernardino County Transportation Authority and San Bernardino Council of Governments.

**Presenter: Steve Smith**

**This item was received by the General Policy Committee on October 9, 2024.**

**Consent - Transit**

**14. Amendment No. 3 to Contract No. 21-1002452 with HNTB Corporation for Program Management/Construction Management Services for the Ontario International Airport Connector Project** Pg. 135

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 3 to Contract No. 21-1002452 with HNTB Corporation, for Program Management/Construction Management Services for the Ontario International Airport Connector Project (Project), increasing the authorized budget under Notice to Proceed (NTP) 1 by \$700,000, for a revised not-to-exceed amount authorized under NTP 1 to \$18,321,085, to be funded with State Transit Assistance funds previously programmed for the Project.

B. Approve a contingency increase to Contract No. 21-1002452 of \$70,000, to be funded with State Transit Assistance funds previously programmed for the Project, for a remaining not-to-exceed contingency amount of \$955,000, and authorize the Executive Director, or his designee, to release contingency as necessary for the completion of the Project.

**Presenter: Victor Lopez**

**This item was reviewed and unanimously recommended for approval by the Transit Committee on October 10, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.**

**15. Amendment No. 3 to Cooperative Agreement No. 15-1001125 with the Southern California Regional Rail Authority** Pg. 144

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 3 to Cooperative Agreement No. 15-1001125 with the Southern California Regional Rail Authority, to remove the agreement termination date for rail-related support services for rail corridor improvement projects within San Bernardino County.

B. Authorize an exception to Section IV.B.4. of SBCTA's Procurement Policy 11000, to allow for a contract term in excess of five years.

**Presenter: Victor Lopez**

**This item was reviewed and unanimously recommend for approval by the Transit Committee on October 10, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.**

**16. West Valley Connector Project Quarterly Update** Pg. 150

Receive and file the West Valley Connector Project Quarterly Update.

**Presenter: Joy Buenaflor**

**This item was received by the Transit Committee on October 10, 2024.**

**17. West Valley Connector Right-of-Way Budget Amendment** Pg. 158

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve an increase of \$6,000,000 to fund additional Right-of-Way capital acquisitions for the West Valley Connector Project, in accordance with SBCTA Policies, including but not limited to relocation assistance, demolition of existing structures, and goodwill, for a new not-to-exceed amount of \$64,000,000 to be funded with Measure I Valley Express Bus/Rapid Transit Program funds previously allocated to the Project.

B. Authorize the Executive Director, or his designee, to execute Contract Task Orders greater than \$500,000, to the Transit and Rail On-Call Right-of-Way Services consulting firms, as required for West Valley Connector Project acquisitions, for a combined not-to-exceed amount of \$9,500,000, previously authorized by the SBCTA Board of Directors for Contract Nos. 19-1002009, 19-1002007, 19-1002008, and 18-1001924.

C. Approve a Budget Amendment to increase the Fiscal Year 2024/2025 Budget for Task No. 0315 – Capital Projects in the amount of \$6,000,000 to be funded with Measure I Valley Express Bus/Rapid Transit Program funds.

**Presenter: Joy Buenaflor**

**This item was reviewed and unanimously recommended for approval by the Transit Committee on October 10, 2024.**

**18. Victor Valley Transit Authority Comprehensive Operational Analysis** Pg. 160

That the Board, acting as the San Bernardino County Transportation Authority:

A. Receive and file a presentation from the Victor Valley Transit Authority.

B. Approve the Victor Valley Transit Authority Comprehensive Operational Analysis for Fiscal Years 2025-2029.

**Presenter: Nancy Strickert**

**This item was reviewed and unanimously recommended for approval by the Transit Committee on October 10, 2024.**

## **Consent - Council of Governments**

### **19. Housing Trust Update and Ad Hoc Extension** Pg. 181

That the Board, acting as the San Bernardino Council of Governments:

Extend the expiration date for the existing Housing Trust Ad Hoc Committee to December 31, 2025.

**Presenter: Monique Reza-Arellano**

**This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.**

### **20. San Bernardino County Transportation Authority/San Bernardino Council of Governments Equity Framework Update** Pg. 182

That the Board, acting as the San Bernardino County Transportation Authority / San Bernardino Council of Governments (SBCTA/SBCOG):

A. Receive a report on the kick-off of the SBCTA/SBCOG Equity Framework.

B. Direct staff to work with the SBCOG Ad Hoc Committee to advise the Board of Directors.

**Presenter: Monique Reza-Arellano**

**This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.**

### **21. San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to Bylaws** Pg. 191

That the Board, acting as the San Bernardino Council of Governments (SBCOG):

A. Approve revisions to the SBCOG Bylaws.

B. Approve proposed Policy No. 10014 - SBCOG Member Agency Dues Collection.

C. Approve the update to the SBCOG 5-Year Work Plan.

**Presenter: Monique Reza-Arellano**

**This item was presented to the Board of Directors for a first review on October 2, 2024, and to the City/County Managers Technical Advisory Committee on October 3, 2024. SBCTA General Counsel has reviewed this item, the draft policy, and the proposed revisions to the Bylaws.**

## **Consent - Transportation Programming and Fund Administration**

### **22. Transportation Development Act Article 3 Scope Change Requests: Highland City Creek and Redlands** Pg. 268

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve the City of Highland's Transportation Development Act (TDA) Article 3 scope change request to move \$29,000 from construction to pre-construction for the Fiscal Year 2017/2018 City Creek/Alabama Street Bikeway Project award.

B. Approve the City of Redlands' TDA Article 3 scope change request to move \$204,000 from construction to pre-construction for the Fiscal Year 2017/2018 East Valley Corridor Bike Route Interconnect Project award.

**Presenter: Ginger Koblasz**

**This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.**

**23. Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975** Pg. 280

That the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,720,966 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bellflower Street Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002975 with the City of Adelanto for the Bellflower Street Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,720,966 for a total of \$3,012,966 to include the Construction Phase as part of Project Work and extending the termination date through the anticipated project close-out date of December 31, 2025.

**Presenter: Marc Lucius**

**This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.**

**24. Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977** Pg. 288

That the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$146,000 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bartlett Avenue Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002977 with the City of Adelanto for the Bartlett Avenue Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$146,000 for a total of \$2,007,500 and extending the termination date through the anticipated project close-out date of June 30, 2025.

**Presenter: Marc Lucius**

**This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.**

**25. Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978** Pg. 296

That the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,659,244 in Victor Valley Major Local Highway Program funds to the City of Adelanto for the El Mirage Road Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002978 with the City of Adelanto for the El Mirage Road Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,659,244 for a total of \$4,958,744 and extending the termination date through the anticipated project close-out date of December 31, 2026.

**Presenter: Marc Lucius**

**This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.**

**Consent - Legislative/Public Outreach**

**26. State Legislative Update** Pg. 304

Receive and file the October 2024 State Legislative Update.

**Presenter: Otis Greer**

**This item was received by the Legislative Policy Committee on October 9, 2024.**

**27. Federal Legislative Update**

Pg. 387

Receive and file the October 2024 Federal Legislative Update.

**Presenter: Otis Greer**

**This item was received by the Legislative Policy Committee on October 9, 2024.**

**28. Contract Extensions for State and Federal Advocacy Services**

Pg. 389

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 3 to Contract No. 20-1002384 with California Advisors, LLC for State Advocacy Services, to exercise the second of two available two-year options to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$244,000 for a not-to-exceed contract amount of \$590,000.

B. Approve Amendment No. 5 to Contract No. 20-1002385 with Potomac Partners DC, LLC for Federal Advocacy Services, to exercise the second of two available two-year options to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$324,000 for a not-to-exceed contract amount of \$720,000.

C. Approve Amendment No. 1 to Agreement No. 24-1003123 with Omnitrans to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$144,000 for a not-to-exceed contract amount of \$210,000.

D. Approve Amendment No. 1 to Agreement No. 24-1003124 with Omnitrans to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$96,000 for a not-to-exceed contract amount of \$140,000.

**Presenter: Otis Greer**

**This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on October 9, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendments.**

**Consent Calendar Items Pulled for Discussion**

**Items removed from the Consent Calendar shall be taken under this item in the order they were presented on the agenda.**

**DISCUSSION ITEMS**

**Discussion - Project Delivery**

**29. US 395 Phase 2 Project Hearings to Consider Resolutions of Necessity for Property Interests Within the Cities of Hesperia and Victorville**

Pg. 405

That the Board of Directors, acting as the San Bernardino County Transportation Authority:

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase 2 Project in the Cities of Hesperia and Victorville.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-031 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Victor Valley Community College District (Assessor’s Parcel Number 3064-571-08). The resolution must be approved by at least a two-thirds majority.



Agenda Item 29 (cont.)

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-046 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Donald Jue (Assessor's Parcel Number 3064-541-08). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-036 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jue Investment Partnership (Assessor's Parcel Number 3064-541-07). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-056 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Kiss Hesperia Venture, LLC (Assessor's Parcel Number 3064-401-12). The resolution must be approved by at least a two-thirds majority.

~~F. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-053 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Main Hesperia, LLC (Assessor's Parcel Number 3064-401-02). The resolution must be approved by at least a two-thirds majority.~~

~~G. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-047 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Yucca Terrace Investors, LLC (Assessor's Parcel Number 3064-401-01). The resolution must be approved by at least a two-thirds majority.~~

~~H. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-041 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: United States Cold Storage of California (Assessor's Parcel Number 3064-421-01 and 3064-421-03). The resolution must be approved by at least a two-thirds majority.~~

I. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-023 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Hazboon Family Trust (Assessor's Parcel Number 3064-371-11). The resolution must be approved by at least a two-thirds majority.

J. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-055 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Victorville, LLC (Assessor's Parcel Number 3136-371-02). The resolution must be approved by at least a two-thirds majority.

K. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-054 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Baldy Mesa County Water District (Assessor's Parcel Number 3136-271-01 and 3136-261-11). The resolution must be approved by at least a two-thirds majority.

Agenda Item 29 (cont.)

L. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-028 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Walden J. Dahl (Assessor's Parcel Number 3136-261-10). The resolution must be approved by at least a two-thirds majority.

M. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-040 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-07). The resolution must be approved by at least a two-thirds majority.

N. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-050 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-05). The resolution must be approved by at least a two-thirds majority.

O. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-012 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-06). The resolution must be approved by at least a two-thirds majority.

P. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-011 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-03). The resolution must be approved by at least a two-thirds majority.

Q. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-030 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Slough Family Trust (Assessor's Parcel Number 3136-281-01 and 3136-281-02). The resolution must be approved by at least a two-thirds majority.

R. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-049 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shayan Capital, LLC (Assessor's Parcel Number 3136-251-01). The resolution must be approved by at least a two-thirds majority.

S. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-038 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Prime A Investments, LLC (Assessor's Parcel Number 3071-381-17 and 3071-381-18). The resolution must be approved by at least a two-thirds majority.

T. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-052 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Sycamore Properties (Assessor's Parcel Number 3071-551-02). The resolution must be approved by at least a two-thirds majority.

Agenda Item 29 (cont.)

U. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-016 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Lighthouse Petroleum-Victorville, LLC (Assessor's Parcel Number 3071-331-11). The resolution must be approved by at least a two-thirds majority.

V. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-045 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jim V. Guthrel (Assessor's Parcel Number 3134-121-38). The resolution must be approved by at least a two-thirds majority.

W. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-039 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: S.W. Irving (Assessor's Parcel Number 3134-121-22). The resolution must be approved by at least a two-thirds majority.

~~X. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-032 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Tsai Family Trust (Assessor's Parcel Number 3134-111-02). The resolution must be approved by at least a two-thirds majority.~~

Y. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-035 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Vertigo Investments Group, LLC (Assessor's Parcel Number 3134-101-02 and 3134-101-05). The resolution must be approved by at least a two-thirds majority.

~~Z. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-037 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Regwan Family Trust (Assessor's Parcel Number 3134-131-01). The resolution must be approved by at least a two-thirds majority.~~

AA. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-034 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Paradise Lake, LLC (Assessor's Parcel Number 3096-371-04). The resolution must be approved by at least a two-thirds majority.

BB. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-048 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Luna Property, LLC (Assessor's Parcel Number 3096-431-07). The resolution must be approved by at least a two-thirds majority.

CC. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-029 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TAFE Investment Partnership (Assessor's Parcel Number 3096-391-03). The resolution must be approved by at least a two-thirds majority.

Agenda Item 29 (cont.)

DD. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-042 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: DOS3SRK Investments, LLC (Assessor's Parcel Number 3096-381-01 and 3096-381-09). The resolution must be approved by at least a two-thirds majority.

~~EE. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25 043 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The City of Victorville (Assessor's Parcel Number 3103 632-23). The resolution must be approved by at least a two thirds majority.~~

FF. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-033 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Dr. Prem Reddy Family Foundation (Assessor's Parcel Number 3103-571-03). The resolution must be approved by at least a two-thirds majority.

~~GG. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25 027 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: James J. & Sue Femino Living Trust (Assessor's Parcel Number 3103 571 02). The resolution must be approved by at least a two thirds majority.~~

~~HH. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25 044 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Palmdale Rd, LLC (Assessor's Parcel Number 3103 571 01). The resolution must be approved by at least a two thirds majority.~~

**Presenter: Tracy Escobedo**

**This item was reviewed and recommended for approval (7-0-1; Abstained: Bishop) with a quorum present at the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel has reviewed this item. The RONS were prepared and reviewed by outside ROW Counsel.**

**Discussion - Transit**

**30. Use of Upland Surplus Sale Proceeds Update**

Pg. 834

That the Board, acting as the San Bernardino County Transportation Authority:

~~A. Consider options for allocation of the \$1,595,305.10 revenue from the sale of the properties located at 201-299 East Stowell Street, Assessor's Parcel Number (APN) 1046-605-01; and 120 South Euclid Avenue, APN 1046-605-02 and APN 1046-605-03, in the City of Upland across from the Upland Metrolink Station (Upland Surplus Properties) and choose an option.~~

~~B. Direct staff to effect the chosen option for allocation of said revenue.~~

**A. Approve the Transit Committee's recommendation as follows:**

- i. Allocate \$500,000 of revenue from the sale of Upland Surplus Properties to the City of Upland to develop construction documents for a mixed-use parking structure located at the southeast corner of North 1<sup>st</sup> Avenue and East C Street.**
- ii. Approve the remaining \$1,059,305.10 sales proceeds for use on other projects, which in this case is management of rail assets.**

Agenda Item 30 (cont.)

iii. Allow the City of Upland to request allocation of \$1,059,305.10, equivalent to the remaining sales proceeds, for construction of the mixed-use parking structure within the next twelve months.

B. Authorize the Executive Director or his designee, to negotiate and return to the Board for approval, a funding agreement with the City of Upland with the minimum terms and conditions outlined in Exhibit B, subject to approval of Recommendation A.

C. Direct staff to prepare a policy establishing parameters by which discretionary transit and rail funding is used by local jurisdictions for transit and rail parking and station improvements for presentation to the Transit Committee no later than April 2025.

D. Approve an exception to Policy No. 10400, Surplus Real Property, Section III (5), for the allocation described in Recommendation A(i).

Presenter: Ryan Aschenbrenner

This item was reviewed and recommended for approval (7-4-0; Opposed Navarro, McCallon, Dutrey, and Wapner) by the Transit Committee on October 10, 2024.

**Discussion - Legislative/Public Outreach**

**31. Update on the proposed revisions to the 2024 Climate Action Plan for Transportation Infrastructure** Pg. 845

Receive an update on the proposed 2024 revisions to the Climate Action Plan for Transportation Infrastructure.

Presenter: Otis Greer

This item has not received prior policy committee or technical advisory committee review. This item is going straight to Board to coincide with the start of the CAPTI public comment period.

**Discussion - Council of Governments**

**32. San Bernardino County Department of Public Works on Stormwater Permits** Pg. 934

Receive a report from the San Bernardino County Department of Public Works on the stormwater permit process the State of California is proposing and the potential impact to the region.

Presenter: Monique Reza-Arellano

This information was reviewed by the City/County Managers Technical Advisory Committee on October 3, 2024.

**Comments from Board Members**

Brief Comments from Board Members

**Executive Director's Comments**

Brief Comments from the Executive Director

**ADJOURNMENT**

## **Additional Information**

Attendance	Pg. 945
Acronym List	Pg. 947

## **Agency Reports**

Mobile Source Air Pollution Reduction Review Committee Agency Report	Pg. 950
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## **Committee Membership**

Representatives on SCAG Committees	Pg. 952
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## **Mission Statement**

Mission Statement	Pg. 961
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## Meeting Procedures and Rules of Conduct

**Meeting Procedures** - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

**Accessibility & Language Assistance** - The meeting facility is accessible to persons with disabilities. A designated area is reserved with a microphone that is ADA accessible for public speaking. A designated section is available for wheelchairs in the west side of the boardroom gallery. If assistive listening devices, other auxiliary aids or language assistance services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at [clerkoftheboard@gosbcta.com](mailto:clerkoftheboard@gosbcta.com) and office is located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

Service animals are permitted on SBCTA's premises. The ADA defines service animals as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work, or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

**Accesibilidad y asistencia en otros idiomas** - Las personas con discapacidad pueden acceder a la sala de reuniones. Se reserva una zona designada con un micrófono accesible que cumple con los requisitos de la ADA para hablar en público. Una sección designada está disponible para sillas de ruedas en el lado oeste de la galería de la sala de reuniones. Si se necesitan dispositivos de ayuda auditiva, otras ayudas auxiliares o servicios de asistencia en otros idiomas para participar en la reunión pública, las solicitudes deben presentarse al Secretario de la Junta al menos tres (3) días hábiles antes de la fecha de la reunión de la Junta. Puede comunicarse con el Secretario llamando al (909) 884-8276 o enviando un correo electrónico a [clerkoftheboard@gosbcta.com](mailto:clerkoftheboard@gosbcta.com). La oficina se encuentra en 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

Los animales de servicio están permitidos en las instalaciones de SBCTA. La ADA define a los animales de servicio como perros o caballos miniatura que son entrenados individualmente para hacer trabajo o realizar tareas para personas con discapacidades. Según la ADA, los animales de servicio deben tener un arnés o ser atados, a menos que estos dispositivos interfieran con el trabajo del animal de servicio, o que la discapacidad de la persona impida el uso de estos dispositivos. En ese caso, la persona debe mantener el control del animal a través de su voz, señales u otros controles efectivos.

**Agendas** – All agendas are posted at [www.gosbcta.com/board/meetings-agendas/](http://www.gosbcta.com/board/meetings-agendas/) at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3<sup>rd</sup> Street, 1<sup>st</sup> Floor, San Bernardino at least 72 hours in advance of the meeting.

**Agenda Actions** – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

**Closed Session Agenda Items** – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the President of the Board or Committee Chair (“President”) will announce the subject matter of the closed session. If reportable action is taken in closed session, the President shall report the action to the public at the conclusion of the closed session.

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item, except Board agenda items that were previously considered at a Policy Committee meeting where there was an opportunity for public comment. Individuals in attendance at SBCTA who desire to speak on an item may complete and turn in a "Request to Speak" form, specifying each item an individual wishes to speak on. Individuals may also indicate their desire to speak on an agenda item when the President asks for public comment. When recognized by the President, speakers should be prepared to step forward and announce their name for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The President or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Any individual who wishes to share written information with the Board may provide 35 copies to the Clerk of the Board for distribution. If providing written information for distribution to the Board, such information must be emailed to the Clerk of the Board, at [clerkoftheboard@gosbcta.com](mailto:clerkoftheboard@gosbcta.com), no later than 5:00 pm the day before the meeting in order to allow sufficient time to distribute the information. Information provided as public testimony is not read into the record by the Clerk. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda. Any consent item that is pulled for discussion shall be treated as a discussion item, allowing further public comment on those items.

**Public Comment** –An opportunity is also provided for members of the public to speak on any subject within the Board’s jurisdiction. Matters raised under “Public Comment” will not be acted upon at that meeting. See, “Public Testimony on an Item,” above.

**Disruptive or Prohibited Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the President may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner.

Your cooperation is appreciated!



**General Practices for Conducting Meetings  
of  
Board of Directors and Policy Committees**

**Attendance.**

- The President of the Board or Chair of a Policy Committee (Chair) has the option of taking attendance by Roll Call. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name.
- A Member/Alternate who arrives after attendance is taken shall announce his/her name prior to voting on any item.
- A Member/Alternate who wishes to leave the meeting after attendance is taken but before remaining items are voted on shall announce his/her name and that he/she is leaving the meeting.

**Basic Agenda Item Discussion.**

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee. Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.
- Votes at teleconferenced meetings shall be by roll call, pursuant to the Brown Act, or, at any meeting, upon the demand of five official representatives present or at the discretion of the presiding officer.

**The Vote as specified in the SBCTA Administrative Code and SANBAG Bylaws.**

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the Alternate shall be entitled to vote. (Note that Alternates may vote only at meetings of the Board of Directors, Metro Valley Study Session and Mountain/Desert Policy Committee.)

**Amendment or Substitute Motion.**

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the Chair shall ask the maker of the original motion if he or she would like to amend the motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.
- Occasionally, a motion dies for lack of a second.

**Call for the Question.**

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively, and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

**The Chair.**

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time to time, circumstances may require deviation from general practice (but not from the Brown Act or agency policy).
- Deviation from general practice is at the discretion of the Chair.

**Courtesy and Decorum.**

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

*Adopted By SANBAG Board of Directors January 2008  
Revised March 2014  
Revised May 4, 2016  
Revised June 7, 2023*



# Important Dates to Remember...

## November 2024

**SBCTA Meetings - Cancelled: None**

<b>SBCTA Meetings – Scheduled:</b>			
General Policy Committee	Nov 13	9:00 am	SBCTA Lobby, 1st Floor
Legislative Policy Committee	Nov 13	Immediately following GPC	SBCTA Lobby, 1st Floor
Transit Committee	Nov 14	9:00 am	SBCTA Lobby, 1st Floor
Metro Valley Study Session	Nov 14	Immediately following TC	SBCTA Lobby, 1st Floor
Mountain/Desert Committee	Nov 15	9:30 am	Mojave Desert AQMD

<b>Other Meetings/Events:</b>			
Focus on the Future Conference	Nov 11-12	7:30 am	Long Beach Convention & Entertainment Center, Long Beach, CA

**SBCTA Offices will be CLOSED:**

- **Monday, November 11th, Veterans Day**
- **Thursday & Friday, November 28th & 29th, for the Thanksgiving Holiday**

For additional information, please call SBCTA at (909) 884-8276

Communication: Calendar of Events (Announcements)

## *Minute Action*

AGENDA ITEM: 1

***Date:*** November 6, 2024

***Subject:***

Information Relative to Possible Conflict of Interest

***Recommendation:***

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

***Background:***

In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

<b>Item No.</b>	<b>Contract No.</b>	<b>Principals &amp; Agents</b>	<b>Subcontractors</b>
9	15-1001091-05	<i>City of Chino</i>	None
11	24-1003088	Jacobs Engineering Group, Inc. <i>Hany Haroun / Vice President</i> <i>Justin Johnson / Secretary</i>	None
14	21-1002452-03	HNTB Corporation <i>Kevin A. Haboian</i>	None
15	15-1001125-03	Southern California Regional Rail Authority	None
17	18-1001924	Epic Land Solutions, Inc. <i>Darin Hittler</i>	Colliers International David Evans & Associates Psomas Santolucito Dore Group Donna Desmond Associates Desmond, Marcello & Amster Partner Engineering and Science, Inc. J&G Industries
	19-1002007	Bender Rosenthal, Inc. <i>David Wraa</i>	Nv5-Butsko Utility Design Commonwealth Land Title Company David Evans & Associates Donna Desmond Associates Hendrickson Appraisal Company Rincon Consultants Santolucito Dore Group Hjelmstrom and Associates

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

17 cont.	19-1002008	Overland, Pacific & Cutler, LLC <i>Brian Everett</i>	Santolucito Dore Group Hennessey & Hennessey LLC Integra Realty Resource R.P. Laurain & Associates Desmond, Marcello & Amster, LLC Donna Desmond Associates Hodges Lacey & Associates Coast Surveying, Inc. Psomas Commonwealth Land Company Interior Demolition Inc. Converse Consultants JM Diaz, Inc. JMD
	19-1002009	Paragon Partners Consultants, Inc. <i>Kevin Romito</i>	BRI Appraisal Commonwealth Land Title Company Del Richardson & Associates, Inc. Riggs & Riggs, Inc.
18	N/A	Victor Valley Transit Authority	None
22	N/A	City of Highland	None
22	N/A	City of Redlands	None
23	23-1002975-01	City of Adelanto	None
24	23-1002977-01	City of Adelanto	None
25	23-1002978-01	City of Adelanto	None
28	20-1002384-03	California Advisors, LLC <i>Delaney L. Hunter, Manager</i>	None
	20-1002385-05	Potomac Partners DC, LLC <i>Richard Alcalde, President</i>	None
	24-1003123-01	Omnitrans	None
	24-1003124-01	Omnitrans	None

<b>Item No. 29 – US 395 Phase 2 Preview of Hearing to Consider Resolutions of Necessity</b>	
<b>APN#</b>	<b>Principals &amp; Agents</b>
3064-571-08	Victor Valley Community College District
3064-541-08	Donald Jue
3064-541-07	Jue Investment Partnership
3064-401-12	Kiss Hesperia Venture, LLC
3064-371-11	The Hazboon Family Trust
3136-371-02	395 Victorville, LLC
3136-271-01	Baldy Mesa County Water District
3136-261-11	Baldy Mesa County Water District
3136-261-10	Walden J. Dahl
3136-261-07	Ravneet Kaur
3136-261-05	Ravneet Kaur
3136-251-06	TK Properties, LLC/R J Premier Properties, LLC
3136-251-03	TK Properties, LLC/R J Premier Properties, LLC
3136-281-01	Slough Family Trust
3136-281-02	Slough Family Trust
3136-251-01	Shayan Capital, LLC
3071-381-17	Prime A Investments, LLC
3071-381-18	Prime A Investments, LLC
3071-551-02	Sycamore Properties
3071-331-11	Lighthouse Petroleum-Victorville, LLC
3134-121-38	Jim V. Guthrel
3134-121-22	S.W. Irving
3134-101-02	Vertigo Investments Group, LLC
3134-101-05	Vertigo Investments Group, LLC
3096-371-04	Paradise Lake, LLC
3096-431-07	395 Luna Property, LLC
3096-391-03	TAFA Investment Partnership
3096-381-01	DOS3SRK Investments, LLC
3096-381-09	DOS3SRK Investments, LLC
3103-571-03	Dr. Prem Reddy Family Foundation

<b>Item No. 30 – Use of Upland Surplus Properties Sale Proceeds Update</b>	
<b>APN#</b>	<b>Property Owners</b>
1046-605-01	Stowell Villas LP
1046-605-02	Euclid Housing LP
1046-605-03	Euclid Housing LP
Allocation	City of Upland

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**Financial Impact:**

This item has no direct impact on the budget.

**Reviewed By:**

This item is prepared monthly for review by Board and Committee members.

**Responsible Staff:**

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino Council of Governments  
San Bernardino County Transportation Authority

## *Minute Action*

AGENDA ITEM: 2

***Date:*** *November 6, 2024*

***Subject:***

September 2024 Procurement Report

***Recommendation:***

Receive the September 2024 Procurement Report.

***Background:***

The Board of Directors adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on January 4, 2023. The Board of Directors authorized the Executive Director, or his designee, to approve: a) contracts and purchase orders up to \$100,000; b) Contract Task Orders (CTO) up to \$500,000 and for CTOs originally \$500,000 or more, increasing the CTO amount up to \$250,000; c) amendments with a zero dollar value; d) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; e) amendments that cumulatively do-not-exceed 50% of the original contract or purchase order value or \$100,000, whichever is less; f) amendments that do-not-exceed contingency amounts authorized by the Board of Directors; and g) release Request for Proposals (RFP), Request for Qualifications (RFQ), and Invitation for Bids (IFB) for proposed contracts from which funding has been approved and the solicitation has been listed in the Annual Budget, and are estimated not-to-exceed \$1,000,000.

The Board of Directors further authorized General Counsel to award and execute legal services contracts up to \$100,000 with outside counsel as needed, and authorized Department Directors to approve and execute Contingency Amendments that do-not-exceed contingency amounts authorized by the Board of Directors.

Lastly, the Board of Directors authorized CityCom Real Estate Services, Inc. (CityCom) to issue contracts and purchase orders.

Below is a summary of the actions taken by SBCTA authorized staff:

- No new contracts were executed.
- Seven contract amendments were executed.
- Five CTO's were executed.
- Two CTO amendments were executed.
- Three contingency amendments were executed.
- One purchase order was executed.
- No purchase order amendments were executed.
- No IFB's or RFP's were released.

Below is a summary of the actions taken by CityCom:

- No new contracts were executed.
- One new purchase order was executed.

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*



Board of Directors Agenda Item  
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Page 2

A list of all Contracts and Purchase Orders that were executed by the Executive Director, Department Director, and/or General Counsel during the month of September 2024 are presented herein as Attachment A, all RFPs and IFBs are presented in Attachment B, and all CityCom’s contracts and purchase orders are presented in Attachment C.

**Financial Impact:**

This item is consistent with the adopted Budget for Fiscal Year 2024/2025. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy.

**Reviewed By:**

This item was received by the General Policy Committee on October 9, 2024.

**Responsible Staff:**

Alicia Bullock, Procurement Manager

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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:

**Attachment A - 1**  
**September 2024 Contract/Amendment/CTO Actions**

Type	Contract Number	Amendment/CTO	Vendor Name	Contract Description	Original Amount	Prior Amendments	Current Amendment	Total Amount	Total On-Call Contract Amount*
Contract Amendment	22-1002743	2	Community Baptist Church of Alta Loma, California, Inc. DBA Community Church Rancho	Park and Ride Lot Lease, to increase the contract amount, and exercise the first of two, two-year option terms, extending the term through June 30, 2026.	\$ 17,064.00	\$ -	\$ 17,064.00	\$ 34,128.00	N/A
Contract Amendment	22-10012742	1	Highland Avenue Church of the Nazarene	Park and Ride Lot Lease, to increase the contract amount, and exercise the first of two, two-year option terms, extending the term through June 30, 2026.	\$ 28,800.00	\$ -	\$ 28,800.00	\$ 57,600.00	N/A
Contract Amendment	21-1002472	2	Carl Warren Company, LLC.	Third party administrator and incident management services, exercising the second of two option years to extend the end of the contract term from December 31, 2024, to December 31, 2025.	\$ 100,000.00	\$ -	\$ -	\$ 100,000.00	N/A
Contract Amendment	21-1002570	2	Global Solutions Group, Inc.	Laserfiche software support services. To exercise the first option term to extend the term to August 31, 2026, and include two, two-year options to extend with a not-to-exceed amount.	\$ 350,000.00	\$ 30,000.00	\$ 170,000.00	\$ 550,000.00	N/A
Contract Amendment	23-1002923	1	Best Best & Krieger, LLP.	To increase the not-to-exceed amount, for Litigation defense regarding sales tax revenues received.	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 100,000.00	N/A
Contract Amendment	20-1002292	3	PFM Asset Management, LLC.	Due to a corporate restructuring, PFM Asset Management LLC's work will be transferred to its parent company, U.S. Bancorp Asset Management, Inc., for the remainder of the contract term, i.e., through May 31, 2025 to provide investment advisory services.	\$ 355,000.00	\$ 255,500.00	\$ -	\$ 610,500.00	N/A
Contract Amendment	20-1002397	3	CityCom Real Estate Services, Inc.	Exercise the second option term to extend the contract for one year to December 31, 2025, and increase the not-to-exceed amount.	\$ 241,440.00	\$ 185,656.00	\$ 88,560.00	\$ 515,656.00	N/A
CTO	24-1003133	CTO No. 4A	Michael Baker International	To provide active transportation program support services from now until the expiration date of June 30, 2029, with a not-to-exceed amount.	\$ 400,000.00	\$ -	\$ -	\$ 400,000.00	\$20,531,950.00 (available \$20,131,950.00)
CTO	24-1003132	CTO No. 4B	Fehr & Peers	To provide active transportation program support services from now until the expiration date of June 30, 2029, with a not-to-exceed amount.	\$ 150,000.00	\$ -	\$ -	\$ 150,000.00	\$20,131,950.00 (available \$19,981,950.00)

Attachment: September 2024 Procurement Report - PDF (11011 : September 2024 Procurement Report)

\*Total amount authorized for the associated on-call services bench which is typically shared with multiple vendors and controlled via contract task orders (CTO).

**Attachment A - 1**  
**September 2024 Contract/Amendment/CTO Actions**

Type	Contract Number	Amendment/CTO	Vendor Name	Contract Description	Original Amount	Prior Amendments	Current Amendment	Total Amount	Total On-Call Contract Amount*
CTO	24-1003132	CTO No. 6	Fehr & Peers	To provide transportation planning support services for the Planning Department and Council of Governments.	\$ 600,000.00	\$ -	\$ -	\$ 600,000.00	\$19,981,950.00 (available \$19,381,950.00)
CTO	23-1003018	CTO No. 3	Dudek	To provide sustainability planning support services from now until the expiration date of June 30, 2029, with a not-to-exceed amount.	\$ 400,000.00	\$ -	\$ -	\$ 400,000.00	\$21,081,950.00 (available \$20,681,950.00)
CTO	24-1003135	CTO No. 3	PlaceWorks	To provide sustainability planning support services from now until the expiration date of June 30, 2029, with a not-to-exceed amount.	\$ 150,000.00	\$ -	\$ -	\$ 150,000.00	\$20,681,950.00 (available \$20,531,950.00)
CTO Amendment	19-1002008	CTO No. 8.1	Overland Pacific & Cutler, LLC.	To reflect an extended CTO completion date of June 30, 2024, to align with the actual completion of the work for the appraisal of Redlands surplus properties loop and Etiwanda Depot site.	\$ 38,000.00	\$ -	\$ -	\$ 38,000.00	\$1,451,927.77 (available \$1,451,927.77)
CTO Amendment	18-1001907	CTO No. 4.3	Epic Land Solutions, Inc.	Time extension for the purpose of processing post construction deed transfers on the State Route 210 Lane Addition and Baseline Interchange Project.	\$ 109,093.24	\$ 27,450.00	\$ -	\$ 136,543.24	\$4,921,750.44 (available \$4,921,750.44)

Attachment: September 2024 Procurement Report - PDF (11011 : September 2024 Procurement Report)

\*Total amount authorized for the associated on-call services bench which is typically shared with multiple vendors and controlled via contract task orders (CTO).

**Attachment A - 2**  
**September 2024 Contingency Released Actions**

Contract No. & Contingency No.	Reason for Contingency Amendment (Include a Description of the Contingency Amendment)	Vendor Name	Original Contract Amount	Prior Amendments	Prior Contingencies	Current Contingencies	Amended Contract Amount
23-1002903 No. 0A	1-10 Express Lanes Landscape Contract 1 Design Build Project. Drainage improvements north of I-10 between Grove Avenue and 4th Street, adjacent to the WB on-ramp.	EXP U.S. Services Inc.	\$ 1,354,134.55	\$ -	\$ -	\$ 45,876.29	\$ 1,400,010.84
20-1002388 No. 1A	Metrolink ATP Phase II Design Contract. The City of Rancho Cucamonga previously had approved development plans which required two new driveways on the north side of 6th Street, this was never communicated to SBCTA by the City and it is out of scope work for the design. In order to resolve and not delay construction, KOA Corporation will need to modify plans and design 4 new curb ramps.	KOA Corporation	\$ 508,006.41	\$ -	\$ 30,371.58	\$ 6,888.00	\$ 545,265.99
19-1002005 No. 3C	I-215 Bi-County/Segment 5 Landscape Project. The original contract for the I-215 was awarded in 2019 and did not include environmental revalidation as it was completed by a Parent Project by Caltrans. An amendment was done in 2022 to include design for the I-215 Segment-5 Landscape Project. Due to the combining of the projects, Caltrans has requested that an environmental revalidation be prepared for Bi-County which is out of scope. Additional services are required from EXP to complete the Environmental Revalidation and obtain final design approval.	EXP U.S. Services Inc.	\$ 1,155,065.42	\$ 897,184.07	\$ 92,130.03	\$ 11,879.55	\$ 2,156,259.07

Attachment: September 2024 Procurement Report - PDF (11011 : September 2024 Procurement Report)

Attachment A - 3

September 2024 Purchase Order and Purchase Order Amendment Actions

Type	PO No.	PO Posting Date	Vendor Name	Description of Services	Original Purchase Order Amount	Prior Amendments	Current Amendment	Total Purchase Order Amount
New PO	4002539	9/17/24	Wells Fargo Bank N.A	Locator wands requested by Caltrans for maintenance crews to find buried pull boxes for the Toll Project.	\$ 3,259.07	\$ -	\$ -	\$ 3,259.07

**Attachment B**  
**September 2024 RFP's, RFQ's and IFB's**

Release Date	RFP/RFQ/IFB No.	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
None				

**Attachment C**  
**September 2024 CityCom's Issued Purchase Orders/Contracts**

PO/Contract No.	Vendor Name	Description of Services	Total Amount
PO SBCTA50496	Weatherite	Install secondary drain pans/Phase 2 HVAC Upgrade.	\$ 4,259.00

## *Minute Action*

AGENDA ITEM: 3

***Date:*** *November 6, 2024*

***Subject:***

Budget to Actual Report for Fourth Quarter Ending June 30, 2024

***Recommendation:***

Receive and file Budget to Actual Report for the fourth quarter ending June 30, 2024.

***Background:***

The Fiscal Year 2023/2024 Budget for new activity was adopted by the Board of Directors on June 1, 2023. Budgetary information includes the original and revised budgets and expenditures as of June 30, 2024.

The report is broken down by Fund group and provides a percentage of the budget received or expended through June 30, 2024.

The following is an explanation for significant percentage changes by Fund type:

General Fund

A. Revenues:

1. Measure I Sales Tax revenue finished the year just below the budgeted amount.
2. Interest is distributed to the appropriate funds at year-end based on ending cash balances. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures or program activities.

C. Other Financing Sources:

1. Operating transfers in represent cash transfers to reimburse expenditures funded by the Local Transportation Fund, State Transit Assistance Fund, and State of Good Repair Fund.
2. Operating transfers out are from cash transfers within the General Fund to fund the Indirect Cost Fund and to properly allocate costs for the Redlands Passenger Rail Project.

Federal Fund

A. Revenues:

1. The timing for collection of revenue fluctuates as all federal grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*



C. Other Financing Sources:

1. Operating transfers in represent cash transfers from commercial paper proceeds issued for the North First Avenue Bridget Project and to properly allocate costs for the Interstate 15 (I-215) University Parkway Interchange Project.
2. Operating transfers out are for the repayment of commercial paper for the North First Avenue Bridget Project and to properly allocate costs for the I-215 University Parkway Interchange Project, Interstate 10 (I-10) Express Lanes Contract 1, and Mount Vernon Viaduct Projects.

Federal Transit Administration Fund

A. Revenues:

1. The timing for collection of revenue fluctuates as all federal grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

State Fund

A. Revenues:

1. The timing of revenue collection fluctuates as most state grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

Proposition 1B Fund

A. Revenues:

1. The revenue recognition for most Proposition 1B Funds is when expenditures are incurred since the funds are received in advance.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

Local Transportation Fund (LTF)

A. Revenues:

1. LTF revenue finished the year just below the amount budgeted.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

B. Expenditures:

1. Expenditures to date represent claims received and paid.

C. Other Financing Sources:

1. Operating transfers out represent cash transfers to the General Fund to fund transit activities, which are on a reimbursement basis.

State Transit Assistance Fund

A. Revenues:

1. The timing for recording of revenues fluctuates based on the period of performance upon distribution from the state.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

C. Other Financing Sources:

1. Operating transfers out represent cash transfers to the General Fund to fund transit activities, which are based on a reimbursement basis.

Senate Bill 1

A. Revenues:

1. The timing for collection of revenue fluctuates as most state grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

Measure I 1990-2010 Fund

A. Revenues:

1. Measure I 1990-2010 ended on March 31, 2010, and only interest earnings are accrued based on cash balances.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.
3. Miscellaneous revenue is associated with reimbursed litigation costs for the State Route 210 (SR-210) project.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

Measure I 2010-2040 Fund

A. Revenues:

1. Measure I Sales Tax revenue finished the year just below the budgeted amount.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

C. Other Financing Sources:

1. Operating transfers in represent cash transfers from the Enterprise Fund for draws on the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the I-10 Express Lanes Contract 1, and to properly allocate costs associated with the I-215 University Parkway Interchange, Interstate-15 (I-15) Express Lanes, North First Avenue Bridge, State Route 60 (SR-60) Archibald Interchange, SR-210 Base Line Road Interchange, and Redlands Passenger Rail Projects.
2. Operating transfers out represent cash transfers to the General Fund to fund the Indirect Cost Fund, to the Debt Service Fund to cover debt service expenditures and to properly allocate costs associated with the I-10 Express Lanes Contract 1, North First Avenue Bridge Project, and SR-60 Archibald Interchange Projects.

Debt Service Fund

A. Revenues:

1. Investment earnings fluctuate with the amount of cash held by the trustee due to the timing of debt service payments.

B. Expenditures:

1. Expenditures include debt service payments.

C. Other Financing Sources:

1. Operating transfers in represent cash transfers from the Measure I funds to cover debt service expenditures.

Capital Projects Fund

A. Revenues:

1. The timing of revenue collection fluctuates as most projects are funded on a reimbursement basis.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.
2. Debt Service is associated with refunding of the 2014 bonds.

C. Other Financing Sources:

1. Proceeds from Bond Issuances are for the 2023 refunding bonds issued in December 2023.
2. Proceeds from commercial paper are for the recording of commercial paper.
3. Operating transfers in represent cash transfers within the I-215 University Parkway Interchange Project, SR-210 Base Line Road Interchange, Mount Vernon Viaduct, North

First Avenue Bridge, SR-60 Base Line Road Interchange, and Redlands Passenger Rail Projects to reflect the proper funding allocation.

4. Operating transfers out represent cash transfers to close out the Redlands Passenger Rail Project and to properly allocate costs associated with the SR-210 Base Line Road Interchange, SR-60 Archibald Avenue Interchange, Redlands Passenger Rail Project, and Safe Routes to Schools projects to be consistent with the funding breakdown. Also included is the transfer of commercial paper to the Federal Highway Fund for use on the North First Avenue Bridge project.

#### Nonmajor Governmental Funds – Excluding Council of Governments

##### A. Revenues:

1. The timing of revenue collection fluctuates as most of the state grants are on a reimbursement basis.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

##### B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

##### C. Other Financing Sources:

1. Operating transfers in represent cash transfers within the Valley Signal Coordination project.
2. Operating transfers out represent cash transfers to fund the Indirect Cost Fund and Service Authority for Freeway Emergency-Vehicle Registration Fees to be consistent with the funding breakdown.

#### Council of Governments Fund

##### A. Revenues:

1. The timing for collection of revenue fluctuates as this program is mostly funded on a reimbursement basis.
2. The positive balance is due to higher interest rates than budgeted as the overall rates remained high throughout the year.

##### B. Expenditures:

1. Expenditures to date are low mainly due to the timing of program activities.

##### C. Other Financing Sources:

1. Operating transfers in represent cash transfers within the Council of Governments for public outreach.
2. Operating transfers out represent the cash transfers to fund the Indirect Cost Fund and Capital Projects Fund to be consistent with the funding breakdown and for public outreach.

Enterprise Fund

A. Revenues:

- 1. Express Lanes operations commenced in August 2024.

B. Expenditures:

- 1. Expenditures to date are low mainly due to the commencement of operations starting after the fiscal year-end.

C. Other Financing Sources:

- 1. Operating transfers in represent cash transfers associated with the I-15 Express Lanes Project
- 2. Operating transfers out represent cash transfers to the Measure I-Freeway Fund for draws on the TIFIA loan and to properly allocate costs associated with the I-15 Express Lanes Project.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was received by the General Policy Committee on October 9, 2024.

***Responsible Staff:***

Lisa Lazzar, Chief Financial Officer

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

**Fiscal Year 2023-2024  
Forth Quarter Budget to Actual Report  
June 30, 2024**

	2023-2024 Original Budget	Amendments	2023-2024 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining for Expenditures
<b>GENERAL FUND</b>							
<b>Revenues</b>							
Sales Tax-MSI	2,570,000	-	2,570,000	2,518,059	-	51,941	
Charges for Services	263,000	-	263,000	656,870	-	(393,870)	
Investment Earnings	367,000	-	367,000	645,918	-	(278,918)	
Miscellaneous	-	-	-	1,001	-	(1,001)	
Total Revenues	<u>3,200,000</u>	<u>-</u>	<u>3,200,000</u>	<u>3,821,848</u>	<u>-</u>	<u>(621,848)</u>	
<b>Expenditures</b>							
General Government	13,412,249	5,067,174	18,479,423	16,283,397	-	2,196,026	11.88%
Regional & Subregional Planning	1,496,648	(15,930)	1,480,718	1,123,117	-	357,601	24.15%
Transit	85,815,590	(5,508,782)	80,306,808	37,790,495	-	42,516,313	52.94%
Project Delivery	441,697	-	441,697	51,771	-	389,926	88.28%
Fund Administration	692,162	(58,300)	633,862	520,459	-	113,403	17.89%
Total Expenditures	<u>101,858,346</u>	<u>(515,838)</u>	<u>101,342,508</u>	<u>55,769,239</u>	<u>-</u>	<u>45,573,269</u>	<u>44.97%</u>
<b>Other Financing Sources</b>							
Transfers in	99,002,219	52,433	99,054,652	55,393,992	-	43,660,660	44.08%
Transfers out	(431,940)	(4,059,498)	(4,491,438)	(4,491,438)	-	-	0.00%
Total Other Financing Sources	<u>98,570,279</u>	<u>(4,007,065)</u>	<u>94,563,214</u>	<u>50,902,554</u>	<u>-</u>	<u>43,660,660</u>	<u>46.17%</u>
Revenues Over (Under) Expenditures	<u>(88,067)</u>	<u>(3,491,227)</u>	<u>(3,579,294)</u>	<u>(1,044,837)</u>	<u>-</u>	<u>(2,534,457)</u>	
Note: Transfers in are from LTF, STA, and SGR revenue for budget purposes. The comprehensive annual financial report accounts for the activity in the individual funds of LTF, STA, and SGR, not the general fund.							
<b>FEDERAL HIGHWAY FUND</b>							
<b>Revenues</b>							
Intergovernmental	178,943,595	1,000,000	179,943,595	73,052,626	-	106,890,969	
Investment Earnings	2,546,000	-	2,546,000	144,870	-	2,401,130	
Total Revenues	<u>181,489,595</u>	<u>1,000,000</u>	<u>182,489,595</u>	<u>73,197,496</u>	<u>-</u>	<u>109,292,099</u>	
<b>Expenditures</b>							
Regional & Subregional Planning	-	1,015,000	1,015,000	429,148	-	585,852	42.28%
Transit	1,686,932	-	1,686,932	911,455	-	775,477	45.97%
Project Delivery	179,802,663	(2,057,435)	177,745,228	78,728,034	-	99,017,194	55.71%
Total Expenditures	<u>181,489,595</u>	<u>(1,042,435)</u>	<u>180,447,160</u>	<u>80,068,637</u>	<u>-</u>	<u>100,378,523</u>	<u>55.63%</u>
<b>Other Financing Sources</b>							
Transfers in	-	25,011,231	25,011,231	7,513,159	-	17,498,072	69.96%
Transfers out	-	(28,997,775)	(28,997,775)	(4,320,454)	-	(24,677,321)	85.10%
Total Other Financing Sources	<u>-</u>	<u>(3,986,544)</u>	<u>(3,986,544)</u>	<u>3,192,705</u>	<u>-</u>	<u>(7,179,249)</u>	<u>180.09%</u>
Revenues Over (Under) Expenditures	<u>-</u>	<u>(1,944,109)</u>	<u>(1,944,109)</u>	<u>(3,678,436)</u>	<u>-</u>	<u>1,734,327</u>	
<b>FEDERAL TRANSIT ADMINISTRATION FUND</b>							
<b>Revenues</b>							
Intergovernmental	32,625,062	-	32,625,062	29,973,402	-	2,651,660	
Total Revenues	<u>32,625,062</u>	<u>-</u>	<u>32,625,062</u>	<u>29,973,402</u>	<u>-</u>	<u>2,651,660</u>	
<b>Expenditures</b>							
Transit	32,625,062	2,000,000	34,625,062	23,143,516	-	11,481,546	33.16%
Total Expenditures	<u>32,625,062</u>	<u>2,000,000</u>	<u>34,625,062</u>	<u>23,143,516</u>	<u>-</u>	<u>11,481,546</u>	<u>33.16%</u>
Revenues Over (Under) Expenditures	<u>-</u>	<u>(2,000,000)</u>	<u>(2,000,000)</u>	<u>6,829,886</u>	<u>-</u>	<u>(8,829,886)</u>	

Attachment: Budget to Actual 4th Qtr 2024-PDF (10978 : Budget to Actual Report - 4th Qtr. 2023/2024)

**Fiscal Year 2023-2024  
Forth Quarter Budget to Actual Report  
June 30, 2024**

	2023-2024 Original Budget	Amendments	2023-2024 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining for Expenditures
<b>STATE HIGHWAY FUND</b>							
<b>Revenues</b>							
Intergovernmental	83,359,106	-	83,359,106	39,067,565	-	44,291,541	
Total Revenues	83,359,106	-	83,359,106	39,067,565	-	44,291,541	
<b>Expenditures</b>							
General Government	10,132	(10,132)	-	-	-	-	0.00%
Regional & Subregional Planning	270,774	(67,436)	203,338	203,338	-	-	0.00%
Transit	9,507,353	11,933,227	21,440,580	5,892,558	-	15,548,022	72.52%
Project Delivery	72,783,753	(462,600)	72,321,153	32,667,123	-	39,654,030	54.83%
Fund Administration	787,094	77,568	864,662	864,662	-	-	0.00%
Total Expenditures	83,359,106	11,470,627	94,829,733	39,627,681	-	55,202,052	58.21%
Revenues Over (Under) Expenditures	-	(11,470,627)	(11,470,627)	(560,116)	-	(10,910,511)	
<b>PROPOSITION 1B FUND</b>							
<b>Revenues</b>							
Intergovernmental	4,677,540	-	4,677,540	1,999,477	-	2,678,063	
Total Revenues	4,677,540	-	4,677,540	1,999,477	-	2,678,063	
<b>Expenditures</b>							
Project Delivery	4,677,540	1,252,670	5,930,210	5,185,685	-	744,525	12.55%
Total Expenditures	4,677,540	1,252,670	5,930,210	5,185,685	-	744,525	12.55%
Revenues Over (Under) Expenditures	-	(1,252,670)	(1,252,670)	(3,186,208)	-	1,933,538	
<b>LOCAL TRANSPORTATION FUND</b>							
<b>Revenues</b>							
Sales Tax-LTF	150,157,833	-	150,157,833	148,432,754	-	1,725,079	
Investment Earnings	6,000,000	-	6,000,000	16,247,226	-	(10,247,226)	
Total Revenues	156,157,833	-	156,157,833	164,679,980	-	(8,522,147)	
<b>Expenditures</b>							
Transit	139,640,000	(3,893,969)	135,746,031	84,398,742	-	51,347,289	37.83%
Total Expenditures	139,640,000	(3,893,969)	135,746,031	84,398,742	-	51,347,289	37.83%
<b>Other Financing Sources</b>							
Transfers out	(34,151,952)	(3,893,969)	(38,045,921)	(38,045,920)	-	(1)	0.00%
Total Other Financing Sources	(34,151,952)	(3,893,969)	(38,045,921)	(38,045,920)	-	(1)	0.00%
Revenues Over (Under) Expenditures	(17,634,119)	-	(17,634,119)	42,235,318	-	(59,869,437)	
<b>STATE TRANSIT ASSISTANCE FUND</b>							
<b>Revenues</b>							
Intergovernmental	34,688,509	-	34,688,509	44,995,756	-	(10,307,247)	
Investment Earnings	2,513,000	-	2,513,000	6,335,177	-	(3,822,177)	
Total Revenues	37,201,509	-	37,201,509	51,330,933	-	(14,129,424)	
<b>Expenditures</b>							
Transit	27,324,081	-	27,324,081	7,498,304	-	19,825,777	72.56%
Total Expenditures	27,324,081	-	27,324,081	7,498,304	-	19,825,777	72.56%
<b>Other Financing Sources</b>							
Transfers out	(56,892,617)	-	(56,892,617)	(9,337,990)	-	(47,554,627)	83.59%
Total Other Financing Sources	(56,892,617)	-	(56,892,617)	(9,337,990)	-	(47,554,627)	83.59%
Revenues Over (Under) Expenditures	(47,015,189)	-	(47,015,189)	34,494,639	-	(81,509,828)	

Note: Intergovernmental revenue (from State Transit Assistance) is net of the amount allocated to SBCTA and accounted for in the General Fund.

Attachment: Budget to Actual 4th Qtr 2024-PDF (10978 : Budget to Actual Report - 4th Qtr. 2023/2024)

**Fiscal Year 2023-2024  
Forth Quarter Budget to Actual Report  
June 30, 2024**

	2023-2024		2023-2024	Actual Revenues			% of Budget
	Original	Amendments	Revised	& Expenditures	Encumbrances	Balance	Remaining
	Budget		Budget	to Date			for
							Expenditures
<b>SENATE BILL 1 Fund</b>							
<b>Revenues</b>							
Intergovernmental	98,341,150	-	98,341,150	19,870,180	-	78,470,970	
Total Revenues	98,341,150	-	98,341,150	19,870,180	-	78,470,970	
<b>Expenditures</b>							
Commuter and Motorist Assistance	2,576,431	-	2,576,431	2,464,113	-	112,318	95.64%
Regional & Subregional Planning Program	550,000	-	550,000	511,948	-	38,052	93.08%
Transit	47,979,494	(7,531,000)	40,448,494	6,445,809	-	34,002,685	84.06%
Major Project Delivery	47,235,225	-	47,235,225	17,775,512	-	29,459,713	37.63%
Total Expenditures	98,341,150	(7,531,000)	90,810,150	27,197,382	-	63,612,768	70.05%
Revenues Over (Under) Expenditures	-	7,531,000	7,531,000	(7,327,202)	-	14,858,202	
<b>MEASURE I 1990-2010 FUND</b>							
<b>Revenues</b>							
Investment Earnings	121,000	-	121,000	174,229	-	(53,229)	
Miscellaneous	-	-	-	917,473	-	(917,473)	
Total Revenues	121,000	-	121,000	1,091,702	-	(970,702)	
<b>Expenditures</b>							
Project Delivery	1,156,040	4,200	1,160,240	814,780	-	345,460	29.77%
Total Expenditures	1,156,040	4,200	1,160,240	814,780	-	345,460	29.77%
<b>MEASURE I 2010-2040 FUND</b>							
<b>Revenues</b>							
Sales Tax-MSI	254,430,000	-	254,430,000	249,287,798	-	5,142,202	
Investment Earnings	9,149,000	-	9,149,000	24,496,859	-	(15,347,859)	
Total Revenues	263,579,000	-	263,579,000	273,784,657	-	(10,205,657)	
<b>Expenditures</b>							
General Government	1,264,812	7,960,861	9,225,673	9,173,750	-	51,923	0.56%
Environment and Energy Conservation	270,051	(11,200)	258,851	30,868	-	227,983	88.07%
Commuter and Motorist Assistance	904,784	(37,000)	867,784	173,509	-	694,275	80.01%
Regional & Subregional Planning	1,359,037	60,327	1,419,364	1,129,285	-	290,079	20.44%
Transit	59,640,893	3,985,378	63,626,271	32,040,006	-	31,586,265	49.64%
Project Delivery	204,206,341	(182,836)	204,023,505	89,537,371	-	114,486,134	56.11%
Fund Administration	159,288,275	(13,500)	159,274,775	76,572,703	-	82,702,072	51.92%
Total Expenditures	426,934,193	11,762,030	438,696,223	208,657,492	-	230,038,731	52.44%
<b>Other Financing Sources</b>							
Transfers in	62,662,439	6,551,485	69,213,924	47,810,930	-	21,402,994	30.92%
Transfers out	(19,835,366)	(1,474,898)	(21,310,264)	(20,325,409)	-	(984,855)	4.62%
Total Other Financing Sources	42,827,073	5,076,587	47,903,660	27,485,521	-	20,418,139	42.62%
Revenues Over (Under) Expenditures	(120,528,120)	(6,685,443)	(127,213,563)	92,612,686	-	(219,826,249)	

Note: Sales tax - MSI is net of the 1% for Measure I Administration and accounted for in the General Fund.

Attachment: Budget to Actual 4th Qtr 2024-PDF (10978 : Budget to Actual Report - 4th Qtr. 2023/2024)



**Fiscal Year 2023-2024  
Forth Quarter Budget to Actual Report  
June 30, 2024**

	2023-2024		2023-2024		Actual Revenues		% of Budget	
	Original	Amendments	Revised	Budget	& Expenditures	Encumbrances	Balance	Remaining
	Budget		Budget		to Date			for
								Expenditures
<b>DEBT SERVICE FUND</b>								
<b>Revenues</b>								
Investment Earnings	303,000	-	303,000		1,507,075	-	(1,204,075)	
Total Revenues	303,000	-	303,000		1,507,075	-	(1,204,075)	
<b>Expenditures</b>								
Debt Service	13,418,420	98,115,001	111,533,421		110,121,238	-	1,412,183	1.27%
Total Expenditures	13,418,420	98,115,001	111,533,421		110,121,238	-	1,412,183	1.27%
<b>Other Financing Sources</b>								
Operating Transfers In	13,418,420	98,131,664	111,550,084		108,439,495	-	3,110,589	2.79%
Operating Transfers Out	-	(16,663)	(16,663)		(16,661)	-	(2)	0.00%
Total Other Financing Sources	13,418,420	98,115,001	111,533,421		108,422,834	-	3,110,587	2.79%
Revenues Over (Under) Expenditures	303,000	-	303,000		(191,329)	-	494,329	
<b>CAPITAL PROJECTS FUND</b>								
<b>Revenues</b>								
Intergovernmental	31,346,757	-	31,346,757		21,521,567	-	9,825,190	
Investment Earnings	609,000	-	609,000		754,885	-	(145,885)	
Miscellaneous	2,695,900	-	2,695,900		186,248	-	2,509,652	
Total Revenues	34,651,657	-	34,651,657		22,462,700	-	12,188,957	
<b>Expenditures</b>								
Environment and Energy Conservation	657,500	-	657,500		-	-	657,500	100.00%
Commuter and Motorist Assistance	1,079,349	-	1,079,349		134,717	-	944,632	87.52%
Regional & Subregional Planning	301,255	(47,938)	253,317		150,601	-	102,716	40.55%
Transit	2,367,760	3,206,916	5,574,676		5,170,817	-	403,859	7.24%
Project Delivery	27,353,151	27,613,273	54,966,424		21,504,849	-	33,461,575	60.88%
Fund Administration	1,627,298	-	1,627,298		-	-	1,627,298	100.00%
Debt Service	-	450,000	450,000		351,621	-	98,379	21.86%
Total Expenditures	33,386,313	31,222,251	64,608,564		27,312,605	-	37,295,959	57.73%
<b>Other Financing Sources</b>								
Proceeds from Bond Issuance	-	96,352,000	96,352,000		96,273,385	-	78,615	0.08%
Proceeds from commercial paper	-	25,000,000	25,000,000		7,500,000	-	17,500,000	70.00%
Operating Transfers in	-	28,538,807	28,538,807		3,866,909	-	24,671,898	86.45%
Operating Transfers out	-	(124,113,567)	(124,113,567)		(104,471,589)	-	(19,641,978)	15.83%
Total Other Financing Sources	-	25,777,240	25,777,240		3,168,705	-	22,608,535	87.71%
Revenues Over (Under) Expenditures	1,265,344	(5,445,011)	(4,179,667)		(1,681,200)	-	(2,498,467)	
<b>NONMAJOR GOVERNMENTAL FUNDS - EXCLUDING COUNCIL OF GOVERNMENTS FUND</b>								
<b>Revenues</b>								
Intergovernmental	8,342,792	1,500,000	9,842,792		2,529,328	-	7,313,464	
Charges for Services	7,500	-	7,500		-	-	7,500	
Investment Earnings	118,000	-	118,000		245,583	-	(127,583)	
Miscellaneous	45,720	-	45,720		546	-	45,174	
Total Revenues	8,514,012	1,500,000	10,014,012		2,775,457	-	7,238,555	
<b>Expenditures</b>								
General Government	112,600	337,166	449,766		434,923	-	14,843	3.30%
Commuter and Motorist Assistance	3,315,015	141,610	3,456,625		2,267,501	-	1,189,124	34.40%
Regional & Subregional Planning	941,565	1,500,000	2,441,565		201,466	-	2,240,099	91.75%
Transit	2,012,700	3,362,240	5,374,940		1,591,074	-	3,783,866	70.40%
Total Expenditures	6,381,880	5,341,016	11,722,896		4,494,964	-	7,227,932	61.66%
<b>Other Financing Sources</b>								
Transfers in	-	13	13		13	-	(0)	0.00%
Transfers out	(440,205)	(13)	(440,218)		(440,218)	-	-	0.00%
Total Other Financing Sources	(440,205)	-	(440,205)		(440,205)	-	(0)	0.00%
Revenues Over (Under) Expenditures	1,691,927	(3,841,016)	(2,149,089)		(2,159,712)	-	10,623	

Attachment: Budget to Actual 4th Qtr 2024-PDF (10978 : Budget to Actual Report - 4th Qtr. 2023/2024)

**Fiscal Year 2023-2024  
Forth Quarter Budget to Actual Report  
June 30, 2024**

	2023-2024 Original Budget	Amendments	2023-2024 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining for Expenditures
<b>COUNCIL OF GOVERNMENTS FUND</b>							
<b>Revenues</b>							
Intergovernmental	1,196,811	-	1,196,811	787,823	-	408,988	
Special Assessments	404,291	-	404,291	404,291	-	-	
Investment Earnings	25,000	-	25,000	50,563	-	(25,563)	
Miscellaneous	-	-	-	60,026	-	(60,026)	
<b>Total Revenues</b>	<u>1,626,102</u>	<u>-</u>	<u>1,626,102</u>	<u>1,302,703</u>	<u>-</u>	<u>323,399</u>	
<b>Expenditures</b>							
General Government	-	5,100	5,100	4,997	-	103	0.00%
Council of Governments	1,691,533	13,017	1,704,550	1,045,944	-	658,606	38.64%
<b>Total Expenditures</b>	<u>1,691,533</u>	<u>18,117</u>	<u>1,709,650</u>	<u>1,050,941</u>	<u>-</u>	<u>658,709</u>	<u>38.53%</u>
<b>Other Financing Sources</b>							
Transfers in	-	64	64	64	-	-	0.00%
Transfers out	(476,216)	(244)	(476,460)	(476,460)	-	-	0.00%
<b>Total Other Financing Sources</b>	<u>(476,216)</u>	<u>(180)</u>	<u>(476,396)</u>	<u>(476,396)</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>
<b>Revenues Over (Under) Expenditures</b>	<u>(541,647)</u>	<u>(18,297)</u>	<u>(559,944)</u>	<u>(224,634)</u>	<u>-</u>	<u>(335,310)</u>	
<b>ENTERPRISE FUND</b>							
<b>Revenues</b>							
Express Lanes Fees And Charges	6,914,000	-	6,914,000	-	-	6,914,000	
Investment Earnings	-	-	-	168,792	-	(168,792)	
<b>Total Revenues</b>	<u>6,914,000</u>	<u>-</u>	<u>6,914,000</u>	<u>168,792</u>	<u>-</u>	<u>6,745,208</u>	
<b>Expenditures</b>							
Express Lanes Operation	7,633,045	300,000	7,933,045	4,891,462	-	3,041,583	38.34%
<b>Total Expenditures</b>	<u>7,633,045</u>	<u>300,000</u>	<u>7,933,045</u>	<u>4,891,462</u>	<u>-</u>	<u>3,041,583</u>	<u>38.34%</u>
<b>Other Financing Sources</b>							
Operating Transfers in	-	4,273,497	4,273,497	4,273,497	-	-	0.00%
Operating Transfers out	(62,854,782)	(3,973,497)	(66,828,279)	(45,371,920)	-	(21,456,359)	32.11%
<b>Total Other Financing Sources</b>	<u>(62,854,782)</u>	<u>300,000</u>	<u>(62,554,782)</u>	<u>(41,098,423)</u>	<u>-</u>	<u>(21,456,359)</u>	<u>34.30%</u>
<b>Revenues Over (Under) Expenditures</b>	<u>(63,573,827)</u>	<u>-</u>	<u>(63,573,827)</u>	<u>(45,821,093)</u>	<u>-</u>	<u>(17,752,734)</u>	

Attachment: Budget to Actual 4th Qtr 2024-PDF (10978 : Budget to Actual Report - 4th Qtr. 2023/2024)

## *Minute Action*

AGENDA ITEM: 4

***Date:*** November 6, 2024

***Subject:***

Transit and Rail Programs Contract Change Orders to On-Going Contracts

***Recommendation:***

Receive and file Change Order Report.

***Background:***

The San Bernardino County Transportation Authority has three ongoing construction contracts, and one vehicle procurement contract related to Transit and Rail Programs.

A. Contract No. 23-1002891 with Griffith Company for the West Valley Connector Project Mainline Construction: There are no newly executed Contract Change Orders (CCOs) since last report.

B. Contract No. 23-1002961 with Proterra Builders, Inc. for the Arrow Maintenance Facility (AMF) Hydrogen Fuel Upgrade-Equipment Procurement: There are no newly executed CCOs since last report.

C. Contract No. 23-1002922 with Metro Builders & Engineers Group, Ltd. for the AMF Hydrogen Fuel Upgrade-AMF Retrofit: There are no newly executed CCOs since last report.

D. Contract No. 20-1002310 with Stadler US, Inc. for Zero Emission Multiple Unit Rail Vehicle Procurement: There are no newly executed CCOs since last report.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was received by the Transit Committee on October 10, 2024.

***Responsible Staff:***

Victor Lopez, Director of Transit & Rail Programs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

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*Entity: San Bernardino County Transportation Authority*

<b>Transit and Rail Programs Contracts Executed Change Orders</b>		
<b>Number</b>	<b>Description</b>	<b>Amount</b>
<b>West Valley Connector Mainline Construction Griffith Company (23-1002891)</b>		
	CCO Total	\$10,292.55
	Approved Contingency	\$11,995,991.00
	Remaining Contingency	\$11,985,698.45
<b>ZEMU - Arrow Maintenance Facility (AMF) Proterra Builders, Inc. (23-1002961)</b>		
	Description	Amount
	CCO Total	\$0.00
	Approved Contingency	\$56,280.21
	Remaining Contingency	\$56,280.21
<b>ZEMU - Arrow Maintenance Facility (AMF) Metro Builders &amp; Engineers Group, Ltd. (23-1002922)</b>		
	Description	Amount
	CCO Total	\$0.00
	Approved Contingency	\$962,657.10
	Remaining Contingency	\$962,657.10
<b>ZEMU- Vehicle Procurement Stadler (20-1002310)</b>		
	Description	Amount
	CCO Total	\$2,592,169.12
	Approved Contingency	\$3,487,482.12
	Remaining Contingency	\$895,313.00

Attachment: Contract Change Order 10175 September 2024 (11004 : Transit and Rail Programs Contract Change Orders to On-Going Contracts)

## *Minute Action*

AGENDA ITEM: 5

***Date:*** November 6, 2024

***Subject:***

Project Delivery Contract Change Orders to On-Going Contracts

***Recommendation:***

Receive and file Change Order Report.

***Background:***

San Bernardino County Transportation Authority (SBCTA) Department of Project Delivery has 12 on-going construction contracts, of which nine have had Construction Change Orders (CCO) approved since the last reporting to the Board of Directors Metro Valley Study Session on August 15, 2024. The CCOs are listed below:

A. Contract No. 19-1002078 with Guy F. Atkinson Construction, LLC, for the State Route (SR) 210 Lane Addition, Base Line Interchange and Pavement Rehabilitation Project: There are no newly executed CCOs since last report.

B. Contract No. 19-1002196 with Security Paving Company, Inc., for the SR 60 Central Avenue Interchange Project:

- 1) CCO 9.1: Additional funds for buried man-made objects. (\$9,000)
- 2) CCO 19.1: Install wire mesh behind Soil Nail Wall 29. (\$10,000)
- 3) CCO 23: Modify temporary striping plans for stage two construction. (\$11,000)
- 4) CCO 44: Emergency vehicle preemption for City of Chino. (\$30,000)

C. Contract No. 19-1002026 with Diversified Landscape Company, for the Interstate 215 Segments 1, 2 and 3 Establish Existing Planting Project:

- 1) CCO 3: Repair damage by traveling public. (\$10,000)

D. Contract No. 17-1001599 with Lane-Security Paving Joint Venture, for the Interstate 10 (I-10) Corridor Contract 1 Design Build Contract:

- 1) CCO 8: Bond in lieu of retention. (\$0)
- 2) CCO 9: Corrections to contract exhibits. (\$0)
- 3) CCO 10: Verify the type of concrete barriers. (\$0)
- 4) CCO 48.1: Change of materials at San Antonio Avenue and Euclid Avenue Bridges. (\$79,629)
- 5) CCO 68: Replace portion of existing cracked 21-inch pipe at 4th Street westbound off-ramp. (\$68,000)
- 6) CCO 90: MacArthur Park grading and drainage improvements. (\$63,434)

*Entity: San Bernardino County Transportation Authority*

## Board of Directors Agenda Item

November 6, 2024

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7) CCO 121: Time and material extra maintenance work K-rail painting. (\$100,000)

8) CCO 129: Request additional 55-hour closures. (\$0)

9) CCO 142: Extra maintenance for metal beam guardrail repairs. (\$15,146)

10) CCO 143: Extra maintenance at Black Angus restaurant. (\$7,899)

11) CCO 146: Additional resources for Monte Vista Avenue. (\$350,000)

E. Contract 23-1002869 with SEMA Construction, Inc., for I-10 Eastbound Truck Climbing Lane:

1) CCO 8: Geo-Grid differing site condition. (\$531,380.30)

2) CCO 10: Additional vegetation concrete removal. (\$20,000)

3) CCO 12: Buried man-made objects. (\$20,000)

F. Contract 16-1001461 with Pulice Construction, Inc., for the Monte Vista Avenue Grade Separation Project: There are no newly executed CCOs since last report.

G. Contract No. 18-1001966 with Traylor-Granite Joint Venture, for the Mount Vernon Avenue Viaduct Project Design Build:

1) CCO 24.1: BNSF fire waterline. (\$127,000.27)

2) CCO 25.1: Waterline modifications at Cabrera Avenue. (\$37,046.92)

3) CCO 29.1: BNSF airline relocation. (\$29,274.56)

H. Contract No. 20-1002290 with SEMA Construction, Inc., for the I-10 University Street Interchange Improvements Project: There are no newly executed CCOs since last report.

I. Contract No. 21-1002620 with Ortiz Enterprises, Inc., for the I-10 Alabama Street Interchange Improvements Project:

1) CCO 9.2: De-obligation of remaining funds for revised irrigation plans. (-\$2,055.12)

J. Contract No. 23-1002919 with Griffith Company, for the Construction of the Metrolink Active Transportation Program Phase II Project:

1) CCO 1: Federal training program. (\$8,000)

2) CCO 3: Work in more than two cities. (\$0)

K. Contract No. 22-1002784 with Security Paving Company, Inc., for the I-10 Cedar Avenue Improvement Project:

1) CCO 12.1: Final determination for deferred time. (\$0)

2) CCO 13: Delete retaining wall 747. (-\$1,288,137.70)

3) CCO 17.1: Final determination for deferred time. (\$0)

San Bernardino County Transportation Authority

## Board of Directors Agenda Item

November 6, 2024

Page 3

- 4) CCO 18.1: Final determination for deferred time. (\$0)
- 5) CCO 19: Differing site condition at sound wall 732. (\$60,000)
- 6) CCO 21: Differing site condition at sound wall 690. (\$60,000)
- 7) CCO 36: Additional tree removal. (\$44,308.01)
- 8) CCO 38: Locate level three fiber optic line. (\$165,000)
- 9) CCO 39: Retaining wall 715 revise top of wall elevations. (-\$6,837.57)
- 10) CCO 41: Lighting at eastbound off-ramp and westbound on-ramp. (\$169,382.11)
- 11) CCO 43: Drainage system 11 and drainage system 12 changes. (-\$180.40)
- 12) CCO 44: Modify existing drainage. (\$21,640)
- 13) CCO 46: Traffic signal foundation at retaining wall. (\$58,371.04)
- 14) CCO 48: Modify concrete barrier at open channel. (\$67,080)
- 15) CCO 50: Kinder-Morgan riser relocation. (\$10,000)
- 16) CCO 52: Differing site condition at Valley Boulevard asphalt pavement thickness. (\$15,000)
- 17) CCO 57: Drainage system modifications. (-\$40,648.50)

L. Contract No. 22-1002780 with Skanska USA Civil West California District, Inc., for the North 1<sup>st</sup> Avenue Bridge Over BNSF Project:

- 1) CCO 21: BNSF delays on absolute work windows parked trains. (\$283,000)
- 2) CCO 22: Drywall elimination. (-\$86,140)

***Financial Impact:***

This item imposes no financial impact, as all CCOs are within previously approved contingency amounts under: Task No. 0830 Interchange Projects and Task No. 0820 Freeway Projects, Sub-Task No. 0823 I-10 Corridor Contract 1, Sub-Task No. 0854 I-10 Eastbound Truck Climbing Lane, Sub-Task No. 0897 I-10 Cedar Avenue, Sub-Task No. 0838 I-215 Segments 1, 2 and 3 Establish Existing Planting Project, Sub-Task No. 0811 North 1st Avenue over BNSF, Sub-Task No. 0827 Mount Vernon Viaduct, Sub-Task No. 0895 I-10 Alabama, Sub-Task No. 0893 SR-60 Central, and Sub-Task No. 0810 Metrolink ATP, Phase 2.

***Reviewed By:***

This item was received by the Board of Directors Metro Valley Study Session on October 10, 2024.

***Responsible Staff:***

Kristi Harris, Director of Project Delivery

Board of Directors Agenda Item  
November 6, 2024  
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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:

San Bernardino County Transportation Authority



<b>Project Delivery Contracts Executed Change Orders</b>		
<b>Number</b>	<b>Description</b>	<b>Amount</b>
SR 210 Lane Addition, Base Line Interchange and Pavement Rehabilitation (19-1002078)		
Number	Description	Amount
	CCO Total	\$24,403,264.12
	Approved Contingency	\$34,927,790.07
	Remaining Contingency	\$10,524,525.95
SR 60 Central Avenue Interchange (19-1002196)		
Number	Description	Amount
9.1	Additional funds for buried man-made objects.	\$9,000.00
19.1	Install wire mesh behind Soil Nail Wall 29.	\$10,000.00
23	Modify temporary striping plans for stage two construction.	\$11,000.00
44	Emergency vehicle preemption for City of Chino.	\$30,000.00
	CCO Total	\$1,467,424.91
	Approved Contingency	\$2,912,039.00
	Remaining Contingency	\$1,444,614.09
I-215 Segments 1, 2 & 3 Establish Existing Planting (19-1002026)		
Number	Description	Amount
3	Repair damage by traveling public.	\$10,000.00
	CCO Total	\$148,743.56
	Approved Contingency	\$1,451,300.00
	Remaining Contingency	\$1,302,556.44
I-10 Corridor Contract 1 (17-1001599)		
Number	Description	Amount
8	Bond in lieu of retention.	\$0.00
9	Corrections to contract exhibits.	\$0.00
10	Verify the type of concrete barriers.	\$0.00
48.1	Change of materials at San Antonio Avenue and Euclid Avenue Bridges.	\$79,629.00
68	Replace portion of existing cracked 21-inch pipe at 4th Street westbound off-ramp.	\$68,000.00
90	MacArthur Park grading and drainage improvements.	\$63,434.00
121	Time and material extra maintenance work K-rail painting.	\$100,000.00
129	Request additional 55-hour closures.	\$0.00
142	Extra maintenance for metal beam guardrail repairs.	\$15,146.00
143	Extra maintenance at Black Angus restaurant.	\$7,899.00
146	Additional resources for Monte Vista Avenue.	\$350,000.00
	CCO Total	\$17,718,411.61
	Approved Contingency	\$51,369,000.00
	Remaining Contingency	\$33,650,588.39

<b>Project Delivery Contracts Executed Change Orders</b>		
<b>Number</b>	<b>Description</b>	<b>Amount</b>
I-10 Eastbound Truck Climbing Lane (23-1002869)		
Number	Description	Amount
8	Geo-Grid differing site condition.	\$531,380.30
10	Additional vegetation concrete removal.	\$20,000.00
12	Buried man-made objects.	\$20,000.00
CCO Total		\$1,014,554.37
Approved Contingency		\$3,731,253.00
Remaining Contingency		\$2,716,698.63
Monte Vista Avenue Grade Separation (16-1001461)		
Number	Description	Amount
CCO Total		\$869,302.95
Approved Contingency		\$2,498,958.60
Remaining Contingency		\$1,629,655.65
Mount Vernon Avenue Viaduct (18-1001966)		
Number	Description	Amount
24.1	BNSF fire waterline.	\$127,000.27
25.1	Waterline modifications at Cabrera Avenue.	\$37,046.92
29.1	BNSF airline relocation.	\$29,274.56
CCO Total		\$14,577,966.99
Approved Contingency		\$17,230,000.00
Remaining Contingency		\$2,652,033.01
I-10 University Street Interchange Improvements (20-1002290)		
Number	Description	Amount
CCO Total		\$1,211,725.45
Approved Contingency		\$1,500,590.00
Remaining Contingency		\$288,864.55
I-10 Alabama Street Interchange Improvements (21-1002620)		
Number	Description	Amount
9.2	De-obligation of remaining funds for revised irrigation plans.	(\$2,055.12)
CCO Total		\$960,878.09
Approved Contingency		\$1,338,886.33
Remaining Contingency		\$378,008.24

<b>Project Delivery Contracts Executed Change Orders</b>		
<b>Number</b>	<b>Description</b>	<b>Amount</b>
Metrolink Active Transportation Program Phase II Project (23-1002919)		
Number	Description	Amount
1	Federal training program.	\$8,000.00
3	Work in more than two cities.	\$0.00
CCO Total		\$20,000.00
Approved Contingency		\$900,661.70
Remaining Contingency		\$880,661.70
I-10 Cedar Avenue Improvement (22-1002784)		
Number	Description	Amount
12.1	Final determination for deferred time.	\$0.00
13	Delete retaining wall 747.	(\$1,288,137.70)
17.1	Final determination for deferred time.	\$0.00
18.1	Final determination for deferred time.	\$0.00
19	Differing site condition at sound wall 732.	\$60,000.00
21	Differing site condition at sound wall 690.	\$60,000.00
36	Additional tree removal.	\$44,308.01
38	Locate level three fiber optic line.	\$165,000.00
39	Retaining wall 715 revise top of wall elevations.	(\$6,837.57)
41	Lighting at eastbound off-ramp and westbound on-ramp.	\$169,382.11
43	Drainage system 11 and drainage system 12 changes.	(\$180.40)
44	Modify existing drainage.	\$21,640.00
46	Traffic signal foundation at retaining wall.	\$58,371.04
48	Modify concrete barrier at open channel.	\$67,080.00
50	Kinder-Morgan riser relocation.	\$10,000.00
52	Differing site condition at Valley Boulevard asphalt pavement thickness.	\$15,000.00
57	Drainage system modifications.	(\$40,648.50)
CCO Total		(\$1,019,628.55)
Approved Contingency		\$8,098,400.00
Remaining Contingency		\$9,118,028.55
North 1st Avenue Bridge Over BNSF (22-1002780)		
Number	Description	Amount
21	BNSF delays on absolute work windows parked trains.	\$283,000.00
22	Drywall elimination.	(\$86,140.00)
CCO Total		\$1,240,908.77
Approved Contingency		\$3,561,922.00
Remaining Contingency		\$2,321,013.23

## *Minute Action*

AGENDA ITEM: 6

*Date: November 6, 2024*

***Subject:***

Long Term Budget for the Freeway Service Patrol Program

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Receive information on the proposed Freeway Service Patrol (FSP) Program long-term budget.

B. ~~Direct staff on how to proceed with addressing the financial challenges of the FSP Program over the next six years.~~ **Approve the following strategy for subsequent SBCTA budgeting cycles to keep FSP expenditures in line with projected revenue:**

- **In Fiscal Year 2024/2025 - Reduce FSP weekend services (starting January 1, 2025)**
- **In Fiscal Year 2025/2026/2027 - Combine Beat 11 (Interstate 10 (I-10) Sierra Avenue to Waterman Avenue) and Beat 29 (I-10 Waterman Avenue to Yucaipa Boulevard), thereby reducing the need from four trucks to two trucks (starting April 1, 2026)**
- **In Fiscal Year 2027/2028 - Reduce Beat 31 (State Route (SR) 210 from Los Angeles County Line to Citrus Avenue) from two trucks to one truck (starting January 1, 2028)**
- **In Fiscal Year 2028/2029 - Reduce service hours to the original number of hours (this will also allow for the SBCTA FSP Program to match the hours of the FSP Program in Riverside)**
- **In Fiscal Year 2029/2030 - Reduce Beat 5 (SR-60 Reservoir Street/Los Angeles County Line to Milliken Avenue) from two tow trucks to one tow truck (starting January 1, 2030)**

**The strategy will need to be reviewed and potentially updated on an annual basis in consideration of the most current revenue forecasts and costs.**

***Background:***

The San Bernardino County Transportation Authority (SBCTA) began its Freeway Service Patrol (FSP) Program in Fiscal Year (FY) 2005/2006. FSP consists of a fleet of tow trucks that travel on selected San Bernardino County freeways during peak periods of congestion to assist motorists with their disabled vehicles. The designated segment of highway that the tow trucks patrol is referred to as a "Beat." Over the years, the FSP Program has demonstrated many benefits to the motoring public by reducing the amount of time a motorist is in an unsafe condition, reducing traffic congestion, as well as decreasing fuel consumption, vehicle emissions, and secondary incidents. SBCTA began FSP operations in January 2006, and now has eight separate Beats in operation covering more than 98 centerline miles. The services are provided Monday through Friday in two separate shifts to accommodate peak traffic hours. Monday through Friday the morning shift is from 6:00 a.m. to 8:30 a.m. and the Monday through Thursday afternoon shift is 1:00 p.m. to 6:00 p.m. On Fridays, the afternoon shift starts at 11:00 a.m. and continues until 6:00 p.m. FSP also operates in select areas on Saturdays and Sundays from 10:00 a.m. to 6:00 p.m. on a demonstration basis. The weekday service areas are as follows and correlate to the map in Attachment 1:

*Entity: San Bernardino County Transportation Authority*

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- Beat 5: State Route (SR) 60 Reservoir Street (Los Angeles County Line) to Milliken Avenue
- Beat 9: Interstate 10 (I-10) Indian Hill (Los Angeles County Line) to Sierra Avenue
- Beat 11: I-10 Sierra Avenue to Waterman Avenue
- Beat 14: Interstate 215 (I-215) Center Street (Riverside County Line) to Devore Road
- Beat 23: Interstate 15 (I-15) Jurupa Street (Riverside County Line) to Sierra Avenue
- Beat 27: I-15 Sierra Avenue to Oak Hill Road
- Beat 29: I-10 Waterman Avenue to Yucaipa Boulevard
- Beat 31: SR 210 from Los Angeles County Line to Citrus Avenue

Since the program's inception in 2006, the FSP Program has assisted more than 940,000 motorists on San Bernardino County highways. The assists include services such as a flat tire change, a battery jump-start, providing a gallon of fuel, and performing driver safety checks, which is when a FSP Driver will check on a vehicle that is parked alongside the freeway to see if the motorist, if available, is in need of assistance and provides information on the FSP Program. FSP Tow Drivers can also help a motorist when they have accidentally locked their keys in the car while stopped along the freeway.

Financial Challenges – due to several factors over the past few years, there has been a substantial increase in the hourly rates paid for tow truck services. This increase has had a huge impact on operating budgets as the five-year contracts for FSP Beats come up for renewal/rebid. The current average hourly rate that will be paid for tow services in FY 2024/2025 is approximately \$106.00 per hour, the hourly rate paid for services five years ago was approximately \$69.00 per hour. The factors that have drastically increased rates for these services include the cost of insurance, the increase in workman's compensation expenses, the cost to acquire tow trucks, and the increase in hourly wages to obtain and maintain quality drivers. It is anticipated that the average rate will continue to increase, and the hourly rates for the most recent bids for tow truck services have been \$125.00 and \$145.00 per hour (new contract services to start on Beat 5 and Beat 27 on January 1, 2025).

Staff has prepared a long-range financial budget plan through FY 2029/2030. Based on the latest hourly rates and the anticipated hourly rates for FSP Beats that will be up for renewal (for example Beat 11 and Beat 29) the plan indicates that there will be a deficit of more than \$2 million with this program by FY 2029/2030.

#### FSP FUNDING AND EXPENSES OVER NEXT SIX FISCAL YEARS

Fiscal Year	Funding Available**	Anticipated Expenses	Deficit w/No Change
FY 24/25	\$ 3,557,005	\$ 3,792,831	\$ 235,826
FY 25/26	\$ 3,557,005	\$ 3,880,710	\$ 323,705
FY 26/27	\$ 3,557,005	\$ 4,506,224	\$ 949,219
FY 27/28	\$ 3,557,005	\$ 5,013,562	\$ 1,456,557
FY 28/29	\$ 3,557,005	\$ 5,542,859	\$ 1,985,854
FY 29/30	\$ 3,557,005	\$ 5,659,991	\$ 2,102,986

\*\* Please note these figures are estimates. The funding from California Department of Transportation (Caltrans) can fluctuate from year to year but the funding does not automatically increase to account for inflation.

San Bernardino County Transportation Authority

There are several strategies that staff have recommended, that if implemented, will help to address the financial challenges faced by the FSP Program over the next six years. The strategies are focused on service efficiencies or reductions and include:

<b>Fiscal Year</b>	<b>Potential Reductions for FSP Program</b>
FY 24/25	Reduce the Weekend Services (starting January 1, 2025)
FY 26/27	Combine Beat 11 and 29 - from four trucks to two trucks (April 1, 2026)
FY 27/28	Reduce Beat 31 from two trucks to one truck (January 1, 2028)
FY 28/29	Reduce Service Hours to original number of hours (this will also allow for SBCTA FSP Program to match the hours of the FSP Program in Riverside)
<del>FY 29/30</del>	<del>Eliminate Beat 27 (January 1, 2030)</del> <b>Per discussion with SBCTA executive leadership, this Cajon Pass Beat would not be included in future budget reduction planning at this time.</b>
FY 29/30	Reduce Beat 5 from two tow trucks to one tow truck (January 1, 2030)

**Reduce Weekend Service** – Weekend Service currently operates on Beat 9, Beat 11, Beat 27, Beat 29, and Beat 31. There is one FSP tow truck that operates between the hours of 10:00 am and 6:00 pm on Saturday and Sunday. On Beat 9 there are two tow trucks operating. If the majority of Weekend Service was discontinued on January 1, 2025, for Beats 11, 27, 29, and 31, it would save approximately \$192,000 in FY 2024/2025. It is recommended that the Weekend Services for Beat 9 be reduced from two tow trucks to one tow truck until the construction is completed in this area (along I-10 from Indian Hill to Sierra Avenue), then the Weekend Service for Beat 9 should be eliminated. Moving forward, it is estimated that the reduction of Weekend Services will save approximately \$500,000 each fiscal year. In addition, Weekend Services have always been noted as part of a “pilot program” and it has been clearly noted in all tow operator contracts that Weekend Services are not guaranteed to the tow operator.

**Combine Beats 11 and 29** – The FSP operating contracts for Beats 11 and 29 are scheduled to expire on March 31, 2026. Beats 11 and 29 operate along the I-10 from Sierra Avenue to County Line Road. The Request for Proposals (RFP) for tow services would be released prior to end of calendar year 2024. It is recommended that a single RFP for a reconfigured Beat 11/29 could be released, in which one tow truck would operate along the I-10 between Sierra Avenue and Waterman Avenue and one tow truck would operate along the I-10 between Waterman Avenue and County Line Road. Both areas could share one back-up tow truck. This would reduce the number of tow trucks from six to three for this segment of freeway. The RFP would need to be awarded to one tow operator, since both segments would share the same back-up tow truck. If this recommendation is implemented starting in FY 2026/2027 it is estimated that this could save approximately \$656,000 per fiscal year.

**Reduce Beat 31** – The FSP operating contract for Beat 31 expires on September 30, 2027. This Beat operates two tow trucks along the SR 210 from the Los Angeles County Line to Citrus Avenue. It is anticipated that if one truck operated on this Beat, approximately \$350,000 could be saved each fiscal year.

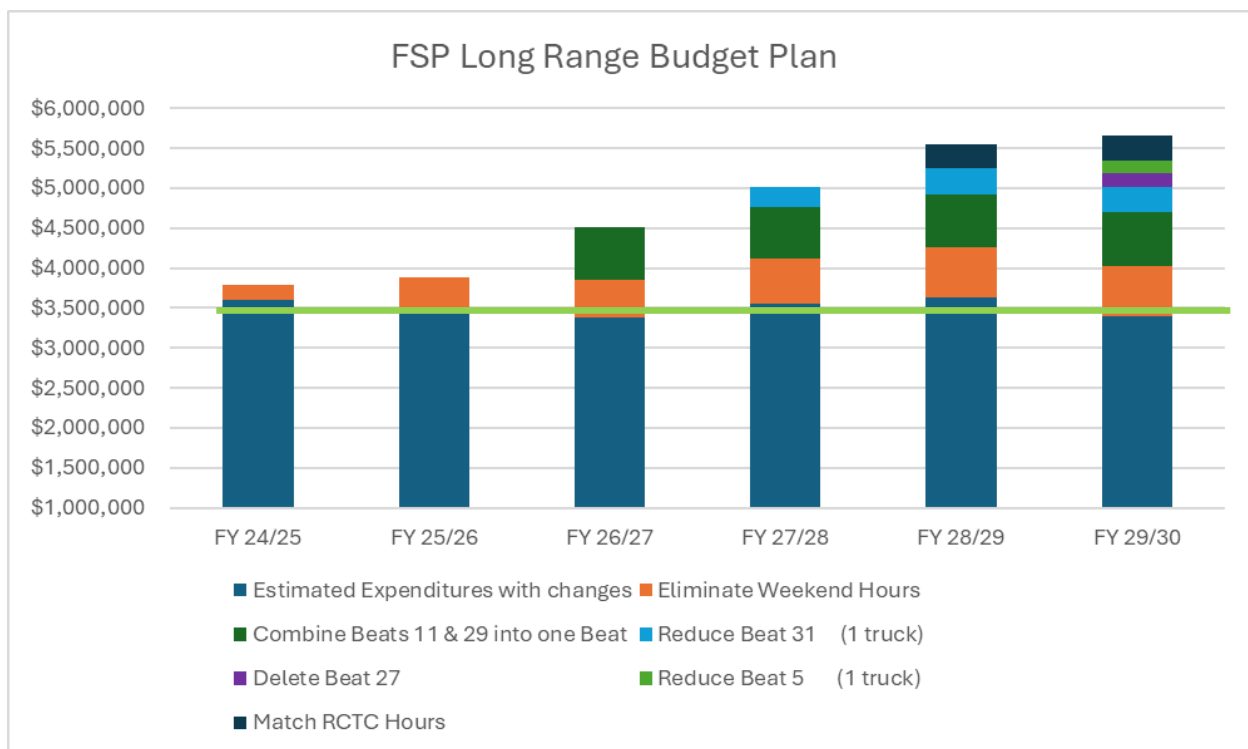
**Reduce Service Hours** – Changes in hours (reduction of 2.5 hours per week or one-half hour a day) to match Riverside County Transportation Commission’s (RCTC’s) FSP hours. Please note, San Bernardino County Transportation Authority

that the SBCTA FSP Program operated the same hours as RCTC for approximately the first ten years of the program. San Bernardino expanded its hours when Senate Bill 1 grant funds initially became available. However, over the past several years, FSP operational costs have increased significantly. Therefore, staff is recommending that we once again align with the original hours that RCTC currently provides. It is anticipated that a reduction in hours could save approximately \$300,000 per fiscal year. Due to current contract obligations, we could start making this realignment in April 2026 (with the new Beat 11 and Beat 29 contracts) and continue these efforts through FY 2027/2028.

~~**Eliminate Beat 27** — The FSP operating contract for Beat 27 expires on December 31, 2029. This Beat operates one tow truck along the I-15 from Sierra Avenue to Oak Hill Road. It is anticipated that if this Beat is not renewed it would save \$165,000 in FY 2029/2030 and \$330,000 each fiscal year thereafter. Per discussion with SBCTA executive leadership, this Cajon Pass Beat would not be included in future budget reduction planning at this time.~~

**Reduce Beat 5** - The FSP operating contract for Beat 5 expires on December 31, 2029. This Beat operates two tow trucks on SR 60 from the Los Angeles County Line to Milliken Avenue. It is anticipated that if one truck operated on this Beat, approximately \$165,000 could be saved in FY 2029/2030 and \$330,000 each fiscal year thereafter.

The graphic below represents the long-range budget plan over the next six fiscal years. If no action is taken, expenditures will far exceed the budget (green line). The color codes above the green line (budget) represent the various staff recommendations that could be implemented to keep the FSP program within budget.



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**Financial Impact:**

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025

**Reviewed By:**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.

**Responsible Staff:**

Steve Smith, Director of Planning & Regional Programs

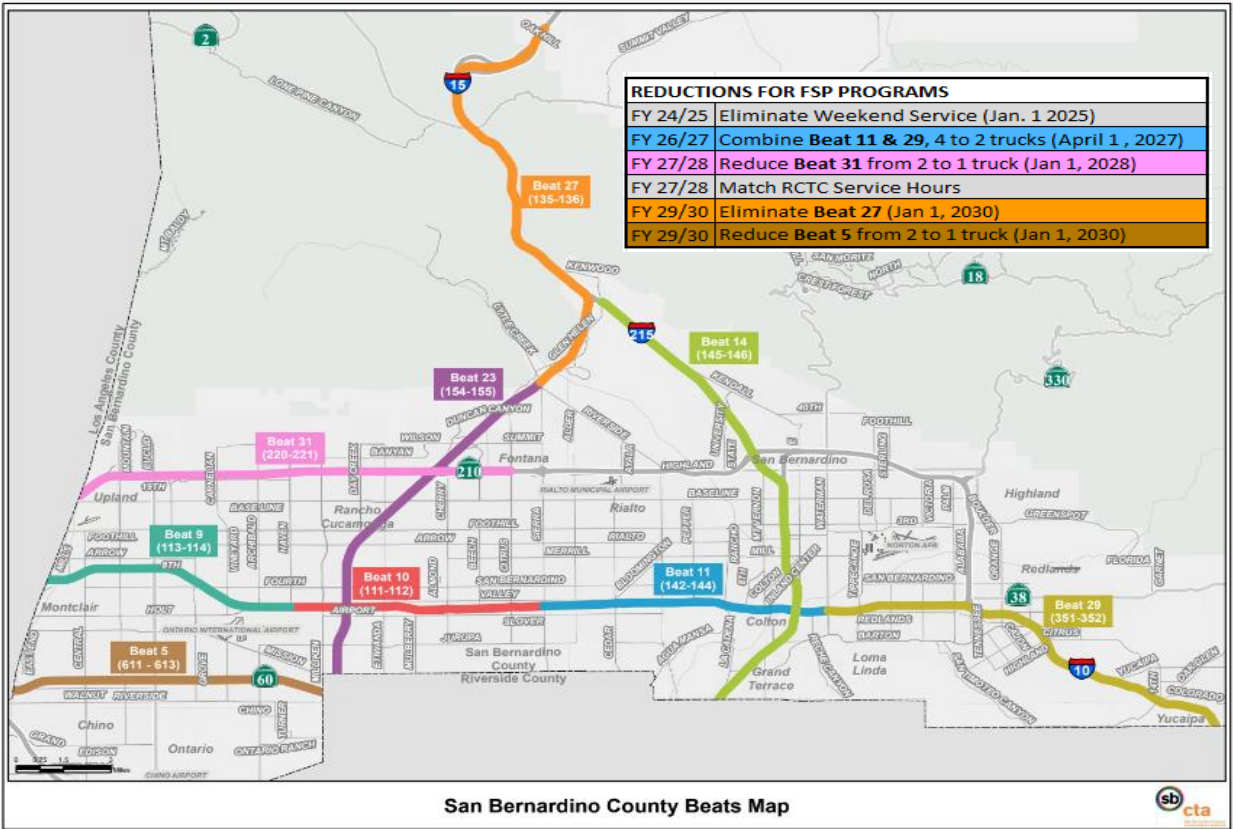
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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:



MAP OF FSP BEATS AND PROPOSED PROGRAM REDUCTIONS  
 (See note in the Background Section regarding Beat 27 – Cajon Pass)



Attachment: MAP OF FSP BEATS AND PROPOSED PROGRAM REDUCTIONS (10988 : Long Term Budget for the Freeway Service Patrol

## *Minute Action*

AGENDA ITEM: 7

***Date:*** November 6, 2024

***Subject:***

Interstate 10 Mount Vernon Avenue Interchange Project - Request to Release Invitation for Bids No. 24-1003141

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

Authorize the Executive Director, or his designee, to release Invitation for Bids No. 24-1003141 for the construction of Interstate 10 Mount Vernon Avenue Interchange Project, subject to final approval of the Plans, Specifications, and Estimates package, and approval as to form by SBCTA General Counsel or her designee.

***Background:***

The Interstate 10 (I-10) Mount Vernon Avenue Interchange Improvement Project (Project) holds position number eight on the Measure I Valley Freeway Interchange Program priority list. As directed by the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board), project development has commenced on all interchange projects in the top 10 of the list.

The Project will improve operations along Mount Vernon Avenue between east Valley Boulevard on the north side and I-10 eastbound ramps on the south side. In addition, it will add bicycle and pedestrian facilities along Mount Vernon Avenue and accommodate the future widening of I-10.

The Project achieved Environmental Approval in April 2022. Since then, the design phase has been progressing. In September 2024, the Board approved an amendment to the Cooperative Agreement with the City of Colton to update the Project funding.

The 95% Plans, Specifications, and Estimates (PS&E) have been submitted to California Department of Transportation for review, and final approval of the 100% PS&E is anticipated in November 2024. The construction capital, including a one-year plant establishment period, is currently estimated to cost \$67.2 million.

An Invitation for Bids (IFB) has been prepared based on this PS&E package. Staff is recommending that the Board authorize the Executive Director, or his designee, to advertise the construction contract for the Project through the release of IFB No. 24-1003141, subject to approval as to form by SBCTA General Counsel, or her designee, and final approval of the PS&E package. The Project can then be advertised for construction with an anticipated award of a construction contract to be brought directly to the Board for approval in early 2025.

***Financial Impact:***

This Project is included in the adopted Budget for Fiscal Year 2024/2025 under Task No. 0830 Interchange Projects, Sub-Task No. 0898 I-10 Mount Vernon Avenue Interchange Project, and funded with Measure I and City of Colton Developer Impact Fees.

***Reviewed By:***

This item was reviewed and recommended for approval (16-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on October 10, 2024. SBCTA General Counsel, Procurement Manager, and Enterprise Risk Manager have reviewed this item.

*Entity: San Bernardino County Transportation Authority*

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November 6, 2024  
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**Responsible Staff:**  
Juan Lizarde, Project Manager

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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:

## *Minute Action*

AGENDA ITEM: 8

***Date:*** *November 6, 2024*

***Subject:***

On-Call Right-of-Way Services - Release of Request for Proposals No. 25-1003206

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

Authorize the release of Request for Proposals No. 25-1003206 for procurement of On-Call Right-of-Way Services to support the delivery of the Major Projects Program.

***Background:***

In July 2012, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved On-Call Right-of-Way (ROW) Services contracts to supplement the Project Delivery team and assist in expediting the ROW work on agency projects. At that time, it was necessary to secure a full-service team of professionals available on an on-call basis to provide ROW services, including ROW engineering, surveying, acquisition, appraisal, relocation assistance, utility and railroad coordination, and other related specialty services. The contracts provided the flexibility to supplement SBCTA, California Department of Transportation (Caltrans) and San Bernardino County ROW services to successfully meet project schedules. The contract was implemented and used successfully on various projects, including but not limited to: the Interstate 215 (I-215) Bi-County Freeway project, State Route (SR) 60 Archibald Avenue Interchange, SR 60 Central Avenue Interchange, Interstate 10 (I-10) Tippecanoe Avenue Interchange projects, and SR 210 Lane Addition.

Upon expiration of the 2012 On-Call ROW Services contracts, on March 7, 2018, the Board approved contracts with four consultant firms to continue to provide On-Call ROW Services (2018 contracts). The 2018 contracts were for a five-year term with two one-year optional terms. These contracts have been used to provide support for various SBCTA projects, including but not limited to: I-215 Barton Road Interchange, I-10 Tippecanoe Avenue Interchange, SR 210 Lane Addition, I-215 Mount Vernon Avenue Interchange, SR 60 Archibald Avenue Interchange and SR 60 Central Avenue Interchange.

As upcoming projects will require ROW services that will extend beyond the ultimate contract term of the 2018 contracts, it is necessary to re-procure On-Call ROW Services. Consistent with the 2018 contracts, this Request for Proposals (RFP) is a single solicitation that will lead to multiple contract awards to establish a bench of three qualified consultants that can perform a wide variety of ROW tasks that might be necessary to support delivery of the Major Projects Program. As project support is necessary, the intent of these contracts, consistent with previous on-call contracts, is to release a Contract Task Order (CTO) scope of work to the prequalified firms requesting a proposal to provide the necessary services. SBCTA staff will evaluate the responses and assign the CTO to the firm that best meets the project requirements based on criteria that includes, but is not limited to: schedule, cost, proposed staff experience, expertise, availability, and proven success. Requesting proposals from each prequalified firm maintains the integrity of a competitive process, ensuring the best overall value to SBCTA for each CTO.

Based on expenditures from the previous on-call contracts and upcoming anticipated projects, an initial overall budget for the proposed on-call contracts is recommended not-to-exceed

*Entity: San Bernardino County Transportation Authority*

\$8,000,000. Since the assignment of CTOs will be based on the best response to the scope of work, the RFP and contract include language that SBCTA does not guarantee a certain number of CTOs will be issued, nor does it guarantee that all firms will receive an equal number of CTOs. It is anticipated that ROW services will be necessary to support the following projects:

- I-10 Corridor Phase 2
- I-10 Mount Vernon Avenue Interchange
- Mount Vernon Viaduct
- I-215 Bi-County Surplus
- I-215 Barton Road Interchange
- I-215 University Parkway Interchange
- US 395 Phase 2
- Additional projects as required

Consistent with the 2018 contract, it is recommended that these contracts be for a five-year term and include two one-year options to be exercised at the discretion of SBCTA. A five-year initial contract term is requested by staff to facilitate the continuity of a consultant on a project. The ROW process can extend from preliminary design to beyond the completion of construction. Eminent domain, demolition, property management, and hazardous materials testing activities are examples of activities that may occur after the construction phase begins, with eminent domain and ROW closeout frequently extending beyond the completion of construction. Maintaining the same team on a given project through all development phases allows for overall project efficiencies.

By utilizing this mechanism for assignment of CTOs, staff will be more effective in meeting project needs. This RFP will lead to contracts that provide SBCTA additional options to most effectively complete the ROW services work required for each project, hence, enhancing project delivery success. Staff requests Board approval to release RFP No. 25-1003206 for On-Call ROW Services.

***Financial Impact:***

The ROW for each project is included in the adopted Budget for Fiscal Year 2024/2025 and funded by various Measure I Funds and Local Funds depending on the specific CTO issued in the future, in Program 40, Project Delivery.

***Reviewed By:***

This item was reviewed and recommended for approval (16-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on October 10, 2024. SBCTA General Counsel, Procurement Manager, and Enterprise Risk Manager have reviewed this item and the draft RFP.

***Responsible Staff:***

Tracy Escobedo, Management Analyst II

Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

## *Minute Action*

AGENDA ITEM: 9

***Date:*** November 6, 2024

***Subject:***

State Route 60 Central Avenue Interchange Project - Amendment No. 5 to Cooperative Agreement No. 15-1001091 with the City of Chino

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

Approve Amendment No. 5 to Cooperative Agreement No. 15-1001091 (R14050) with the City of Chino to revise the Project Funding Table to reflect an increased total project cost in the amount of \$759,593, increasing the Measure I Interchange Program funds by \$354,152 and City of Chino funds by \$405,441.

***Background:***

The State Route 60 (SR 60) Central Avenue Interchange Project (Project) will improve local traffic circulation and freeway access for the City of Chino (City) and the region by widening the existing bridge and providing ramp improvements.

On June 4, 2014, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved Cooperative Agreement No. 15-1001091 (R14050) with the City establishing the roles, responsibilities, and funding shares for the Project. According to the agreement, SBCTA would lead project delivery, including acquisition of right-of-way (ROW) and construction, and the City would provide oversight. Since then, the agreement has been amended to adjust estimated costs and project schedule as the project developed, and to allow SBCTA to condemn property as needed to acquire all necessary rights to construct and operate the Project. The agreement was also amended to incorporate an \$8.6 million Trade Corridors Improvement Fund State grant which proportionally reduced SBCTA's share and the City's share.

In March 2021, construction activities began, and in March 2024, construction of the Project at large, such as the bridge widening, lane widening on the ramps, construction of the retaining walls and installation of electrical items, was completed. The Project is presently under final safety checklist and punch list review by California Department of Transportation (Caltrans) and the City. Based on the review, there are ongoing minor work items such as adjustment of pedestrian ramps, replacement of cracked pavement sections, and clean up. In March 2024, the one-year Plant Establishment (PE) period also began with completion of the installation of irrigation and landscape planting. After the one-year PE period, a four-year Establish Existing Planting (EEP) period will commence with procurement of a construction management firm and landscape maintenance contractor.

The funding table for Cooperative Agreement No. 15-1001091 includes a line item for the EEP work. The cost of the EEP in the Cooperative Agreement was based on ongoing costs for similar work in early 2014, when the Cooperative Agreement was first approved for the Project Initiation Document (PID) phase. Staff has been tracking any potential savings in the construction phase to fund the estimated cost increase for the EEP phase; however, because work is still ongoing for minor work, both SBCTA and City staff agreed to process an amendment now in order to keep the EEP work on schedule. Based on independent cost estimates, staff is

*Entity: San Bernardino County Transportation Authority*

recommending that the Board approve Amendment No. 5 to Cooperative Agreement No. 15-1001091 (R14050) with the City and increase the total project cost by \$759,593, which would be funded by an increase in Measure I Interchange Program funds of \$354,152 and receivable amount from the City in the amount of \$405,441, for a total not-to-exceed receivable contribution from the City of \$16,921,957. This amendment reflects a savings of \$100,000 of SBCTA project management costs.

**Financial Impact:**

This Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Valley Interchange Measure I funds, City of Chino Local Funds, and State Trade Corridor Improvement Fund in Program 40, Project Delivery under Task 0830 Interchange Projects, Sub Task 0893 SR 60 Central Avenue Interchange.

**Reviewed By:**

This item was reviewed and recommended for approval (16-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on October 10, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

**Responsible Staff:**

Paul Melocoton, Project Manager

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

**General Contract Information**

Contract No: 15-1001091 Amendment No.: 5  
 Contract Class: Receivable Department: Project Delivery  
 Customer ID: CHIN CI Customer Name: City of Chino  
 Description: Preliminary Engineering, Environmental, Right-of-Way, PS&E and construction for SR 60 Central Ave

List Any Accounts Payable Related Contract Nos.: \_\_\_\_\_

Dollar Amount					
Original Contract	\$	12,493,964.00	Original Contingency	\$	-
Prior Amendments	\$	4,022,552.00	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	405,441.00	Current Amendment	\$	-
<b>Total/Revised Contract Value</b>	<b>\$</b>	<b>16,921,957.00</b>	<b>Total Contingency Value</b>	<b>\$</b>	<b>-</b>
<b>Total Dollar Authority (Contract Value and Contingency)</b>					<b>\$ 16,921,957.00</b>

**Contract Authorization**

Board of Directors Date: 11/6/2024 Board Item # 10982

**Contract Management (Internal Purposes Only)**

Local Funding Agreement Monthly

**Accounts Receivable**

Total Contract Funding: \$ 16,921,957.00 Funding Agreement No: 15-1001091  
 Beginning POP Date: 6/4/2014 Ending POP Date: TBD Final Billing Date: TBD  
 Expiration Date: 12/31/2039 Fund Admin: Yes  
 Parent Contract 15-1001091 PM Description SR60 Central IC Coop with Chino Laserfiche 15-1001091

Z-Related Contracts						Z00-1000919					
Fund	Prog	Task	Sub-Task	Revenue	Total Contract Funding:	Fund	Prog	Task	Sub-Task	Revenue	Total Contract Funding:
GL	6010	40	0830	0893	42405002	16,921,957.00	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-

Paul Melocoton  
Project Manager (Print Name)

Kristi Harris  
Task Manager (Print Name)

Additional Notes:

Attachment: CSS 15-1001091-05 (10982 : SR 60 Central Ave IC Amendment No. 5 to Coop w/City)



**AMENDMENT NO. 5 TO AGREEMENT NO. 15-1001091 (R14050)**

**BETWEEN**

**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY**

**AND**

**CITY OF CHINO**

**FOR**

**PLANNING, PROJECT REPORT AND ENVIRONMENTAL DOCUMENT,  
PLANS, SPECIFICATIONS AND ESTIMATES (PS&E), RIGHT OF WAY (ROW),  
AND CONSTRUCTION PHASES FOR THE INTERCHANGE AT CENTRAL  
AVENUE AND STATE ROUTE 60 IN THE CITY OF CHINO**

THIS AMENDMENT No. 5 (AMENDMENT) is made and entered into by and between the San Bernardino County Transportation Authority (SBCTA) and the City of Chino (CITY). SBCTA and CITY may be collectively referred to herein as PARTIES.

**RECITALS**

- A. PARTIES entered into Cooperative Agreement No. R14050 (AGREEMENT) on July 15, 2014 to delineate roles, responsibilities, and funding commitments relative to the Project Management, Planning, Environmental, PS&E, ROW, and Construction activities of the Interchange at Central Avenue and State Route 60 in the City of Chino (PROJECT); and
- B. On November 29, 2017, PARTIES approved Amendment No. 1 to authorize SBCTA to acquire properties needed for PROJECT by Eminent Domain if necessary and require CITY to accept conveyances of PROJECT acquired right of way within CITY's jurisdictional boundaries conveyed by SBCTA; and
- C. On February 7, 2019, PARTIES approved Amendment No. 2 to adjust total estimated cost of PROJECT to \$31,705,573; and
- D. On December 28, 2021, PARTIES approved Amendment No. 3 to AGREEMENT to adjust total estimated cost of PROJECT to \$33,649,197; and
- E. In June 2020, funds were programmed to PROJECT as buy-down for CITY and SBCTA shares; and
- F. On June 25, 2020, the California Transportation Commission (CTC) allocated \$8,638,000 of state Trade Corridor Improvement Fund (TCIF) to PROJECT; and
- G. On December 28, 2020, PARTIES approved Amendment No. 4 to adjust total estimated cost of PROJECT to \$36,475,158 and reflect the addition of TCIF funds and reduce Measure I by \$2,618,450 and City funds by \$3,537,012; and

H. The estimated total cost of PROJECT has increased by \$759,593; and

I. PARTIES desire to amend AGREEMENT to define funding responsibilities for the estimated cost increase of PROJECT.

**IT IS THEREFORE MUTUALLY AGREED TO AMEND THE AGREEMENT AS FOLLOWS:**

1. Replace Attachment A.2 in its entirety with the attached Attachment A.3. Attachment A.3 is incorporated into AGREEMENT by this reference.
2. Except as amended by this Amendment No. 5, all other provisions of the AGREEMENT and amendments thereto shall remain in full force and effect.
3. The Recitals set forth above are incorporated herein by this reference.
4. All other provisions of AGREEMENT, and amendments thereto, shall remain in full force and effect and are incorporated into this Amendment No. 5.
5. This Amendment No. 5 is effective on the date signed by SBCTA.

-----SIGNATURES ON THE FOLLOWING PAGE-----

DRAFT

Attachment: 15-1001091-05 (10982 : SR 60 Central Ave IC Amendment No. 5 to Coop w/City)

IN WITNESS WHEREOF, the PARTIES have duly executed this Amendment No. 5 below.

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**CITY OF CHINO**

By: \_\_\_\_\_  
Ray Marquez  
President, Board of Directors

By: \_\_\_\_\_  
Dr. Linda Reich  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

By: \_\_\_\_\_  
Fred Galante  
City Attorney

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
Hye Jin Lee  
Director of Public Works

DRAFT

Attachment: 15-1001091-05 (10982 : SR 60 Central Ave IC Amendment No. 5 to Coop w/City)

### Attachment A.3

#### PROJECT DESCRIPTION

SBCTA and CITY propose to widen the existing SR-60 Central Avenue Bridge Overcrossing, widen both eastbound and westbound on-ramps to two general purpose lanes and one High Occupancy Vehicle Lane preferential lane, construct retaining walls along both eastbound and westbound on-ramps, construct stormwater facilities, and replacement landscaping.

#### PROJECT FUNDING TABLE

Public Share: 41.2%

Nexus Development Impact Fee Share (DIF, "Development Share"): 58.8%

Local Jurisdictional Split of the DIF Share between Chino, San Bernardino County, and Montclair.

Public Share is SBCTA's contribution. Development Share is CITY's contribution.

Phase	Estimated Cost	Public Share	Buy-Down	Development Share
Project Study Report	\$444,500	\$183,134		\$261,366
Project Report and Environmental Approval	\$634,237	\$261,306		\$372,931
Plans, Specifications, and Estimates	\$2,013,251	\$829,459		\$1,183,792
Right of Way Acquisition	\$765,675	\$315,458		\$450,217
Construction & Construction Management	\$31,228,495	\$9,307,284	\$8,638,000	\$13,283,211
Landscape Maintenance	\$1,055,170	\$434,730		\$620,440
SBCTA Project Management	\$750,000	\$0		\$750,000
<b>TOTAL</b>	<b>\$36,891,328</b>	<b>\$11,331,371</b>	<b>\$8,638,000</b>	<b>\$16,921,957</b>

## *Minute Action*

AGENDA ITEM: 10

***Date:*** November 6, 2024

***Subject:***

Progress Briefing Report through September 2024

***Recommendation:***

Receive the Major Projects Status Report for the period through September 2024.

***Background:***

The Major Projects Status Report for the period through September 2024 is a high-level summary of relevant project information. This information is presented to provide schedules, cost, funding, and work descriptions for current active projects being managed by the Project Delivery Department. San Bernardino County Transportation Authority (SBCTA) staff would also like to highlight the following activities for this period:

### **1. State Route (SR) 60 Central Avenue Interchange**

The SR 60 Central Avenue Interchange Project aims to widen the existing Central Avenue Bridge over SR 60, as well as widen both westbound and eastbound on-ramps and improve both ramp intersections. The project's goal is to enhance local street circulation, improve freeway access for the City of Chino, and enhance regional mobility.

In June 2014, SBCTA and the City of Chino signed Cooperative Agreement No. R14050, with SBCTA being designated as the lead agency for all project phases. The Design Phase commenced in April 2017, environmental clearance was obtained in January 2018, and right-of-way (ROW) certification was achieved in May 2020. The Construction Notice to Proceed was issued to Security Paving in January 2021.

The improvements to the SR 60 Central Avenue interchange are now open for public use. A ribbon-cutting ceremony for this project was held at Chino City Hall on September 6, 2024. Security Paving is in the process of completing some signage and addressing a few minor punchlist items. The plant establishment period is coming to an end, and an extended establishment period will follow.

### **2. Mount Vernon Avenue Viaduct**

Located in the City of San Bernardino, the Mount Vernon Avenue Viaduct Project entails the demolition of the existing, structurally deficient bridge over the BNSF Railway (BNSF) mainline tracks, intermodal yard and Metrolink mainline tracks; and replacing it with a new wider and longer bridge that meets current design standards. Demolition of the existing Mount Vernon Avenue bridge was completed in May 2021. This eliminated a significant safety concern. The Mount Vernon Avenue Viaduct Project has faced challenges in coordination with BNSF, acquisition of ROW, and Southern California Edison utility relocations. Since the bridge construction is taking place above the BNSF railyard and tracks, ROW access is critical. To allow the design-build contractor greater work windows between two adjacent tracks, BNSF constructed two shoofly tracks to serve as mitigation for track closures during construction. BNSF completed this work in December 2023 allowing SBCTA to start bridge construction in

*Entity: San Bernardino County Transportation Authority*

January 2024. Metrolink mitigation work was completed in March 2023. An Order of Possession was received from the court regarding two properties located on the south side of the bridge that were required for the Mount Vernon Avenue Viaduct Project. At the July 5, 2023 SBCTA Board of Directors (Board) Meeting, a Resolution of Necessity was adopted to secure the ROW on the north side of the Mount Vernon Avenue Viaduct Project. However, the eminent domain acquisition was not necessary as SBCTA staff was able to reach an agreement with the property owner. At the September 6, 2023 SBCTA Board meeting, the contract for Project Management/Construction Management services was awarded.

Construction activities outside the railroad ROW commenced at the end of September 2023 with utility relocations on the south side of the project and the start of bridge abutment. In January 2024, construction in the railyard began. The bridge foundation piles and columns were completed over the summer. Through the entire month of September, the contractor worked to place 53 precast girders. This was a critically important milestone to reach that these girders were erected before October 1, 2024, when the railroad begins their fourth quarter moratorium on construction near their mainline tracks.

Completion for beneficial use is anticipated in late-2025. A public outreach program is in place and is being maintained during the construction period. This \$225 million project is funded by a combination of Federal, State, and local funds which includes a project contribution from BNSF, the City of San Bernardino Measure I Arterial funds, and City of San Bernardino Developer Impact Fees.

### **3. SR 210 Waterman**

This project will involve widening the eastbound on-ramp from one to two lanes and converting one northbound and one southbound through lanes into left turn lanes. The California Department of Transportation (Caltrans) will be undertaking a separate project to improve the westbound off-ramp. Both projects will enhance local traffic flow on Waterman Avenue and improve freeway access for the area. In July 2022, the SBCTA Board awarded a design contract for the final design, environmental studies, and design support for construction. The environmental document was approved, and an exception notice was granted in July 2023. The 100% Plans, Specifications, and Estimates package for the project was submitted to Caltrans for final review in November 2023, and the Final Design was approved by Caltrans in April 2024.

During the last quarter, the Invitation for Bids was sent out to contractors, bids were received, and the contract is currently in the process of being executed. Construction is expected to commence in the next couple of months and is anticipated to last approximately ten months. A public outreach program is in place and will be maintained throughout the construction phases.

#### ***Financial Impact:***

This item is consistent with the adopted Budget for Fiscal Year 2024/2025.

#### ***Reviewed By:***

This item was received by the Board of Directors Metro Valley Study Session on October 10, 2024.

#### ***Responsible Staff:***

Kristi Harris, Director of Project Delivery  
 San Bernardino County Transportation Authority

Board of Directors Agenda Item  
November 6, 2024  
Page 3

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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:

San Bernardino County Transportation Authority

## *Minute Action*

AGENDA ITEM: 11

***Date: November 6, 2024***

***Subject:***

Award Contract No. 24-1003088 with Jacobs Engineering Group, Inc., for an Emergency Evacuation Network Resilience Study

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

Approve Contract No. 24-1003088, in the amount of \$1,208,910.89, to be funded with a Climate Adaptation Planning grant, with Jacobs Engineering Group, Inc., to conduct an Emergency Evacuation Network Resilience Study for a one-year contract through December 31, 2025, with one one-year option term.

***Background:***

The San Bernardino County Transportation Authority (SBCTA) released Request for Proposals (RFP) No. 24-1003088 on June 18, 2024, seeking a firm knowledgeable and experienced to develop an Emergency Evacuation Network Resilience (EENR) Study.

The RFP notification for this project was received by 384 consultants registered on PlanetBids and was downloaded by 19 firms. A Pre-Proposal conference was held on June 26, 2024, and attended by five firms.

On July 18, 2024, SBCTA received two proposals, one from Fehr and Peers, Inc., and the other from Jacobs Engineering Group, Inc.

The Evaluation Committee (Committee) consisted of two SBCTA staff, one representative from the California Department of Transportation, one representative from the Western Riverside Council of Governments, and one from the San Bernardino County Fire Department. The procurement professional reviewed each proposal and determined they were both responsive to the requirements of the RFP. Each panel member independently read and scored each firm's proposal, and on July 31, 2024, the Committee met to evaluate and rank the firms based on qualifications, related experience, reference scores, staffing and organization, and work plan. The panel members individually scored the proposals based on the following evaluation criteria: Qualifications of the Firm – 30 points, Proposed Staffing and Project Organization – 30 points, Work Plan - 30 points, and Price - 10 points, for a total of 100 points.

On August 5, 2024, both firms were invited to interviews to further assess their capabilities to fulfill the obligations of the scope of work. The Committee independently scored each firm based on the firms' answers to questions.

The interview was weighted 40% and the technical proposal was weighted 60%. Fehr and Peers, Inc., ranked number one, and Jacobs Engineering Group, Inc., ranked number two. However, negotiations with Fehr and Peers over contract exceptions could not be successfully concluded and as a result, staff recommends that the contract to perform the scope of work, as outlined in RFP No. 24-1003088, be awarded to Jacobs Engineering Group, Inc. The firm clearly demonstrated a thorough understanding of the scope of work and proposed an overall solid team.

*Entity: San Bernardino County Transportation Authority*



Conclusively, staff recommends Jacobs Engineering Group, Inc., be awarded the contract in the amount not-to-exceed \$1,208,910.89 for a one-year contract through December 31, 2025, with one one-year option term.

***Financial Impact:***

The Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Climate Adaptation Planning grant funds in Program 20, Planning and Regional Programs.

***Reviewed By:***

This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft contract.

***Responsible Staff:***

Stacey Morales, Management Analyst II

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Approved  
 Board of Directors  
 Date: November 6, 2024

Witnessed By:

General Contract Information

Contract No: 24-1003088 Amendment No.:
Contract Class: Payable Department: Planning and Regional
Vendor No.: 01123 Vendor Name: Jacobs Engineering Group, Inc.
Description: EENR Study
List Any Related Contract Nos.: 24-1003087, 20-1002341

Table with columns for Dollar Amount, Original Contract, Prior Amendments, Prior Contingency Released, Current Amendment, Total/Revised Contract Value, Total Contingency Value, and Total Dollar Authority (Contract Value and Contingency).

Contract Authorization

Board of Directors Date: 11/6/2024 Board Item # 10999

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? No No Budget Adjustment
State Professional Services (Non-A&E) N/A

Accounts Payable

Table for Accounts Payable including Estimated Start Date, Expiration Date, Revised Expiration Date, NHS, QMP/QAP, Prevailing Wage, and a detailed grid for Fund, Prog, Task, Sub-Task, Object, Revenue, PA Level, Revenue Code Name, Total Contract Funding, and Total Contingency.

Stacey Morales Project Manager (Print Name) Steve Smith Task Manager (Print Name)

Additional Notes:

Attachment: CSS - Revised - 08-25-2022 10.11am (10999 : Award Contract No. 24-1003088 with Jacobs Engineering Group, Inc. for EENR

**CONTRACT NO. 24-1003088****BY AND BETWEEN**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**AND**

**JACOBS ENGINEERING GROUP, INC.**

**FOR****EMERGENCY EVACUATION NETWORK RESILIENCE (EENR) STUDY**

This contract (“Contract”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”), whose address is 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, California 92410-1715, and Jacobs Engineering Group, Inc. (“CONSULTANT”), whose address is 3257 Guasti Road Suite 120, Ontario, CA 91761. SBCTA and CONSULTANT are each a “Party” and are collectively the “Parties.”

**RECITALS:**

**WHEREAS**, SBCTA requires certain work services as described in Exhibit “A” of this Contract; and

**WHEREAS**, CONSULTANT has confirmed that CONSULTANT has the requisite professional qualifications, personnel and experience and is fully capable and qualified to perform the services identified herein; and

**WHEREAS**, CONSULTANT desires to perform all Work identified herein and to do so for the compensation and in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE**, the Parties agree as follows:

**ARTICLE 1. PROJECT DESCRIPTION/SCOPE OF WORK**

- 1.1 CONSULTANT agrees to perform the work and services set forth in Exhibit A “Scope of Work” (“Work”) in accordance with all applicable professional standards which are generally accepted in the State of California, in accordance with the terms and conditions expressed herein, and in the sequence, time, and manner defined herein. The word “Work” includes, without limitation, the performance, fulfillment and discharge by CONSULTANT of all obligations, duties, tasks, and services imposed upon or assumed by CONSULTANT hereunder; and the Work performed hereunder shall be completed to the satisfaction of SBCTA, with SBCTA’s satisfaction being based on prevailing applicable professional standards.

- 1.2 The Project Manager for this Contract is Stacey Morales or such other designee as shall be designated in written notice to CONSULTANT from time to time by the SBCTA Director of Planning and Regional Programs or his or her designee. The Project Manager shall have authority to act on behalf of SBCTA in administering this Contract, including giving notices (including, without limitation, notices of default and/or termination), technical directions and approvals and demanding performance and accepting work performed, but is not authorized to receive or issue payments or execute amendments to the Contract itself.

## **ARTICLE 2. CONTRACT TERM**

The Contract term shall commence upon issuance of a written Notice To Proceed (NTP) issued by SBCTA's Procurement Analyst, and shall continue in full force and effect through **December 31, 2025**, until otherwise terminated, or unless extended as hereinafter provided by written amendment, except that all indemnity and defense obligations hereunder shall survive termination of this Contract. CONSULTANT shall not be compensated for any Work performed or costs incurred prior to issuance of the NTP.

SBCTA at its sole discretion may extend the original term of the Contract for one, one-year option term. The maximum term of this Contract, including the Option Term, if exercised, will not exceed December 31, 2026.

## **ARTICLE 3. COMPENSATION**

- 3.1 Total compensation to CONSULTANT for full and complete performance of the Scope of Work, identified herein and, in compliance with all the terms and conditions of this Contract, shall be on a Time & Materials basis for all obligations incurred in, or application to, CONSULTANT's performance of Work, and for which CONSULTANT shall furnish all personnel, facilities, equipment, materials, supplies, and Services (except as may be explicitly set forth in this Contract as furnished by SBCTA) shall not exceed the amount set forth in section 3.2 below.
- 3.2 The total Contract Not-To-Exceed Amount is One Million, Two Hundred Eight Thousand, Nine Hundred Ten Dollars and Eighty Nine Cents (\$1,208,910.89). All Work provided under this Contract is to be performed as set forth in Exhibit A "Scope of Work," and shall be reimbursed pursuant to Exhibit B "Price Proposal for Time and Materials." The hourly labor rates identified in Exhibit B shall remain fixed for the term of this Contract and include CONSULTANT's direct labor costs, indirect costs, and profit. All expenses shall be reimbursed for the amounts identified in Exhibit B. Any travel expenses must be pre-approved by SBCTA and shall be reimbursed for per diem expenses at a rate not to exceed the currently authorized rates for state employees under the California Department of Human Resources rules. SBCTA will not reimburse CONSULTANT for any expenses not shown in Exhibit B or agreed to and approved by SBCTA as required under this Contract.
- 3.3 INTENTIONALLY OMITTED.
- 3.4 INTENTIONALLY OMITTED.
- 3.5 Any Work provided by CONSULTANT not specifically covered by the Scope of Work shall not be compensated without prior written authorization from SBCTA. It shall be CONSULTANT's responsibility to recognize and notify SBCTA in writing when services not

covered by the Scope of Work have been requested or are required. All changes and/or modifications to the Scope of Work shall be made in accordance with the “CHANGES” Article in this Contract. Any additional services agreed to in accordance with this Contract shall become part of the Work.

3.6 All subcontracts in excess of \$25,000 shall contain the above provisions.

#### **ARTICLE 4. INVOICING**

4.1 Payment to CONSULTANT as provided herein shall be payable in four (4) week billing period payments, forty-five (45) calendar days after receipt of an acceptable invoice by SBCTA prepared in accordance with the instructions below. Payment shall not be construed to be an acceptance of Work.

4.2 CONSULTANT shall prepare invoices in a form satisfactory to and approved by SBCTA, which shall be accompanied by documentation supporting each element of measurement and/or cost. Each invoice will be for a four-week billing period and will be marked with SBCTA’s contract number, description and task order number, dates and times of Work, locations of Work, and itemized costs associated with performance of Work, if applicable. Identification of each individual who provided services during the period of the invoice and the number of hours and hourly rates of each individual must be included in invoices. Invoices shall be submitted within fifteen (15) calendar days for the period covered by the invoice except for the month of June, which will require the invoice to be submitted by July 10<sup>th</sup>. Invoices shall include request for payment for Work (including additional services authorized by SBCTA) completed by CONSULTANT during each billing period and shall include back-up information sufficient to establish the validity of the invoice. Any invoice submitted which fails to comply with the terms of this Contract, including the requirements of form and documentation, may be returned to CONSULTANT. Any costs incurred by CONSULTANT in connection with the resubmission of a proper invoice shall be at CONSULTANT’s sole expense. The final invoice shall be marked “FINAL” and will be submitted within 60 calendar days after SBCTA has received and approved all Work and deliverables. Invoices should be e-mailed to SBCTA at the following address:

[ap@gosbcta.com](mailto:ap@gosbcta.com)

For large files over 30 megabytes, invoices can be submitted using this link:

<https://sanbag-lfweb.sanbag.ca.gov/Forms/Invoice-submission>

4.3 CONSULTANT shall include a statement and release with each invoice, satisfactory to SBCTA, that CONSULTANT has fully performed the Work invoiced pursuant to the Contract for the period covered, that all information included with the invoice is true and correct, and that all payments to and claims of CONSULTANT and its subconsultants for Work during the period will be satisfied upon making of such payment. SBCTA shall not be obligated to make payments to CONSULTANT until CONSULTANT furnishes such statement and release.

4.4 INTENTIONALLY OMITTED.

- 4.5 No payment will be made prior to approval of any Work, nor for any Work performed prior to the NTP or the issuance of an applicable CTO, nor for any Work under any amendment to the Contract until SBCTA's Awarding Authority takes action.
- 4.6 CONSULTANT agrees to promptly pay each subconsultant for the satisfactory completion of all Work performed under this Contract no later than ten (10) calendar days from the receipt of payment from SBCTA. CONSULTANT also agrees to return any retainage payments to each subconsultant within ten (10) calendar days after the subconsultant's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval by SBCTA. SBCTA reserves the right to request documentation from CONSULTANT showing payment has been made to its subconsultants. SBCTA also reserves the right, at its own sole discretion, to issue joint checks to CONSULTANT and any subconsultant(s), which shall constitute payment to CONSULTANT in compliance with the terms of this Contract. This clause applies to both DBE and non-DBE subconsultants.
- 4.7 INTENTIONALLY OMITTED.

#### **ARTICLE 5. TAXES, DUTIES AND FEES**

Except to the extent expressly provided elsewhere in this Contract, CONSULTANT shall pay when due, and the compensation set forth herein, shall be inclusive of all: a) local, municipal, State, and federal sales and use taxes; b) excise taxes; c) taxes on personal property owned by CONSULTANT; and d) other governmental fees and taxes or charges of whatever nature applicable to CONSULTANT to enable it to conduct business.

#### **ARTICLE 6. AVAILABILITY OF FUNDS**

The award and performance of this Contract is contingent on the availability of funds. If funds are not appropriated and/or allocated and available to SBCTA for the continuance of Work performed by CONSULTANT, Work directly or indirectly involved may be suspended or terminated by SBCTA at the end of the period for which funds are available. When SBCTA becomes aware that any portion of Work will or may be affected by a shortage of funds, it will promptly notify CONSULTANT. Nothing herein shall relieve SBCTA from its obligation to compensate CONSULTANT for work already performed pursuant to this Contract. No penalty shall accrue to SBCTA in the event this provision is exercised.

#### **ARTICLE 7. PERMITS AND LICENSES**

CONSULTANT shall, without additional compensation, keep current all governmental permits, certificates and licenses (including professional licenses) necessary for CONSULTANT to perform Work identified herein.

#### **ARTICLE 8. DOCUMENTATION AND RIGHT TO AUDIT**

- 8.1 CONSULTANT shall maintain all records related to this Contract in an organized way in the original format, electronic and hard copy, conducive to professional review and audit, for a period of three (3) years from the date of final payment by SBCTA, or until the conclusion of all litigation, appeals or claims related to this Contract, whichever is longer. CONSULTANT shall provide SBCTA, the California State Auditor, or other authorized representatives of



SBCTA access to Consultants' records which are directly related to this Contract for the purpose of inspection, auditing or copying during the entirety of the records maintenance period above. CONSULTANT further agrees to maintain separate records for costs of Work performed by amendment. CONSULTANT shall allow SBCTA and its representatives or agents to reproduce any materials as reasonably necessary.

- 8.2 The cost proposal and/or invoices for this Contract are subject to audit by SBCTA and/or any state or federal agency funding this Work at any time. After CONSULTANT receives any audit recommendations, the cost or price proposal shall be adjusted by CONSULTANT and approved by SBCTA's Project Manager to conform to the audit recommendations. CONSULTANT agrees that individual items of cost identified in the audit report may be incorporated into the Contract at SBCTA's sole discretion. Refusal by CONSULTANT to incorporate the audit or post award recommendations will be considered a breach of the Contract and cause for termination of the Contract. Any dispute concerning the audit findings of this Contract shall be reviewed by SBCTA's Chief Financial Officer. CONSULTANT may request a review by submitting the request in writing to SBCTA within thirty (30) calendar days after issuance of the audit report
- 8.3 Subcontracts in excess of \$25,000 shall contain this provision.

#### **ARTICLE 9. RESPONSIBILITY OF CONSULTANT**

- 9.1 CONSULTANT shall be responsible for the professional quality, technical accuracy, and assurance of compliance with all applicable federal, State and local laws and regulations and other Work furnished by CONSULTANT under the Contract. The Contract includes reference to the appropriate standards for Work performance stipulated in the Contract.
- 9.2 In addition to any other requirements of this Contract or duties and obligations imposed on CONSULTANT by law, CONSULTANT shall, as an integral part of its Work, employ quality control procedures that identify potential risks and uncertainties related to scope, schedule, cost, quality and safety of the Project and the Work performed by CONSULTANT within the areas of CONSULTANT's expertise. At any time during performance of the Scope of Work, should CONSULTANT observe, encounter, or identify any unusual circumstances or uncertainties which could pose potential risk to SBCTA or the Project, CONSULTANT shall immediately document such matters and notify SBCTA in writing. CONSULTANT shall also similarly notify SBCTA in regard to the possibility of any natural catastrophe, or potential failure, or any situation that exceeds assumptions and could precipitate a failure of any part of the Project. Notifications under this paragraph shall be specific, clear and timely, and in a form which will enable SBCTA to understand and evaluate the magnitude and effect of the risk and/or uncertainties involved.

#### **ARTICLE 10. REPORTING AND DELIVERABLES**

All reports and deliverables shall be submitted in accordance with Exhibit A "Scope of Work". At a minimum, CONSULTANT shall submit monthly progress reports with their monthly invoices. The report shall be sufficiently detailed for SBCTA to determine if CONSULTANT is performing to expectations and is on schedule; to provide communication of interim findings; and to sufficiently address any difficulties or problems encountered, so remedies can be developed.

## ARTICLE 11. TECHNICAL DIRECTION

- 11.1 Performance of Work under this Contract shall be subject to the technical direction of SBCTA's Project Manager, identified in Section 1.2, upon issuance of the NTP and/or subsequently by written notice during the Contract. The term "Technical Direction" is defined to include, without limitation:
- 11.1.1 Directions to CONSULTANT which redirect the Contract effort, shift work emphasis between work areas or tasks, require pursuit of certain lines of inquiry, fill in details, or otherwise serve to accomplish the Scope of Work.
  - 11.1.2 Provision of written information to CONSULTANT which assists in the interpretation of reports or technical portions of the Scope of Work described herein.
  - 11.1.3 Review and, where required by the Contract, approval of technical reports and technical information to be delivered by CONSULTANT to SBCTA under the Contract.
  - 11.1.4 SBCTA's Project Manager may modify this Contract for certain administrative modifications without issuing a written amendment. Administrative modifications are limited to: substitutions of personnel identified in the Contract, including Key Personnel and subconsultants; modifications to classifications, hourly rates and names of personnel in Exhibit B; and modifications of the address of the CONSULTANT. All such modifications will be documented in writing between the Parties.
- 11.2 Technical Direction must be within the Scope of Work under this Contract. SBCTA's Project Manager does not have the authority to, and may not, issue any Technical Direction which:
- 11.2.1 Increases or decreases the Scope of Work;
  - 11.2.2 Directs CONSULTANT to perform Work outside the original intent of the Scope of Work;
  - 11.2.3 Constitutes a change as defined in the "CHANGES" Article of the Contract;
  - 11.2.4 In any manner causes an increase or decrease in the Contract price as identified in the "COMPENSATION" Article or the time required for Contract performance;
  - 11.2.5 Changes any of the expressed terms, conditions or specifications of the Contract, unless identified herein;
  - 11.2.6 Interferes with CONSULTANT's right to perform the terms and conditions of the Contract unless identified herein; or
  - 11.2.7 Approves any demand or claims for additional payment.
- 11.3 Failure of CONSULTANT and SBCTA's Project Manager to agree that the Technical Direction is within the scope of the Contract, or a failure to agree upon the Contract action to be taken with respect thereto, shall be subject to the provisions of the "DISPUTES" Article herein.
- 11.4 All Technical Direction shall be issued in writing by SBCTA's Project Manager.



11.5 CONSULTANT shall proceed promptly with the performance of Technical Direction issued by SBCTA's Project Manager, in the manner prescribed by this Article and within their authority under the provisions of this Article. If, in the opinion of CONSULTANT, any instruction or direction by SBCTA's Project Manager falls within one of the categories defined in sections 11.2.1 through 11.2.7 above, CONSULTANT shall not proceed but shall notify SBCTA in writing within five (5) working days after receipt of any such instruction or direction and shall request SBCTA to modify the Contract accordingly. Upon receiving the notification from CONSULTANT, SBCTA shall:

11.5.1 Advise CONSULTANT in writing within thirty (30) calendar days after receipt of CONSULTANT's letter that the Technical Direction is or is not within the scope of this Contract.

11.5.2. Advise CONSULTANT within a reasonable time whether SBCTA will or will not issue a written amendment.

## **ARTICLE 12. CHANGES**

12.1 The Work shall be subject to changes by additions, deletions, or revisions made by SBCTA. CONSULTANT will be advised of any such changes by written notification from SBCTA describing the change. This notification will not be binding on SBCTA until SBCTA's Awarding Authority has approved an amendment to this Contract.

12.2 Promptly after such written notification of change is given to CONSULTANT by SBCTA, the Parties will attempt to negotiate a mutually agreeable adjustment to compensation or time of performance, and amend the Contract accordingly.

## **ARTICLE 13. EQUAL EMPLOYMENT OPPORTUNITY**

13.1 During the term of this Contract, CONSULTANT shall not willfully discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, gender, sex, marital status, gender identity, gender expression, sexual orientation, age, or military or veteran status. CONSULTANT agrees to comply with the provisions of Executive Orders 11246, 11375, 11625, 12138, 12432, 12250, Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act, and other applicable Federal, State and County laws and regulations and policies relating to equal employment and contracting opportunities, including laws and regulations hereafter enacted.

13.2 The CONSULTANT and all subconsultants shall comply with all provisions of Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin. In addition, CONSULTANT and all subconsultants will ensure their services are consistent with and comply with obligations and procedures outlined in SBCTA's current Board-adopted Title VI Program, including the Public Participation Plan and the Language Assistance Plan.

## ARTICLE 14. CONFLICT OF INTEREST

CONSULTANT agrees that it presently has no interest, financial or otherwise, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of Work required under this Contract or be contrary to the interests of SBCTA as to the Project. CONSULTANT further agrees that in the performance of this Contract, no person having any such interest shall be employed. CONSULTANT is obligated to fully disclose to SBCTA, in writing, any conflict of interest issues as soon as they are known to CONSULTANT. CONSULTANT agrees that CONSULTANT and its staff shall comply with SBCTA's Conflict of Interest Policy, No. 10102.

## ARTICLE 15. KEY PERSONNEL

The personnel specified below are considered to be essential to the Work being performed under this Contract. Prior to diverting any of the specified individuals to other projects, or reallocation of any tasks or hours of Work that are the responsibility of Key Personnel to other personnel, CONSULTANT shall notify SBCTA in writing in advance and shall submit justifications (including proposed substitutions, resumes and payroll information to support any changes to the labor rates) in sufficient detail to permit evaluation of the impact on the Project. Diversion or reallocation of Key Personnel shall not be made without prior written consent of SBCTA's Project Manager. CONSULTANT shall not substitute any Key Personnel without the prior written consent of SBCTA. In the event that the Parties cannot agree as to the substitution of Key Personnel, SBCTA may terminate this Contract. Key Personnel are:

Name	Job Classification/Function
John Khoury	QC and Project Delivery
Loren Bloomberg	Project Manager
Seth Torma	Transportation Planning SME
Marissa Greenway	Stakeholder Engagement
Aimee Flannery	Community Resilience
David Von Stroh	Transportation Network Modeling and Resilience Assessment
Alvin Marquees	Evacuation Planning
John Kerenyi	Policy and Procedures Implementation

## ARTICLE 16. REPRESENTATIONS

All Work supplied by CONSULTANT under this Contract shall be supplied by personnel who are qualified, careful, skilled, experienced and competent in their respective trades or professions. CONSULTANT agrees that they are supplying professional services, findings, and/or recommendations in the performance of this Contract and agrees with SBCTA that the same shall conform to professional standards that are generally accepted in the profession in the State of California.

## ARTICLE 17. PROPRIETARY RIGHTS/CONFIDENTIALITY

17.1 If, as a part of this Contract, CONSULTANT is required to produce materials, documents data, or information ("Products"), then CONSULTANT, if requested by SBCTA, shall deliver to SBCTA the original of all such Products, which shall become the sole property of SBCTA.

- 17.2 All materials, documents, data or information obtained from SBCTA's data files or any SBCTA-owned medium furnished to CONSULTANT in the performance of this Contract will at all times remain the property of SBCTA. Such data or information may not be used or copied for direct or indirect use outside of this Project by CONSULTANT without the express written consent of SBCTA.
- 17.3 Except as reasonably necessary for the performance of the Work, CONSULTANT agrees that it, its employees, agents and subconsultants will hold in confidence and not divulge to third parties, without prior written consent of SBCTA, any information obtained by CONSULTANT from or through SBCTA unless (a) the information was known to CONSULTANT prior to obtaining same from SBCTA, or (b) the information was at the time of disclosure to CONSULTANT, or thereafter becomes, part of the public domain, but not as a result of the fault or an unauthorized disclosure of CONSULTANT or its employees, agents, or subconsultants, or (c) the information was obtained by CONSULTANT from a third party who did not receive the same, directly or indirectly, from SBCTA and who had, to CONSULTANT's knowledge and belief, the right to disclose the same. Any materials and information referred to in this Article, which are produced by CONSULTANT shall remain confidential until released in writing by SBCTA, except to the extent such materials and information become subject to disclosure by SBCTA under the California Public Records Act, or other law, or otherwise become public information through no fault of CONSULTANT, or its employees or agents. Any communications with or work product of SBCTA's legal counsel to which CONSULTANT or its subconsultants or agents have access in performing work under this Contract shall be subject to the attorney-client privilege and attorney work product doctrine and shall be confidential.
- 17.4 CONSULTANT shall not use SBCTA's name or photographs in any professional publication, magazine, trade paper, newspaper, seminar or other medium without first receiving the express written consent of SBCTA. CONSULTANT shall not release any reports, information or promotional material related to this Contract for any purpose without prior written approval of SBCTA.
- 17.5 All press releases, or press inquiries relating to the Project or this Contract, including graphic display information to be published in newspapers, magazines, and other publications, are to be made only by SBCTA unless otherwise agreed to in writing by both Parties.
- 17.6 CONSULTANT, its employees, agents and subconsultants shall be required to comply with SBCTA's Confidentiality Policy; anyone who may have access to Personally Identifiable Information ("PII") and/or Sensitive Security Information ("SSI") will be required to execute a Confidentiality Agreement.

## **ARTICLE 18. TERMINATION**

- 18.1 Termination for Convenience - SBCTA shall have the right at any time, with or without cause, to terminate further performance of Work by giving thirty (30) calendar days written notice to CONSULTANT specifying the date of termination. On the date of such termination stated in said notice, CONSULTANT shall promptly discontinue performance of Work and shall preserve Work in progress and completed Work, pending SBCTA's instruction, and shall turn over such Work in accordance with SBCTA's instructions.

- 18.1.1 CONSULTANT shall deliver to SBCTA all deliverables prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SBCTA. Upon such delivery, CONSULTANT may then invoice SBCTA for payment in accordance with the terms herein.
- 18.1.2 If CONSULTANT has fully and completely performed all obligations under this Contract up to the date of termination, CONSULTANT shall be entitled to receive from SBCTA as complete and full settlement for such termination a pro rata share of the Contract cost based upon the percentage of all contracted Work satisfactorily executed to the date of termination.
- 18.1.3 CONSULTANT shall be entitled to receive the actual costs incurred by CONSULTANT to return CONSULTANT's tools and equipment, if any, to it or its suppliers' premises, or to turn over Work in progress in accordance with SBCTA's instructions plus the actual cost necessarily incurred in effecting the termination.
- 18.2 Termination for Cause - In the event CONSULTANT shall file a petition in bankruptcy court, or shall make a general assignment for the benefit of its creditors, or if a petition in bankruptcy court shall be filed against CONSULTANT, or a receiver shall be appointed on account of its insolvency, or if CONSULTANT shall default in the performance of any express obligation to be performed by it under this Contract and shall fail to immediately correct (or if immediate correction is not possible, shall fail to commence and diligently continue action to correct) such default within ten (10) calendar days following written notice, SBCTA may, without prejudice to any other rights or remedies SBCTA may have, and in compliance with applicable Bankruptcy Laws: (a) hold in abeyance further payments to CONSULTANT; (b) stop any Work of CONSULTANT or its subconsultants related to such failure until such failure is remedied; and/or (c) terminate this Contract by written notice to CONSULTANT specifying the date of termination. In the event of such termination by SBCTA, SBCTA may take possession of the deliverables and finished Work by whatever method SBCTA may deem expedient. A waiver by SBCTA of one default of CONSULTANT shall not be considered to be a waiver of any subsequent default of CONSULTANT, of the same or any other provision, nor be deemed to waive, amend, or modify any term of this Contract.
- 18.2.1 CONSULTANT shall deliver to SBCTA all finished and unfinished deliverables under this Contract prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SBCTA within ten (10) working days of said notice.
- 18.3 All claims for compensation or reimbursement of costs under any of the foregoing provisions shall be supported by documentation submitted to SBCTA, satisfactory in form and content to SBCTA and verified by SBCTA. In no event shall CONSULTANT be entitled to any payment for prospective profits or any damages because of such termination.

## **ARTICLE 19. STOP WORK ORDER**

Upon failure of CONSULTANT or its subconsultants to comply with any of the requirements of this Contract, SBCTA shall have the right to stop any or all Work affected by such failure until such failure is remedied or to terminate this Contract in accordance with section "Termination" above.

## ARTICLE 20. CLAIMS

SBCTA shall not be bound to any adjustments in the Contract amount or schedule unless expressly agreed to by SBCTA in writing. SBCTA shall not be liable to CONSULTANT for any claim asserted by CONSULTANT after final payment has been made under this Contract.

## ARTICLE 21. INSURANCE

21.1 Prior to commencing the Work, subject to the provisions of Article 21.2 “General Provisions”, and at all times during the performance of the Work and for such additional periods as required herein, CONSULTANT and all sub-consultants of every tier performing any Work under this contract shall, at CONSULTANT’s and sub-consultant’s sole expense, procure and maintain broad form insurance coverage at least as broad as the following minimum requirements specified below:

21.1.1 Professional Liability. The policies must include the following:

- A limit of liability not less than \$2,000,000 per claim
- An annual aggregate limit of not less than \$2,000,000
- Coverage shall be appropriate for the CONSULTANT’s profession and provided services to include coverage for errors and omissions arising out of the CONSULTANT’s professional services, or services of any person employed by the CONSULTANT, or any person for whose acts, errors, mistakes or omissions the CONSULTANT may be legally liable.
- If Coverage is on a claims made basis:
  - Policy shall contain a retroactive date for coverage of prior acts, which date will be prior to the date the CONSULTANT begins to perform Work under this Contract.
  - CONSULTANT shall secure and maintain “tail” coverage for a minimum of three (3) years after Contract completion.

21.1.2 Worker’s Compensation/Employer’s Liability. The policies must include the following:

- Coverage A. Statutory Benefits
- Coverage B. Employer’s Liability
- Bodily Injury by accident - \$1,000,000 per accident
- Bodily Injury by disease - \$1,000,000 policy limit/\$1,000,000 each employee

Such policies shall contain a waiver of subrogation in favor of the parties named as Indemnitees below. Such insurance shall be in strict accordance with the applicable workers’ compensation laws in effect during performance of the Work by CONSULTANT or any subconsultant of any tier. All subconsultants of any tier performing any portion of the Work for CONSULTANT shall also obtain and maintain the same insurance coverage as specified in this subparagraph, with a waiver of subrogation in favor of CONSULTANT and all parties named as Indemnitees below. Where coverage is provided through the California State Compensation Insurance Fund, the requirement for a minimum A.M. Best rating does not apply.



21.1.3. Commercial General Liability. The policy must include the following:

- Consultant shall maintain commercial general liability (CGL) insurance (Insurance Services Office (ISO) Form CG 00 01), and if necessary excess/umbrella commercial liability insurance, with a combined limit of liability of not less than **\$2,000,000 each occurrence and with \$2,000,000 Aggregate .**
- The policy shall, at a minimum, include coverage for any and all of the following: bodily injury, property damage, personal injury, broad form contractual liability (including coverage to the maximum extent possible for the indemnifications in this Contract), premises-operations (including explosion, collapse and underground coverage), duty to defend in addition to (without reducing) the limits of the policy(ies), and products and completed operations.
  - \$2,000,000 per occurrence limit for property damage or bodily injury
  - \$1,000,000 per occurrence limit for personal injury and advertising injury
  -
- Coverage is to be on an “occurrence” form. “Claims made” and “modified occurrence” forms are not acceptable.
- A copy of the declaration page or endorsement page listing all policy endorsements for the CGL policy must be included.

All subconsultants of any tier performing any portion of the Work for CONSULTANT shall also obtain and maintain the CGL insurance coverage with limits not less than:

- Each occurrence limit: \$1,000,000
- General aggregate limit: \$2,000,000
- Personal injury and advertising limit \$1,000,000
- Products-completed operations aggregate limit \$2,000,000

All subconsultants’ and sub-subconsultants’ deductibles or self-insured retentions must be acceptable to SBCTA’s Risk Manager.

21.1.4 Umbrella/Excess CGL. The policy must include the following:

- If the CONSULTANT elects to include an umbrella or excess policy to cover any of the total limits required beyond the primary commercial general liability policy limits and/or the primary commercial automobile liability policy limits, then the policy must include the following:
  - The umbrella or excess policy shall follow form over the CONSULTANT’s primary general liability coverage and shall provide a separate aggregate limit for products and completed operations coverage.
  - The umbrella or excess policy shall not contain any restrictions or exclusions beyond what is contained in the primary policy.
  - The umbrella or excess policy shall contain a clause stating that it takes effect (drops down) in the event the primary limits are impaired or exhausted.
  - The umbrella or excess policy must also extend coverage over the automobile policy if it is to be used in combination with the primary automobile policy to meet the total insurance requirement limits.

There shall be no statement limiting the coverage provided to the parties listed as additionally insureds or as indemnitees below.

21.1.5 Commercial Auto. The policy must include the following:

- A total limit of liability of not less than **\$2,000,000** each accident. This total limits of liability may be met by combining the limits of the primary auto policy with an umbrella or excess policy in accordance with subparagraph 4 (Umbrella/Excess CGL) of Section A of this Article.
- Such insurance shall cover liability arising out of any vehicle, including owned, hired, leased, borrowed and non-owned vehicles assigned to or used in performance of the CONSULTANT services.
- Combined Bodily Injury and Property Damage Liability insurance. The commercial automobile liability insurance shall be written on the most recent edition of ISO Form CA 00 01 or equivalent acceptable to SBCTA.

21.1.6 Pollution Liability. Intentionally Omitted.

21.1.7 Technology Professional Liability Errors and Omissions Insurance. Intentionally Omitted.

21.1.8 Railroad Protective Liability. Intentionally Omitted.

21.2. General Provisions

21.2.1 Qualifications of Insurance Carriers. If policies are written by insurance carriers authorized and admitted to do business in the state of California, then the insurance carriers must have a current A.M. Best rating of A-VIII or better and if policies are written by insurance carriers that are non-admitted but authorized to conduct business in the state of California, then they must meet the current A.M. Best rating of A-X or better, unless otherwise approved in writing by SBCTA's Risk Manager.

21.2.2 Additional Insured Coverage. All policies, except those for Workers' Compensation and Professional Liability insurance, shall be endorsed by ISO Form CG 20 10 12 19, or if not available, then ISO Form CG 20 38, to name San Bernardino County Transportation Authority and Western Riverside Council of Governments (WRCOG) and their officers, directors, members, employees, and agents, as additional insureds ("Additional Insureds"). With respect to general liability arising out of or connected with work or operations performed by or on behalf of the CONSULTANT under this Contract, coverage for such Additional Insureds shall not extend to liability to the extent prohibited by section 11580.04 of the Insurance Code. The additional insured endorsements shall not limit the scope of coverage for any Additional Insured to vicarious liability, but shall allow coverage for all Additional Insureds to the full extent provided by the policy.

21.2.3 Proof of Coverage. Evidence of insurance in a form acceptable to SBCTA's Risk Manager, certificates of insurance and the required additional insured endorsements, shall be provided to SBCTA's Procurement Analyst prior to issuance of the NTP or prior to commencing any Work, as SBCTA specifies. Certificate(s) of insurance, as evidence of the required insurance shall: be executed by a duly authorized

representative of each insurer; show compliance with the insurance requirements set forth in this Article; set forth deductible amounts applicable to each policy; list all exclusions which are added by endorsement to each policy; and also include the Contract Number and the SBCTA Project Manager's name on the face of the certificate.

- 21.2.4 Deductibles and Self-Insured Retention. Regardless of the allowance of exclusions or deductibles by SBCTA, CONSULTANT shall be responsible for any deductible or self-insured retention (SIR) amount and shall warrant that the coverage provided to SBCTA is consistent with the requirements of this Article. CONSULTANT will pay, and shall require its sub-CONSULTANTS to pay, all deductibles, co-pay obligations, premiums and any other sums due under the insurance required in this Article. Any deductibles or self-insured retentions must be declared to and approved in writing by SBCTA's Risk Manager. Without SBCTA's Risk Manager's expressed written approval, no deductibles or SIR will be allowed. At the option of SBCTA, if the deductible or SIR is approved and it is greater than \$10,000 or one (1) percent of the amount of coverage required under this Contract, whichever is less, the CONSULTANT shall guarantee that either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to SBCTA, its directors, officials, officers, employees and agents; or, (2) the CONSULTANT shall procure a bond guaranteeing the amount of the deductible or self-insured retention. SBCTA shall have the right to review any and all financial records that SBCTA, at its sole discretion, deems necessary to approve any deductible or SIR. SBCTA will have the right, but not the obligation, to pay any deductible or SIR due under any insurance policy. If SBCTA pays any sums due under any insurance required above, SBCTA may withhold said sums from any amounts due to CONSULTANT. The CONSULTANT's policies will neither obligate nor prohibit SBCTA or any other Additional Insured, from paying any portion of any CONSULTANT's deductible or SIR.
- 21.2.5 CONSULTANT's and Subconsultants' Insurance will be Primary. All policies required to be maintained by the CONSULTANT or any subconsultant, with the exception of Professional Liability and Worker's Compensation shall be endorsed, with a form at least as broad as ISO Form CG 20 01 04 13, to be primary coverage, and any coverage carried by any of the Additional Insureds shall be excess and non-contributory. Further, none of CONSULTANT's or subconsultants' pollution, automobile, general liability or other liability policies (primary or excess) will contain any cross-liability exclusion barring coverage for claims by an additional insured against a named insured.
- 21.2.6 Waiver of Subrogation Rights. To the fullest extent permitted by law, CONSULTANT hereby waives all rights of recovery under subrogation against the Additional Insureds named herein, and any other consultant, subconsultant or sub-subconsultant performing work or rendering services on behalf of SBCTA in connection with the planning, development and construction of the Project. To the fullest extent permitted by law, CONSULTANT shall require similar written express waivers and insurance clauses from each of its subconsultants of every tier. CONSULTANT shall require all of the policies and coverages required in this Article



to waive all rights of subrogation against the Additional Insureds (ISO Form CG 24 04 05 09). Such insurance and coverages provided shall not prohibit CONSULTANT from waiving the right of subrogation prior to a loss or claim.

- 21.2.7 Cancellation. If any insurance company elects to cancel or non-renew coverage for any reason, CONSULTANT will provide SBCTA thirty (30) days prior written notice of such cancellation or nonrenewal. If the policy is cancelled for nonpayment of premium, CONSULTANT will provide SBCTA ten (10) days prior written notice. In any event, CONSULTANT will provide SBCTA with a copy of any notice of termination or notice of any other change to any insurance coverage required herein which CONSULTANT receives within one business day after CONSULTANT receives it by submitting it to SBCTA at [insurance@gosbcta.com](mailto:insurance@gosbcta.com), to the attention of SBCTA's Procurement Analyst, and by depositing a copy of the notice in the U.S. Mail in accordance with the notice provisions of this Contract.
- 21.2.8 Non-Limitation of Insurance Requirements. The insurance coverage provided and limits required under this Contract are minimum requirements and are not intended to limit the CONSULTANT's indemnification obligations under the Contract, nor do the indemnity obligations limit the rights of the Indemnified Parties to the coverage afforded by their insured status. To the extent required by Law in connection with Work to be performed, the CONSULTANT shall obtain and maintain, or cause to be obtained and maintained, in addition to the insurance coverage expressly required under this Contract, such other insurance policies for such amounts, for such periods of time and subject to such terms, as required by Law and any other agreements with which the CONSULTANT is required to comply, including any Third-Party Agreements. Liability insurance coverage will not be limited to the specific location designated as the Site, except that if the CONSULTANT arranges project-specific general liability, excess liability, or workers' compensation coverage, limitations of coverage to the Site will be permitted subject to SBCTA approval and use of the broadest available site-specific endorsements. No liability policy will contain any provision or definition that would serve to eliminate so-called "third-party-over action" claims, including any exclusion for bodily injury to an employee of the insured or of any Subcontractor. The CONSULTANT acknowledges and will at all times comply with the provisions of Labor Code Section 3700 which require every employer in the State to be insured against liability for workers' compensation, or to undertake self-insurance in accordance with the provisions of that code.
- 21.2.9 Enforcement. SBCTA may take any steps as are necessary to assure CONSULTANT's compliance with its insurance obligations as identified within this Article. Failure to continuously maintain insurance coverage as provided herein is a material breach of contract. In the event the CONSULTANT fails to obtain or maintain any insurance coverage required, SBCTA may, but is not required to, maintain this coverage and charge the expense to the CONSULTANT or withhold such expense from amounts owed CONSULTANT, or terminate this Contract. The insurance required or provided shall in no way limit or relieve CONSULTANT of its duties and responsibility under the Contract, including but not limited to obligation to indemnify, defend and hold

harmless the Indemnitees named below. Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve CONSULTANT for liability in excess of such coverage, nor shall it preclude SBCTA from taking other actions as available to it under any other provision of the Contract or law. Nothing contained herein shall relieve CONSULTANT, or any subconsultant of any tier of their obligations to exercise due care in the performance of their duties in connection with the Work, and to complete the Work in strict compliance with the Contract.

- 21.2.10 No Waiver. Failure of SBCTA to enforce in a timely manner any of the provisions of this Article shall not act as a waiver to enforcement of any of these provisions at a later date.
- 21.2.11 Project Specific Insurance. All insurance coverage required to be provided by CONSULTANT, with the exception of Professional Liability, Automobile Liability and Worker's Compensation, shall apply specifically and exclusively for the Project and extend to all aspects of the Work, with coverage limits dedicated solely to the Project. Use of other insurance programs is acceptable, provided that coverage under such programs provides dedicated Project-specific limits and identified premiums and meets all requirements described in contract.
- 21.2.12 No Representations or Warranties. SBCTA makes no representation or warranty that the coverage, limits of liability, or other terms specified for the insurance policies required under this contract are adequate to protect the CONSULTANT against its undertakings under this Contract or its liability to any third party, nor will they preclude SBCTA from taking any actions as are available to it under this Contract or otherwise at law.
- 21.2.13 Review of Coverage. SBCTA may at any time review the coverage, form, and amount of insurance required under this contract, and may require the CONSULTANT to make changes in such insurance reasonably sufficient in coverage, form, and amount to provide adequate protection against the kind and extent of risk that exists at that time. SBCTA may change the insurance coverages and limits required under this contract by notice to the CONSULTANT, whereupon the CONSULTANT will, within sixty (60) days of such notice date, procure the additional and/or modified insurance coverages. Upon such change any additional cost (at actual cost) from such change will be paid by SBCTA and any reduction in cost will reduce the Contract Price pursuant to a Contract amendment.
- 21.2.14 Subconsultant Insurance. Insurance required of the CONSULTANT shall be also provided by subconsultants or by CONSULTANT on behalf of all subconsultants to cover their services performed under this Contract. CONSULTANT may reduce types and the amounts of insurance limits provided by subconsultant(s) to be proportionate to the amount of the subconsultant's contract and the level of liability exposure for the specific type of work performed by the subconsultant. CONSULTANT shall be held responsible for all modifications, deviations, or omissions in these insurance requirements as they apply to subconsultant.
- 21.2.15 Higher limits. If CONSULTANT maintains higher limits than the minimums shown above, SBCTA shall be entitled to coverage for the higher limits maintained by

CONSULTANT. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to SBCTA.

21.2.16 Special Risks or Circumstances. SBCTA reserves the right to modify any or all of the above insurance requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

## **ARTICLE 22. INDEMNITY**

22.1 To the extent, but only to the extent, that CONSULTANT's Work falls within the scope of Civil Code Section 2782.8, the following indemnification is applicable:

CONSULTANT shall indemnify and defend (with legal counsel reasonably approved by SBCTA) SBCTA, the San Bernardino Council of Governments ("SBCOG"), Western Riverside Council of Governments (WRCOG), SBCOG's and (WRCOG's) Entities (as identified in Exhibit C, "SBCOG and WRCOG List of Entities," attached hereto and incorporated herein, and their authorized officers, employees, and agents (collectively "Indemnitees"), from any and all losses, damages, liability, actions, and/or costs for claims that arise out of, pertain to, or are related to the negligence, recklessness, or willful misconduct of the professional to the maximum extent permitted by Civil Code Section 2782.8.

22.2 For all other Work and obligations under this Contract, CONSULTANT agrees to indemnify, defend (with legal counsel reasonably approved by SBCTA) and hold harmless SBCTA, SBCOG, and WRCOG and their Entities, and their authorized officers, employees, and agents ("Indemnitees"), from any and all claims, actions, losses, damages and/or liability (Claims) arising out of this Contract from any cause whatsoever, including acts, errors, or omissions of any person and for any costs or expenses incurred by any Indemnitee(s) on account of any claim, except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of Indemnitees. CONSULTANT's indemnification obligation applies to Indemnitees' "active" as well as "passive" negligence, but does not apply to the "sole negligence" or "willful misconduct."

## **ARTICLE 23. ERRORS AND OMISSIONS**

CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of all Work required under this Contract. CONSULTANT shall be liable for SBCTA's costs resulting from errors or deficiencies in Work furnished under this Contract, including, but not limited to, any fines, penalties, damages, and costs required because of an error or deficiency in the Work provided by CONSULTANT under this Contract.

## **ARTICLE 24. OWNERSHIP OF DOCUMENTS**

Except for Consultant's or third parties' pre-existing materials, underlying methodologies and intellectual property which shall remain the property of Contractor and/or third parties as applicable, all deliverables, including but not limited to, drawings, reports, worksheets, and other data developed by CONSULTANT under this Contract shall become the sole property of SBCTA when prepared, whether delivered to SBCTA or not. Notwithstanding anything herein to the contrary, the parties herein acknowledge and agree that licensed data is subject to the terms of a separate License Agreement whereby the licensee retains ownership of its data product, the

underlying data remains confidential, and SBCTA obtains the right to use output from the data product for its internal business purposes. Such License Agreement governs each party's rights in, and use of, licensed data, and takes precedence over any conflicting or inconsistent terms in this Contract.

## **ARTICLE 25. SUBCONTRACTS**

- 25.1 CONSULTANT shall not subcontract performance of all or any portion of Work under this Contract, except to those subconsultants listed in CONSULTANT's proposal, without first notifying SBCTA in writing of the intended subcontracting and obtaining SBCTA's written approval of the subcontracting and the subconsultant. The definition of subconsultant and the requirements for subconsultants hereunder shall include all subcontracts at any tier.
- 25.2 CONSULTANT agrees that any and all subconsultants of CONSULTANT performing Work under this Contract will comply with the terms and conditions of this Contract applicable to the portion of Work performed by them. CONSULTANT shall incorporate all applicable provisions of this Contract into their subcontracts regardless of the tier. If requested by SBCTA, CONSULTANT shall furnish SBCTA a copy of the proposed subcontract for SBCTA's approval of the terms and conditions thereof and shall not execute such subcontract until SBCTA has approved such terms and conditions. SBCTA's approval shall not be unreasonably withheld.
- 25.3 Approval by SBCTA of any Work to be subcontracted and the subconsultant to perform said Work will not relieve CONSULTANT of any responsibility or liability in regard to the acceptable and complete performance of said Work. Any substitution of subconsultants must be approved in writing by SBCTA. CONSULTANT shall have sole responsibility for managing all of their subconsultants, including resolution of any disputes between CONSULTANT and its subconsultants.

## **ARTICLE 26. RECORD INSPECTION AND AUDITING**

SBCTA or any of its designees, representatives, or agents shall at all times have access during normal business hours to CONSULTANT's operations and products wherever they are in preparation or progress, and CONSULTANT shall provide sufficient, safe, and proper facilities for such access and inspection thereof. Inspection or lack of inspection by SBCTA shall not be deemed to be a waiver of any of their rights to require CONSULTANT to comply with the Contract or to subsequently reject unsatisfactory Work or products.

## **ARTICLE 27. INDEPENDENT CONTRACTOR**

CONSULTANT is and shall be at all times an independent contractor. Accordingly, all Work provided by CONSULTANT shall be done and performed by CONSULTANT under the sole supervision, direction and control of CONSULTANT. SBCTA shall rely on CONSULTANT for results only, and shall have no right at any time to direct or supervise CONSULTANT or CONSULTANT's employees in the performance of Work or as to the manner, means and methods by which Work is performed. All personnel furnished by CONSULTANT pursuant to this Contract, and all representatives of CONSULTANT, shall be and remain the employees or agents of CONSULTANT or of CONSULTANT's subconsultant(s) at all times, and shall not at any time or for any purpose whatsoever be considered employees or agents of SBCTA.



## **ARTICLE 28. ATTORNEY'S FEES**

If any legal action is instituted to enforce or declare any Party's rights under the Contract, each Party, including the prevailing Party, must bear its own costs and attorneys' fees. This Article shall not apply to those costs and attorneys' fees directly arising from any third party legal action against a Party hereto and payable under the "Indemnity" provision of the Contract.

## **ARTICLE 29. GOVERNING LAW AND VENUE**

This Contract shall be subject to the law and jurisdiction of the State of California. The Parties acknowledge and agree that this Contract was entered into and intended to be performed in whole or substantial part in San Bernardino County, California. The Parties agree that the venue for any action or claim brought by any Party to this Contract will be the Superior Court of California, San Bernardino County. Each Party hereby waives any law or rule of court which would allow them to request or demand a change of venue. If any action or claim concerning this Contract is brought by any third party, the Parties hereto agree to use their best efforts to obtain a change of venue to the Superior Court of California, San Bernardino County.

## **ARTICLE 30. FEDERAL, STATE AND LOCAL LAWS**

CONSULTANT warrants that in the performance of this Contract, it shall comply with all applicable federal, State and local laws, ordinances, rules and regulations.

## **ARTICLE 31. PRECEDENCE**

- 31.1 The Contract consists of the following: Contract Articles, Exhibit A "Scope of Work," and Exhibit B "Price Proposal," SBCTA's Request for Proposal and CONSULTANT's proposal, all of which are incorporated into this Contract by this reference.
- 31.2 The following order of precedence shall apply: first, the Contract Articles; second, Exhibits A and B; third, SBCTA's Request for Proposal; and last, CONSULTANT's proposal. In the event of a conflict between the Contract Articles and the Scope of Work, the Contract Articles will prevail.
- 31.3 In the event of an express conflict between the documents listed in this Article, or between any other documents which are a part of the Contract, CONSULTANT shall notify SBCTA in writing within three (3) business days of its discovery of the conflict and shall comply with SBCTA's resolution of the conflict.

## **ARTICLE 32. COMMUNICATIONS AND NOTICES**

Notices sent by mail shall be by United States Mail, postage paid, certified mail (return receipt requested). Any and all notices permitted or required to be given hereunder shall be deemed duly given and received: (a) upon actual delivery, if delivery is personally made or if made by fax or email during regular business hours; (b) the first business day following delivery by fax or email when not made during regular business hours; or (c) on the fourth business day after deposit of such notice into the United States Mail. Each such notice shall be sent to the respective Party at the address indicated below or to any other address as the respective Parties may designate from time to time by a notice given in accordance with this Article. CONSULTANT shall notify SBCTA of any contact information changes within ten (10) business days of the change.

<b>To CONSULTANT</b>	<b>To SBCTA</b>
3527 East Guasti Road Suite 120	<b>1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor</b>
Ontario, CA 91761	<b>San Bernardino, CA 92410-1715</b>
Attn: Hany Haroun	<b>Attn: Stacey Morales</b>
Email: hany.haround@jacobs.com	<b>Email: smorales@gosbcta.com</b>
Phone: 949-375-0309	<b>Phone: (909) 884-8276</b>
2 <sup>nd</sup> Contact: Loren Bloomberg	<b>Copy: Procurement Manager</b>
Email: loren.bloomberg@jacobs.com	<b>Email: procurement@gosbcta.com</b>

### **ARTICLE 33. DISPUTES**

- 33.1 In the event any dispute, other than an audit, arises between the Parties in connection with this Contract (including but not limited to disputes over payments, reimbursements, costs, expenses, Work to be performed, Scope of Work and/or time of performance), the dispute shall be decided by SBCTA's Procurement Manager within thirty (30) calendar days after notice thereof in writing, which notice shall include a particular statement of the grounds of the dispute. If CONSULTANT does not agree with the decision, then CONSULTANT shall have ten (10) calendar days after receipt of the decision in which to file a written appeal thereto with SBCTA's Executive Director. If the Executive Director fails to resolve the dispute in a manner acceptable to CONSULTANT, then such dispute may be reviewed by a court of competent jurisdiction.
- 33.2 During resolution of the dispute, CONSULTANT shall proceed with performance of this Contract with due diligence.

### **ARTICLE 34. GRATUITIES**

CONSULTANT, its employees, agents, or representatives shall not offer or give to any officer, official, agent or employee of SBCTA, any gift, entertainment, payment, loan, or other gratuity.

### **ARTICLE 35. REVIEW AND ACCEPTANCE**

All Work performed by CONSULTANT shall be subject to periodic review and approval by SBCTA at any and all places where such performance may be carried on. Failure of SBCTA to make such review or to discover defective work shall not prejudice the rights of SBCTA at the time of final acceptance. All Work performed by CONSULTANT shall be subject to periodic and final review and acceptance by SBCTA upon completion of all Work.

### **ARTICLE 36. CONFIDENTIALITY**

See Article 17.

### **ARTICLE 37. EVALUATION OF CONSULTANT**

CONSULTANT's performance may be evaluated by SBCTA periodically throughout the Contract performance period, such as at the completion of certain milestones as identified in Scope of Work and/or at the completion of the Contract. A copy of the evaluation will be given to CONSULTANT for their information. The evaluation information shall be retained as part of the Contract file and may be used to evaluate CONSULTANT if they submit a proposal on a future RFP issued by SBCTA.

## **ARTICLE 38. SAFETY**

CONSULTANT shall strictly comply with OSHA regulations and local, municipal, state, and federal safety and health laws, orders and regulations applicable to CONSULTANT's operations in the performance of Work under this Contract. CONSULTANT shall comply with all safety instructions issued by SBCTA or their representatives.

## **ARTICLE 39. DRUG FREE WORKPLACE**

CONSULTANT agrees to comply with the Drug Free Workplace Act of 1990 per Government Code Section 8350 et seq, the Drug-Free Workplace Act of 1988, as amended, 41 U.S.C. § 8103, et seq.; U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 49 CFR Part 32; and U.S. OMB regulatory guidance, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 2 CFR Part 182, particularly where the U.S. OMB regulatory guidance supersedes comparable provisions of 49 CFR Part 32.

## **ARTICLE 40. ASSIGNMENT**

CONSULTANT shall not assign this Contract in whole or in part, voluntarily, by operation of law, or otherwise, without first obtaining the written consent of SBCTA. SBCTA's exercise of consent shall be within its sole discretion. Any purported assignment without SBCTA's prior written consent shall be void and of no effect, and shall constitute a material breach of this Contract. Subject to the foregoing, the provisions of this Contract shall extend to the benefit of and be binding upon the successors and assigns of the Parties.

## **ARTICLE 41. AMENDMENTS**

The Contract may only be changed by a written amendment duly executed by the Parties. Work authorized under an amendment shall not commence until the amendment has been duly executed.

## **ARTICLE 42. PREVAILING WAGES**

42.1 The State of California's General Prevailing Wage Rates are not applicable to this Contract.

## **ARTICLE 43. CONTINGENT FEE**

CONSULTANT warrants by execution of this Contract that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, SBCTA has the right to terminate this Contract without liability, pay only for the value of the Work actually performed, or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

## **ARTICLE 44. FORCE MAJEURE**

CONSULTANT shall not be in default under this Contract in the event that the Work performed by CONSULTANT is temporarily interrupted or discontinued for any of the following reasons: riots, wars, sabotage, acts of terrorism, civil disturbances, insurrection, explosion, pandemics, quarantines, acts of God, acts of government or governmental restraint, and natural disasters such as floods,

earthquakes, landslides, and fires, or other catastrophic events which are beyond the reasonable control of CONSULTANT and which CONSULTANT could not reasonably be expected to have prevented or controlled. "Other catastrophic events" does not include the financial inability of CONSULTANT to perform or failure of CONSULTANT to obtain either any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility where such failure is due solely to the acts or omissions of CONSULTANT.

**ARTICLE 45. WARRANTY**

CONSULTANT warrants that all Work performed shall be in accordance with the Contract and all applicable professional standards. In the event of a breach of this provision, CONSULTANT shall take the necessary actions to correct the breach at CONSULTANT's sole expense. If CONSULTANT does not take the necessary action to correct the breach, SBCTA, without waiving any other rights or remedies it may have, may take the necessary steps to correct the breach, and the CONSULTANT shall promptly reimburse SBCTA for all expenses and costs incurred.

**ARTICLE 46. ENTIRE DOCUMENT**

- 46.1 This Contract constitutes the sole and only agreement governing the Work and supersedes any prior understandings, written or oral, between the Parties respecting the Project. All previous proposals, offers, and other communications, written or oral, relative to this Contract, are superseded except to the extent that they have been expressly incorporated into this Contract.
- 46.2 No agent, official, employee or representative of SBCTA has any authority to bind SBCTA to any affirmation, representation or warranty outside of, or in conflict with, the stated terms of this Contract, and CONSULTANT hereby stipulates that it has not relied, and will not rely, on same.
- 46.3 Both Parties have been represented or had the full opportunity to be represented by legal counsel of their own choosing in the negotiation and preparation of this Contract. Therefore, the language in all parts of this Contract will be construed, in all cases, according to its fair meaning, and not for or against either Party.

**ARTICLE 47. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

CONSULTANT shall comply with all applicable provisions of the Americans with Disabilities Act in performing Work under this Contract.

**ARTICLE 48. EFFECTIVE DATE**

The date that this Contract is executed by SBCTA shall be the Effective Date of the Contract.

-----SIGNATURES ARE ON THE FOLLOWING PAGE-----

Attachment: 24-1003088 (10999 : Award Contract No. 24-1003088 with Jacobs Engineering Group, Inc. for EENR Study)



IN WITNESS WHEREOF, the Parties hereto have executed this Contract below.

**JACOBS ENGINEERING GROUP,  
INC. A DELAWARE CORPORATION**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Hany Haroun  
Vice President

By: \_\_\_\_\_  
Ray Marquez  
President, Board of Directors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Justin Johnson  
Secretary

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**CONCURRENCE**

By: \_\_\_\_\_  
Alicia J. Bullock  
Procurement Manager

Date: \_\_\_\_\_

Attachment: 24-1003088 (10999 : Award Contract No. 24-1003088 with Jacobs Engineering Group, Inc. for EENR Study)

# EXHIBIT A

## SCOPE OF WORK

### SBCTA/WRCOG Emergency Evacuation Network Resilience (EENR) Study San Bernardino County Transportation Authority Sustainable Transportation Planning Grant – Climate Adaptation

#### Introduction

The San Bernardino County Transportation Authority (SBCTA) and the Western Riverside Council of Governments (WRCOG) propose to hire an experienced consultant to develop the SBCTA/WRCOG Emergency Evacuation Network Resilience (EENR) Study (Study). This new Study will conduct local-level evacuation compliance assessments (per Senate Bill 99) and a high-level evacuation route capacity, safety, and viability analysis (per Assembly Bill 747) for up to 40 member agencies within SBCTA and WRCOG's jurisdictions.

The new Study builds upon the recently-completed Resilient IE Study ([Resilient IE | WRCOG, CA](#)), previously funded by the 2017 SB 1 Caltrans Climate Adaptation Planning Grant Program. The Resilient IE Study resulted in a Transportation Toolkit that provides data on the risk from climate-related hazards along with tools/resources for developing and implementing climate adaptation and resilience strategies to reduce these risks. The Toolkit specifically addresses the anticipated increasing risks and impacts of climate-related hazards on the inland areas of Southern California.

The EENR Study will provide further planning resources for extreme weather events by focusing on:

- Evacuation planning;
- Identifying communities with inadequate access to transportation options (e.g., determining transit-dependent residents); and
- Planning for increased transportation options in evacuation corridors (e.g., addition of Ebike programs, etc.).

This study is funded through the FY 2023-24 Caltrans Sustainable Transportation Planning Grant Program. Due to project timeline constraints outlined by Caltrans, this study will need to be completed by December 2025. Since the start of this project has been delayed, there is the possibility of requesting an extension from Caltrans.

#### Background

Current projections show that the region will most likely experience some of the most severe climate-induced effects in Southern California. A February 5, 2023 Washington Post article stated, "California's mountain snowpack is the largest it's been in decades, thanks to a barrage of atmospheric rivers in late December into January. The snow is a

boon for the state's water supply but could also pose a flood risk as the season progresses." These impacts, as currently modeled, will exacerbate existing hazards, such as landslides, flooding, and wildfire risks, and are expected to strain the transportation networks and communities of both San Bernardino and Riverside Counties.

To address these anticipated impacts, some agencies in the region have already begun resilience planning efforts. San Bernardino County completed a regional vulnerability assessment for unincorporated areas of the County in 2018, and prepared draft adaptation and resilience strategies to address these vulnerabilities. Similarly, in 2014, WRCOG prepared CAPtivate, a climate action plan for the western Riverside County subregion, which included a vulnerability assessment and adaptation policies. These individual planning efforts by both entities laid the groundwork for the development of this Toolkit, which builds on these existing efforts, as well as other resources prepared by State and regional agencies.

The recently-completed Resilient IE Toolkit specifically focused on the following elements:

- **Section 1, Introduction:** Describes the project background, the preceding planning projects leading up to its inception, its funding sources, and the legal frameworks that have shaped its development.
- **Section 2, Vulnerability Assessment:** Features vulnerability assessments produced for the western Riverside County and San Bernardino County subregions, lists the major findings from the analysis for each region, and explains the methodology used to prepare the vulnerability assessments.
- **Section 3, Evacuation and Transportation Route Hazard Mapping:** Discusses the purpose, approach, and data summary of the Evacuation Route Mapping tool.
- **Section 4, Adaptation Strategies:** Contains regional adaptation strategies to address the major vulnerabilities in the WRCOG and SBCTA subregions and help support a consistent adaptation approach across jurisdictions.
- **Section 5, Climate Resilient Transportation Infrastructure Guidebook:** Summarizes the Guidebook's purpose and its contents and contains a link to electronically access the document.
- **Section 6, Resilience Template:** Contains the model strategies that communities can use as a foundation to build their own adaptation approach. This section also contains the Implementation Handbook, which shows jurisdictions how to incorporate model strategies into their planning documents such as their safety, housing, and environmental justice elements; capital improvement plans; and other relevant local government planning documents that pertain to adaptation and resilience.

As noted earlier, the latest Study (the subject of this application) will build upon the Resilient IE *Section 3, Evacuation and Transportation Route Hazard Mapping*, by conducting local-level evacuation compliance assessments (SB 99) and a high-level evacuation route capacity, safety, and viability analysis (AB 747) for up to 40 member agencies within SBCTA and WRCOG's jurisdictions. **This Study will help vulnerable communities in identifying neighborhoods that lack network redundancy during evacuation scenarios and will help agencies determine how to improve the evacuation network during those events.**

## Disadvantaged Communities

Both San Bernardino and Riverside Counties have a significant number of Disadvantaged Communities (DACs) within their jurisdictions. San Bernardino County is the largest county in the United States by area (20,105 square miles) and the 12th most populous. It contains roughly 2.1 million residents and 630,000 enrolled students across 24 cities/towns and 33 school districts of highly diverse character. A significant proportion of San Bernardino County residents live in community areas considered disadvantaged. Approximately 650,000 county residents and 170,000 students live in locales ranked by the CalEnviroScreen 4.0 as among the top 10% most disadvantaged communities statewide. The County's Community Vital Signs (CVS) initiative measured the proportion of county residents less than 18 years of age living in poverty as 26.1%, slightly higher than the California statewide average of 22.8%. Riverside County has a similar profile, as the 11th-most populous county in the United States.

Riverside County encompasses a total of 7,303 square miles in Southern California. The estimated population of Riverside County is over 2.3 million people, including over 1.7 million people served by the Western Riverside Council of Governments. In multiple census tracts in WRCOG's service area, 70% of residents are identified as low-income. The region is marked by its diverse population, with varied income levels, access issues, transit-dependency, and levels of vulnerability.

Please see attached CalEnviroScreen 4.0 maps.

San Bernardino and Riverside Counties remain two of the fastest growing areas in California and the United States. As fires rage and floods inundate areas of California, causing fatality numbers to rise, we are reminded of the extreme impacts climate change can have on our residents. Low-income and vulnerable populations can suffer the worst in these disasters, experiencing the longest paths to recovery. The proposed project aims to level the playing field among all jurisdictions, and provide the best, easy-to-use, quality information to help achieve resilience in our member agencies .

## Project Stakeholders

As with the Resilient IE project, SBCTA/WRCOG will continue on-going collaboration and partnerships between sectors and jurisdictions, across levels of government at a regional scale. Multiple stakeholders will be involved in the Study planning effort, providing input through quarterly Technical Advisory Committee (TAC) meetings during the 30-month planning process. In addition to Caltrans and the SBCTA/WRCOG local member cities, project stakeholders will include the following:

- **Southern California Association of Governments (SCAG);**
- **San Bernardino County Fire Chiefs' Association (SBCFCA).** A consortium of fire departments that collaborate together regularly to discuss local issues and strategies;

- **Riverside County Emergency Management Healthcare Coalition (REMHCC).** A network of government and emergency management agencies, healthcare organizations and other providers to strengthen emergency preparedness, response, and recovery;
- **Three transit operators.** Omnitrans, Riverside Transit Authority (RTA), and Victorville Transportation Authority (VVTA);
- **Riverside University Health System (RUHS);**
- **San Bernardino County Department of Public Health (DPH);**
- **Inland Southern California Climate Collaborative (ISC3).** A diverse, cross-sectoral network of agencies, organizations, companies, and institutions working together to advance equitable solutions to create a resilient and thriving Inland Southern California in the face of climate change (SBCTA reviewed the planning project with ISC3 on February 24, 2023 and confirmed their support verbally); and
- **California Highway Patrol (CHP) – Inland Empire.**

The quarterly meetings will be held for the member cities within the San Bernardino and Riverside Counties as well as the TAC and other interested stakeholders. Virtual breakout rooms will be used to engage stakeholders at a more personal level. Project updates will also be posted on the SBCTA and WRCOG websites and social media to encourage additional input. Community engagement advertising materials will be bi-lingual in English and Spanish, which will help to engage hard-to-reach populations. However, not everyone has access to these platforms, so SBCTA/WRCOG will also consider in-person meetings at selected jurisdictions to ensure that a better representation of disadvantaged community input is obtained.

As mentioned previously, an experienced consultant will be hired to guide the comprehensive planning process. The consultant will be involved with the following activities:

- **Task 1 – Technical Advisory Committee/Stakeholder and Public Outreach.** Confirm advisory groups; Schedule and host meetings; Host webinars with cities, stakeholders, and public; Provide project updates on SBCTA/WRCOG websites and social media.
- **Task 2 - Network Resiliency Assessment.** Review and assess conditions affecting the 41 jurisdictions on a sub-regional level (e.g., transportation facilities in several jurisdictions might be affected by similar climate change affects). The consultant will focus on Network Identification, Preliminary Design and Cost Estimates, and Funding Strategies.
- **Task 3 – Additional Infrastructure Resiliency Assessment.** Create a roadmap for other resiliency/climate adaptation factors that should be considered moving forward such as electrification network resiliency, transit shelter evaluation, and vehicle redundancy assessment.
- **Task 4 - Draft and Final Plan Review and Adoption.** Present draft plan to the advisory groups and other stakeholders; Incorporate edits and present second version to the two advisory groups and stakeholders; Post to websites for feedback; Incorporate final edits into Plan.

- **Task 5 - Board Review/Approval.** The consultant will present the Draft Plan to the advisory groups, stakeholders, and the public for feedback. Upon approval, the consultant will present to the SBCTA and WRCOG Boards for final adoption.

More detail is provided in the Summary of Project Task section below.

## Overall Project Objectives

Identification of transportation system vulnerabilities and climate-related risks to existing transportation infrastructure is paramount to SBCTA/WRCOG. The overarching goal of this Study is to provide planning actions at local and sub-regional levels to advance climate change adaptation efforts on the transportation system, especially in vulnerable communities.

A variety of events can require an evacuation within areas of the San Bernardino and Riverside Counties. These events could be caused by nature, including wildfires, floods, geological or seismic events; while others can be caused by human initiated events such as utility failures, infrastructure failures or other factors (such as riots, and airplane or vehicular crashes). With climate change increasing drought conditions and weather events throughout the state, it is prudent to review the capacity of the evacuation system (e.g., capacity of the evacuation roadways) to assist with planning for these events. Additionally, recent events like the Camp Fire in Paradise, California, reinforce the notion to better prepare for rapid evacuations during these types of events.

This proposed Study will:

- Help local agencies to identify the most vulnerable communities where evacuations would occur (e.g., those with the least amount of redundant access and those areas furthest from evacuation centers);
- Determine the amount of time needed to facilitate an evacuation; and
- Develop strategies to improve emergency egress during these events, helping to promote sustainability and resilience for even the most vulnerable residents.

This Study provides a detailed look at the evacuation system and focuses on estimating the time needed to evacuate. The results are intended to provide information to help inform jurisdictions (especially related to network redundancy and connectivity) in addition to meeting the requirements associated with two recent legislative bills:



- **Senate Bill 99 (2019) - Residential Developments and Evacuation Routes.** SB 99



requires city or county governments to identify in their safety element residential developments that do not have at least two emergency evacuation routes. This requirement applies when jurisdictions next update their housing element.<sup>1</sup> The 2018 wildfire season eclipsed 2017 as the most destructive and deadliest year for wildfires in California. The Mendocino Complex Fire alone burned 459,123 acres to become the largest fire in California history. Even more devastating, the Camp Fire in November 2018 became California's most destructive and deadliest wildfire, which decimated the Town of Paradise, killing 86 people and destroying nearly 19,000 structures. One reason the Camp Fire was so deadly was that the Town of Paradise lacked adequate evacuation routes to simultaneously allow residents to leave and public safety personnel to enter. Modern development practices require adequate ingress and egress to new developments, but existing developments that weren't built to those standards occur throughout the state. SB 99 ensures that cities and counties identify residential developments in any hazard area, including fire hazard severity zones, that lack this basic safety precaution in their general plans.

- **Assembly Bill 747 (2019) - Evacuation Route Capacity and Safety.** AB 747 requires jurisdictions to identify evacuation routes and their capacity, safety, and viability under various emergency scenarios in the jurisdiction's safety element. The bill states that this must occur with the next update to a jurisdiction's Local Hazard Mitigation Plan (LHMP) (or safety element if the jurisdiction does not have an LHMP) beginning January 1, 2022. The jurisdiction may use its LHMP or emergency operations plan to comply with this law by incorporating descriptions of the evacuation routes' capacity, safety, and viability into those documents, provided that the jurisdiction's safety element references the document.<sup>2</sup>

Again, the Town of Paradise provides a tragic example of the importance of evacuation route capacity. In 2015, Skyway Boulevard, one of the main outbound roads, underwent lane reduction from a four to two lane road. During the Camp Fire, residents were forced to evacuate southbound via Skyway Boulevard. By 10am that day, evacuees were forced to abandon their vehicles and proceed on foot. The 2018 Camp Fire resulted in 86 civilian casualties; the deadliest in California history. AB 747 will help save lives by requiring local governments to preemptively plan their



<sup>1</sup> Full text of SB 99 (2019): [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB99](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB99)

<sup>2</sup> Full text of AB 747 (2019): [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB747](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB747)

evacuation route capacity needs under a range of emergency scenarios.

There are two areas that SBCTA/WRCOG would like to explore as part of this effort: 1) identify areas in the two Counties where the transportation network needs redundancy improvements to improve resilience; and 2) examine how to make the transportation system more resilient by adding infrastructure to adapt to climate change in the future.

The key considerations for SBCTA/WRCOG when reviewing network redundancy improvements to enhance resiliency are:

- Redundancy in the network in case of primary network failure;
- Improved emergency access during evacuations; and
- Identification of existing facilities that may be used for bikeways or flood control channels that could be upgraded to assist during evacuation events.

The key considerations related to adapting the transportation infrastructure to be more resilient are:

- Resiliency in the electrification of the network (remote solar facilities, decentralized/microgrid charging, etc.);
- Evaluation of transit shelters (e.g., shade) for transit stops;
- Other improvements at key stations and major bus stops including misters, additional water stations, restrooms, shade, permeable pavement, air conditioning, and other treatments to assist with adaptation towards climate change;
- Vehicle redundancy assessment – e.g., can programs be set up to provide bikes to populations that do not have access to vehicles or could benefit from additional access to vehicle speeds? and
- Landscaping/tree planting programs to improve air quality, cooling, and other factors.

This Study is consistent with multiple state and regional plans including:

- **Caltrans 2020-2024 Strategic Plan** as the Study aims to “Strengthen our capability to withstand and recover from the impacts from climate change” by engaging the most vulnerable communities to inform development and implementation of Climate Action activities.
- **California Transportation Plan (CTP) 2050**, Goal 2 “Preserve the Multimodal Transportation System,” and Policy 3 “Adapt the transportation system to reduce impacts from climate change.”
- **2021 California State Adaptation Strategy** as this project will help improve resilience, which is a state of readiness to face climate risks, within disadvantaged and vulnerable communities.
- **Connect SoCal 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)**, especially as it pertains to climate adaptation and resilience of the transportation network.



## Summary of Project Tasks

### Task 01: Project Administration

Upon project award, SBCTA, along with our partner, WRCOG, will coordinate a project kick-off meeting with Caltrans to discuss grant procedures and project expectations including invoicing, quarterly reporting and all other relevant project information including scope, consultant type, and stakeholders. SBCTA will highlight and determine scope refinements.

As the project progresses, SBCTA will prepare and submit invoice packages, quarterly reports, and a final close-out report in accordance with Caltrans' requirements. Invoice packages and reports will be based upon completion of project phases as identified in the grant contract and include project expenditures to-date.

Task Deliverables
Project kick-off meeting at the start of the program with Caltrans and SBCTA; Invoicing and quarterly reporting to Caltrans

### Task 02: Consultant Procurement

SBCTA will procure an experienced consultant, consistent with state and federal requirements, Local Assistance Procedures Manual for procuring non-Architectural and Engineering Consultants, the Grant Application Guide, Regional Planning Handbook, and the executed grant contract between Caltrans and SBCTA.

SBCTA/WRCOG will develop a preliminary scope of work and initial Request for Proposal (RFP) for Caltrans' Review. SBCTA will then refine RFP and gain approval from SBCTA and WRCOG Board of Directors and Caltrans.

SBCTA, WRCOG and Caltrans will review and determine most qualified consultant, with SBCTA awarding contract to selected consultant.

A project kick-off meeting will be scheduled with consultant and stakeholders to discuss proposed plan, and establish tasks and timeline in accordance with Caltrans grant requirements. Consultant will finalize outline of action plan for SBCTA staff approval.

### Task Deliverables

- Meeting agenda, participant list, meeting notes, list of action items;
- Draft Scope of Work and Request for Proposal (RFP);
- Final RFP;
- Review and ranking of qualifications by SBCTA staff/Caltrans;
- Executed consultant contract;
- Meeting agenda, participant list, meeting notes, list of action items and action plan.

### Task 1: Technical Advisory Committee, Stakeholder and Public Outreach

SBCTA, WRCOG and the consultant will confirm advisory group participation from stakeholders, plus any planning staff and other community-based organizations (CBOs) from vulnerable communities. Two groups will be confirmed: 1) a Core Technical Working Group; and 2) a larger Stakeholder Group that may include targeted under-served cities, the County, Emergency Responders, and other high-level stakeholders. This Stakeholder Group will be involved in the decision-making process from the start - ensuring that the process used to develop the plan and resulting priorities/projects are created and implemented in such a way that give legitimate decision-making power to the most impacted, under-served communities. SBCTA/WRCOG/Consultant will then schedule and host **8-10 quarterly advisory group meetings**. Separately, SBCTA/WRCOG/Consultant will advertise and host **six interactive (or in-person) workshops with jurisdictions, stakeholders and interested public** to provide informational updates and solicit input. SBCTA/WRCOG/Consultant will also provide regular project updates on the SBCTA website and social media. SBCTA will also solicit commentary from viewers on various elements of the project.

Engagement of **disadvantaged communities** will be a key part of the outreach. The consultant will specifically reach out to key stakeholders to determine if certain under-served communities would benefit from this planning effort. The consultant can then provide a summary of existing community feedback to the Stakeholder Group to ground-truth and ensure community priorities are fully captured.

SBCTA is committed to engaging with tribal communities within San Bernardino and Western Riverside counties and will also be a key part of the outreach. SBCTA will leverage existing contacts with tribal communities to solicit input on the project and obtain feedback.

Moving forward, quarterly meetings will be held for all 45 member agencies within the San Bernardino and Riverside Counties as well as the Technical Advisory Committee and other interested stakeholders. Virtual breakout rooms will be used to engage stakeholders at a more personal level. Project updates will also be posted on the SBCTA and WRCOG websites and social media to encourage additional input. Community engagement materials will be in English and Spanish, which will help to engage hard-

to-reach populations. The engagement strategy will be discussed at the very outset of the project, documented in an Outreach Plan, and integrated with the technical work.

### Task Deliverables

- Confirmed list of core technical group and larger stakeholder group members;
- Outreach plan;
- Meeting agendas, participant lists, comments, summaries;
- Webinar meeting schedule, agendas, participant lists (including DAC participation), and follow-up comments from stakeholders and public;
- Examples of advertising materials; printouts of website and social media posting and any commentary; and meeting recordings.

### Task 2: Network Resiliency Assessment

The consultant will review and assess conditions affecting the 41 jurisdictions on a sub-regional level (e.g., transportation facilities in several jurisdictions might be affected by similar climate change affects). The consultant will focus on the following key areas:

**Network Identification. This activity will focus on efforts to assist in identifying locations where the network may be vulnerable. The consultant will conduct the following activities:**

- **Outreach to Emergency Responders.** This effort will include up to four meetings with the CHP, CalFire, Caltrans, and/or local emergency responders to identify key congestion areas that have occurred during an emergency event. This could include collisions on the network, closure of the network due to infrastructure failure, or due to emergency evacuation events. Notes will be taken during the meeting and the specific locations and specifics of the event will be mapped.
- **Congestion Identification.** Areas where congestion occur may be an indication of areas where redundant network may not be available. As such, SBCTA's ClearGuide speed monitoring will be reviewed to identify areas of the network that are currently congested. These will be mapped accordingly.
- **Network Analysis.** As part of this effort, the consultant will review the evacuation network developed as part of the Resilient IE process and will complete a network analysis to identify the density of the transportation network. The network density assessment will measure intersection density, which will assist in identifying areas that may lack redundancy (e.g., areas with less network density likely will have limited accessibility in the case of an evacuation). Additionally, the consultant will complete a network assessment for each of SBCTA's and WRCOG's agencies to look at the distance each neighborhood would have to travel during an evacuation event (note, neighborhoods could generally be tied to traffic analysis zones (TAZs) within SBTAM and RIVCOM). This could be completed by looking at the distance from TAZ centroid to the externalities of the jurisdiction, which will identify areas where network redundancy is limited and the distance to exit the

City would be greater. The consultant will work with SBCTA/WRCOG to review any other potential network analyst assessments that may review redundancies in the network.

- **Emergency Response Time Assessment.** The consultant will work with SBCTA/WRCOG and emergency responders to identify emergency dispatch locations and determine how long it will take to access neighborhoods. For this effort, neighborhoods can generally be represented by TAZs, and the centroid can be the geography for representing the center of the neighborhood. The goal would be to identify distance to access these neighborhoods. Additionally, time estimates should be developed using peak period congested speeds from SBTAM and RIVCOM on the major networks and combined with posted speeds on the local system to estimate response times to the neighborhoods. The consultant will identify key neighborhoods in each agency that have longer than average response times and identify potential measures to improve that accessibility.
- **AB 747/AB 1409 Assessment.** The consultant will develop a tool to evaluate AB 747/AB 1409 for member agencies. Specifically, the tool will estimate trip tables for emergency evacuation and utilize emergency evacuation departure distribution estimates from other national studies to estimate evacuation behavior. Once these estimates are created, the consultant will combine the SBCTA and WRCOG regions together and complete a Dynamic Traffic Assignment (DTA) to estimate evacuation time estimates (ETEs). The consultant shall estimate ETE's for ten total regions as part of this effort and will evaluate up-to three emergency events per region.
- **Firesafe Accessibility Assessment.** The consultant will review consistency with the State's firesafe requirements. These will include any available mapping showing roadway widths and identification of roadways serving low density parcels that exceed the maximum allowable lengths based on the CalFire standards.

The final locations will be mapped and presented to the local agencies and SBCTA/WRCOG during a workshop (likely at a TAC meeting). Once input is received on the identified locations, the list will be finalized for improvement/access enhancements.

**Improvement Identification.** The consultant will identify key improvements that address the redundancy/resiliency constraints identified earlier in this task. Since the number of locations identified is not yet known, this task will assume that up to 40 distinct improvement projects will be identified to address the noted constraints. Improvements should address the key constraints identified (e.g., network redundancy, improved access, better emergency access, etc.).

**Project List Prioritization.** The consultant will work with SBCTA/WRCOG to identify preliminary ranking criteria that can be applied to each identified project to assist in project prioritization. The ranking criteria will be discussed in a working group session with

**SBCTA/WRCOG staff and appropriate stakeholders. After the ranking criteria is identified, each project will be evaluated, and an initial priority list will be identified.**

The consultant will meet again with SBCTA/WRCOG during a workshop setting (likely a committee meeting) to present the project ranking results and refine the priority based on that input.

**Cost Estimates/Project Constraint Refinement.** The consultant will complete a review of the 20 top-ranked projects derived from the earlier subtasks. This review will include conceptual project designs that would be sufficient enough to identify any key project constraints (e.g., agency coordination requirements, potential geometric constraints, right of way concerns, and/or potential environmental constraints) and would be sufficient to complete a planning-level cost estimate for those projects. The cost estimates will be sufficient enough to support grant applications for the implementation of those projects.

**Funding Strategies and Documentation.** The consultant will work with SBCTA/WRCOG and their grant writing experts to discuss potential funding strategies for these projects. Additionally, the consultant shall summarize the results of the previous activities into a project deliverable for SBCTA/WRCOG. Consultant shall work with SBCTA/WRCOG on the format for the deliverable, as it may take the form of a storymap or a traditional report deliverable. However, each of the top ranked projects will have a cut-sheet associated with it that summarizes the key aspects of the project that SBCTA can use in their pursuit of grant funding.

Task Deliverables
<ul style="list-style-type: none"> <li>• Report (or storymap) summarizing network locations, recommended improvements, priority projects, cost estimates, conceptual project designs, and funding strategies.</li> <li>• Cuts sheets of top-ranked projects</li> </ul>



### **Task 3: Additional Infrastructure Resiliency Assessment**

The consultant will work with SBCTA/WRCOG to create a roadmap for other resiliency/climate adaptation factors that should be considered moving forward.

**Network Electrification Resiliency.** The main focus of this task will be forward looking – recognizing the demands on the electrical network will increase with electrification of the passenger car and transit fleet and planning for redundancy in the charging network to improve resiliency of that network (especially in the case of a natural disaster when the electrical network could be compromised). Since this task will require significant coordination between SBCTA/WRCOG and multiple utility providers, a detailed review of this scale is outside the scope of this specific project. However, as part of this effort, the consultant will identify a framework of factors that SBCTA/WRCOG should consider in coordinating with these agencies (and potentially address those concerns as part of a subsequent effort). Key considerations should include identification of high demand



areas that are critical to the success of the transportation network (such as future charging locations for the Redlands Passenger Rail Service if/when that network becomes electrified and/or coordination related to where buses and/or Metrolink trains could be charged in the future). Additionally, the consultant will identify high-demand electrical vehicle charging areas where redundancy should be considered. Finally, there may be efficiencies in coordinating with the WRCOG/SBCTA/ Inland Regional Energy Network (I-REN) effort to assist with utility coordination and maximize efficiencies. Strategies that the consultant may identify to improve resiliency could include remote solar facilities, decentralized/microgrid charging, etc. Ultimately, the goal of this task is to develop a framework for future consideration/coordination with the utility providers and identify areas of focus for SBCTA/WRCOG.

**Transit Shelter Evaluation.** This activity includes working with SBCTA/WRCOG, Omnitrans, VVAT, RTA, and other transit providers to inventory their existing bus stops and identify areas where shelter improvements would better serve their users. Specifically, as climate change continues to increase temperatures and make weather patterns less predictable, enhancing transit shelter to address these concerns will be critical to serve transit users. The consultant will map out all transit stops and obtain stop amenity information. Key considerations moving forward will be developed by the consultant, including identification of locations where shelter improvements would be helpful. Additionally, the consultant will develop recommendations related to levels of infrastructure improvements that should be considered (e.g., shelters, benches, misters, water stations, additional shade, potential air conditioning, etc.). The consultant will summarize the recommendations and provide them to the stakeholders for consideration. Additionally, unit cost estimates for each treatment will be developed to assist in quantifying the level of improvements recommended at each location.

**Vehicle Redundancy Assessment.** The consultant will identify areas of the County where vehicle access is problematic and where emergency accessibility is challenging. Overlaying this information can identify populations where improved access to vehicles can be helpful from an evacuation/mobility perspective. Once these areas are identified, the consultant will outline a program framework where SBCTA/WRCOG can solicit funding for an eBike program that could be considered in the future, including estimates of total funding for the program. In this instance, access to an eBike can achieve similar evacuation and mobility speeds as an automobile but are more consistent with state environmental goals.

Task Deliverables
<ul style="list-style-type: none"> <li>• Framework of network electrification resiliency factors;</li> <li>• Inventory of existing transit shelters and recommendations for climate adaptation improvement;</li> <li>• Area assessment of vehicle redundancy and recommendations.</li> </ul>

**Task 4: Draft and Final Studies**

Data and learning from the above Network Resiliency Assessment and that of additional Infrastructure Resiliency will be compiled into draft and final Studies.

The Studies may be drafted in an “eStudy” format. For SBCTA/WRCOG, an eStudy is similar to a standalone website, where the contents of the Plan can be viewed using an array of digital devices and follows design standards so that Studies’ content is visually appealing, interactive, and meets web accessibility requirements (WCAG 2.0).

However, it is also expected that the Final Studies will also be available in PDF format.

<b>Task Deliverables</b>
<ul style="list-style-type: none"> <li>• Draft Studies;</li> <li>• Technical Appendices</li> </ul>

### **Task 5: Board Review/Approval**

The consultant will present the Draft Studies to the advisory groups, stakeholders, and the public. Upon feedback, the consultant will incorporate edits and present a second version to the advisory groups and stakeholders. Once edits are incorporated, SBCTA/WRCOG/consultant will post the Studies to the SBCTA and WRCOG websites for 30-60 days for feedback. Upon receipt of all commentary, consultant will incorporate final edits and present to SBCTA/WRCOG Boards for final adoption.

### **Next Steps**

Once the Studies are complete and adopted, SBCTA and WRCOG will notify lead agencies regarding next steps for prioritized projects. In some cases, the lead will be SBCTA or WRCOG. Transit agencies will be responsible for others, and local jurisdictions still others. Some of the progress will be dependent upon competitive funding from the state, and potential funding sources will be identified. The goal will be to start implementing evacuation strategies that help protect the lives of residents in the most disadvantaged neighborhoods as well as for all residents.

<b>Task Deliverables</b>
<ul style="list-style-type: none"> <li>• Draft Studies/e-Studies;</li> <li>• Public Review – list of comments;</li> <li>• Final Studies (published) that include a summary of next steps towards implementation, credits Caltrans on the cover or title page, submitted to Caltrans in an ADA accessible electronic copy;</li> <li>• Board Agendas, presentation materials, meeting minutes with Board acceptance/approval.</li> </ul>



## EXHIBIT B Price Proposal for Time and Materials

RFP No. 24-1003088

Jacobs Engineering Group Inc.

## Key Personnel

Name	Classification/Title	Job Function	Hourly Rate	Hours	Total
Loren Bloomberg	Project Manager	Project Management	\$ 327.22	226	\$ 73,951.72
Hany Haroun	Principal	Oversight	\$ 406.26	10	\$ 4,062.60
John Khoury	Senior Transportation Engineer	QC and Project Delivery	\$ 252.31	107	\$ 26,997.17
Seth Torma	Principal Planner	Transportation Planning	\$ 336.85	78	\$ 26,274.30
Marionne Lapitan	Engineer	Project Delivery Support	\$ 126.99	349	\$ 44,319.51
Aimee Flannery	Senior Planner	Community Resilience	\$ 269.85	104	\$ 28,064.40
Alvin Marquess	Senior Planner	Evacuation Planning	\$ 200.94	60	\$ 12,056.40
John Kerenyi	Senior ITS Engineer	Policy & Procedures	\$ 247.24	110	\$ 27,196.40
Brian Peck	Planner	GIS Modeling	\$ 116.90	179	\$ 20,925.10
Tapash Das	Global Resilience Lead	Natural Disaster Risk	\$ 236.47	29	\$ 6,857.63
Armin Munevar	Principal Engineer	Natural Disaster Risk	\$ 281.43	19	\$ 5,347.17
Sajeev Keecheril	Senior Traffic Engineer	Design Ops & Safety	\$ 213.99	64	\$ 13,695.36
Julie Froelich	Senior Planner	Environmental Planning	\$ 225.64	49	\$ 11,056.36
Emily Duchon	Senior Planner	Vehicle Redundancy	\$ 260.34	37	\$ 9,632.58
Charu Kukreja	Senior Planner	Vehicle Redundancy	\$ 209.91	37	\$ 7,766.67
Brian Burkhard	Global Mobility Systems Engineer	Network Electrification	\$ 319.79	36	\$ 11,512.44
Natasha Walia	Senior ITS Engineer	Network Electrification	\$ 207.20	40	\$ 8,288.00
Dave Schumacher	Senior Planner	Transit Shelter Evacuation	\$ 252.44	49	\$ 12,369.56
Ryan Zatlin	Planner	Transit Shelter Evacuation	\$ 146.24	161	\$ 23,544.64
Reina Sawyer	Project Controls	Project Controls	\$ 127.57	23	\$ 2,934.11
<b>TOTAL</b>					\$ 376,852.12

## Other Direct Cost Schedule (ODC)

All ODC's are to be proposed at cost-without mark-ups.

Type of ODC	Unit Cost	Estimated Budget Amount
The Greenway Group	\$ 51,330.00	\$ 51,330.00
VRPA	\$ 36,450.00	\$ 36,450.00
Cambridge Systematics	\$201,390.00	\$ 201,390.00
<b>TOTAL</b>		\$ 289,170.00

## Option Year 1 (Separate page with breakdown should be attached if needed)

Year	Amount	
FY 25/26	\$ 542,888.77	
<b>TOTAL</b>		\$ 542,888.77

<b>GRAND TOTAL</b>	\$ 1,208,910.89
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## EXHIBIT B Price Proposal for Time and Materials

RFP No. 24-1003088

Jacobs Engineering Group Inc.

## Key Personnel\*

Name	Classification/Title	Job Function	Hourly Rate	Hours	Total
Loren Bloomberg	Project Manager	Project Management	\$ 329.35	188	\$ 61,917.80
Hany Haroun	Principal	Oversight	\$ 406.26	10	\$ 4,062.60
John Khoury	Senior Transportation Engineer	QC and Project Delivery	\$ 252.95	100	\$ 25,295.00
Seth Torma	Principal Planner	Transportation Planning	\$ 337.68	73	\$ 24,650.64
Marionne Lapitan	Engineer	Project Delivery Support	\$ 127.37	322	\$ 41,013.14
Aimee Flannery	Senior Planner	Community Resilience	\$ 270.25	100	\$ 27,025.00
Alvin Marquess	Senior Planner	Evacuation Planning	\$ 200.94	60	\$ 12,056.40
John Kerenyi	Senior ITS Engineer	Policy & Procedures	\$ 247.85	103	\$ 25,528.55
Brian Peck	Planner	GIS Modeling	\$ 117.15	169	\$ 19,798.35
Tapash Das	Global Resilience Lead	Natural Disaster Risk	\$ 236.78	28	\$ 6,629.84
Armin Munevar	Principal Engineer	Natural Disaster Risk	\$ 282.00	18	\$ 5,076.00
Sajeev Keecheril	Senior Traffic Engineer	Design Ops & Safety	\$ 213.99	64	\$ 13,695.36
Julie Froelich	Senior Planner	Environmental Planning	\$ 226.17	46	\$ 10,403.82
Emily Duchon	Senior Planner	Vehicle Redundancy	\$ 260.61	36	\$ 9,381.96
Charu Kukreja	Senior Planner	Vehicle Redundancy	\$ 210.13	36	\$ 7,564.68
Brian Burkhard	Global Mobility Systems Engineer	Network Electrification	\$ 319.79	36	\$ 11,512.44
Natasha Walia	Senior ITS Engineer	Network Electrification	\$ 207.20	40	\$ 8,288.00
Dave Schumacher	Senior Planner	Transit Shelter Evacuation	\$ 252.84	47	\$ 11,883.48
Ryan Zatlin	Planner	Transit Shelter Evacuation	\$ 146.59	151	\$ 22,135.09
Reina Sawyer	Project Controls	Project Controls	\$ 128.86	17	\$ 2,190.62
<b>TOTAL</b>					<b>\$ 350,108.77</b>

## Other Direct Cost Schedule (ODC)

All ODC's are to be proposed at cost-without mark-ups.

Type of ODC	Unit Cost	Estimated Budget Amount
The Greenway Group	\$ 34,220.00	\$ 34,220.00
VRPA	\$ 24,300.00	\$ 24,300.00
Cambridge Systematics	\$ 134,260.00	\$ 134,260.00
<b>TOTAL</b>		<b>\$ 192,780.00</b>

<b>TOTAL</b>	<b>\$ 542,888.77</b>
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**Exhibit C  
SBCOG AND WRCOG List of Entities**

**San Bernardino Council of Governments (SBCOG) List of Entities**

City of Adelanto  
 Town of Apple Valley  
 City of Barstow  
 City of Big Bear Lake  
 City of Chino  
 City of Chino Hills  
 City of Colton  
 City of Fontana  
 City of Grand Terrace  
 City of Hesperia  
 City of Highland  
 City of Loma Linda  
 City of Montclair  
 City of Needles  
 City of Ontario  
 City of Rancho Cucamonga  
 City of Redlands  
 City of Rialto  
 City of San Bernardino  
 County of San Bernardino  
 City of Twentynine Palms  
 City of Upland  
 City of Victorville  
 City of Yucaipa  
 Town of Yucca Valley

## Western Riverside Council of Governments (WRCOG) List of Entities

City of Banning  
 City of Beaumont  
 City of Calimesa  
 City of Canyon Lake  
 City of Corona  
 City of Eastvale  
 City of Hemet  
 City of Jurupa Valley  
 City of Lake Elsinore  
 City of Menifee  
 City of Moreno Valley  
 City of Murrieta  
 City of Norco  
 City of Perris  
 City of Riverside  
 City of San Jacinto  
 City of Temecula  
 City of Wildomar  
 County of Riverside  
 Eastern Municipal Water District  
 Western Water  
 Riverside County Superintendent of Schools

## *Minute Action*

AGENDA ITEM: 12

***Date: November 6, 2024***

***Subject:***

Climate Pollution Reduction Grant Program Update and Goods Movement Charging Facilities

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG):

A. Receive and file a report on the progress of the Environmental Protection Agency's Climate Pollution Reduction Grants planning and infrastructure programs.

B. ~~Provide direction to staff on SBCOG's participation in the development and construction of zero emission goods movement medium and heavy duty charging facilities in San Bernardino County.~~ **Direct staff to proceed with the candidate principles listed in the background section of this agenda item, and at the request of the General Policy Committee, be aggressive with grant funding programs.**

***Background:***

The Climate Pollution Reduction Grants (CPRG) planning program provides grants to states, local governments, tribes, and territories to develop and implement plans for reducing greenhouse gas (GHG) emissions and other harmful air pollution. Section 60114 of the Inflation Reduction Act provides an investment of \$5 billion to support efforts by states and municipalities thereof to develop and implement local GHG reduction strategies. This two-staged grant program provides funding of \$250 million for noncompetitive planning grants and \$4.6 billion for competitive implementation grants. Planning grant funds can be used to update existing climate, energy, or sustainability plans.

The Environmental Protection Agency (EPA) is committed to supporting the development of climate action plans and the expeditious implementation of investment-ready policies, programs, and projects to reduce GHG emissions in the near term. Through the CPRG program, the EPA will support the development and deployment of technologies and solutions that will reduce GHGs and harmful air pollution, as well as transition America to a clean energy economy that benefits all Americans.

On July 5, 2023, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) authorized the Executive Director, or his designee, to execute a future Restricted Grant Agreement between SBCTA and the EPA for a not-to-exceed amount of \$1 million for the development of a regional Climate Action Plan (CAP) for the Riverside-San Bernardino-Ontario Metropolitan Statistical Area (MSA). To expeditiously accommodate the new grant funding and begin work on the project with a very tight deadline for phase I, SBCTA prepared a CPRG Work Plan and schedule with the EPA to outline how the \$1 million would be expended. On December 6, 2023, and February 7, 2024, the SBCTA/SBCOG staff provided a presentation to the Board on the progress of the CPRG planning program. The Board also approved staff to be the lead agency on the CPRG implementation application to be submitted to the EPA in April.

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

Subsequently, staff submitted a \$200 million CPRG Implementation Grant Application in April 2024 that included residential and municipal building decarbonization and light-duty zero emission vehicle (ZEV) charging programs. Although staff was notified in July that the proposal was not selected for funding, they did hear from the South Coast Air Quality Management District (SCAQMD) that the regional grant application associated with goods movement GHG reduction measures was awarded \$500 million. SBCTA staff worked closely with SCAQMD staff on the grant application and will continue to work with SCAQMD staff on implementing projects associated with the medium and heavy-duty truck ZEV charging facilities in the Inland Empire region. (See attached factsheet on SCAQMD's CPRG Grant Application)

The SCAQMD application included programs and projects intended to provide support to all four counties by offering a program intended to have the most impact on GHG reduction measures in the goods movement industry and achieve the goals of the CPRG program. The grant focuses on incentives to deploy zero-emission, battery electric goods movement technologies in four measures (hydrogen excluded):

- Switcher locomotives and infrastructure
- Class 8 trucks and infrastructure
- Cargo handling equipment and infrastructure
- Last-mile freight delivery for medium-duty vehicles and infrastructure

SCAQMD is negotiating with the EPA to execute a grant agreement and plans to release a project-level Request for Proposals (RFP) soon after. SBCTA/SBCOG staff is leading the program development process with SCAQMD on behalf of the Inland Empire region in partnership with the Western Riverside Council of Governments (WRCOG), Coachella Valley Association of Governments (CVAG), Mojave Desert Air Quality Management District, and Southern California Association of Governments (SCAG).

### **Inland Empire (Riverside-San Bernardino-Ontario) MSA Progress Report**

The Priority CAP (PCAP) section of the CPRG planning document provides a comprehensive summary of GHG reduction measures for the Riverside-San Bernardino-Ontario MSA, comprised of 54 jurisdictions in San Bernardino and Riverside Counties that are affiliated with the three Councils of Governments (COGs). The GHG reduction measures are organized into two main sections:

- Priority Regional Measures that represent the entire MSA that have broad applicability to the region and suitability for the CPRG's Implementation Grant Application.
- Additional measures that represent the full range of GHG reduction measures in each COG's existing CAPs that have been adopted or drafted by the COGs themselves (regional CAPs) or by individual jurisdictions (local CAPs).

In total, the PCAP's GHG reduction measures cover 25 jurisdictions in San Bernardino County and 29 jurisdictions in Riverside County. The development of the PCAP was completed in March 2024 and was approved by the EPA in the same month. As soon as PCAP was completed for the region, staff began work on the development of Comprehensive Climate Action Plan GHG inventories for San Bernardino (SBCOG), Western Riverside (WRCOG), and Coachella Valley (CVAG) regions that include the following sectors: energy (buildings and stationary

sources), transportation (on-road and off-road vehicles), water, waste, wastewater, and agriculture.

### **SBCTA/SBCOG CPRG Timeline and Next Steps**

The timeline of SBCTA/SBCOG involvement thus far has been:

- On July 5, 2023, the Board authorized the Executive Director to approve grant terms and conditions between SBCTA and the EPA for receipt of an amount not-to-exceed \$1 million. It was agreed that SBCTA would serve as the lead agency for the development of the PCAP, collaborating with WRCOG, CVAG, the air districts, and SCAG. California Air Resources Board (CARB) was taking the lead at the state level.
- July 20, 2023 – The \$1 million planning grant was awarded to SBCTA as lead for the Riverside-San Bernardino-Ontario MSA by EPA.
- September 20, 2023 - EPA Notice of Funding Opportunity on CPRG Implementation grants issued.
- October 6, 2023 – Kickoff meeting with the consultant and participating stakeholder agencies, with frequent meetings between the staff of the three COGs since that time.
- October 25, 2023 – Kickoff meeting with the SBCTA/SBCOG jurisdictions at the October Planning and Development Technical Forum.
- November 1, 2023 – An email update was sent to the SBCOG Inland Regional Energy Network (I-REN) Executive Committee members regarding the special November 21, 2023 I-REN Executive Committee meeting to discuss this item.
- November 21, 2023 – CPRG presentation at the I-REN Executive Committee meeting on the potential for using the current I-REN structure for the CPRG implementation grant.
- December 6, 2023 – Staff provided an update of the CPRG Planning and Implementation Grant programs. A discussion of CPRG strategy with the SBCTA/SBCOG Board occurred and the Board authorized SBCTA/SBCOG staff to take the lead on the CPRG Implementation Grant program application.
- February 7, 2024 – Staff presentation on CPRG PCAP planning document and discussion of CPRG strategy of Priority Reduction Measures for the grant application.
- March 1, 2024 – SBCTA/SBCOG submitted the CPRG PCAP document to EPA.
- March 5, 2024 – EPA approved SBCTA/SBCOG CPRG PCAP document.
- April 1, 2024 – SBCTA/SBCOG submitted CPRG Implementation Grant Application to EPA.
- July 19, 2024 – SBCTA was informed of its non-selection of the implementation grant.
- July 22, 2024 – SCAQMD informed SBCTA of its implementation grant award announcement.
- November 2024 – SCAQMD is expected to sign a grant agreement with EPA and have a workforce development and community outreach plan completed in the first or second

quarter of 2025. An RFP for individual projects will be released soon after the two planning components are approved by EPA.

### **SBCTA/SBCOG's Role in CPRG Implementation Projects and Other Goods Movement Related Implementation Projects**

On April 4, 2024, SBCTA staff brought a discussion item to the Board to receive direction on the role of SBCOG in the implementation of residential decarbonization grant programs. Although the conversation between Board members revolved around SBCOG's staffing capacity to take on energy-related residential programs, the consensus to take on more opportunity for outside funding versus limiting the risk to the agency was clear. Most of the Board members were on the side of being aggressive about grant opportunities but having a larger role in providing oversight to the staff and programs. Similarly, SBCTA has now been pulled into various discussions about playing a more significant role in the transportation infrastructure grant programs related to ZEV charging facilities, especially related to the components of medium- and heavy-duty truck charging facilities. Just as with the residential decarbonization programs, staff is seeking direction from the Board on what the level of SBCTA's commitment would need to be moving forward.

The following is an example list of how certain Federal and State transportation grant applications have been designed to incorporate ZEV charging facilities in recent years. It also explains why transportation commissions are being requested to take on a greater role in implementing transportation charging facilities. There have been several competitive grants that have directly funded standalone charging facilities or have encouraged the inclusion of charging facilities as a component in larger infrastructure projects.

#### **Charging and Fueling Infrastructure Program – US Department of Transportation**

To strategically deploy publicly accessible electric vehicle (EV) charging and alternative fueling infrastructure in the places people live and work within urban and rural areas and along designated alternative fuel corridors. The program funds: 1. Community Charging and Fueling Grants (Community Program): To strategically deploy EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure located on public roads or in other publicly accessible locations. 2. Alternative Fuel Corridor Grants (Corridor Program): To strategically deploy charging and alternative fueling infrastructure located along designated alternative fuel corridors.

#### **Grant – EPA and SCAQMD**

The EPA announced 25 selected applications for over \$4.3 billion in grants to implement community-driven solutions to the climate crisis, reduce air pollution, advance environmental justice, and accelerate America's clean energy transition. The selected applications will fund state, local, and Tribal entities located in 30 states.

For the Southern California region, the selected SCAQMD application will support California and the municipal statistical areas of Los Angeles, Long Beach-Anaheim, Riverside-San Bernadino-Ontario to decarbonize the Southern California goods movement corridor. The grant will fund four measures to incentivize projects, aligned with the National Zero-Emission Freight Corridor Strategy, via initiatives such as installing EV charging, increasing zero-emission freight vehicles, and electrifying equipment and diesel freight switcher locomotives in the region. However, SCAQMD has noted that CPRG will only fund ZEV infrastructure related electric power and not hydrogen.

### **The Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) – US Department of Energy**

The ARCHES is California’s initiative to accelerate renewable hydrogen projects and the necessary infrastructure. This drive supports a transition to a zero-carbon economy. ARCHES prioritizes environmental and energy justice, equity, the improved quality of life for our communities, and the creation of good green careers for our workforce.

ARCHES is a collaborative initiative between public and private entities aimed at establishing a robust, environmentally friendly hydrogen hub in California and other regions. By harnessing local renewable resources, the project aims to produce hydrogen in a sustainable manner with the goal of completely decarbonizing the local economy. This effort places a high priority on environmental justice, equity, economic leadership, and workforce development.

### **Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) Incentives for Clean Trucks and Buses – CARB**

Provides vouchers for the purchase of zero-emission trucks and buses, including funding for charging or fueling infrastructure.

- Public School Bus Set-Aside - Open
- Innovative Small e-Fleet - Open
- Drayage Truck – Closed
- Standard HVIP – Closed
- Local Education Agency School Bus Replacement Grants – Closed

### **Communities Taking Charge Accelerator Grant – US Department of Energy**

The goal of the grant is to fund innovative approaches to expanding EV adoption and charging access, particularly at the local level in urbanized areas where land use, density, car ownership rates, grid considerations, and other factors create unique needs and considerations for electrifying the transportation network where the demand for transportation access is at its highest density.

Topic 1: Solving for No-Home Charging: Expanding Charging Access for Privately Owned E-Mobility

Topic 2: Expanding E-Mobility Solutions through Electrified Micro, Light and Medium-Duty Fleets

Topic 3: Managed Charging for Clean Reliable Energy

### **Trade Corridor Enhancement Program (TCEP) – California Transportation Commission (CTC)**

San Bernardino Council of Governments  
San Bernardino County Transportation Authority



The purpose of the TCEP is to provide funding for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on California's portion of the National Highway Freight Network, as identified in the California Freight Mobility Plan, and along other corridors that have a high volume of freight movement. The program will support actions that support the transition to zero-emission freight infrastructure, including building zero-emission infrastructure that supports freight and improves access to freight charging or hydrogen fueling infrastructure to refuel battery electric and fuel cell powered trucks. SBCTA has been successful in receiving these funds in the past by partnering with the private sector to include these innovative charging facility components as part of the larger transportation corridor projects.

### **Solutions for Congested Corridors Program (SCCP) - CTC**

The primary objective of the SCCP is to fund projects designed to reduce congestion in highly traveled and highly congested corridors through performance improvements that balance transportation improvements, community impacts, and that provide environmental benefits.

Both the TCEP and SCCP programs allow funding of projects that include supporting infrastructure for the deployment of current and future technologies, such as zero-emission vehicle charging or hydrogen fueling stations, and capital projects to upgrade maintenance facilities supporting zero-emission vehicles.

### **Other Charging Infrastructure Grants to Note:**

#### **The California Electric Vehicle Infrastructure Project (CALeVIP) – California Energy Commission (CEC)**

The grant program offers substantial rebates for publicly available EV chargers. Incentives for the purchase and installation of EV charging infrastructure (Level 2 and/or DC fast-charging stations) at publicly accessible sites throughout California.

#### **The Clean Transportation Program (previously known as the Alternative and Renewable Fuel and Vehicle Technology Program) – CEC**

The grant program provides funding to support innovation and accelerate the development and deployment of zero-emission transportation and fuel technologies. The program was established by Assembly Bill 118 (Núñez, 2007), which took effect January 1, 2008, and was most recently extended through July 1, 2035, by Assembly Bill 126 (Reyes, 2023). Administered by the Energy Commission's Fuels and Transportation Division, the Clean Transportation Program invests in a broad portfolio of transportation and fuel transportation projects throughout the state, leveraging public and private investments.

#### **Energy Infrastructure Incentives for Zero Emission Commercial Vehicles (EnergIIZE Project Goals Commercial Vehicles) - CEC**

This is the nation's first commercial vehicle infrastructure incentive project. Funded by the CEC and implemented by CALSTART, EnergIIZE provides incentives for ZEV infrastructure equipment for medium-duty and heavy-duty and off-road battery-electric and hydrogen fuel cell vehicles operated and domiciled in California.

### **Charge Ready Transport Program – Southern California Edison**

San Bernardino Council of Governments  
San Bernardino County Transportation Authority

The grant offers low-to no-cost electrical system upgrades to support the installation of EV charging equipment for qualifying vehicles. This program provides a unique opportunity for fleet operators choosing to acquire electric vehicles by providing support and reducing the costs with installing the necessary charging equipment.

### **California's National Electric Vehicle Infrastructure Formula Program – California Department of Transportation and CEC**

The grant supports projects that will strategically deploy high-powered direct current fast charger EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability.

### **Next Steps**

After participating in recent discussions and workshops regarding grant guidelines at the Federal, State, and Regional levels, it has become evident that the approach taken by SBCTA staff to maximize competitiveness in securing funding for goods movement programs will depend on the level of aggressiveness that the Board wishes to pursue. As competitive funding programs continue to evolve, it will be important for us to tailor our approach based on the current landscape and opportunities available at different levels of government.

Funding for zero-emission goods movement is a complex area where grant funding generally needs to be channeled through public agencies but where ownership and operation of goods movement infrastructure, including vehicle charging and fueling infrastructure, needs to be retained by the private sector. However, public sector operations such as transit services and government fleets need to rely on the same or similar facilities. Public and private fleets may in fact need to share some of this infrastructure to take advantage of economies of scale, and some of the grant funding dollars can be used for either public or private operation.

How then should government agencies like SBCTA/SBCOG position themselves to ensure that the benefits of grant funding can be accessed while not taking on more responsibility than is appropriate? We can start by breaking this problem into its component parts: 1) transit operations and other government fleets, and 2) private sector fleets. There is also likely a difference in how certain energy/fuel sources are handled, particularly electric versus hydrogen, which have different use cases.

For example, in the case of goods movement, electric may be appropriate for shorter haul local trips, while hydrogen more appropriate for long haul and larger, heavier vehicles, due primarily to the limits of range with electric and the long charging times. Some vendors like WattEV are addressing the electric range issue by running electric truck leasing operations where cabs can be swapped out mid-day either locally or enroute with strategically placed electric truck depots. Transit operators are also finding that the range limits for electric buses and long charging times can create operational problems and additional costs compared to their current Compressed Natural Gas operations.

How then do public and private entities invest going forward, and how is this transition to zero-emission fleets accomplished within the framework of public/private partnerships? A good

way to start is with establishing some key principles that can guide investments and grant pursuits for agencies like SBCTA/SBCOG, broken down by vehicle sector.

#### Observations for Transit Services and Government Fleets

- For transit, the transition to CNG from diesel over the last several decades has been relatively easy, because the ranges of CNG buses are long and the fueling times short. However, the mandate to reduce GHGs requires a transition to zero-emission, not just for the vehicle, but also considering GHG production from a well-to-wheel fuel production standpoint. Green hydrogen (essentially no GHGs from well-to-wheel) is considerably more expensive than “grey hydrogen,” which is generally derived from natural gas, and viewpoints differ on the extent to which grey hydrogen should be allowed during this transition period when hydrogen production has to ramp up. The CARB Low Carbon Fuel Standard is poised to allow for hydrogen production fuel credits after January 1, 2030 to be earned only by hydrogen produced by electrolysis. See link at: [Low Carbon Fuel Standard | California Air Resources Board](#).
- Transit operators need reliable fuel sources, ample vehicle ranges, and fueling times that minimize vehicle down-time and the need to swap out buses mid-day. This impedes operations and puts limits on route planning.
- Transit operators should ideally have charging/fueling facilities on-site at their depots or layover locations, with direct control over those operations. Natural gas pipelines and on-site dispensers have made that very practical and cost-effective. In the transition to zero-emission, the transit industry has focused almost exclusively on electric, with buses being manufactured at scale and with charging capabilities on-site. But with this has come increased complexity of operations, hence the pursuit of hydrogen fuel-cell buses and hydrogen fueling.
- While hydrogen fuel has been available for many years, the quantities produced have been small relative to what is needed for the transition of public and private sector fleets going forward, and the cost of both fuel-cell buses and the fuel is high. Hydrogen costs are projected to drop significantly once brought to scale, including green hydrogen, but the industry is in an awkward and costly “scale-up” period at this time.
- Transit operators and other government fleets can generally apply directly for grant funding as a public agency, without the need for a intermediary such as SBCTA/SBCOG. However, pooled grant requests across multiple agencies may have a place in bringing funds to areas such as San Bernardino County.

#### Observations for Goods Movement Fleets and Equipment

- Private fleets are at the very front end of transitioning to zero-emission. Currently, fueling with diesel may take place either on fleet property or at commercial fueling stations. It is fast, efficient, and reliable, and because of the unknowns and generally greater costs of alternative fuels, federal and state grant funding is paramount to gaining momentum for the path to zero-emission for the freight industry.
- Electric trucks of all sizes are now being produced at scale, but as with transit, there are operational concerns for longer-haul and heavier trucks. Delivery of power to a fleet depot or publicly accessible truck charging facility takes time and can vary in expense.

It has been pointed out that a larger-size truck charging depot can require as much power as an NFL stadium.

- Hydrogen provides greater range and shorter fueling times, providing more flexibility in operations. But it is currently expensive (whether produced on-site or off-site) and will generally need to be delivered to a site from a production facility like diesel fuels are delivered from refineries today. Significant reductions in price are expected in the next 5-10 years as it is brought to scale. While on-site hydrogen production may be possible (e.g. for a truck or transit vehicle depot), it is likely the most expensive way to generate a reliable hydrogen supply. Hence, there is discussion about creating larger hydrogen hubs, with support from the federal government. See link at: [Regional Clean Hydrogen Hubs | Department of Energy](#).
- Most grant programs focused on zero-emission trucks require a public agency to be the lead and for the charging/fueling facilities to be publicly available. However, the facility can be privately owned and operated as long as the public agency provides oversight of the construction and initial operation (often a minimum of five years). This has been the path SBCTA has followed in the Senate Bill (SB) 1 TCEP funding secured for three truck charging/fueling facilities associated with SBCTA's Interstate 10 Contract 2 and US 395 Contract 2 projects.

### **Initial Principles for SBCTA/SBCOG Involvement in Charging/Fueling Infrastructure Grants and Site Development**

As a countywide agency with responsibilities for both transportation projects and COGs, SBCTA/SBCOG is in a strategic position to assist transit agencies, goods movement entities, and public fleets with access to federal and state grant funding that make the transition to zero-emission more financially feasible. Considering this, there are some general principles that can be established to guide the extent to which we can and should be involved, but SBCTA staff is to the point where additional guidance and/or confirmation are needed. Some of the candidate principles include:

- SBCTA/SBCOG would not want to own or operate charging/fueling stations other than what is for use on our own property.
- SBCTA has a vested interest in seeing that the transition to hydrogen succeeds, given the needs of our transit operators for hydrogen buses and given the ZEMU hydrogen-fueled train for Arrow Service that has just been delivered (with the prospect for additional trainsets). Gaining access to a secure supply of reasonably priced hydrogen fuel has been difficult.
- SBCTA/SBCOG should be willing to serve as a lead agency in grant applications on behalf of our transit operators, while preferring the operator to apply directly. For example, there may be reasons for SBCTA applying on behalf of multiple operators if it increases the likelihood of securing grant funding. SBCTA could also provide project delivery services if it is difficult for a particular transit operator to do so.
- SBCTA/SBCOG should also be willing to serve as lead agency in grant applications on behalf of private vendors, as long as the private vendor is committed to be the owner/operator of the site with certain minimum requirements consistent with the grant. This is especially true where SBCTA grants for transportation infrastructure (such as the

SB 1 TCEP) will be more competitive by inclusion of the zero-emission charging/fueling infrastructure in the grant.

- SBCTA/SBCOG does not intend to own the land on which a private vendor would build a charging/fueling facility or a hydrogen production facility. However, SBCTA/SBCOG could help facilitate site location and acquisition by a member jurisdiction or other public or quasi-public entity and serve as lead on a grant application that could bring grant funding to a public/private venture, on a case-by-case basis. This may be needed, for example, for the location of a hydrogen production hub in San Bernardino County that benefits transit agencies, member agency fleets, and private sector fleets for goods movement or otherwise.

Questions can then arise as to what exceptions to the above principles might be appropriate under given conditions.

- Should SBCTA/SBCOG be more aggressive in seeking grant funding to our area, when others are reluctant to do so, by taking on more risk for actions such as acquiring property, environmental clearance, and design/construction of projects, even when they will be operated by others?
- Is there any circumstance envisioned where we could become involved in charging/fueling site operations other than on our own property? It is difficult for staff to see any circumstance where this would occur, but a request could arise on behalf of a city or group of cities as part of our COG function.

Staff would like to have an open discussion about the set of principles put forward and what the Board would like the SBCTA/SBCOG role to be in both zero-emission infrastructure planning, grant pursuits, as well as whether a more proactive and aggressive effort should be taken with regard to site development, and recognizing the pros and cons. The primary “pro” would be better positioning for grant opportunities for San Bernardino County and our member agencies. The primary “con” would be greater level of risk and cost that would come with that responsibility.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

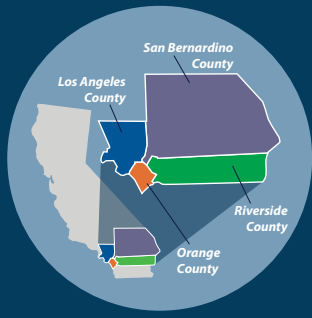
This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.

***Responsible Staff:***

Josh Lee, Deputy Director of Planning

Approved  
 Board of Directors  
 Date: November 6, 2024

Witnessed By:



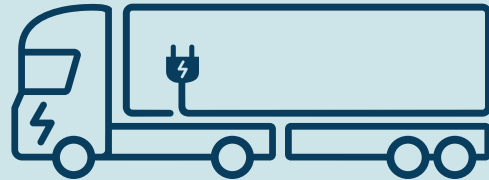
April 2024

# U.S. EPA CLIMATE POLLUTION REDUCTION GRANT PROPOSAL

## INVEST CLEAN (Infrastructure, Vehicles, and Equipment Strategy for Climate, Equity, Air Quality, and National Competitiveness)

### \$500 Million

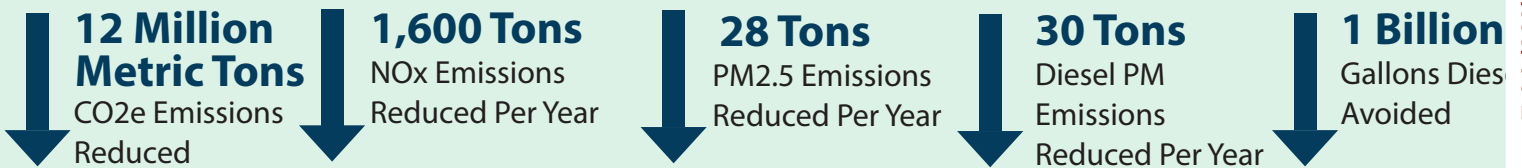
South Coast AQMD submitted a \$500 million application to U.S. EPA for the Climate Pollution Reduction Grant Program on behalf of the Los Angeles – Orange County and Inland Empire Metropolitan Statistical Areas which covers a region from the coast through the Inland Valleys to the California, Nevada and Arizona borders.



**Grant focuses on incentives to deploy zero-emission, batter electric goods movement technologies in four measures:**

- Switcher locomotives and infrastructure
- Class 8 trucks and infrastructure
- Cargo handling equipment and infrastructure
- Last mile freight delivery for medium-duty vehicles and infrastructure

### Benefits Over 25 Years (2025-2050):



Excellent cost effectiveness at **\$42/metric ton** CO2e over the **25-year** period.

### Jobs

Workforce training program in partnership with National Electrical Contractors Association – International Brotherhood of Electrical Workers

**467** in California

**4,712** jobs across the nation.



### Community Benefits

INVEST CLEAN will see community benefits through emission reductions, and workforce training. Through a Community Benefits Plan, a Steering Committee will conduct outreach and education on climate, air quality, Zero Emission technology, and workforce. Community priorities will be incorporated as voluntary measures that infrastructure project applicants can elect to implement.

INVEST CLEAN received seven letters of commitment with 15 signatories and 73 letters of support with 101 signatories and partnered with National Renewable Energy Lab to collect data and analyze the incentive structure.

## *Minute Action*

AGENDA ITEM: 13

***Date:*** November 6, 2024

***Subject:***

Update on Activities of the Planning and Regional Programs Department

***Recommendation:***

Receive an update on the activities of the Planning and Regional Programs Department, providing services under both the San Bernardino County Transportation Authority and San Bernardino Council of Governments.

***Background:***

The Planning and Regional Programs Department encompasses three core activities:

- Regional and subregional transportation planning and sustainability programs (under the San Bernardino County Transportation Authority (SBCTA) umbrella)
- Air Quality and Mobility Programs (AQMP) (under the SBCTA umbrella, with a focus on Freeway Service Patrol (FSP), Call-box Operations, and Traveler Services/511 operations)
- Council of Governments (COG) programs (under the San Bernardino Council of Governments (SBCOG) umbrella)

One of the rather unique features of SBCTA/SBCOG is that the transportation authority and COG functions are housed under the same countywide operation, though SBCTA and SBCOG are separate legal entities. This offers a number of efficiencies in operation in terms of flexibility with staff assignments, coordinating technical work, and administrative management. The only other entity in Southern California where this is the case is the Imperial County Transportation Commission (ICTC), and this occurred only in 2020 as some of the COG functions were brought into the ICTC operation under Assembly Bill (AB) 335.

The AQMP and COG programs were folded into the Planning and Regional Programs Department beginning in Fiscal Year (FY) 2022/2023. Below is a listing of some of the activities for each of these three core areas. The staff report highlights a few of the noteworthy accomplishments since the last report. Staff will provide an update to the General Policy Committee every six months.

### **ACCOMPLISHMENTS SINCE THE LAST REPORT**

The last six months saw multiple accomplishments in Transportation Planning, COG, and AQMP groups. Some of the highlights include:

**Transportation Planning**

1. Award of \$9.6 million in state Regional Early Action Plan (REAP) 2.0 funding for development of a Vehicle Miles Traveled (VMT) mitigation bank and projects in six jurisdictions: Colton, Ontario, Rialto, Rancho Cucamonga, Upland, and San Bernardino County (County).

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

2. A major upgrade was completed to SBCTA's travel demand forecasting model San Bernardino County Transportation Analysis Model (SBTAM). This model is used to support SBCTA and local transportation project development as well as local land development projects.
3. Began work on the State Route (SR) 247/62 Emergency Bypass Lane Study, a multi-agency effort to assess how to manage traffic when a major incident or closure occurs on Interstate 15 in the Cajon Pass.
4. The Long-Range Multimodal Transportation Plan (LRMTP) tested VMT-reducing scenarios and held multiple public outreach events.
5. Staff assisted local jurisdictions with their Active Transportation Program (ATP) grant applications to California Department of Transportation (Caltrans).
6. Two Caltrans planning grants were awarded totaling \$2.2 million, both related to evacuation planning requirements placed on local jurisdictions by the legislature (Senate Bill (SB) 99 and AB 747). It is a joint effort with Western Riverside COG.

### **Council of Governments**

1. The COG Joint Powers Authority Agreement Amendment 4 was adopted by all 24 cities and the County, enabling the COG to expand its range of services.
2. The Smart County Early Action Plan was delivered, focusing on six initiatives to move forward with specific applications to transportation, public safety, and bridging the digital divide.
3. Award of \$8.7 million in REAP 2.0 funds for multiple projects, including \$5 million for initiating the Housing Trust.
4. Partnership with South Coast Air Quality Management District on a successful \$499 million grant from the Environmental Protection Agency (EPA) focusing on zero-emission goods movement.

### **Air Quality and Mobility Program (AQMP, including I-REN)**

1. The SBCTA Board of Directors (Board) approved a merger of FSP Beat 9 (I-10 from Indian Hill to Haven Avenues) and Beat 10 (Haven Avenue to Sierra Avenue) as an efficient way to manage the increasing costs of FSP and help improve the benefit/cost ratio of the route. At the October 9, 2024 General Policy Committee meeting, the AQMP team provided a cost-management strategy to highlight how FSP costs will need to be managed over the next several years.
2. The Inland Regional Energy Network (I-REN) team received notification from the Los Angeles County lead about the Equitable Building Decarbonization grant award through the California Energy Commission: \$329 million for the Southern California region, from which the County should receive at least a 10 percent share of energy efficiency upgrades for local homeowners.
3. The I-REN team continues its outreach on three fronts: Public Sector energy efficiency upgrades, work force development, and Codes & Standards education. FY 2024/2025 is expected to be a significant year for public sector energy efficiency projects moving forward, and discussions are taking place across the three COGs on how to further streamline the project delivery process. An overall progress report on I-REN was provided at the September 4, 2024 SBCTA Board meeting.



## **ADDITIONAL BACKGROUND INFORMATION ON ACTIVITIES**

### **Regional and Subregional Transportation Planning and Sustainability Programs (under SBCTA)**

Generally, the “regional” programs focus on planning activities associated with the Southern California Association of Governments (SCAG), as well as inter-county collaboration on a variety of topics. The “subregional” programs are focused on planning functions, sustainability activities, grant applications, etc. that are either countywide or cover a subarea of the county. Some of the more significant and recent activities under these programs include:

#### **Regional**

1. Provided technical input and comments to SCAG regarding the Draft 2024 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS – “Connect SoCal”). The RTP/SCS was approved in spring 2024. SBCTA staff has provided substantial information to SCAG on growth forecasts and project listings for the RTP/SCS over the last three years. The technical work related to the next update of the RTP/SCS (for 2028) usually begins about six months after the adoption of the previous RTP/SCS.
2. SBCTA staff provided comments on a variety of statewide and regional plans and guidelines, including the Caltrans System Investment Strategy (CSIS) and Guidelines for SB 1 grant programs from the California Transportation Commission. SBCTA is currently developing projects to apply under the SB 1 grant programs with various partners.
3. Collaboration with SCAG on a variety of regional studies. An example is our collaboration with other counties, ports, and the private sector on the SCAG Zero-Emission Truck Infrastructure (ZETI) Study.
4. Completion of SR-18 Project Study Report/Project Development Report with Los Angeles Metro and Caltrans Districts 7 and 8.
5. Participation in the bi-monthly SCAG/County Transportation Commission Planning Directors coordination meetings.
6. Maintenance of the Inland Empire Comprehensive Multimodal Corridor Plan with Riverside County Transportation Commission (required for project eligibility on the SB 1 Solutions for Congested Corridors Program).
7. Pursuing the implementation of the bi-county (San Bernardino/Riverside) climate adaptation effort termed “Resilient IE.”
8. Carrying out the follow-up studies to Resilient IE – the bi-county Emergency Evacuation Route Study, funded by a Caltrans planning grant. The Request for Proposals was released during the summer, and the selection of a consultant to begin the technical assistance project will commence this fall.
9. SBCTA was recently awarded a grant from Caltrans to conduct the development of the SBCTA Evacuation and Resilience Center Design Study in the amount not-to-exceed \$725,000.
10. Providing input to the next South Coast Air Quality Management District (SCAQMD) AQMP. Staff is also represented on the Technical Advisory Committee for the Mobile Source Air Pollution Reduction Review Committee, and monitors activities of the Mojave Desert Air Quality Management District as well.

### **Subregional**

1. Collaborating with transit agencies, local jurisdictions, and other stakeholders in development of the LRMTTP, which began in FY 2022/2023 and was funded through a Caltrans planning grant. SBCTA completed one-on-one meetings with each jurisdiction member this summer to review current and future transit routes in their jurisdictions, especially on the possibility of prioritizing express bus/bus rapid transit lines.
2. Working with SCAG and local jurisdictions to maintain and apply the SBTAM. SBTAM is the forecasting tool used to support traffic and environmental studies for all of SBCTA's primary transportation projects. The model is used for local jurisdiction highway and development projects as well.
3. Providing guidance and technical support for local jurisdictions in the mitigation of VMT impacts for various transportation and development projects. The intent is to also develop and implement a VMT Mitigation Bank, subject to Board approval.
4. Preparing applications for Federal and State infrastructure and planning grants, including Federal discretionary grants, SB 1, and the Transit and Intercity Rail Capital Program, to secure funding for major transportation projects, supporting partnerships with Caltrans, SCAG, and other regional agencies. Actively pursue grant applications across multiple sectors, to include planning, freight, transit, and active transportation. A key focus of the Planning and Regional Programs Department has now become providing assistance, both internally and externally, with positioning projects to be competitive in grant funding programs and preparing the associated funding applications.
5. Supporting both the Transportation Technical Advisory Committee and the Planning and Development Technical Forum (PDTF), consisting of staff from local jurisdictions providing input on transportation and local government planning issues.
6. Supporting SBCTA project development efforts with traffic analyses and impact assessments.
7. Maintaining the policies in the Measure I 2010-2040 Strategic Plan and update the Strategic Plan narrative as necessary, together with the Fund Administration Department.
8. Preparing a priority list for Active Transportation, to assist in positioning County jurisdictions for competitive grant applications. A digital version of the Countywide Active Transportation Plan is hosted on the SBCTA website and mapping application. For the latest cycle of the State of California's competitive ATP, SBCTA assisted with grant applications submitted by our various member jurisdictions. (San Sevine Trail, Redlands/Highland Connector, etc.)
9. Managing the Transportation Development Act Article 3 Bicycle and Pedestrian Improvements program. Funding was awarded this FY under a call-for-projects. The next cycle of awards is expected to occur in FY 2025/2026.
10. Participating in subregional planning efforts led by local jurisdictions, SCAG, transit agencies or other agencies.
11. As needed, providing assistance to local jurisdictions to access and manage planning and project data disseminated by SBCTA through our Data Management Office.
12. Overseeing the Safe Routes to School Phase IV project and coordinating with Project Delivery on the design and construction of the bicycle/pedestrian improvements awarded in the Caltrans Active Transportation Project cycles.

### **Air Quality and Mobility Program (under SBCTA)**

The AQMP activities are set up to manage three specific traveler services, as described below. Each of the services requires constant attention to ensure that the traveling public can travel in a safe and convenient manner, especially when problems occur on their trip. Collaboration on these services takes place primarily with the California Highway Patrol (CHP) and Caltrans. Refinements to these programs can occur on a year-to-year basis, so as to be most cost-effective. One of the future challenges faced in the management of these services will be dealing with the significant increase in costs, particularly regarding the Freeway Service Patrol (FSP). This has already required the merger of two FSP beats and could require more consolidation in the future.

1. **Freeway Service Patrol** – The purpose of the FSP program is to fund, implement, and maintain a program to assist stranded motorists traveling on designated highways of San Bernardino County. The FSP Program is a partnership between SBCTA, CHP, and Caltrans. An important goal of this partnership and of the FSP Program is to keep the freeways moving and reduce the chances of secondary incidents. SBCTA’s FSP began full-time operations in January 2006. The FSP Program operates a total of eight Beats along 98.38 centerline miles of highway in the Valley and portions of the Cajon Pass area and has assisted more than 77,000 motorists last fiscal year.
2. **Call Box System** – Another purpose of the AQMP is to maintain and operate a countywide motorist aid call box system responsive to the needs of motorists in the County. The current system consists of approximately 777 call boxes along 1,800 centerline highway miles. As the Valley has urbanized, fewer call boxes have been needed, given the prevalence of mobile phones and good cell signals. Cell signal coverage in outlying areas is spotty and is where most of the call boxes are now being located.
3. **SoCal 511** – SBCTA participates in the operation of the Southern California 511 (SoCal 511) traveler information phone service and [www.GO511.com](http://www.GO511.com) traveler information website. In the current fiscal year we have continued the transition to a regional 511 system merger with four other county commissions. The goal is to provide seamless regional traveler information through the SoCal 511 system for all commuters in the Southern California region.

### **Council of Governments (under SBCOG)**

The function of the COG is to promote and encourage regional collaboration among agencies in the County and to conduct specific projects focused on local government services, sustainability, technology, equity, and quality of life that are of benefit to the member agencies. SBCOG actively participates in state and local sustainability and clean energy initiatives, thereby building stronger, more resilient, and prosperous communities.

The Board approved the Joint Powers Authority Agreement Amendment 4 language and dues increase on January 3, 2024, and all 24 cities/towns and the County have approved the amendment. The following are listed as some of the key engagements of the COG in the current fiscal year:

1. Operation of the I-REN in conjunction with Western Riverside COG and the Coachella Valley Association of Governments.

2. Preparation of the Early Action Plan as part of the Smart County Master Plan, funded by a contribution from the County. The full report should be completed by the end of calendar year 2025.
3. Planning and coordination of local agencies to plan and implement the Small Business component of the annual Business to Business event.
4. Planning and coordination for the annual City/County Conference in conjunction with the Legislative and Public Affairs Department.
5. Planning and coordination between SBCTA/SBCOG and local agencies to develop and implement an Equity Framework. That project has now been initiated with a consultant.
6. Participation in selected elements of the Countywide Vision implementation.
7. Hosting grant writing seminars for SBCOG member agencies.
8. Preparing grant applications that are of countywide interest and benefit. An example is the federal Climate Pollution Reduction Grant Program, a program of nearly \$5 billion managed by the EPA. Although EPA announced in July that the grant application submitted by SBCOG was not awarded, the partnership grant application by SCAQMD on goods movement was awarded \$500 million to bring funding for medium and heavy-duty electric vehicle charging stations to the Riverside-San Bernardino-Ontario Metropolitan Statistical Area.
9. The state's REAP 2.0 grant program is another example of a countywide grant-funded effort. SBCOG also provided assistance to many of our local jurisdictions on preparation of their Housing Elements through REAP 1.0 funding. The REAP 2.0 technical assistance will begin this fall.
10. Much of the local coordination for SBCOG occurs through the City/County Managers' Technical Advisory Committee and the PDTF, designed for information-exchange among local planning departments in the county.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was received by the General Policy Committee on October 9, 2024.

***Responsible Staff:***

Steve Smith, Director of Planning & Regional Programs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

## *Minute Action*

AGENDA ITEM: 14

***Date: November 6, 2024***

***Subject:***

Amendment No. 3 to Contract No. 21-1002452 with HNTB Corporation for Program Management/Construction Management Services for the Ontario International Airport Connector Project

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 3 to Contract No. 21-1002452 with HNTB Corporation, for Program Management/Construction Management Services for the Ontario International Airport Connector Project (Project), increasing the authorized budget under Notice to Proceed (NTP) 1 by \$700,000, for a revised not-to-exceed amount authorized under NTP 1 to \$18,321,085, to be funded with State Transit Assistance funds previously programmed for the Project.

B. Approve a contingency increase to Contract No. 21-1002452 of \$70,000, to be funded with State Transit Assistance funds previously programmed for the Project, for a remaining not-to-exceed contingency amount of \$955,000, and authorize the Executive Director, or his designee, to release contingency as necessary for the completion of the Project.

***Background:***

In January 2021, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) awarded Contract No. 21-1002452 to HNTB Corporation (HNTB) for Project Management/Construction Management (PCM) Services for the Ontario International Airport (ONT) Connector Project (Project). On July 3, 2024, the Board approved moving forward with the next phase of the procurement process by shortlisting two Design Build (DB) teams. The next step in the DB procurement process will be to issue the Request for Proposals (RFP), which includes instructions to proposers, a draft DB contract term sheet, technical provisions, reference documents, and third-party agreements. Based on the RFP, the DB firms will then advance their designs during an approximately 10-month pre-proposal phase.

The Project alignment requires crossing the Union Pacific Railroad (UPRR) alignment near East Guasti Road and Milliken Avenue. UPRR's Public Projects Checklist and Plan Submittal Guidelines require detailed analysis and documentation to demonstrate that tunneling activities will not negatively impact railroad operations. Due to the sequence and duration of required submittals, UPRR approval is a critical path activity, and it is prudent to begin work as soon as possible to mitigate schedule risk related to prolonged UPRR reviews. To mitigate this risk, staff recommends that the PCM team advance the UPRR crossing design to a 30% level and perform the required coordination with UPRR staff related to early design submittals.

As a result of the additional work to advance the UPRR crossing, the PCM requires additional contract authority under the current Notice to Proceed (NTP) of the Project. Since the overall level of effort during the construction phase is not fully developed, rather than increasing the overall contract authority by the additional budget for NTP 1 that is needed to complete the additional work, staff is recommending approval to increase NTP 1 by \$700,000, to be

*Entity: San Bernardino County Transportation Authority*

## Board of Directors Agenda Item

November 6, 2024

Page 2

re-allocated from the previously approved NTP 2 budget. As a result, PCM Contract No. 21-1002452 NTP 1 contract value will be revised to a not-to-exceed amount of \$18,321,085, and the total authorized contract value will remain at \$28,947,939. A contract amendment that increases the overall contract authority and budget under NTP 2 will be needed at a future date and is anticipated to be brought back to the Board for approval once the environmental clearance phase is completed, pre-construction phase work is completed, and a DB contract is awarded.

Additionally, staff is recommending approval of a contingency increase of \$70,000 for Contract No. 21-1002452, bringing the total authorized contingency to \$1,862,511, approximately 10% of the NTP 1 contract value, and authorize the Executive Director, or his designee, to release the contingency as necessary for the Project.

***Financial Impact:***

The Ontario Connector Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with State Transit Assistance, in Program 30, Transit.

***Reviewed By:***

This item was reviewed and unanimously recommended for approval by the Transit Committee on October 10, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

***Responsible Staff:***

Victor Lopez, Director of Transit & Rail Programs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

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San Bernardino County Transportation Authority



**AMENDMENT NO. 3 TO CONTRACT 21-1002452**

**FOR**

**PROJECT MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES FOR THE  
ONTARIO INTERNATIONAL AIRPORT CONNECTOR PROJECT  
(FORMERLY KNOWN AS THE EMERGING TECHNOLOGY TUNNEL  
TO ONTARIO INTERNATIONAL AIRPORT)**

**(HNTB CORPORATION)**

This AMENDMENT No. 3 to Contract No. 21-1002452 (“Amendment”) is made by and between San Bernardino County Transportation Authority (“SBCTA”) and HNTB Corporation (“CONSULTANT”). SBCTA and CONSULTANT are each a “Party” and collectively are “Parties” herein.

**RECITALS:**

- A. SBCTA, under Contract No. 21-1002452, engaged CONSULTANT to provide project management/construction management services for the Emerging Technology Tunnel to Ontario International Airport Project (“Contract”); and
- B. On July 12, 2022, SBCTA and CONSULTANT entered into Amendment No. 1 to Contract to increase the number of borings included in the scope of work for Additional Geotechnical Investigations; and
- C. On May 29, 2024, SBCTA and CONSULTANT entered into Amendment No. 2 to Contract to expand the scope of work, as shown in Exhibit A.2, and to increase the authorized budget under Notice to Proceed (NTP) 1 by \$6,538,464, as shown in Exhibit B.1; and
- D. SBCTA and CONSULTANT desire to amend the Contract to expand the scope of work as shown in Exhibit A.3, Scope of Work, attached hereto, and to re-allocate \$700,000 from the previously approved NTP 2 budget to the NTP 1 budget, as shown in Exhibit B.2, attached hereto.

**NOW THEREFORE**, in consideration of the terms and conditions set forth herein, the Parties agree to amend Contract No. 21-1002452 as follows:



1. **ARTICLE 3.10 “COMPENSATION”** is deleted and replaced in its entirety to read as follows:

The total amount payable by SBCTA to CONSULTANT including the fixed fee shall not exceed \$28,947,939; the amount payable for work authorized under Notice to Proceed 1 shall not exceed \$18,321,085.

2. The Scope of Work for Contract No. 21-1002452 (Exhibit “A”) shall be amended to include the additional services described in Exhibit A.3 to this Amendment No.3, which shall augment the original Scope of Work.
3. The FeeSchedule shall be amended to include the costs and fees show in Exhibit B.2 to this Amendment No. 3.
4. Exhibits A.3, Scope of Work, and B.2, Summary of Labor Hours and Fees, are attached hereto and incorporated herein.
5. The Recitals set forth above are incorporated herein by this reference.
6. Except as amended by this Amendment No. 3, all other provisions of Contract No. 21-1002452 as previously amended shall remain in full force and effect.
7. This Amendment No. 3 shall be effective upon execution by SBCTA.

-----SIGNATURES ON FOLLOWING PAGE-----

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 3 below.

**HNTB CORPORATION**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Kevin A. Haboian  
Senior Vice President  
Principle-In-Charge

By: \_\_\_\_\_  
Ray Marquez  
President, Board of Directors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

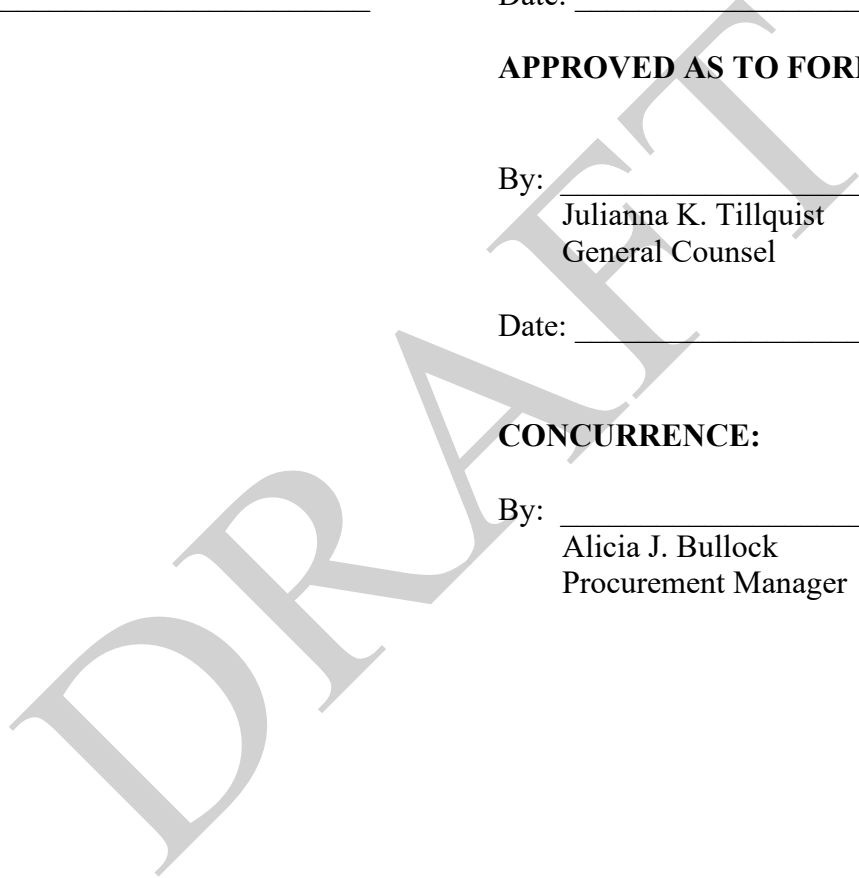
**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

Date: \_\_\_\_\_

**CONCURRENCE:**

By: \_\_\_\_\_  
Alicia J. Bullock  
Procurement Manager



Attachment: Contract No. 21-1002452 Amendment No. 3 HNTB (11006 : Amendment No. 3 to Contract No. 21-1002452 with HNTB Corporation

## Exhibit A-3: Additional Scope of Work

### A. Project Management

#### A.11 Conceptual Design Analysis for Development of Infrastructure Developer Contract Technical Specifications

##### A.11.iv Preliminary (30%) Design of UPRR Undercrossing

Consultant to prepare preliminary design documents for the tunnel undercrossing of the Union Pacific Railroad (UPRR) corridor near Milliken Avenue and Airport Drive. These tasks include:

- Develop design submittal package compliant with UPRR design process (see UPRR Public Project – Plan Submittal Process, January 3, 2019), including:
  - 10% Design
  - 25% Design
  - 30% Design
- Facilitate design reviews by PPWA Design-Build teams of each submittal. Document and incorporate comments as appropriate.
- Conduct design review and coordination meetings with UPRR staff.
- Assume one workshop with UPRR, SBCTA and Ranch Cucamonga Public Works to define access, approach and monitoring plan.
- Assume monthly meetings with Regional UPRR operations and design representatives.

Discipline-specific tasks include:

- Project Management
  - Coordinate and oversee design development by all disciplines.
  - Conduct regular design coordination meetings.
  - Lead design submittal meetings with UPRR staff.
  - Perform QAQC activities in accordance with Project Quality Manual.
  - Manage subconsultants as necessary.
  - Maintain design schedule & incorporate into master program schedule, as necessary.
- Alignment
  - Refine tunnel alignment design through UPRR undercrossing.
  - Develop UPRR track alignment through reference area.
  - Develop 10%, 25% and 30% Design Drawings, including:
    - Survey Plans
    - Civil Plans
    - Alignment Plan & Profile
    - Track Plans
    - Typical Sections
- Civil & Survey
  - Develop ROW plans in reference area.
  - Establish survey control points in reference area.
  - Develop civil roadway plans for N. Milliken Ave and E Guasti Rd intersection (N/S).

- Structural
  - Develop drawings/models for as-built condition of UPRR approach and bridge structures.
- Geotechnical
  - Utilize existing geotechnical data included in Geotechnical Data Report (previously developed)
- Tunnel
  - Perform initial settlement analyses of UPRR embankment and bridge abutments.
  - Develop technical memorandum including settlement analyses results, proposed instrumentation & monitoring plan, and expected mitigation measures.
  - Develop plans of expected settlement contours.
  - Develop typical tunnel Spaceproofing section.
  - Develop sections for tunnel adjacent to UPRR structures.
  - Develop instrumentation & monitoring plan sheets.
  - Develop Technical Provision language for instrumentation & monitoring requirements to be reviewed by UPRR and included in the Design-Build procurement documents.
- Utilities
  - Develop existing utilities plans in reference area.

Deliverables:

- 10%, 25% and 30% Design Drawing Packages, including:
  - Alignment Plans & Profiles
  - Civil Plans
  - Survey Plans
  - Structural Plans & Sections (Based on As Built Files)
  - Tunnel Plans & Sections
  - Existing Utilities Plans
  - Site plans identifying access needs, and general layout of Instrumentation & monitoring equipment layout
- Technical Memorandum for Instrumentation & Monitoring Plan
- Technical Memorandum for Settlement Analyses

Schedule / Duration:

- Approximate duration of 24 months

## Exhibit B.2 Fee Breakdown

## UPRR Undercrossing Monitoring and Preliminary Design Packages to 30%

HOURS TABLE	10% Concept Package	25% Concept Package	30% Concept Package	Total
A - Project Management	228	184	154	566
A - Project Management - UPRR Design	1,014	432	263	1,709
<b>Subtotal A</b>	<b>1,242</b>	<b>616</b>	<b>417</b>	<b>2,275</b>
B - Design Management	4	4	4	12
C - Contract Mgmt & Procurement Services	16	14	14	44
D - Project Controls	19	19	19	57
<b>Total Hours</b>	<b>1,281</b>	<b>653</b>	<b>454</b>	<b>4,663</b>

FEE TABLE	10% Concept Package	25% Concept Package	30% Concept Package	Total
A - Project Management	\$53,239	\$42,094	\$33,980	\$129,312
A - Project Management - UPRR Design	\$279,848	\$101,143	\$67,206	\$448,197
<b>Subtotal A</b>	<b>\$333,087</b>	<b>\$143,237</b>	<b>\$101,185</b>	<b>\$577,509</b>
B - Design Management	\$969	\$969	\$969	\$2,906
C - Contract Mgmt & Procurement Services	\$2,717	\$2,378	\$2,378	\$7,473
D - Project Controls	\$4,142	\$4,142	\$4,142	\$12,426
<b>SUB-TOTAL&gt;&gt; Labor Fee</b>	<b>\$340,915</b>	<b>\$150,725</b>	<b>\$108,674</b>	<b>\$600,314</b>
Fixed Fee @ 9.5%	\$32,387	\$14,319	\$10,324	\$57,030
<b>Total Fee &gt;&gt;</b>	<b>\$373,302</b>	<b>\$165,044</b>	<b>\$118,998</b>	<b>\$657,344</b>
Other Costs (Travel, Office Supplies, Vehicles, Admin Fee)	\$5,507	\$1,006	\$510	\$7,023
<b>SUB-TOTAL&gt;&gt; Total Fee &amp; Expenses</b>	<b>\$378,809</b>	<b>\$166,050</b>	<b>\$119,508</b>	<b>\$664,367</b>
<b>GRAND TOTAL (Rounded)</b>				<b>\$700,000</b>

## *Minute Action*

AGENDA ITEM: 15

**Date:** *November 6, 2024*

**Subject:**

Amendment No. 3 to Cooperative Agreement No. 15-1001125 with the Southern California Regional Rail Authority

**Recommendation:**

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 3 to Cooperative Agreement No. 15-1001125 with the Southern California Regional Rail Authority, to remove the agreement termination date for rail-related support services for rail corridor improvement projects within San Bernardino County.

B. Authorize an exception to Section IV.B.4. of SBCTA's Procurement Policy 11000, to allow for a contract term in excess of five years.

**Background:**

Cooperative Agreement No. 15-1001125, between San Bernardino County Transportation Authority (SBCTA) and Southern California Regional Rail Authority (SCRRA), was approved by the SBCTA Board of Directors on February 4, 2015. The agreement allows SBCTA to expedite the completion of projects along the railroad right-of-way within San Bernardino County on which SCRRA operates commuter rail service. SBCTA must enter into a specific agreement for flagging, inspections, design reviews, and general coordination of proposed projects in and around the railroad right-of-way, and execution of such agreements can take months due to the agreement execution process.

The Cooperative Agreement allows the issuance of work orders which SBCTA's Executive Director and SCRRA's Chief Executive Officer can approve when the need arises, increasing the efficiency of staff and allowing projects along and in the railroad right-of-way to be implemented with greater efficiency. To date, there have been 13 Work Orders executed listed below:

<b>Work Order No.</b>	<b>Project</b>	<b>Purpose</b>	<b>Work Order Amount</b>	<b>Status</b>
1	Sierra Ave. Grade Crossing Improvements	Construct six-foot-wide sidewalk, curb, and gutter on both sides Sierra Avenue	\$ 31,185.00	Closed
2	Juniper Ave. Grade Crossing	Construct six-foot-wide sidewalk, curb, and gutter on both sides Juniper Avenue	\$ 31,185.00	Closed
3	Redlands Passenger Rail Project	Rehabilitating or replacing track, bridges, at-grade highway-rail crossing, building a new wayside signal and communications system that includes positive train control (PTC), and up to five passenger loading platforms.	\$ 90,000.00	Closed

*Entity: San Bernardino County Transportation Authority*

<b>Work Order No.</b>	<b>Project</b>	<b>Purpose</b>	<b>Work Order Amount</b>	<b>Status</b>
4	CP Lilac-Rancho Double Track	Preliminary engineering and environmental clearance for the addition of a second mainline track in Rialto and San Bernardino.	\$ 75,950.00	Closed
5	Hybrid-rail (DMU) Service Planning	Study the feasibility and operating parameters for supplementing Metrolink service on the San Bernardino (SB) Line with Diesel Multiple Unit (DMU) or Hybrid-rail	\$ 20,000.00	Closed
6	Mt. Vernon Avenue Viaduct	Replace the existing Mt. Vernon Viaduct by demolishing the existing structure and replacing the structure with a new structure over 1,000' in length.	\$ 100,000.00	Closed
7	Inspection & Maintenance Spur Tracks	Provide Track inspection and maintenance of SBCTA museum tracks.	\$ 5,007.00	Closed
8	Defective Light Poles Response Services	Provide rail-related support services to SBCTA, related to a light pole defect for lighting at the SB Depot and Downtown SB stations.	\$ 450,000.00	Closed
9	Staff Support Operational & Technical Review of ZEMU	Staff Support for Operational and Technical Review of the ZEMU	\$100,000.00	Active
10	I-15 Rochester OH Widening	Rail-related support I-15 Rochester Overhead Structure Widening	\$ 99,000.00	Active
11	Euclid Ave. Pedestrian Gates-Design Review	Rail-related support for Euclid Ave Ped Gate for Metrolink ATP Phase II Project	\$ 152,700.00	Closed
12	Implementation Study	DMU, ZEMU Implementation Study	\$ 240,000.00	Active
13	SCRRRA Operations	DMU and ZEMU Vehicle Testing	\$ 100,000.00	Active

Amendment No. 1, effective December 20, 2019, extended the agreement term through December 31, 2020. Amendment No. 2, effective December 7, 2020, further extended the term through December 31, 2024. The agreement is useful and has allowed SBCTA staff to expedite

Board of Directors Agenda Item

November 6, 2024

Page 3

the completion of projects by allowing the use of work orders to task SCRRA staff with completing rail-related services in support of projects undertaken by SBCTA in and along the railroad right-of-way. SBCTA and SCRRA desire to amend the agreement to remove the expiration date, as there is a need to have such an agreement in place as long as SCRRA operates the Metrolink and Arrow Service. Work Orders executed under this contract will be reported to the Transit Committee on a quarterly basis.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was reviewed and unanimously recommend for approval by the Transit Committee on October 10, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendment.

***Responsible Staff:***

Victor Lopez, Director of Transit & Rail Programs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino County Transportation Authority



General Contract Information

Contract No: 15-1001125 Amendment No.: 3
Contract Class: Payable Department: Transit
Vendor No.: 02003 Vendor Name: Southern California Regional Rail Authority (SCRRA)
Description: Cooperative Agreement for Rail-Related Support Service

List Any Related Contract Nos.:

Table with columns for Dollar Amount, Original Contract, Prior Amendments, Prior Contingency Released, Current Amendment, Total/Revised Contract Value, Original Contingency, Prior Amendments, Prior Contingency Released (-), Current Amendment, Total Contingency Value, Total Dollar Authority (Contract Value and Contingency).

Contract Authorization

Board of Directors Date: 11/6/2024 Board Item # 11009

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? N/A N/A
Zero Dollar MOU/COOP/JPA (zero dollar contract) N/A

Accounts Payable

Estimated Start Date: 3/25/2015 Expiration Date: 12/31/2024 Revised Expiration Date: 12/31/2039

NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

Table with columns for Fund, Prog, Task, Sub-Task, Object, Revenue, PA Level, Revenue Code Name, Total Contract Funding, Total Contingency. Includes a grid for GL entries.

Victor Lopez

Project Manager (Print Name)

Victor Lopez

Task Manager (Print Name)

Additional Notes:

Attachment: CSS -Contract 15-1001125 Amendment No. 3 Revised - 08-25-2022 10.11am (11009 : Amendment No. 3 to Cooperative Agreement

**COOPERATIVE AGREEMENT NO. 15-1001125 AMENDMENT NO. 3**

**BETWEEN**

**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY  
AND**

**SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY  
FOR**

**SUPPORT ACTIVITIES FOR RAIL CORRIDOR IMPROVEMENT PROJECTS  
WITHIN SAN BERNARDINO COUNTY**

This Amendment No. 3 (“AMENDMENT”) is made by and between SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (“SBCTA”) and SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (“SCRRA”). SBCTA and SCRRA are each a “Party” and collectively “Parties” herein.

**RECITALS**

- A. On March 26, 2015, the Parties entered into Cooperative Agreement 15-1001125 (“Agreement”) in order advance SBCTA projects involving its railroad right-of-way; and
- B. The Parties executed Amendment 1 to the Agreement, effective December 20, 2019, to extend the term of the agreement through December 31, 2020; and
- C. The Parties executed Amendment No. 2 to the Agreement, effective December 7, 2020, to further extend the term of the agreement through December 31, 2024; and
- D. Parties now desire to amend the Cooperative Agreement to remove the termination date.

NOW, THEREFORE, in consideration of the above recitals, and the terms and conditions contained herein, Parties mutually agree to amend Cooperative Agreement 15-1001125.

1. Article 10, “ADDITIONAL PROVISIONS”, sub-paragraph A, is deleted and replaced in its entirety with the following:
 

“This AGREEMENT shall continue in full force and effect, unless modified or terminated earlier in accordance with this AGREEMENT, until terminated by mutual written agreement of the Parties.”
2. Except as amended by this Amendment No. 3, all other provisions of the Cooperative Agreement shall remain in full force and effect and are incorporated herein by this reference.
3. This Amendment No. 3 is effective upon execution by SBCTA.

IN WITNESS WHEREOF, the PARTIES have caused this AMENDMENT No. 3 to be executed by their duly qualified and authorized officials.

**SOUTHERN CALIFORNIA REGIONAL  
RAIL AUTHORITY**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Darren M. Kettle  
Chief Executive Officer

By: \_\_\_\_\_  
Ray Marquez  
Board of Directors President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

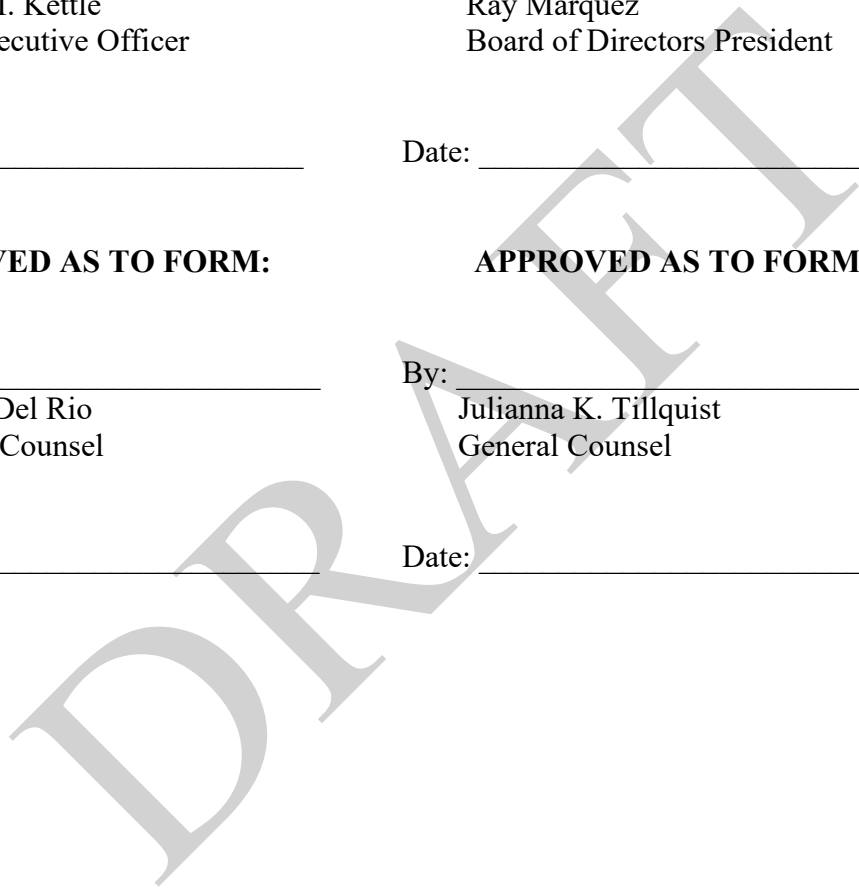
**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Don O. Del Rio  
General Counsel

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Attachment: Contract 15-1001125 Amendment No. 3 SCRRA (11009 : Amendment No. 3 to Cooperative Agreement No. 15-1001125 with SCRRA)

## *Minute Action*

AGENDA ITEM: 16

***Date:*** *November 6, 2024*

***Subject:***

West Valley Connector Project Quarterly Update

***Recommendation:***

Receive and file the West Valley Connector Project Quarterly Update.

***Background:***

**Project Description:**

The West Valley Connector (WVC) project will be a 100% zero-emission Bus Rapid Transit (BRT) system, the first stage of the San Bernardino County Zero-emission Bus Initiative and second BRT route in San Bernardino County. The project is 19 miles and will upgrade a portion of existing Route 61, which runs along Holt Boulevard adding approximately 3.5 miles as center running dedicated bus-only lanes. There will be 21 stations in Phase I that will provide a much-improved transit connection to Ontario International Airport (ONT) and help build transit connectivity by linking ONT, two Metrolink lines (San Bernardino and Riverside), and multiple major activity centers along the route including Ontario Mills and Victoria Gardens. Headways will be 10 minutes in the peak commute period and 15 minutes off-peak, providing a high level of service to the community. The overall project includes the procurement of 18 Battery Electric Buses (BEBs) and the charging infrastructure to support the BEBs. The charging infrastructure includes the installation of two on-route chargers at the Pomona Metrolink Station and 18 chargers at the Omnitrans West Valley Maintenance Facility.

**Project Update:**

The mainline corridor construction continues with Stage 2 widening on the north side of Holt Blvd. including extension of water service lines, removing medians, temporary paving, performing excavations in advance of placing new curbs, and sidewalks. The installation of the construction office trailers on properties owned by San Bernardino County Transportation Authority was completed. The work at the Pomona Transit Center for the two pantograph chargers for the BEBs has begun. Southern California Edison continues to relocate facilities along Holt Blvd.

The Notice to Proceed (NTP) for the charging infrastructure work at the Omnitrans West Valley Maintenance Facility was issued in April 2024. The contractor is currently working on submittals for long-lead procurement equipment and materials.

For the BEB procurement, the first two prototype vehicles have been delivered and Omnitrans is proceeding with local acceptance testing activities.

*Entity: San Bernardino County Transportation Authority*

**Project Milestones and Status:**

<b>Mainline Corridor</b>	
<b>Contract Award</b>	September 6, 2023 (completed)
<b>Limited NTP</b>	October 3, 2023 (completed)
<b>Full NTP</b>	November 16, 2023 (completed)
<b>Substantial Completion</b>	December 2026
<b>Final Acceptance</b>	April 2027
<b>BEB Vehicles</b>	
<b>Contract Award</b>	March 1, 2023 (completed)
<b>NTP</b>	August 17, 2023 (completed)
<b>Prototype (2)</b>	June 2024 (completed)
<b>Production (16)</b>	February, 2025
<b>Charging Infrastructure</b>	
<b>Contract Award</b>	April 3, 2024 (completed)
<b>NTP</b>	April 2024 (completed)
<b>Substantial Completion</b>	April 2026
<b>Final Acceptance</b>	<b>April 2027</b>
<b>Testing and Commissioning</b>	
<b>System Integrated Testing</b>	February 2025
<b>Commissioning</b>	January 2027

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was received by the Transit Committee on October 10, 2024.

***Responsible Staff:***

Joy Buenafior, Deputy Director of Transit & Rail Programs

Approved  
Board of Directors  
Date: November 6, 2024

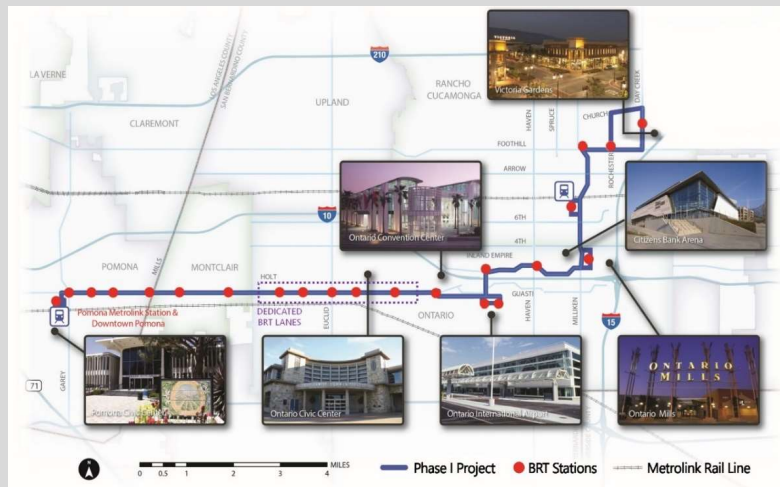
Witnessed By:

# West Valley Connector Bus Rapid Transit (BRT) Project Quarterly Project Update




### PROJECT FEATURES



- 19 miles long – through 4 cities
- 3.5 miles dedicated bus lanes on Holt in Ontario
- 21 stations - 33 directional platforms
- 18 Battery Electric Bus (BEB) vehicles
- 2 on-route chargers at Pomona Station
- 18 depot chargers at West Valley Maintenance Facility



Project Overview

Attachment: September 2024 WVC Quarterly Project Update PP (11007 : West Valley Connector Project Quarterly Update)

<p><b>1</b></p> <p><b>Mainline Construction</b></p> <p>3.5 Miles of Dedicated Bus Lanes, 21 Stations</p> <p><b>Base Contract: \$120M</b></p> <p>Awarded September 2023</p>	<p><b>2</b></p> <p><b>Charging Infrastructure</b></p> <p>18 Depot Chargers at West Valley Maintenance Facility</p> <p><b>Base Contract: \$13M</b></p> <p>Awarded April 2024</p>	<p><b>3</b></p> <p><b>Vehicle Procurement</b></p> <p>18 Battery Electric Buses</p> <p><b>Base Contract: \$22M</b></p> <p>Awarded March 2023</p>
		
<b>Primary Contracts</b>		

<p><b>1</b></p> <p><b>Mainline Construction</b></p> <p>3.5 Miles of Dedicated Bus Lanes, 21 Stations</p> <p><b>Base Contract: \$120M</b></p> <p>Awarded September 2023</p>	<p><b>CURRENT ACTIVITIES</b></p> <ul style="list-style-type: none"> <li>• Stage 2 Traffic Switch Complete</li> <li>• Waterline &amp; Fire Hydrant Relocations (cont.)</li> <li>• Storm Drain Improvements</li> <li>• Concrete Flatwork (Curb/Gutter, Driveways, Cross Gutter, Spandrels) (Stage 2)</li> <li>• Electrical Improvements (Street Lights &amp; Traffic Signals)</li> <li>• Utility Relocations</li> <li>• Pomona Transit Center</li> </ul>	
		
<b>Construction Update</b>		

Attachment: September 2024 WVC Quarterly Project Update PP (11007 : West Valley Connector Project Quarterly Update)





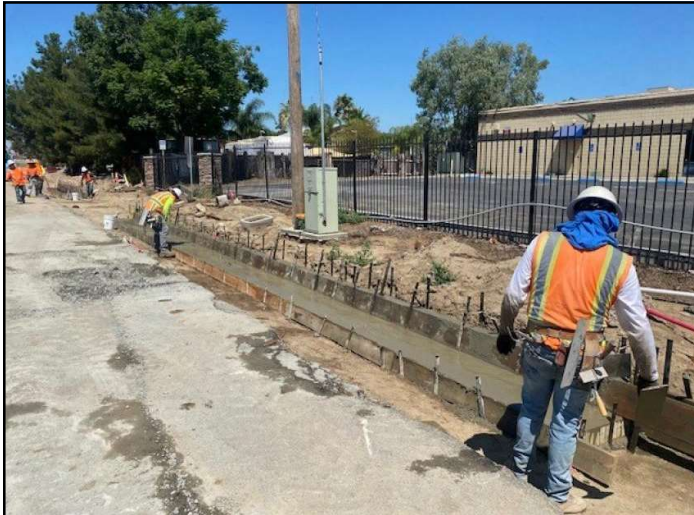
09/18/2024: Griffith Crew Installing 6" Gate Valves to FH Main Set for Tapping



09/12/2024: Griffith Crew Installing 6" Gate Valves to FH Main Set for Tapping @ Sta. 339+98.



Construction Progress Photos



09/18/2024: Curb & Gutter Concrete Pour from Sta. 501+00 to 500+47.



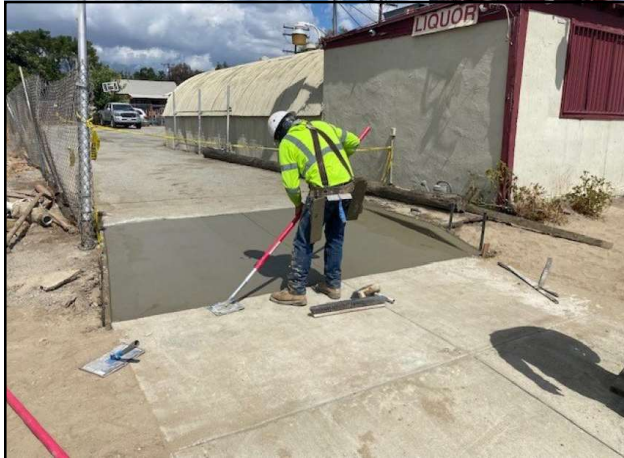
09/16/2024: Concrete Pour along Segment 2C for Curb & Gutter.



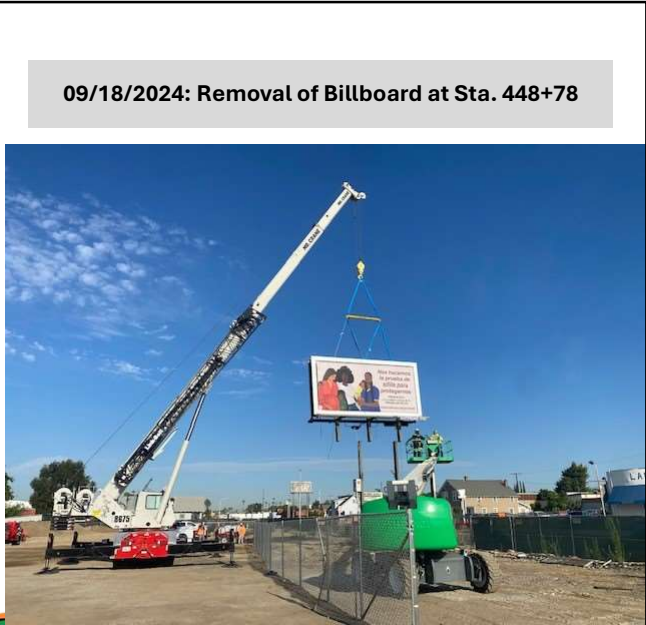
Construction Progress Photos

Attachment: September 2024 WVC Quarterly Project Update PP (11007 : West Valley Connector Project Quarterly Update)





09/18/2024: Driveway Tie-in @Sami's Market



09/18/2024: Removal of Billboard at Sta. 448+78

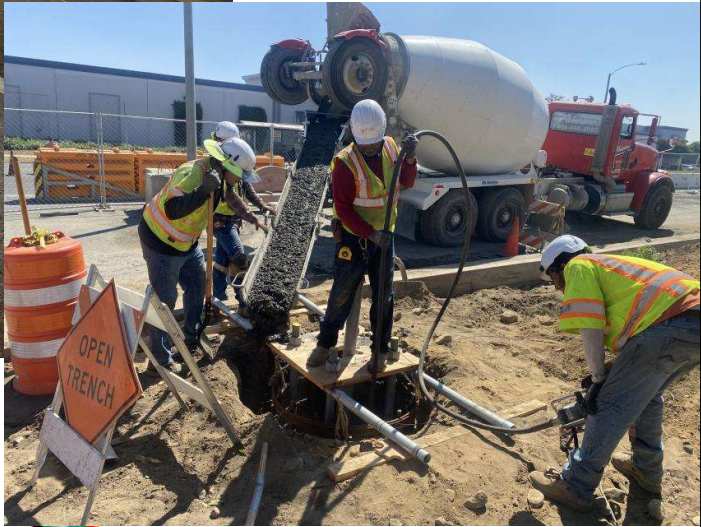


Construction Progress Photos



09/09/2024: Painting and Glass Beads for the Type 1 Arrows in Segment 2A & 2B.

09/18/2024: Traffic Signal Foundation



Construction Progress Photos

Attachment: September 2024 WVC Quarterly Project Update PP (11007 : West Valley Connector Project Quarterly Update)

2

### Charging Infrastructure

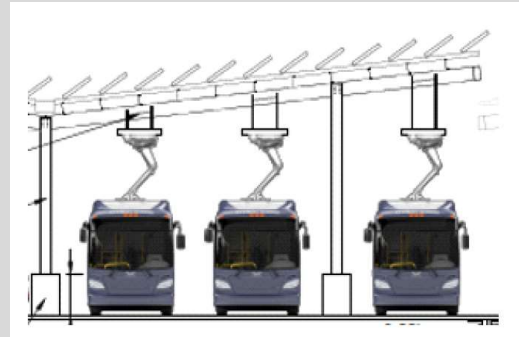
18 Depot Chargers at West Valley Maintenance Facility

**Base Contract: \$13M**

Awarded April 2024

#### CURRENT ACTIVITIES

- Construction contract of the opportunity charging at Pomona Transit Center underway.
- Metro Builders has ordered the long lead items for the West Valley Charge Canopy.
- Concurrently working with Southern California Edison to bring in power.



Construction Update

3

### Vehicle Procurement

18 Battery Electric Buses

**Base Contract: \$22M**

Awarded March 2023



#### CURRENT ACTIVITIES

- First 2 pilot vehicles are tentatively accepted.
- Remaining vehicles enter production line on October 28th.
- Delivery of remaining 16 staggered and all delivered by February 2025.



Vehicle Update

Attachment: September 2024 WVC Quarterly Project Update PP (11007 : West Valley Connector Project Quarterly Update)

# Questions?



**cta**

San Bernardino County  
Transportation Authority

## *Minute Action*

AGENDA ITEM: 17

***Date:*** November 6, 2024

***Subject:***

West Valley Connector Right-of-Way Budget Amendment

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve an increase of \$6,000,000 to fund additional Right-of-Way capital acquisitions for the West Valley Connector Project, in accordance with SBCTA Policies, including but not limited to relocation assistance, demolition of existing structures, and goodwill, for a new not-to-exceed amount of \$64,000,000 to be funded with Measure I Valley Express Bus/Rapid Transit Program funds previously allocated to the Project.

B. Authorize the Executive Director, or his designee, to execute Contract Task Orders greater than \$500,000, to the Transit and Rail On-Call Right-of-Way Services consulting firms, as required for West Valley Connector Project acquisitions, for a combined not-to-exceed amount of \$9,500,000, previously authorized by the SBCTA Board of Directors for Contract Nos. 19-1002009, 19-1002007, 19-1002008, and 18-1001924.

C. Approve a Budget Amendment to increase the Fiscal Year 2024/2025 Budget for Task No. 0315 – Capital Projects in the amount of \$6,000,000 to be funded with Measure I Valley Express Bus/Rapid Transit Program funds.

***Background:***

In May 2019, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the award of On-Call Right-of-Way (ROW) contracts to four firms to support current and future ROW services for Transit and Rail projects and programs. The Board also authorized a total not-to-exceed contract authority of \$5,500,000 between the four on-call firms. Work under the various on-call contracts has been issued on a Contract Task Order (CTO) basis and according to SBCTA's On-Call CTO policies and procedures.

On January 6, 2021, the Board approved proceeding with voluntary acquisitions of property necessary for the West Valley Connector (WVC) project with a total not-to-exceed amount of \$58,000,000 for ROW acquisition capital expenses. Additionally, the Board authorized the Executive Director, or his designee, to execute CTOs over \$500,000 to the on-call firms, as required for the WVC acquisitions, for a combined not-to-exceed amount of \$5,500,000. In January 2023, the Board approved an increase of \$2,000,000 to the not-to-exceed amount, increasing the total contract authority to \$7,500,000. Further, in May 2024, the Board approved an increase of \$2,000,000 to the combined contract authority for the four ROW on-call firms, for a total not-to-exceed amount of \$9,500,000. While staff presumed the subsequent contract authority increases allowed the Executive Director to issue CTOs up to \$9,500,000, it was later determined that a specific Board action is needed to increase the cumulative CTO authority to \$9,500,000. Recommendation B will rectify the issuance of CTOs above \$5,500,000. At this time, there have been 10 CTOs issued to the various on-call firms for a combined amount of \$8,030,839.02, with a remaining authority of \$1,470,427.53. Staff recommends that the

*Entity: San Bernardino County Transportation Authority*

Executive Director, or his designee, be authorized to execute CTOs greater than \$500,000 up to the ROW on-call contract authority of \$9,500,000, for the four on-call contracts.

Although the number of acquisitions required for the project has not significantly increased, the level of demolition efforts for the various full acquisitions has been higher than originally anticipated. As the WVC project construction continues, additional ROW services are needed, such as appraisals to extend various temporary construction easements and reconfiguration of buildings that are in the public ROW. Other services that are currently needed for the project include, but are not limited to, building demolition support services, close-out of temporary construction easements, temporary easement extensions, transfer of public easements to the cities, and support for the sale of excess land.

While staff has secured all the properties needed to proceed with construction, either through Purchase and Sale Agreements or Orders of Possession, negotiations continue to determine final compensation for 20 properties that range from property acquisition, partial property acquisition, permanent easements, and temporary construction easements. In addition, the following items are included in the ROW capital expenditure budget: relocation assistance, demolition, goodwill, and cost to cure for improvements. Staff previously requested budget authority for ROW capital of \$58,000,000. Based on previous and expected settlements and miscellaneous payments, staff recommends that the maximum ROW budget authority be increased by \$6,000,000 for a combined not-to-exceed amount of \$64,000,000. This increase will allow staff to complete negotiations for the remaining capital acquisitions needed for the WVC project. This increase in budget authority will be drawn from the project contingency and does not affect the overall project budget.

***Financial Impact:***

The West Valley Connector Right-of-Way acquisitions and On-Call Right-of-Way professional services are included in the adopted Budget for Fiscal Year 2024/2025 and funded with Measure I Valley Express Bus/Rapid Transit Program funds, Federal Fixed Guideway Capital Investment Grant funds, Federal American Recover Plan Act Capital Investment Grant funds, and Local Project Funds in Program 30, Transit. A budget amendment is required as described in Recommendation C and described in the background section of this item.

***Reviewed By:***

This item was reviewed and unanimously recommended for approval by the Transit Committee on October 10, 2024.

***Responsible Staff:***

Joy Buenaflor, Deputy Director of Transit & Rail Programs

Approved  
 Board of Directors  
 Date: November 6, 2024

Witnessed By:

## *Minute Action*

AGENDA ITEM: 18

***Date:*** *November 6, 2024*

***Subject:***

Victor Valley Transit Authority Comprehensive Operational Analysis

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Receive and file a presentation from the Victor Valley Transit Authority.

B. Approve the Victor Valley Transit Authority Comprehensive Operational Analysis for Fiscal Years 2025-2029.

***Background:***

San Bernardino County Transportation Authority (SBCTA) requires each transit agency to prepare a short-range transit plan (SRTP) or comprehensive operational analysis (COA), which is a multi-year operating and capital plan. This plan allows for SBCTA to review the operators' future transit projects and allows SBCTA staff to provide important funding forecast information to ensure transit operators have the resources to operate over the next five years. Although the SRTP is completed every five years, SBCTA has the transit operators revise financial tables every two years to determine potential short falls in the near future. The plans are then presented to the SBCTA Board of Directors (Board) for their review and approval. The Board is required to approve each plan, as a funding commitment to the operators.

The Victor Valley Transit Authority (VVTA) COA provides a thorough review of existing transit services currently provided in the VVTA service area, offering an in-depth look at the transit system currently in place, evaluation of the optimal manner in which transit can meet the public's needs within this area, and outlines where transit resources should be devoted over the short- and long-range planning period. Attachment 1 is the executive summary which outlines the major highlights of the COA. Additionally, the VVTA COA is being provided separately as support material to the agenda item.

The following are proposed changes to VVTA service for the next five years.

**Year 1 – Fiscal Year (FY) 2024/2025**

- New Micro-Link service: Apple Valley.
- One additional current weekday (Route 15 northbound) trip will serve California State University, San Bernardino.
- NTC (National Training Center) Commuter service will continue to operate in Year 1, VVTA will need to work with the leadership at NTC to plan and transition to any future NTC service.
- Direct Access service coverage and span will need to be adjusted based on changes to VVTA routes.
- Routes discontinued and replaced with Micro-Link service: 25 (Hesperia) and 54 (Hwy 395 & Mall of Victor Valley).
- Route 50X (Victor Valley College Express) will be discontinued and replaced with a streamlined Route 55 (Victor Valley College).

*Entity: San Bernardino County Transportation Authority*



- Routes with weekday headway improvement from 60 to 30 minutes: Routes 32 and 55.
- Routes with headway improvement from every 180 minutes to 120 minutes on all days: Routes 28 and 29.
- New routes: Route 27 between Barstow and Helendale and Route 49 between Apple Valley and the Mall of Victor Valley utilizing the Yucca Loma corridor.

### **Year 2 - FY 2025/2026**

- Fixed Routes 1 through 6 and Routes 31 through 68 will operate one hour later into the evening.
- Span for Direct Access service will be improved to match fixed route service.
- One additional roundtrip on Route 15 between Barstow and Victorville will be implemented to better serve passengers who need access to Family Court in Barstow.
- Changes to NTC Commuter service would occur this year based on discussion with NTC leadership.

### **Year 3 - FY 2026/2027**

- New Route 67 service will begin to the Silverwood development area in Hesperia allowing for modifications to Route 66 (Hesperia East).
- A new Micro-Link zone will be implemented in Adelanto allowing for changes to streamline Route 33 (Hwy 395 to Palmdale Road).
- Direct Access service coverage will increase based on the implementation of Route 67.
- Route 15 Sunday schedule will be improved by operating the same timetable that is operated on Saturday.

### **Year 4 - FY 2027/2028**

- New Route 38 will operate along the Mojave Drive corridor between Victorville and Adelanto, serving a loop in south Adelanto allowing for changes to the Route 31 loop in south Adelanto and for Route 32 to be streamlined between Southern California Logistics Airport and the Victor Valley Transit Center.
- New Route 62 will operate between the Hesperia Transfer Point (HUB) and the Mall of Victor Valley which will allow Route 68 to operate solely along the Main Street corridor between the Hesperia HUB and Super Target.

### **Year 5 - FY 2028/2029**

Brightline West service is expected to start in Year 5 and service changes in Year 5 focus on improving access to Brightline Stations.

- The Hesperia Brightline Station will already be served by Route 64 and the Apple Valley Station will be served by Route 42.
- A new route 45 will be implemented between Victorville and the Apple Valley Stations serving the Stoddard Wells Road corridor which will allow for streamlining of Route 22.
- Stops at each of the Brightline Stations will be added to Route 15 and two additional roundtrips will be added between Victorville and San Bernardino.

- The span of service for all fixed routes will be increased by two hours on weekdays with service beginning one hour earlier and ending one hour later.

The capital plan included in the COA supports the proposed five-year operating plan, which will maintain current operations in a state of good repair and will support its growth during the period. The capital plan includes replacement and expansion vehicles, facility upgrades and development, and a range of ancillary items including security, amenities, and shop equipment, all of which support the zero-emission bus transition, which includes fuel cell electric buses (FCEB). Table 81 (below) from VVTA's COA shows the schedule for replacing vehicles.

Table 81: Vehicle Replacement Schedule

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	TOTAL
<b>40-Foot FCEB Replacements</b>	3	4	7	1	2	17
<b>40-Foot FCEB Expansion</b>	4	-	-	-	-	4
<b>Paratransit Vehicles</b>	5	3	6	6	5	25
<b>Microtransit Vehicles</b>	1	-	3	-	3	7
<b>Non-Revenue Vehicles</b>	5	5	5	7	8	30

As part of the capital plan, facilities are needed to service the new fleet. With the introduction of hydrogen fuel cell electric buses, VVTA will need to make significant changes to its facilities to accommodate them which include:

- The operating and maintenance facilities in Hesperia and Barstow will have their shops upgraded and will have hydrogen fueling stations built.
- Additional garage and shop equipment for Barstow and Hesperia are included in the capital plan.
- Expansion at the Hesperia facility to accommodate additional offices and other facility upgrades at all locations.

The approval of the COA will result in the authorization to program the proposed five-year operating and capital projects in the Federal Transportation Improvement Program and keep them in compliance with Federal, State, and local compliance. Annually, an allocation will be brought to the Transit Committee and Board of Directors prior to any disbursement of these funds.

***Financial Impact:***

The necessary budget to support the recommended allocation is included in the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was reviewed and unanimously recommended for approval by the Transit Committee on October 10, 2024.

***Responsible Staff:***

Nancy Strickert, Transit Manager



Board of Directors Agenda Item  
November 6, 2024  
Page 4

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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:

San Bernardino County Transportation Authority



# Attachment 1

## Victor Valley Transit Authority COA

Final Report - June 2024



Attachment 1 VVTA Executive Summary (11005 : Victor Valley Transit Authority Comprehensive Operational Analysis)



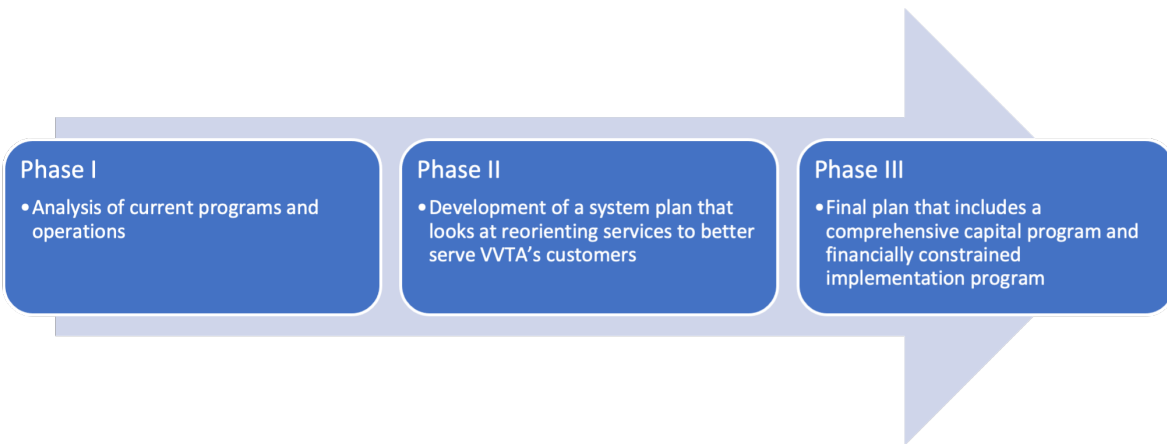




# 1 Executive Summary

The Comprehensive Operations Analysis (COA) is a five-year and beyond blueprint that will guide the Victor Valley Transit Authority (VVT) in providing transit service to the Victor Valley, Barstow, and North Desert region. The COA provides a comprehensive analysis of all VVT's services to provide guidance in improving the delivery of services based on the goals and objectives of the organization. The COA is presented in three phases.

FIGURE 1: COA PROJECT PHASES



## 1.1 About VVTA

VVTA provides fixed route and deviated fixed route services in the incorporated cities and towns as well as the unincorporated and rural areas surrounding the Barstow and Victor Valley communities. In compliance the Americans with Disabilities Act (ADA) VVTA provides Direct Access service to members of the community who, due to age or disability, are unable to access regular route services. VVTA recently implemented Micro-Link microtransit to provide service coverage in areas that are more difficult to serve with regular fixed route buses. Route 15 is an intercity service connecting Barstow, Victorville, and San Bernardino area communities. VVTA also provides commuter bus service connecting Victor Valley and Barstow to the National Training Center at Fort Irwin. To serve commuters, VVTA does have a subsidized vanpool program.

## 1.2 Needs and Opportunities

The needs and opportunities are a summary of findings that are germane to and will inform the system planning process. The findings of the needs and opportunities are presented based on each of the analyses conducted and are presented below.

### 1.2.1 SERVICE EVALUATION

- » Ridership is still recovering from the impacts of the COVID-19 pandemic. Riders are returning to the system, but overall ridership remains at less than half of pre-pandemic levels.
- » Crowding is not an issue on any route.
- » VVTA bus routes that offer route deviations do not deviate often.
- » Route 1 is the best performing route. It serves areas with high transit demand in Barstow along Main Street, providing quick service, and has a strong generator as the end of the route at Walmart. While productivity is high, crowding is not an issue.
- » The performance of county routes, routes serving rural areas, is low. These routes do not carry very many passengers. These routes are less frequent but serve areas with mobility needs.
- » On-time performance is an issue for services, with 23% of trips arriving late. Besides route and running time changes to improve on-time performance, strategic through-routing should also help improve on-time performance.
- » Victor Valley College is still one of the destinations with the greatest demand. People traveling to and from Victor Valley College do like the speed of the 50X. The directness of the proposed Route 55, which will replace Route 50X, will maintain the benefits of the 50X while providing an increased level of service. Route 50X currently operates Monday through Thursday once per hour for only a few hours while Route 55 will operate every 30 minutes all-day on weekends and operate on weekends.
- » The vanpool program is competing directly with the commuter program with 35 percent of all vanpools serving Fort Irwin. The commuter program should be discussed with Fort Irwin leadership. The vanpool program also highlights that another potential commuter market is the Marine Corps Logistics Base.
- » Route 15 continues to be a popular service and continued growth should be considered.
- » The expansion of Micro-Link could serve areas that are not well served by VVTA bus routes today or replace lower performing routes that are not seeing ridership growth.
- » Military Veterans are not adequately connected to medical services as they access care at the VA Medical Center in Loma Linda and the Hospital at Fort Irwin.

## 1.2.2 MARKET ASSESSMENT

- » There are areas that have a higher concentration of senior citizens that do not have access to bus routes including portions of West Victorville, Jess Ranch in Apple Valley, Spring Valley Lake, and South Hesperia.
- » There are areas that have a higher concentration of minority residents that are not near bus routes in South Adelanto and South Hesperia.
- » Hesperia south of Main St between the aqueduct and 3rd Ave based on youth population and minority population, zero-car households, and along the Mojave Drive corridor in Victorville.
- » The Mojave Drive corridor has concentrations of minority population, Low-income population, youth population, college population, and senior population, and zero-car households.

## 1.2.3 PUBLIC OUTREACH

- » Missed connections between buses at the transit centers is the biggest issue for VVTA passengers as it leads to trips being longer, thereby making transit less attractive.
- » Span needs to be expanded to serve the needs of riders. Later service is needed to access jobs, college courses, and shopping.
- » Passengers feel that travel times are too long. They like services that are direct and quick such as 50X. Part of the travel time concern is related to missed connections when buses are late.
- » Service coverage is good, there are a few locations that have a high transit propensity that are not served. Customers did not mention any locations that they wish to travel to that they are unable to reach. Route changes, or new routes, may be needed to serve new developments as the region continues to grow.

## 1.3 Service Alternatives and Future Needs Analysis

The service changes included in this plan are meant to redesign the VVTA network in order to improve performance of the service and to address the evolving needs of the changing Victor Valley region. A two-tiered approach was used to develop a redesign of the VVTA network. The Short-Term Network includes service changes that can be made in the next one to two years and reflect constrained resources and adaptations to near-term developments within VVTA's service area. The Vision Plan contains service changes that are to occur over the longer term, over the next five years and beyond, reacting to upcoming developments like the opening of Brightline. The Vision Plan also includes more resource-intensive service improvements that will require additional resources beyond those needed for the short-term plan. The plans were developed with the following guiding principles in mind.

### 1.3.1 ADDRESSING NEW LAND USE AND DEVELOPMENT PATTERNS

As communities in Victor Valley continue to grow, VVTA will adjust its services to meet new demands. Where densities and land use patterns warrant, VVTA service changes have been developed to meet new demand for transit service. New developments will be served either by adjusting the alignment of existing routes, the introduction of new fixed routes, or the introduction of a new Micro-Link service.

### 1.3.2 IMPROVING SERVICE FREQUENCY WHERE POSSIBLE AND WARRANTED

This service plan improves service frequency when possible and when demand warrants it. Improving service frequencies is key to improving ridership; this is especially important as the majority of VVTA services currently operate at frequencies of 60 minutes or greater. Improving service frequencies is key to generating ridership growth.



### 1.3.3 ENSURE THAT SPAN OF SERVICE IS ADEQUATE THROUGHOUT THE WEEK

The service plan seeks to improve VVTA's service so that customers can rely on it for more trips. The key to improving VVTA's service is ensuring that it operates when passengers need, especially earlier in the morning and later in the evenings. Currently, resources limit possible service span.

### 1.3.4 STREAMLINED ALIGNMENTS

The service plans present route modifications to improve performance of routes by eliminating unproductive areas, offering more streamlined service between high ridership destinations.

### 1.3.5 EXPANDING MICRO-LINK SERVICE IN AREAS THAT FIT ITS ROLE

This service plan seeks to expand the role of Micro-Link as a key service that VVTA offers. Micro-Link is being used to expand service to areas of dispersed demand, but in a manner that utilizes fewer vehicles than regular fixed route service.

## 1.4 The Proposed Networks

The Short-Term Network is a suite of improvements that can be made within a short timeframe with all short-term recommendations proposed for implementation in the first year.

FIGURE 2: PROPOSED SHORT-TERM NETWORK (VICTOR VALLEY AREA)

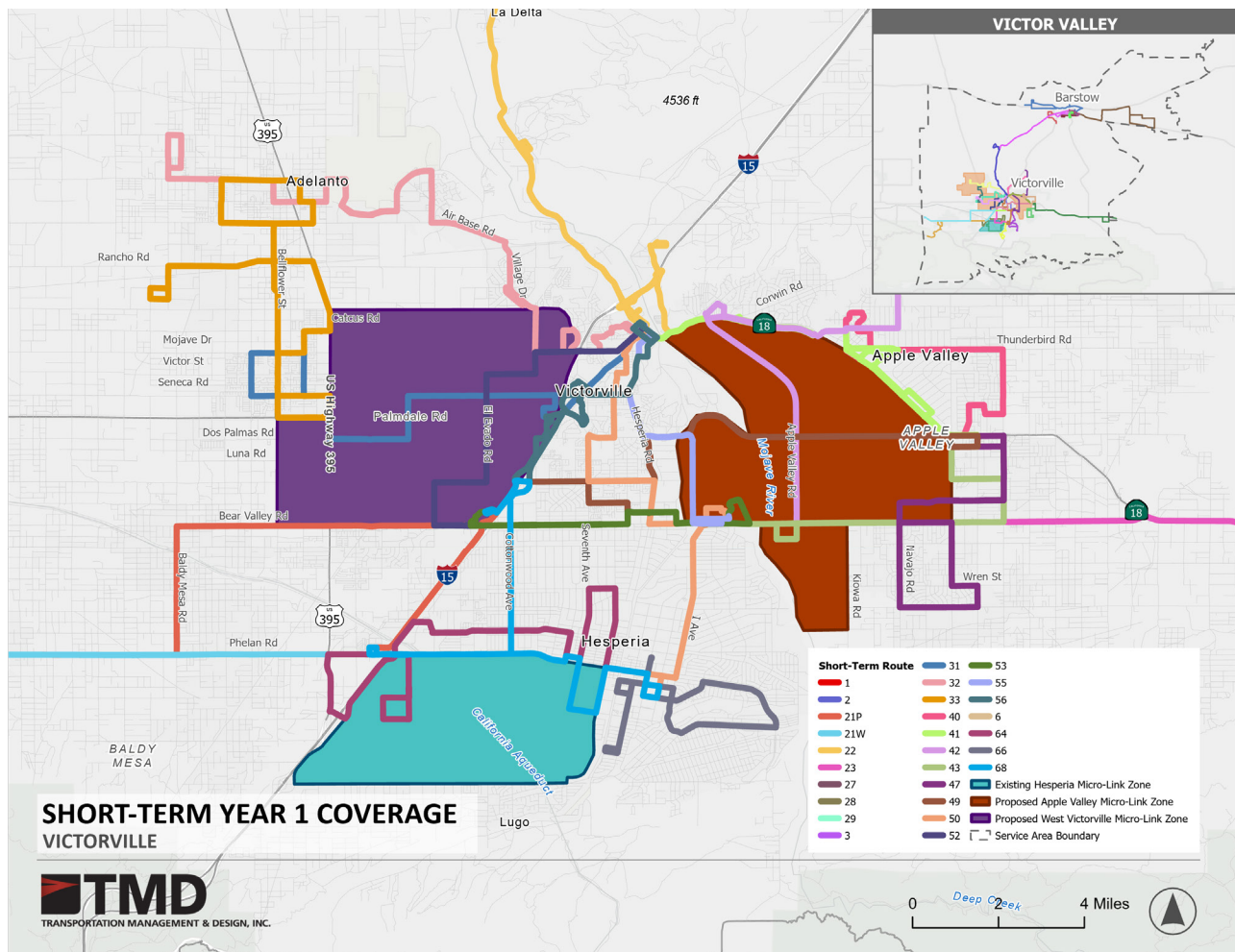
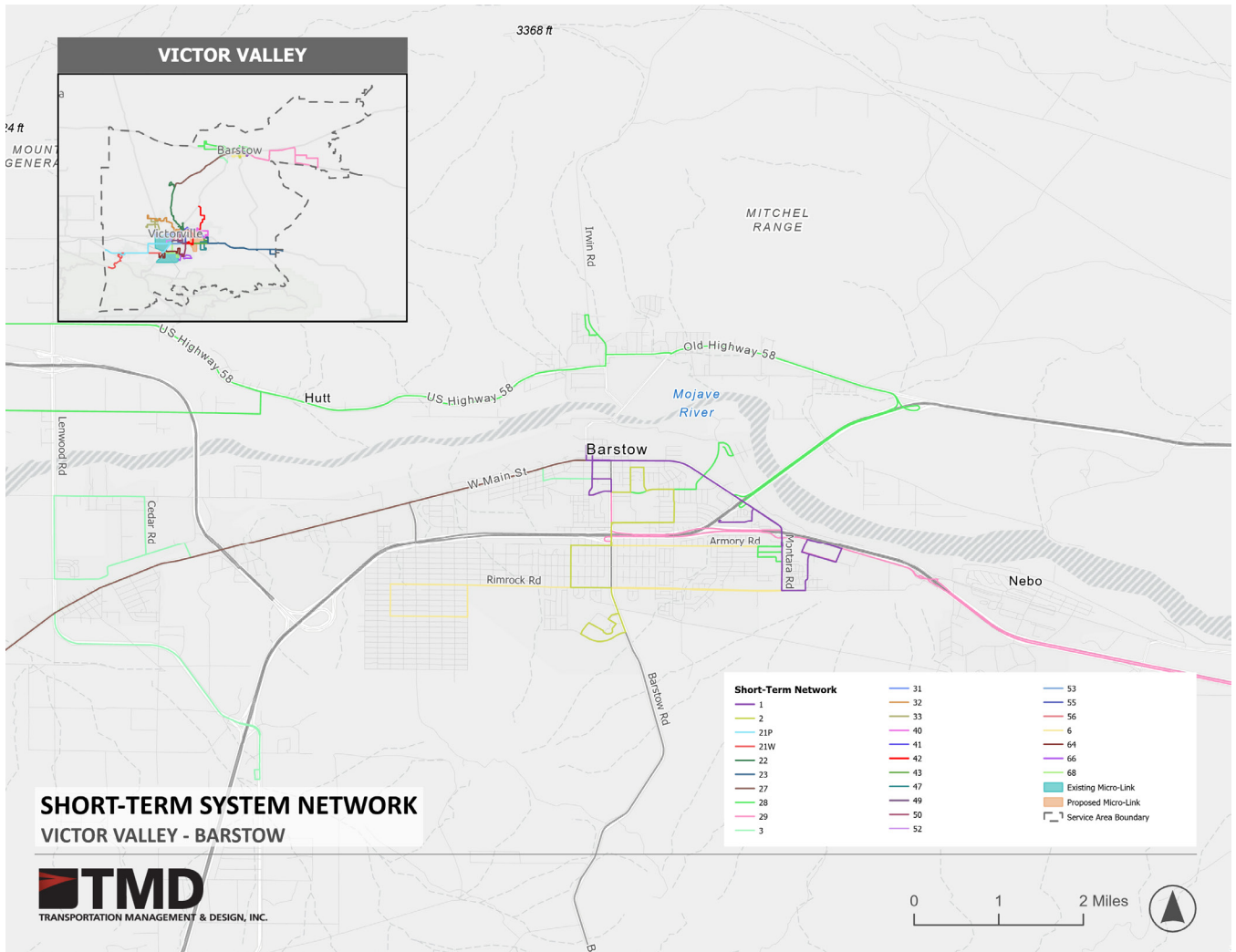


FIGURE 3: PROPOSED SHORT-TERM NETWORK (BARSTOW AREA)



Attachment: Attachment 1 VVTA Executive Summary (11005 : Victor Valley Transit Authority Comprehensive Operational Analysis)

The Vision Plan is an aspirational plan for VVTA and allocates extensive resources to further improving service and span and service to future developments. The implementation program will seek to incrementally build to the vision plan based on available funding.

FIGURE 4: PROPOSED VISION PLAN (VICTOR VALLEY AREA)

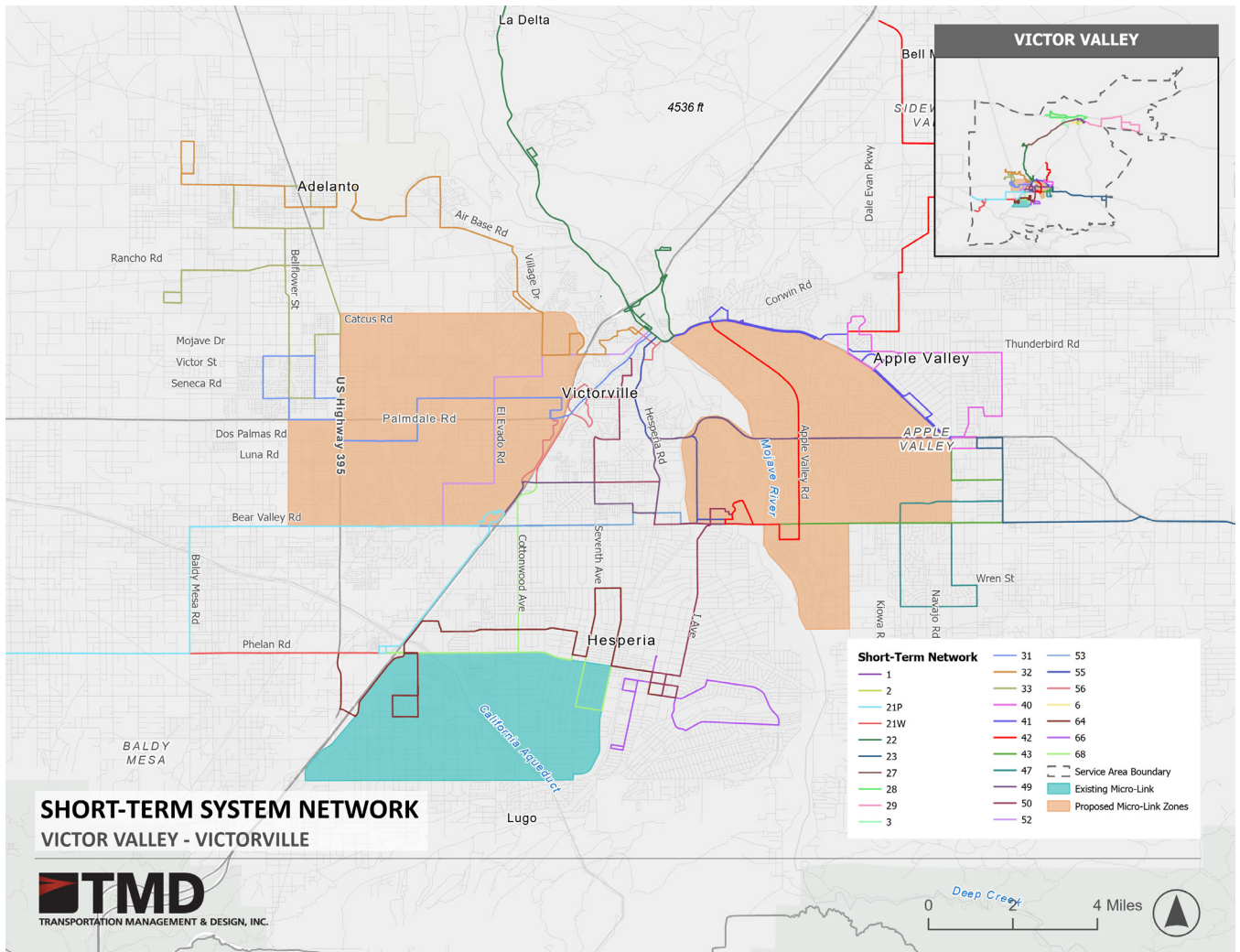
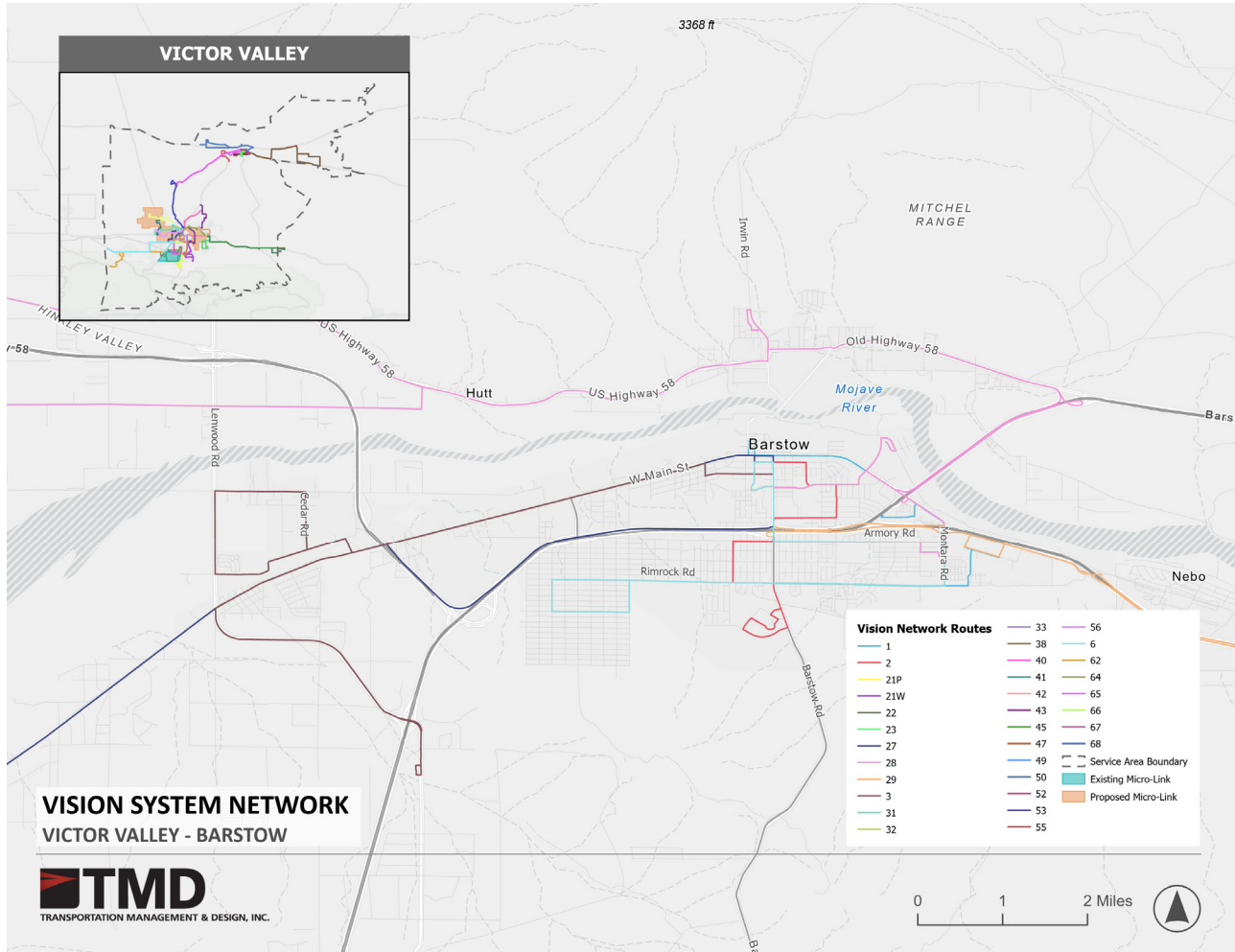




FIGURE 5: PROPOSED VISION PLAN (BARSTOW AREA)



## 1.5 Service Plan

The service plans for VVTA are based on the route concepts developed in Phase 2 and support rebuilding VVTA's ridership and supporting growth in the region. They account for changes in commuting patterns post-COVID and are responsive to comments from the public regarding what riders need from the system. The descriptions below present the changes to the service plans for fixed route services from what was presented in Phase 2.

### 1.5.1 FIXED ROUTE AND COUNTY SERVICES

The service plan that was developed in Phase 2 of the study was presented to the public in April 2024. The response to the new routes and services was incredibly positive with riders enthusiastic about span enhancements and more frequent services. The implementation program implements the new routes based on available funding and prioritizes serving major new developments, improving current services for passengers, and financial constraints.

### 1.5.2 DIRECT ACCESS

Any changes to fixed route services will affect Direct Access services. As fixed route coverage expands throughout the service area, the Direct Access coverage area will increase (and the shape of zones 2 and 3 as well). Per the Americans with Disabilities Act (ADA) rules, VVTA obligated to have Direct Access service available during the same hours that fixed route service operates so changes in fixed route span will result in changes to Direct Access span.

### 1.5.3 ROUTE 15

Changes to Route 15 include adding service and adding stops. Additional weekday service between Barstow and Victorville will support needs for accessing courthouse services in each community. Additional service between Victorville and San Bernardino will support access to healthcare, connections to CSUSB, and access to jobs. Additional stops will be added to Route 15 at park and ride lots and locations near Interstate 15 where transfers to other services can occur, including Brightline stations.

### 1.5.4 NTC COMMUTER

The COA recommends that NTC leadership and VVTA need to develop a specific plan about the future of transportation between the VVTA service area and NTC. It is recommended that any changes to the NTC would happen in the second year of the plan (Fiscal Year 2025/2026) with a year-long process of working with NTC leadership to develop a new service plan and working with commuter bus riders to transition to a new service.

### 1.5.5 VANPOOL

The travel patterns for the Post-COVID period make vanpools more difficult to form and maintain due to more flexible work schedules that include hybrid home/office work. It is recommended that VVTA vanpool program adopt a model that sells seats on vanpools for each day of the week versus having all participants of the vanpool required to travel five days per week. This model will also allow part-time workers access to vanpools. The second recommendation is to market the vanpool program to employers in the VVTA service area or who have a lot of employees commuting from the VVTA service area.

### 1.5.6 CONSOLIDATED TRANSPORTATION SERVICES AGENCY (CTSA)

VVTA's CTSA program has been a crucial tool in supporting mobility for those who are unable to use VVTA's fixed route transit network. To support mobility two programs are proposed to be restarted which include the Transit Ambassador Program and the Travel Training programs which will support part of the CTSA mission of helping people to learn to use VVTA's services. A new program that is planned is a Veteran's transportation program to support the needs of Veterans who may not be able to access VVTA fixed routes, may not qualify for Direct Access, and cannot easily access key destinations for Veterans such as the VA Medical Center in Loma Linda. A longer-term program, which can be considered as part of the expansion of the Hesperia Yard, is the development of a mobility center. The mobility center can be used to train people to use fixed route bus services and evaluate passengers for Direct Access services.

## 1.6 Implementation Plan

The implementation plan presents a timeline for adding service that builds toward the Vision plan yet is financially constrained. The implementation plan incrementally adds service in all five years covered by the COA. The timeline for service changes is presented for each year below.

### 1.6.1 YEAR 1/FY2025

In Year 1 all short-term service changes are recommended to be implemented. This includes new Routes 27 and 49 along with improvements to frequency for Barstow County routes, Route 32, and Route 55. Routes 25 and 54 are recommended to be discontinued with modifications to other routes and existing Micro-Link services providing service in the same areas as Route 25 and Route 54. Route 50X service is discontinued and replaced with improved frequency and direct routing on Route 55 which will operate a more direct routing between the VVTC and VVC, operate more frequently, and operate seven days a week. The service span of Barstow area routes is recommended to be improved to match the services in the Victor Valley area. A new Apple Valley Micro-Link zone is recommended to be implemented in Year 1. Additional stops are recommended for Route 15 at the L Street park and ride, Bear Valley park and ride,

Main Street and Cataba Road, and the Hesperia park and ride. One additional existing northbound Route 15 trip is recommended to be modified to provide service to CSUSB.

### 1.6.2 YEAR 2/FY2026

Changes in year 2 include span improvements on weekdays to Routes 1 through 6 and Routes 31 through 68. The span improvements will result in service ending one hour later in the evening. One additional roundtrip is recommended to be added to Route 15 between Barstow and Victorville. Implementation of the future NTC service that will be developed in year 1 will occur in year 2.

### 1.6.3 YEAR 3/FY2027

Year 3 will see the introduction of new Route 67 serving the Silverwood development in Hesperia. This new route will allow for modifications to Route 66 serving Hesperia. A new Micro-Link zone will be implemented in Adelanto and alignment of Route 33 will change to accommodate this service. Route 15 Sunday service will be improved with a schedule that is the same as Saturday service.

### 1.6.4 YEAR 4/FY2028

Two new routes are recommended to be implemented in Year 4. Route 38 along Mojave Drive in Victorville and Adelanto will be implemented and allow for improved coverage in Adelanto by changing the Route 31 loop and a more direct routing for Route 32. New Route 62 will operate between the Hesperia Transfer point and the Mall allowing Route 68 to serve the Main Street corridor between Super Target and the Hesperia Transfer Point.

### 1.6.5 YEAR 5/FY 2029

Brightline West route changes are expected to be implemented in Year 5. These changes include a New Route 45 between Victorville and the Apple Valley Brightline station along with an extension to Route 42 to serve the station. Route 22 will be modified based on the new Route 45 serving the Stoddard Wells area stops currently served by Route 22. Route 15 will have stops at the two Brightline stations. Two roundtrips will be added to Route 15 service between Victorville and San Bernardino on weekdays. Service spans on Routes 1 through 6 and Routes 31 through 68 will improve on weekdays with service starting one hour earlier and ending one hour later.

### 1.6.6 BEYOND 5 YEARS

The five-year implementation plan does provide considerable progress towards the vision network, it is financially constrained and does not implement all services. The bullets below present the prioritization for service improvements to consider if additional funding becomes available. It is important to note that new routes and frequency enhancements will require the purchase of expansion buses.

1. Weekend span improvements
2. County service span improvements
3. Implementation of Route 65
4. 30-minute service on Routes 1, 2, 3, 6, 33, 38, 40, 42, 45, 47, 49, 50, 56, 62, 64, 66, 67, 68
5. 20-minute service on Routes 31, 41, 43, 52, 53, 55
6. 60-minute service on Routes 21P, 21W, 22, 23, 27, 28, 29
7. Weekend 30-minute service on frequent routes

## 1.7 Fare Modernization

The modernization program will include a fare capping program and an open loop payment system. Fare capping rewards passengers with free rides after they meet the fare equivalent of a daily, weekly, or monthly pass. An open loop fare payment system allows for a regular credit card to be used as a farecard and does not require pre-payment. As part of the fare policy change, a 25-cent increase in the base fare is proposed that would be concurrent with the implementation of the modernized fare system along with Direct Access fares and ADA subscription fares which would be implemented in year 2 of the COA plan, FY 2026. Along with this fare change the county and Micro-Link services will be incorporated into the fixed route fare policy creating a single more simplified fare structure for local services.

## 1.8 Administration Plan

In implementing the recommendations of the COA, VVTA will increase its fleet size to over 50 buses. A fleet of 50 buses is a threshold for several rules and regulations at the federal level that VVTA will have to account for. There are different thresholds for greater fleet sizes that VVTA should also keep in mind as they expand their fleet. To accommodate the reporting requirements for increasing service, a Planning Manager position is recommended to oversee planning and reporting functions. This position will be added in Year 2 before the fixed route bus fleet reaches 50 buses.

## 1.9 Capital Plan for the VVTA Service Area

The capital plan supports the proposed five-year operating plan, which will maintain current operations in a state of good repair and also will support its growth during the period. Of major import is the transition of the vehicle fleet to zero-emission buses (ZEB) leveraging hydrogen powered fuel cell technology which requires the development of hydrogen fueling facilities in Barstow and Hesperia. The capital plan includes replacement and expansion vehicles, development of bus transfer hubs, facility upgrades and development, and a range of ancillary items including security, amenities, and shop equipment, all of which support the ZEB transition.

TABLE 1: 5-YEAR CAPITAL PLAN BY LINE ITEM 1.10 FINANCIAL PLAN

Line-Item Name	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
40-Foot FCEB	\$10,675,000	\$5,924,825	\$10,679,497	\$1,571,412	\$3,237,108
Paratransit Vehicles	\$850,000	\$525,300	\$1,082,118	\$1,114,582	\$956,682
Microtransit Vehicles	\$190,000	\$-	\$604,713	\$-	\$641,540
Non-Revenue Vehicles	\$310,000	\$319,300	\$328,879	\$474,244	\$558,252
Cost rollover for 3 buses	\$1,596,462	\$-	\$-	\$-	\$-
On-Board Vehicle Modems (security)	\$110,000	\$-	\$-	\$-	\$-
Hesperia Hydrogen	\$-	\$-	\$-	\$-	\$-
Hesperia Shop Upgrades for Hydrogen	\$1,430,000	\$-	\$-	\$-	\$-
Barstow Hydrogen and chargers	\$15,000,000	\$-	\$-	\$-	\$-
Garage and Shop Equipment	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
GFI Vault Upgrade	\$75,000	\$-	\$-	\$-	\$-
Barstow Transit Center	\$730,000	\$141,684	\$-	\$-	\$-
Victorville Transportation Center Expansion	\$	\$-	\$2,385,227	\$-	\$-
Automatic Passenger Counters	\$150,000	\$-	\$-	\$-	\$-
Hesperia Yard and Transit Center	\$1,800,000	\$-	\$-	\$-	\$-
Hesperia Facility Capital Lease	\$1,539,550	\$1,540,300	\$1,539,050	\$1,540,800	\$1,535,300
Barstow Facility Capital Lease	\$641,900	\$641,900	\$640,150	\$642,900	\$641,400
Transit Amenities/Street furniture	\$-	\$75,000	\$100,000	\$100,000	\$100,000
Grant Management Software	\$50,000	\$-	\$-	\$-	\$-
IT and Office Equipment Replace	\$55,000	\$50,000	\$50,000	\$50,000	\$50,000
Security – Capital Projects	\$-	\$110,000	\$110,000	\$110,000	\$110,000
<b>Capital Total</b>	<b>\$35,302,912</b>	<b>\$9,428,309</b>	<b>\$17,619,634</b>	<b>\$5,703,938</b>	<b>\$7,930,282</b>

## 1.10 Financial Plan

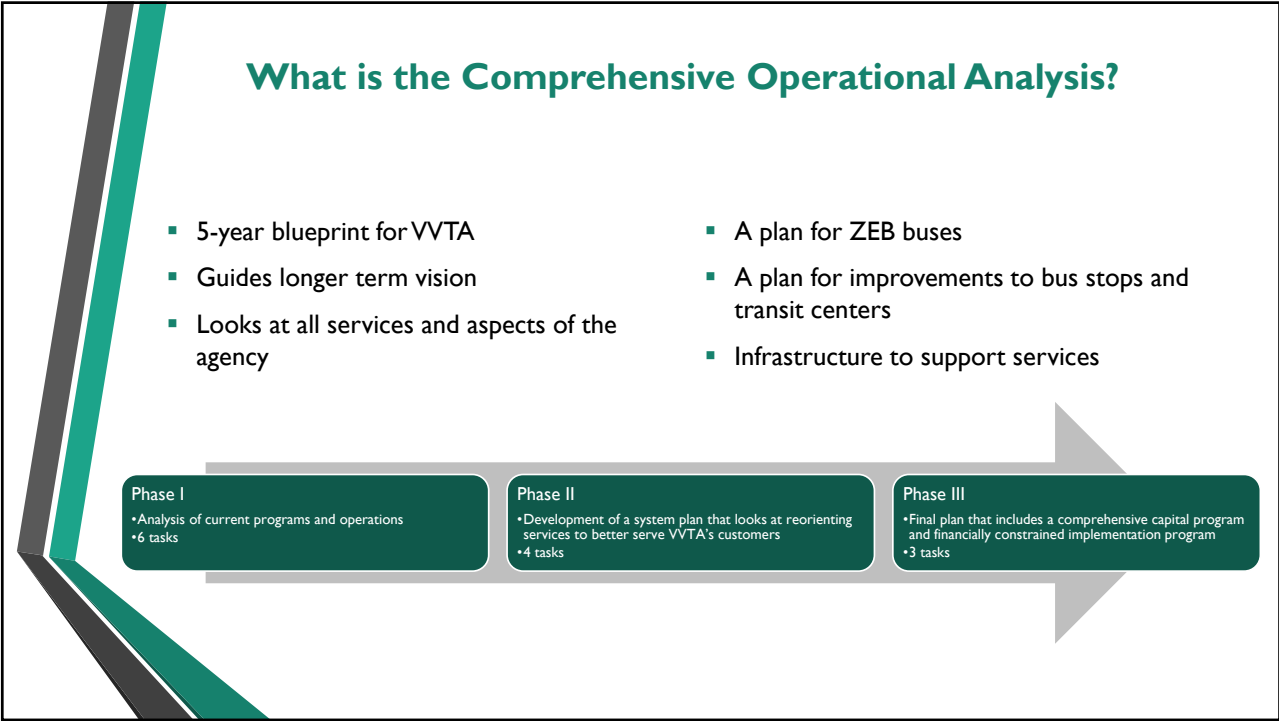
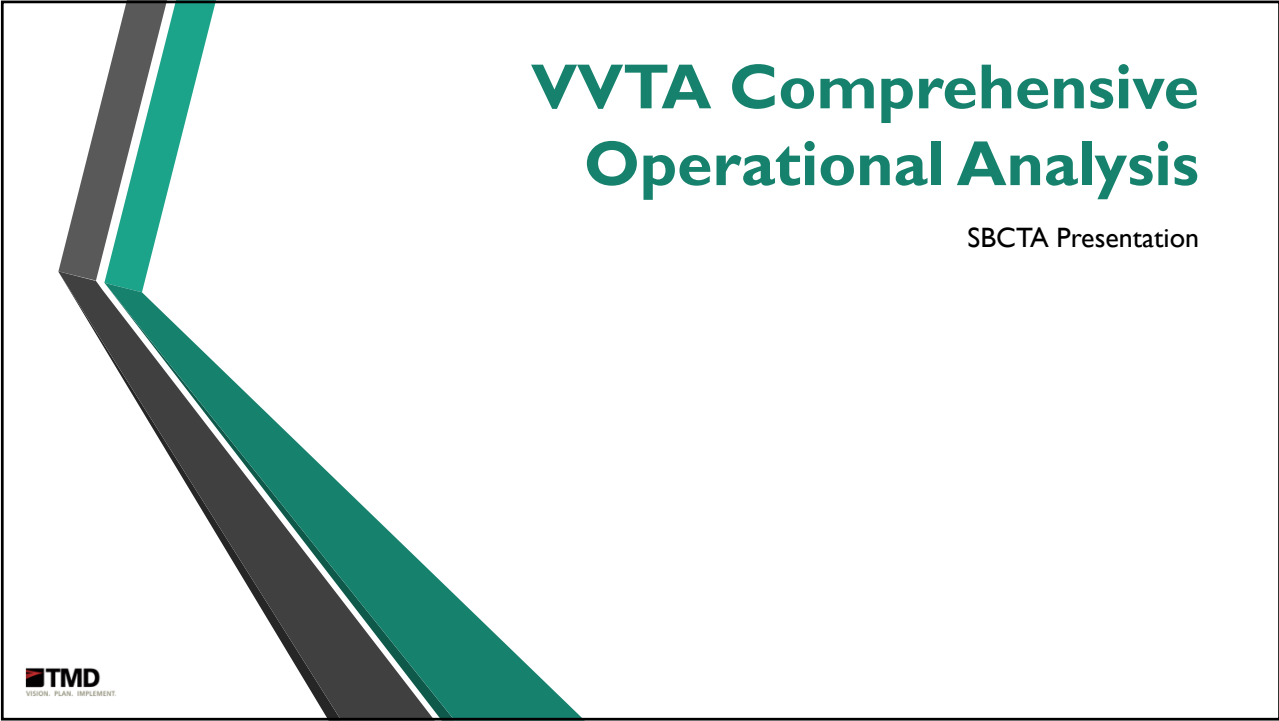
The financial plan presents the projected funding and costs for Victor Valley Transit Authority (VVTA) through Fiscal Year (FY) 2029 based on the COA operating plan. San Bernardino County Transportation Authority (SBCTA) projected operating funding levels. Operating cost items and levels are based on the COA operating and capital plan and historical data on cost increases. The funding sources and the overall financial plan are presented in the following tables.

TABLE 2: FUNDING LEVEL PROJECTIONS

Source	FY 2025	FY 2026	FY 2027	FY 2028	
LTF	\$35,077,895	\$35,428,674	\$35,782,960	\$36,140,790	\$36,502,198
STA	\$370,319	\$370,319	\$370,319	\$370,319	\$370,319
LCTOP	\$1,452,160	\$1,452,160	\$1,452,160	\$1,452,160	\$1,452,160
SB1/SGR	\$882,666	\$900,319	\$918,326	\$936,692	\$955,426
LCFS	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
SB125 – TIRCP	\$24,099,833	\$24,099,833	\$-	\$-	\$-
SB125 – ZETCP	\$1,633,819	\$845,448	\$845,448	\$-	\$-
Measure I	\$1,760,600	\$1,807,960	\$1,860,753	\$1,912,854	\$1,979,804
AB2766	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Section 5307	\$11,811,833	\$11,811,833	\$11,811,833	\$11,811,833	\$11,811,833
Section 5311	\$977,663	\$977,663	\$977,663	\$977,663	\$977,663
Section 5339	\$1,083,060	\$1,083,060	\$1,083,060	\$1,083,060	\$1,083,060
CMAQ	\$3,044,000	\$4,400,000	\$2,500,000	\$4,115,983	\$6,311,981
RINS Credits	\$540,000	\$540,000	\$540,000	\$540,000	\$540,000
CNG Station Sales	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
CNG Credits	\$682,000	\$-	\$-	\$-	\$-
HVIP Incentive Program	\$3,300,000	\$-	\$-	\$-	\$-
Competitive Grants	\$12,000,000	\$-	\$-	\$-	\$-
Passenger Fares	\$2,439,834	\$2,067,021	\$2,142,274	\$2,236,059	\$2,377,026
Advertising	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Interest Income	\$950,000	\$950,000	\$950,000	\$950,000	\$950,000
Other	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000
<b>TOTAL:</b>	<b>\$103,825,681</b>	<b>\$88,454,290</b>	<b>\$62,954,796</b>	<b>\$64,247,412</b>	<b>\$67,031,469</b>

TABLE 3: FINANCIAL PLAN

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
<b>Costs</b>					
Transit Operations Costs	\$46,175,510	\$48,734,285	\$53,490,852	\$58,738,557	\$65,245,138
CTSA Costs	\$861,225	\$930,436	\$999,954	\$1,075,221	\$1,156,751
Vanpool Costs	\$1,762,358	\$1,935,113	\$2,124,970	\$2,333,629	\$2,562,963
Facility Costs	\$1,036,700	\$1,308,535	\$1,352,462	\$1,398,585	\$1,447,014
Administration Costs	\$4,603,741	\$5,050,469	\$5,394,056	\$5,762,108	\$6,156,431
<b>Total Operating Costs</b>	<b>\$54,439,534</b>	<b>\$57,958,838</b>	<b>\$63,362,294</b>	<b>\$69,308,101</b>	<b>\$76,568,297</b>
<b>Capital Costs</b>	<b>\$35,302,912</b>	<b>\$9,428,310</b>	<b>\$17,619,634</b>	<b>\$5,703,937</b>	<b>\$7,930,283</b>
<b>Revenues</b>					
Fare Revenue	\$2,439,834	\$2,067,021	\$2,142,274	\$2,236,059	\$2,377,026
Funding	\$101,385,848	\$86,387,269	\$60,812,522	\$62,011,354	\$64,654,443
<b>Total Revenue</b>	<b>\$103,825,681</b>	<b>\$88,454,290</b>	<b>\$62,954,796</b>	<b>\$64,247,412</b>	<b>\$67,031,469</b>
Balance	\$14,083,236	\$21,067,142	(\$18,027,133)	(\$10,764,625)	(\$17,467,111)
Carryover Revenue	\$24,540,269	\$38,623,505	\$59,690,647	\$41,663,514	\$30,898,889
Net Revenue	\$38,623,505	\$59,690,647	\$41,663,514	\$30,898,889	\$13,431,778



## Analysis Findings

- No significant demands beyond the current service area
- Missed connections are a major concern
- Passengers requested later and more frequent service
- Major new development areas need to be served in later years
- There are areas where microtransit may be more effective than fixed route
- NTC commuter service not meeting expectations – grow it or shift riders to vanpool?
- Route 15 intercity service is very popular
- Fare program modernization will provide benefits to riders and VVTA

## Recommendations



### Short-term Alternatives

- Serve new and emerging destinations
- New connections
- Streamlined route alignments
- Span and frequency improvements
- Additional Route 15 stops and trips
- Commuter – future to be decided

### Long-term Vision

- Serving new developments
- More extensive frequency and span improvements
- New connections
- New transit centers
- Streamlined route alignments
- Span and frequency improvements

### Additional Recommendations

- Vanpool
  - Advertise to new markets
  - Include as part of the future of NTC transportation
- Direct Access
- Fare modernization program
  - Introduce fare capping program
  - Can replace passes
  - Introduce open-loop payment structure
- Additional administration staff
- CTSA
  - Restoration of the Transit Ambassador and Travel Training programs
  - Introduction of a Veterans Transportation program
  - Develop a mobility assessment center associated with the Hesperia facility expansion



## Capital Program

- Vehicles
- ZEB transition
- Transit/transfer center
- O&M facilities
- Fare collection
- Passenger amenities
- Brightline

Line-Item Name	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
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**Minute Action**

AGENDA ITEM: 19

**Date:** November 6, 2024

**Subject:**

Housing Trust Update and Ad Hoc Extension

**Recommendation:**

That the Board, acting as the San Bernardino Council of Governments:

Extend the expiration date for the existing Housing Trust Ad Hoc Committee to December 31, 2025.

**Background:**

On March 1, 2023, the San Bernardino Council of Governments (SBCOG) Board of Directors took action to initiate the process of establishing a San Bernardino Regional Housing Trust, including the process of establishing a new Joint Powers Authority, upon receipt of award of Regional Early Action Planning (REAP) 2.0 funds from Southern California Association of Governments (SCAG). SBCOG was awarded \$5 million in REAP funds to be devoted to funding the Housing Trust, with \$1.3 million specifically to go through the process of establishing the new Housing Trust that will be composed of participating local jurisdictions. However, SBCOG cannot access those funds until a Memorandum of Understanding is executed between SCAG and SBCOG

Given the uncertainty of the REAP funding being lost with the state’s budget deficit, SCAG did not begin to issue draft MOUs until the REAP funds were certain, and the process of drafting the MOU and providing it to SBCOG is still pending. Staff did not anticipate this length of a delay, and the Housing Trust Ad Hoc Committee, which was set up to provide recommendations to the Board of Directors on the establishment of the San Bernardino Regional Housing Trust, is set to expire December 31, 2024. Staff is now requesting an extension of the Housing Trust Ad Hoc Committee to December 31, 2025.

**Financial Impact:**

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

**Reviewed By:**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.

**Responsible Staff:**

Monique Reza-Arellano, Chief of COG and Equity Programs

Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

Entity: San Bernardino Council of Governments

## *Minute Action*

AGENDA ITEM: 20

***Date:*** November 6, 2024

***Subject:***

San Bernardino County Transportation Authority/San Bernardino Council of Governments  
Equity Framework Update

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority / San Bernardino Council of Governments (SBCTA/SBCOG):

- A. Receive a report on the kick-off of the SBCTA/SBCOG Equity Framework.
- B. Direct staff to work with the SBCOG Ad Hoc Committee to advise the Board of Directors.

***Background:***

In 2020, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) established an Equity Ad Hoc Committee to identify and address equity needs and opportunities for SBCTA/San Bernardino Council of Governments (SBCOG) through the agency's processes and structures. In 2021, the Board adopted a Regional Equity Resolution which provides the platform upon which the Equity Framework can be and ought to be approached. The Board resolved to:

1. Examine the practices that SBCTA uses in planning, evaluating, procuring and building transportation projects.
2. Create tools that can be used by all of our members to better understand how issues of equity impact the built environment.
3. Provide the regional forum where efforts that work toward: promoting a fair and just region; eliminating barriers that reduce opportunities for residents; and meaningfully advancing justice, equity, diversity, and inclusion can be discussed.

With this resolution as the guiding principle, the Board directed staff to undertake projects and studies. Since 2020, they include:

- Regional Equity Study, completed in 2023, provides an understanding of inequities identified throughout the region within the built environment.
- SB 1000 Environmental Justice Toolkit, completed in 2023, identifies “priority equity communities” and environmental justice goals, policies, and programs for member agencies to use in their respective General Plan updates.
- Small Business and Member Agency Procurement Study, completed in 2023.

This Equity Framework builds off of the work highlighted above. The Equity Framework kicked off in July 2024 with the goal of identifying and guiding the agency toward its equity goals when doing its business including implementing projects, designing programs, and performing public outreach. Additionally, as a part of the Equity Framework Scope, which derives from direction of the Equity Ad Hoc discussion and ultimately direction of the Board, SBCTA/SBCOG has a goal of strengthening relationships with Community Based Organizations and other local partners.

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

Another key aspect to this process is to put SBCTA/SBCOG in a place to be competitive for funds. As the goals of funding agencies evolve to include questions on how applicants address equity, it has become clear that SBCTA/SBCOG needs to define equity clearly and identify practices that support its definition.

The process for completing this framework will include outreach and direction from policy makers through the SBCOG Ad Hoc and the General Policy Committee as well as working groups of staff and community stakeholders. In-depth research and analysis of sister agencies, comparable planning agencies, and funding agencies at the state/federal level will be conducted for comparison, best practices, and lessons learned.

The Equity Framework kicked off in July 2024, and the project will be completed in August 2025. Staff will provide updates to the General Policy Committee and the Board as the project progresses.

**Financial Impact:**

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

**Reviewed By:**

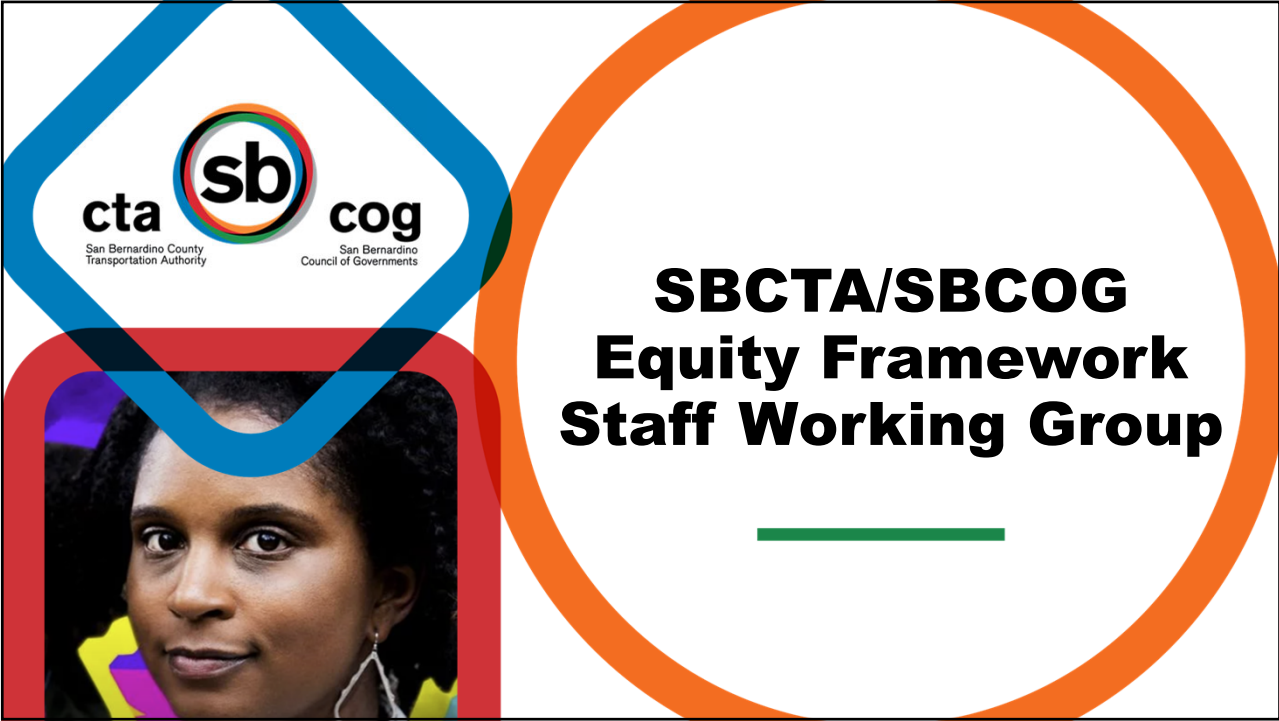
This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.

**Responsible Staff:**

Monique Reza-Arellano, Chief of COG and Equity Programs

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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:



1

## Purpose of the SBCTA/SBCOG Equity Framework

- Guide the agency towards its equity goals
  - Project Implementation
  - Program Design
  - Public Outreach
- Support current + future funding
- CBO/NGO Relationships

Building on previous work:


2020 – SBCOG forms the **Equity Ad Hoc Committee**

2021 – SBCTA/SBCOG adopts **Regional Equity Resolution**


2022 – **Equity Focus Groups** conducted

2021-2023 – **Regional Equity Study**

2021-2023 – **SB 1000 Toolkit** developed (identifies "priority equity communities" and environmental justice goals, policies, and programs for jurisdictions to use in their General Plans)



2



2

Attachment: Equity Framework PPT PDF (10991 : SBCTA/SBCOG Equity Framework Update)

# Project Timeframe



3

# Shaping the Equity Framework

## Staff Working Group

- Develop shared understanding of equity issues (which will help you champion implementing the framework once it is adopted)
- Share their perspectives on and experience with operationalizing equity
- Shape the content and organization of the SBCTA/SBCOG Equity Framework and Toolkit

## Policymakers:

### Ad Hoc Committee

- Provide input throughout, especially related to defining equity for SBCTA/SBCOG
- Recommend framework to full board for final approval

## Community Working Group

- Share expertise about underrepresented communities to inform SBCTA/SBCOG's definition of equity and goals/strategies/policies
- Identify additional community/non-governmental organizations that should be included in a database of possible SBCTA/SBCOG partners
- Share information about SBCTA/SBCOG's work and partnership opportunities with their colleagues and community members



4

Attachment: Equity Framework PPT PDF (10991 : SBCTA/SBCOG Equity Framework Update)

# UNDERSTANDING EQUITY



5

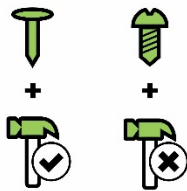


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## Assumptions about Equity

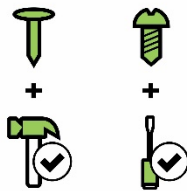
1

**EQUALITY:**  
Everyone gets the same thing.



If you have a nail, a hammer is helpful—but what if you have a screw?

**EQUITY:**  
People get what they need.



Different situations require different tools to be successful!

2

Data is critical to identify + reduce inequities

3



6



6



## EXAMPLE TYPES OF EQUITY

### Procedural

- Transparent, fair and inclusive process
- Ensure all are treated openly and fairly
- Increase civic engagement opportunities

### Distributional

- Fairly distribute resources, benefits, and burdens
- Prioritize resources for communities that experience greatest inequities and unmet needs

### Structural

- Make a commitment to correct past harms and prevent future unintended consequences
- Address underlying structural and institutional systems that are the root causes of social and racial inequities

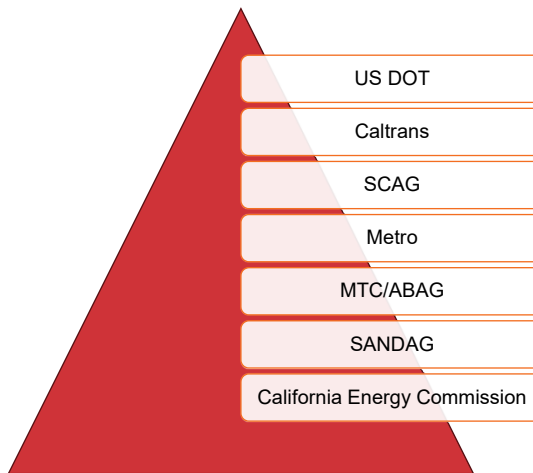


7



7

## Equity Definition Examples



8



8

**FRAMEWORKS**

raimi+ associates

9

sb

9

**Framework Examples**

- CARB
- SACOG
- C/CAG of San Mateo County
- TRPA
- SCAG
- US Dept of Transportation
- US Dept of Energy

raimi+ associates

10

sb

10

Attachment: Equity Framework PPT PDF (10991 : SBCTA/SBCOG Equity Framework Update)

# SBCTA/SBCOG EQUITY PROJECTS INVENTORY



11



11

## Building on Previous Work

### 1. Transportation and Transit

- Equity analysis of the budget
- Long-range multi-modal plan
  - Metrolink launch Low-Income Fare is Easy (LIFE)
  - Clean Truck Program
  - Toll Lane Equity Program in Development
  - Carpool/Vanpool Services

### 2. Workforce Development through SB County Programming

- Small business study with recommendations
- Business Capacity Enhancement
- Job Training/Apprenticeships

### 3. Data and Mapping

- Regional Equity Study Dashboard
- SB 1000 Toolkit Dashboards for Environmental Justice/Equity Communities



12



12

## Immediate Next Steps

- |                              |  |
|------------------------------|--|
| Wed, Oct 9, 2024             | Update to the General Policy Committee                   |
| Thurs, Nov 14, 2024          | SBCOG Ad Hoc Committee                                   |
| Nov 2024 (week of Nov 18)    | Community Working Group                                  |
| Dec 2024                     | Core team drafts SBCTA/SBCOG equity definition and goals |
| Jan 2025 (not yet scheduled) | Next Staff Working Group                                 |
- SWG to give feedback on draft definition and goals, begin identifying strategies and policies/actions



13

# Questions/Comments



14

## *Minute Action*

AGENDA ITEM: 21

***Date:*** November 6, 2024

***Subject:***

San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to Bylaws

***Recommendation:***

That the Board, acting as the San Bernardino Council of Governments (SBCOG):

- A. Approve revisions to the SBCOG Bylaws.
- B. Approve proposed Policy No. 10014 - SBCOG Member Agency Dues Collection.
- C. Approve the update to the SBCOG 5-Year Work Plan.

***Background:***

In July 2023, the San Bernardino Council of Governments (SBCOG) Board of Directors' (Board) President established a SBCOG Ad Hoc Committee to provide direction to staff for an increase in SBCOG capacity and member agency dues in an effort to establish a robust Council of Governments. In January 2024, the Board took action to approve Amendment No. 4 to the SBCOG Joint Powers Authority (JPA) Agreement, allowing for an increase in SBCOG funding and capacity, pending the concurrence of member agencies. As of April 30, 2024, all member agencies have approved Amendment No. 4 to the JPA, and since that time, staff has been working with an Ad Hoc Committee of the Board and the City/County Manager's Technical Advisory Committee (CCMTAC) to update SBCOG policy and Bylaws and the SBCOG Work Plan Program.

In June 2024, the SBCOG Ad Hoc Committee provided direction to staff to proceed with working internally on developing a policy and amending language in the Bylaws. SBCOG General Counsel, Clerk of the Board, Executive Director, and Deputy Executive Director all provided insight and direction to form the language of the documents attached to this item for review and feedback. The policy created is new and sets the process and formula for assessing member agency dues. It incorporates the language approved by the Board in January 2023 with its approval of Amendment No. 4. The proposed Policy 10014 is the formalization of that direction, and the language is below:

*Assessments shall be computed on an annual basis as follows to create a minimum \$1,500,000 annual budget:*

- a. a base assessment whereby the prior year's base assessment is adjusted based on the annual percentage change in population of each signatory member plus the annual percentage change in assessed valuation of each signatory member added together and divided by two (2) to arrive at the annual increase; and*
- b. the additional assessment adopted in Fiscal Year 2015/2016 of \$133,418 (or approximately \$5,337 per each signatory member due to rounding); and*
- c. the additional assessment adopted in Fiscal Year 2021/2022 of \$200,000 (or \$8,000 per each signatory member) for Fiscal Year 2024/2025, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%; and*

*Entity: San Bernardino Council of Governments*

*d. a further assessment to fund any gap between the Board-approved annual budget and the total of the assessments set forth in a., b., and c., above. In determining the amount of said gap, no grant moneys shall be considered. This “gap” assessment shall be based one-half on the population of each signatory member and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where “base sales tax” means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%; and*

*e. further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget will be assessed on a cost-allocation basis to fund the cost of the program or project.*

The Board also directed staff to update the language of the Bylaws to provide a process by which member agencies may re-enter into the JPA should one choose to leave SBCOG That language is shown below:

***Withdrawal from SBCOG.*** *Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues.*

***Re-entry to SBCOG.*** *Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal.*

- a. The petition for re-entry shall include:
 
  - i. A resolution of the local agency’s governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and*
  - ii. The local agency’s most recent audit report and statement of the agency’s fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.**
- b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have been assessed for the immediate prior year assessments had they been a member agency of SBCOG.*
- c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.*
- d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.*

Considering that the Bylaws were established in the 1970s, staff also did a review and revision of outdated terminology and language to make the Bylaws consistent with how SBCOG currently operates and to ensure consistency with the JPA Agreement.

In addition to updating the Bylaws and establishing policy, staff has been working through the Board-approved process to identify and prioritize plans and projects to be undertaken by SBCOG through the Work Plan within the functions set by the SBCOG Board:

- Strategic Planning
- Regional Advocacy
- Grant Writing
- Project Development
- City/County Conference Planning
- Liaison to Agencies
- Liaison to Stakeholders and Organizations

Between July and September, SBCOG staff met with the CCMTAC through sub-regional meetings. Project options were discussed in these meetings, and they voted for the top five priorities based on the list provided and additions made at the direction of the subregional group. Once all the meetings had taken place, staff took the results to the Board Ad Hoc in September and provided an overall tally of projects and discussion of each project. The Board Ad Hoc provided further direction and the tally identified the following projects which are proposed to be programmed over the next 5 years in the SBCOG Work Plan:

1. Homelessness Strategic Plan
2. Street Vendor Toolkit/Standards Menu
3. Small Business Vendor Fairs
4. Small Business Hub Implementation
5. Regional Small Business Certification
6. Forum for Discussion and Information Exchange Development and Implementation
7. Smart Intersections/Corridors Implementation
8. Speaker Series Program Development and Implementation
9. “Cad To Cad” Implementation

These and other program options that were vetted and prioritized by the Board Ad Hoc and CCMTAC are listed with deliverables on the attached table. The programs and plans, as prioritized above, were identified through the process with the Board Ad Hoc and the CCMTAC. With the direction of the SBCOG Board Ad Hoc, staff proposes programming these options out using funds available. The proposed programming is a part of the attached SBCOG Work Plan including:

- SBCOG Member Dues
- Measure I
- Equity/Indirect funds
- Partner Funds
- Grant Funds

The Work Plan is proposed to be programmed for five years but will be reviewed every two years to ensure priorities still ring true and to account for changes in funding, such as the award of grants.

These updates were presented to the Board of Directors on October 2, 2024 and the City/County Manager’s Technical Advisory Committee on October 3, 2024. Since those presentations and discussions, staff has received no further comments on the updates.

**Financial Impact:**

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

**Reviewed By:**

This item was presented to the Board of Directors for a first review on October 2, 2024, and to the City/County Managers Technical Advisory Committee on October 3, 2024. SBCTA General Counsel has reviewed this item, the draft policy, and the proposed revisions to the Bylaws.

**Responsible Staff:**

Monique Reza-Arellano, Chief of COG and Equity Programs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:



# Bylaws, San Bernardino Council of Governments (SBCOG)

Amended  
November 6, 2024

## Preamble

### Article I – Functions

### Article II – Definitions

### Article III -- Membership & Representation

### Article IV -- Board of Directors

### Article V -- Officers, Elections & Vacancies

### Article VI -- Executive Director

### Article VII – General Counsel

### Article VIII – Finances

### Article IX -- Statutory Authority

### Article X – Withdrawal

### Article XI – Amendments

### Article XII -- Effective Date

## PREAMBLE

The San Bernardino Council of Governments (SBCOG) is voluntarily established by its members pursuant to a Joint Exercise of Powers Agreement for the purpose of providing a forum for discussion, study and development of recommendations on countywide, subregional and regional problems of mutual interest and concern. It shall be the responsibility of the SBCOG to effect improved intergovernmental collaboration and thereby increase the overall quality of government services.

## Article I - Functions

The functions of SBCOG are:

- A. Exchange of planning information. Making available to members plans and planning studies, completed or proposed by local governments or those of state or federal agencies, which would affect local governments.
- B. Study of sub-regional problems. Identification and study of problems requiring planning by more than one governmental entity within the collective area of its membership and the making of appropriate policy or action recommendations.
- C. Review and/or development of governmental proposals. Review and/or develop proposals creating agencies of regional scope and the making of appropriate policy or action recommendations concerning the need for such units or agencies.
- D. Consider questions of mutual interest and concern to members of SBCOG and develop policy and action recommendations.
- E. Act upon any matter to the extent and in the manner required, permitted or authorized by joint powers agreements, state or federal law or the regulations adopted pursuant to any such law.
- F. Identify and apply for potential fund sources in the form of grants, earmarks, allocations, and other options that may arise on behalf of and/or in partnership with SBCOG's member agencies.

# Bylaws, San Bernardino Council of Governments (SBCOG)

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## Article II - Definitions

- A. SBCOG.** SBCOG, as used in these Bylaws, means the San Bernardino Council of Governments as established by the Joint Exercise of Powers Agreement.
- B. Board of Directors.** As used in these Bylaws, means the official representatives of the members of the San Bernardino Council of Governments.
- C. Official Representative.** As used in these Bylaws, means either the Mayor or Councilmember of each member city or town, and the members of the Board of Supervisors of San Bernardino County.
- D. Alternate.** Alternate, as used in these Bylaws when referring to the Board of Directors, shall mean either the Mayor or a Councilmember of each member city or town in the absence of the official representative of that member city or town. The County shall have no alternates to the Board of Directors.

## Article III - Membership and Representation

### A. Membership.

1. Membership shall be contingent upon the execution of the Joint Exercise of Powers Agreement and the payment by the county, cities and towns of each annual assessment. A member whose dues are more than three months overdue which has been notified of this delinquency shall be deemed to have withdrawn from SBCOG if payment of the dues is not received within 30 days of the notification.
2. Any city or town in the area set forth in the Joint Exercise of Powers Agreement may become a member after the initial formation of this SBCOG, provided that all the provisions of this Article III are met by the jurisdiction seeking membership.

### B. Representation.

1. Only the Official Representatives or alternates present shall represent a member on the Board of Directors.
2. Names of Official Representatives and alternates shall be communicated to the Board of Directors by the appointing city, town or county.
3. Official Representatives and alternates shall serve until a successor is appointed, except if an Official Representative or alternate ceases to be a member of the legislative body or mayor of the city, town or county appointing him/her, in which case his/her seat as an Official Representative shall be vacant until a successor is appointed.
4. The Official Representatives and alternates appointed by the members to the SBCOG Board shall be the same persons appointed to serve as representatives and alternates on the San Bernardino County Transportation Authority Board.

## Article IV - Board of Directors

### A. The powers and functions of the Board of Directors, subject to the limitations of Article I, shall include:

1. The making of policy decisions and the determination of policy matters for the SBCOG.

## Bylaws, San Bernardino Council of Governments (SBCOG)

Amended  
November 6, 2024

2. Any Official Representative may, at any meeting of the Board of Directors, propose a subject or subjects for study by the SBCOG. The Board of Directors may determine whether a study will be made of the subject or subjects so proposed.
3. The Board of Directors shall review the proposed budget and member dues assessment schedule submitted by the Executive Director and shall adopt an annual budget and an assessment schedule.
4. The Board of Directors shall review and approve the SBCOG Work Plan which shall be updated on a biannual basis coinciding with the development of the fiscal year budget.

### **B. Duties.**

1. The Board of Directors shall conduct the affairs of the SBCOG.
2. The Board of Directors shall have power to transfer funds within the total budget amount in order to meet unanticipated needs or changed situation.
3. The Board of Directors shall have the power to appoint committees to study specific problems, programs, or other matters which they have approved for study.
4. Recommendations from committees for policy decisions shall be made to the Board of Directors. The Board shall act upon policy recommendations including policy recommendations from committees.

### **C. Meetings.**

1. Regular meetings of the Board of Directors shall be held at such times as shall be designated by the Board, and shall be coordinated with the San Bernardino County Transportation Authority's regular meetings. Special meetings of the Board of Directors may be called by the President or a majority of the Board of Directors. Written notice of a special meeting shall be given to the Official Representatives and alternates in accordance with Government Code section 54956. An agenda specifying the subject of the special meeting shall accompany the notice.
2. At its first meeting of the calendar year or such other meeting determined by the Board of Directors, the Board of Directors shall establish the time and dates of its regular meetings for such year in coordination with the times and dates of regular meetings of the San Bernardino County Transportation Authority. Other meetings may be called by the Board of Directors for the purpose of determining sub-regional consensus of items of common interest.
3. SBCOG committee meetings shall be established in the same manner as Board meetings or on the call of their chairpersons.

### **D. Voting on the Board of Directors shall be conducted in the following manner:**

1. A quorum of the Board of Directors shall consist of Official Representation from a majority of the membership of the Board of Directors, and the Board of Directors shall act only upon a majority vote of the membership.
2. Each member of the Board of Directors shall have one vote. In the absence of the Official Representative, the attending alternate shall be entitled to vote.

## Bylaws, San Bernardino Council of Governments (SBCOG)

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3. Voting may be by voice, electronic or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, at the discretion of the presiding officer, and when required to comply with the Brown Act.

### E. Expenses.

1. Members of the Board of Directors shall receive a stipend of one hundred dollars (\$100) for attendance at each regular meeting of the Board, and also may be compensated at a rate not exceeding one hundred dollars (\$100) for any day attending to the business of SBCOG, but not to exceed \$200 in any month. Except with regard to regular meetings of the Board, members may receive only one stipend on any day for which they attend to the business of both SBCOG and SBCTA. Members shall be reimbursed for the actual and necessary traveling and personal expenses incurred by them in the performance of their duties to the extent that reimbursement is not otherwise provided by another public agency.

### Article V - Officers, Elections and Vacancies

- A. Officers of SBCOG shall consist of a President, a Vice President, a Secretary and a Treasurer. The President and Vice President of the San Bernardino County Transportation Authority Board shall be the President and Vice President of the SBCOG Board. The Secretary shall be the Clerk of the Board of the San Bernardino County Transportation Authority, and the Treasurer shall be the Chief Financial Officer of the San Bernardino County Transportation Authority, but they shall have no votes in the SBCOG.
- B. The President shall be the presiding officer of the Board of Directors. The Vice President shall act in the President's absence.
- C. The Secretary shall keep a record of all proceedings and perform the usual duties of such office. The Treasurer shall have custody of all funds and perform the usual duties of such office pursuant to the SBCOG/SBCTA Board-approved/adopted policies and procedures.
- D. The President of the Board of Directors may designate ad hoc committees to study specific projects or matters subject to the concurrence of the Board of Directors, and shall make appointments to ad hoc committees.

### Article VI - Executive Director

The Executive Director of the San Bernardino County Transportation Authority shall be the Executive Director and chief administrative officer of the SBCOG. The powers and duties of the Executive Director are:

- A. Subject to the authority of the Board of Directors, to administer the affairs of SBCOG.
- B. To appoint, direct and remove all staff of the SBCOG.
- C. Annually to prepare and present a proposed budget to the Board of Directors and to control the approved budget.
- D. To attend the meetings of the Board of Directors.
- E. To perform such other and additional duties as the Board of Directors may require.

## Bylaws, San Bernardino Council of Governments (SBCOG)

Amended  
November 6, 2024

### Article VII – General Counsel

The General Counsel of the San Bernardino County Transportation Authority shall be the General Counsel and chief legal advisor of the SBCOG. The powers and duties of the General Counsel are:

- A. Subject to the direction of the Board of Directors, to provide legal advice and representation for the SBCOG.
- B. To appoint, retain, direct and remove all outside legal counsel and legal staff of the SBCOG.
- C. To attend the meetings of the Board of Directors.
- D. To perform such other and additional duties as the Board of Directors may require.

### Article VIII - Finances

- A. **Fiscal Year.** The Fiscal Year of the SBCOG shall commence on July 1.
- B. **Budget Submission and Adoption.** The budget of the SBCOG shall be submitted to the Board of Directors by the Executive Director on or before the second to last regular meeting of each fiscal year. The annual budget and assessment schedule shall be adopted by the Board of Directors not later than June 15th of each fiscal year. Notwithstanding any provision of the agreement establishing the SBCOG, any member that cannot pay its assessment therefore because of any applicable law or charter provision or other lack of ability to appropriate or pay the same, may add such assessment to its assessment for the next full fiscal year. The budget for each year shall provide the necessary funds with which to obtain and maintain the requisite liability insurance to fully protect each of the signatory parties hereto against liabilities reasonably estimated to arise out of SBCOG's own activities, and such insurances shall be so obtained and maintained.
- C. **Annual Audit.** The Board of Directors shall cause an annual audit of the financial affairs of the SBCOG to be made at the end of each fiscal year. The audit report shall be made available to SBCOG members.
- D. **Indemnification for Tort Liability.** In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said code, the parties hereto as between themselves, pursuant to the authorization contained in Section 895.4 and 895.6 of said code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose, each party indemnifies and holds harmless the other party for any loss, cost or expense that may be imposed upon such other party solely by virtue of said Section 895.2. The rules set forth in Civil Code Section 2778 are hereby made a part of these Bylaws.
- E. Notwithstanding the provisions of said Joint Exercise of Powers Agreement by which this SBCOG is formed, no contract, employment, debt, liability or obligation of the SBCOG shall be binding upon or obligate any member of this SBCOG without the express written request or consent of such member and only to the extent so requested or consented to, nor shall the

## Bylaws, San Bernardino Council of Governments (SBCOG)

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SBCOG have the authority or the power to bind any member by contract, employment, debt, liability, or obligation made or incurred by it without the written request or consent of such member and then only to such extent as so requested or consented to in writing.

### Article IX - Statutory Authority

The San Bernardino Council of Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California and shall have the powers vested in SBCOG by state or federal law, the Joint Exercise of Powers Agreement, or these Bylaws. SBCOG shall not have the power of eminent domain, or the power to levy taxes.

### Article X - Withdrawal

Any member city, town or county may, at any time, withdraw from SBCOG providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from SBCOG must be given to the Executive Director by the withdrawing jurisdiction at least 90 days prior to the effective date of withdrawal. Such withdrawal shall be made prior to May 1 of any year and shall be effective only as of July 1 of the year withdrawal is made.

Nonpayment of member dues by a member agency will be considered a "Withdrawal," and the SBCOG Board will initiate a Resolution of Termination to remove a member agency that has withdrawn.

**Withdrawal from SBCOG.** Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues.

**Re-entry to SBCOG.** Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal.

- a. The petition for re-entry shall include:
  - i. A resolution of the local agency's governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and
  - ii. The local agency's most recent audit report and statement of the agency's fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.
- b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have been assessed for the immediate prior year assessments had they been a member agency of SBCOG.
- c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.
- d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.



# Bylaws, San Bernardino Council of Governments (SBCOG)

Amended  
November 6, 2024

## Article XI - Amendments

The Board of Directors shall review these Bylaws periodically. Amendments to these Bylaws may be proposed by an Official Representative on the Board of Directors. A proposed amendment shall be submitted to the Board of Directors at least 14 days prior to the regular meeting at which the proposed amendment shall be first introduced. Each proposed amendment shall be considered and voted upon no sooner than the first regular meeting following the introduction of the amendment.

A majority vote of the entire membership of the Board of Directors is required to adopt an amendment to these Bylaws.

Initial adoption of these Bylaws shall follow this same procedure.

## Article XII - Effective Date

These Bylaws shall go into effect November 6, 2024.

San Bernardino Council of Governments	<b>Policy</b>	<b>10014</b>
Adopted by the Board of Directors November 6, 2024	Revised	
<b>SBCOG Member Agency Dues Collection</b>	Revision No.	0

**Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.**

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**I. PURPOSE**

The purpose of this policy is to establish the process by which Amendment No. 4 to the SBCOG Joint Powers Authority Agreement may be implemented for the collection of member agency dues. SBCOG collects member agency dues annually based on the Article entitled "Assessments" as amended by Amendment No. 4 of the Joint Powers Authority.

**II. REFERENCES**

- SBCOG Joint Powers Authority Agreement
- SBCOG Joint Powers Authority Agreement Amendment No. 4
- FY 15/16 Additional Dues Assessment
- FY 24/25 Additional Assessment

**III. POLICY**

Assessments shall be computed on an annual basis as follows to create a minimum \$1,500,000 annual budget:

- A. Base assessment whereby the prior year's base assessment is adjusted based on the annual percentage change in population of each signatory member plus the annual percentage change in assessed valuation of each signatory member added together and divided by two (2) to arrive at the annual increase;
- B. The additional assessment adopted in Fiscal Year 2015/2016 of \$133,418 (or approximately \$5,337 per each signatory member due to rounding);
- C. The additional assessment adopted in Fiscal Year 2021/2022 of \$200,000 (or \$8,000 per each signatory member) for Fiscal Year 2024/2025, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;
- D. Further assessment to fund any gap between the Board-approved annual budget and the total of the assessments set forth in a., b., and c., above. In determining the amount of said gap, no grant moneys shall be considered. This "gap" assessment shall be based one-half on the population of each signatory member and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where "base sales tax" means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;
- E. Further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget will be assessed on a cost-allocation basis to fund the cost of the program or project.

Attachment: SBCOG Budget Policy 10014 (11016 : San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed



**IV. REVISION HISTORY**

Revision No.	Revisions	Adopted
0	Adopted.	11/06/24

Attachment: SBCOG Budget Policy 10014 (11016 : San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed

# SBCOG Work Plan Program FY 2024/25-FY28/29

Programming Funding FY25 thru FY29						
Total SBCOG Revenues	\$ 1,091,000.00	\$ 1,716,365.00	\$ 1,663,374.46	\$ 1,592,573.89	\$ 1,608,306.80	
Total SBCOG Staff and Budget Expenditures	\$ 991,000.00	\$ 1,005,865.00	\$ 1,020,952.98	\$ 1,036,267.27	\$ 1,051,811.28	
Total Available for Vendor Projects	\$ 100,000.00	\$ 710,500.00	\$ 642,421.48	\$ 556,306.62	\$ 556,495.52	
<b>Total Programing Cost</b>	<b>FY 24/25</b>	<b>FY 25/26</b>	<b>FY 26/27</b>	<b>FY 27/28</b>	<b>FY 28/29</b>	<b>Total</b>
COG Member Dues (remaining fees available)	\$ 55,000	\$ 710,450	\$ 635,450	\$ 555,950	\$ 535,450	\$ 2,492,300
Equity/Indirect Fund	\$ 50,000	\$ 502,500	\$ 247,500	\$ 60,000	\$ 60,000	\$ 920,000
Grant/Partner	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
Subscription	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 15,950	\$ 35,950	\$ 33,450	\$ 950	\$ 87,300
<b>Total</b>	<b>\$ 1,106,000</b>	<b>\$ 2,228,900</b>	<b>\$ 1,918,900</b>	<b>\$ 1,649,400</b>	<b>\$ 1,596,400</b>	<b>\$ 8,499,600</b>

## Funding By Project FY 25-29

1	Homelessness Strategic Plan	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 240,000	\$ 230,000			\$ 470,000
	Equity/Indirect Fund		\$ 242,500	\$ 37,500			\$ 280,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)				\$ -	\$ -	\$ -
	<b>Total</b>	<b>\$ -</b>	<b>\$ 482,500</b>	<b>\$ 267,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 750,000</b>

2	Street Vendor Toolkit	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 250,000				\$ 250,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	<b>Total</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 250,000</b>

# SBCOG Work Plan Program FY 2024/25-FY28/29

3	Small Business Hub	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 150,000	\$ 200,000			\$ 350,000
	Equity/Indirect Fund			\$ 150,000			\$ 150,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ 15,000	\$ 35,000	\$ -	\$ -	\$ 50,000
	<b>Total</b>	<b>\$ -</b>	<b>\$ 165,000</b>	<b>\$ 385,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550,000</b>

4	Regional Small Business Certification	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)			\$ 115,000			\$ 115,000
	Equity/Indirect Fund		\$ 200,000				\$ 200,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	<b>Total</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 115,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 315,000</b>

5	Small Business Vendor Fairs	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund	\$ 50,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 290,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	<b>Total</b>	<b>\$ 50,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 290,000</b>

Attachment: Program Matrix\_Attachment (11016 : San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to

# SBCOG Work Plan Program FY 2024/25-FY28/29

6 Speaker Series	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
COG Member Dues (remaining fees available)	\$ 10,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 38,000
Equity/Indirect Fund						\$ -
Grant/Partner						\$ -
Measure I						\$ -
Subscription						\$ -
Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 700	\$ 700	\$ 700	\$ 700	\$ 3,800
<b>Total</b>	<b>\$ 11,000</b>	<b>\$ 7,700</b>	<b>\$ 7,700</b>	<b>\$ 7,700</b>	<b>\$ 7,700</b>	<b>\$ 41,800</b>

7 Forum	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
COG Member Dues (remaining fees available)		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
Equity/Indirect Fund						
Grant/Partner						
Measure I						
Subscription						
Management/Support Cost (2910 & 7001)	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	
<b>Total</b>	<b>\$ -</b>	<b>\$ 2,750</b>	<b>\$ 2,750</b>	<b>\$ 2,750</b>	<b>\$ 2,750</b>	<b>\$ -</b>

8 Smart Intersections/Corridors	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
COG Member Dues (remaining fees available)						\$ -
Equity/Indirect Fund						\$ -
Grant/Partner						\$ -
Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
Subscription						\$ -
Management/Support Cost (2910 & 7001)						\$ -
<b>Total</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 5,000,000</b>

9 Cad to Cad	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
COG Member Dues (remaining fees available)				\$ 325,000		\$ 325,000
Equity/Indirect Fund						\$ -
Grant/Partner						\$ -
Measure I						\$ -
Subscription						\$ -
Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 32,500	\$ -	\$ 32,500
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 357,500</b>	<b>\$ -</b>	<b>\$ 357,500</b>

Attachment: Program Matrix\_Attachment (11016 : San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to

# SBCOG Work Plan Program FY 2024/25-FY28/29

10	Telling Our Stories	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)				\$ 130,000	\$ 445,000	\$ 575,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 13,000	\$ 35,000	\$ 48,000
	<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 143,000</b>	<b>\$ 480,000</b>	<b>\$ 623,000</b>

10	Outreach/Advocacy	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 225,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	<b>Total</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 225,000</b>

Attachment: Program Matrix\_Attachment (11016 : San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to



# Draft Work Plan, Policy, and Bylaws

San Bernardino Region

1

# 01 Overview



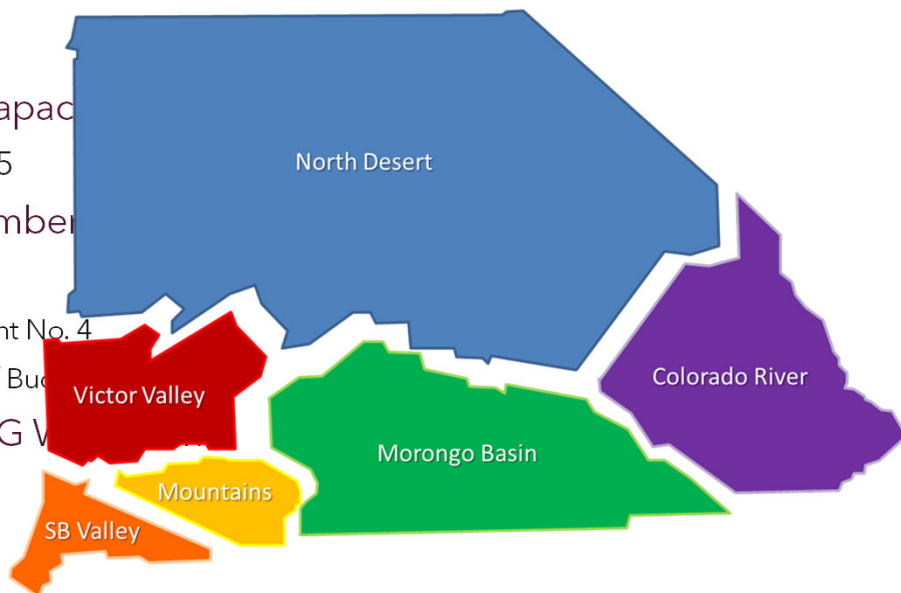
2

Attachment: Updated Work Plan - PDF (11016 : San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to



## Background

- Budget and Capacity Increase
  - FY 2024-2025
- Update to Member Agency
  - New formula
    - Amendment No. 4
    - Creation of Budget
- Update SBCOG Work Plan



3

3



## Process To-Date

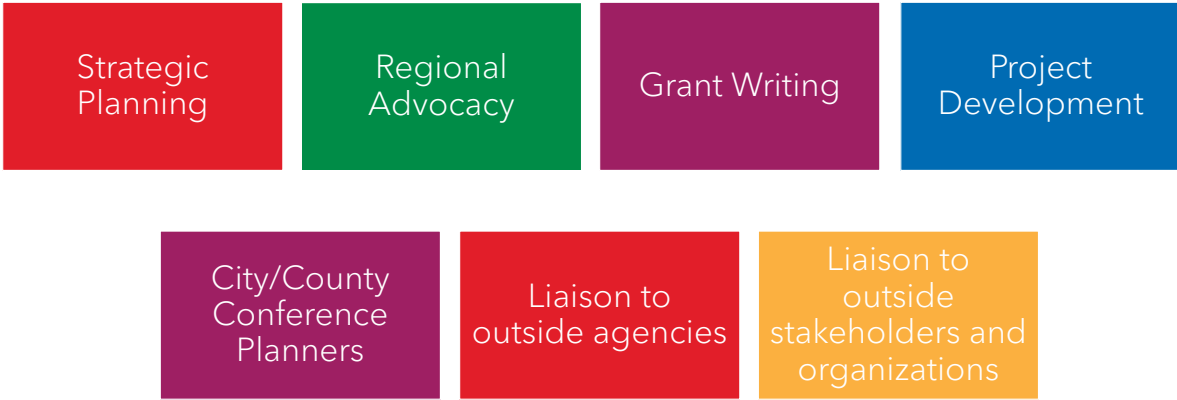


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## Functions of SBCOG



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## Updates in Progress



6

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# 02

## Policies and Bylaws



7

MRO



### Policy Creation

Assessment is computed annually:

- A. Annual change in population
- B. Additional FY 2015/2016
- C. Additional FY 2021/2022
- D. Gap in annual budget and total assessments
- E. Optional or subscription programs and projects

#### III. POLICY

State policy- Assessments shall be computed on an annual basis as follows to create a minimum \$1,500,000 annual budget:

A. Base assessment whereby the prior year's base assessment is adjusted based on the annual percentage change in population of each signatory member plus the annual percentage change in assessed valuation of each signatory member added together and divided by two (2) to arrive at the annual increase;

B. The additional assessment adopted in Fiscal Year 2015/2016 of \$133,418 (or approximately \$5,337 per each signatory member due to rounding);

C. The additional assessment adopted in Fiscal Year 2021/2022 of \$200,000 (or \$8,000 per each signatory member) for Fiscal Year 2024/2025, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;

D. Further assessment to fund any gap between the Board-approved annual budget and the total of the assessments set forth in a., b., and c., above. In determining the amount of said gap, no grant moneys shall be considered. This "gap" assessment shall be based one-half on the population of each signatory member and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where "base sales tax" means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;

E. Further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget will be assessed on a cost-allocation basis to fund the cost of the program or project.

A.

8

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## Bylaw Update

### Withdrawal from SBCOG

- Members are ineligible to receive funds allocated to SBCOG
- Funds include grants, allocations and other fund sources outside of SBCOG membership dues

### Re-entry to SBCOG

- 5-Year period from date of withdrawal
- Requires petition for re-entry, requirements include:
  - Resolution from the local agency
  - Audit and financial report
  - Penalty fees
  - Fees owed under Article 12 of JPA Agreement
  - Majority Approval from SBCOG Board

**Withdrawal from SBCOG.** Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues

**Re-entry to SBCOG.** Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal.

a. The petition for re-entry shall include:

i. A resolution of the local agency's governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and

ii. The local agency's most recent audit report and statement of the agency's fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.

b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have paid been assessed for the immediate prior year assessments had they been a member agency of SBCOG.

c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.

d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.

# 03

## Work Plan Project Options & Discussion

Handout



San Bernardino Council of Governments



## Informing the Work Plan

### Project Options Developed

- Previous Ad Hoc discussions
- Research on sister agency programs (WRCOG, CVAG, SGVCOG)
- SBCOG Objectives
- CCMTAC subregional meeting discussions

### Prioritization of Projects and Programs

- CCMTAC and Board Ad Hoc

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## Projects/Programs – Ad Hoc, COG research, SCMP, Equity

***#1 Homelessness Strategic Plan/Planning\****

***# 11 Small Business Hub\****

***#12 Regional Small Business Certification\****

#13 Small Business Vendor Fairs

#2 Fellowship Program

#3 Clean Cities Program/ZEV Planning - SCMP

#5 ATIS/EMS Integration and Information Hub

#7 Wildfire Prevention and Education

#10 Marketing Campaign/Tell Our Story

\****Bold/Italics*** indicates CCMTAC priority/ preferred project and program

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## Project/Programs - CCMTAC Input

***#14 Street Vendors Toolkit/Standards\****

***# 15 Animal Shelter Strategic Plan\****

#16 Community Indicators Report

#17 Olympics Marketing Approach

#18 Regional Dispatch Center

#19 Insurance - Fire/Flood

\***Bold/Italics** indicates CCMTAC priority/ preferred project and program

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## Projects/Programs – Early/Quick Wins

#4 Cad to Cad - SCMP

#6 Smart Intersections/Smart Corridors

#8 Speaker Series

#9 Forum (MS 4 Permits, Ambulance Contracts, Animal Shelter)

\***Bold** indicates CCMTAC priority/ preferred project and program

14

14

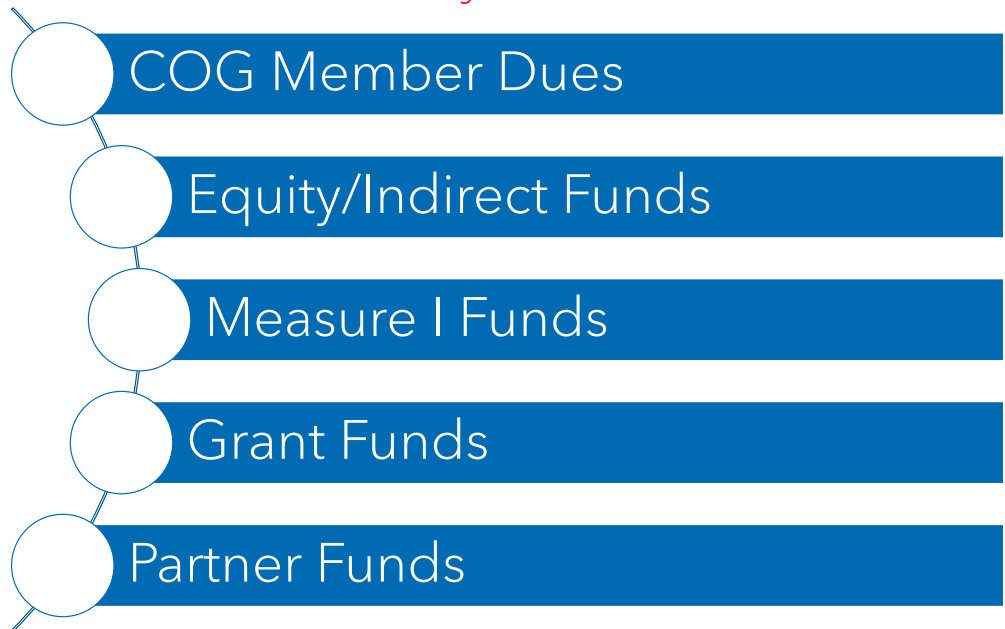
## Tally – SBCOG Ad Hoc and Sub Regional CCMTAC Discussions

Program Options	East Valle	WV1	WV2	Morongo Basin	High Dese	TOTAL
Homelessness Strategic Plan	10	3	4	3	1	21
Street Vendor Toolkit/Standards	10				2	12
Small Business Vendor Fairs	4	2	3		3	12
Small Business Hub	4	2	3		2	11
Regional Small Business Certification	4	2	4			10
Forum	3	2	3	1		9
Smart Intersections/Corridors	0	2	2	2	2	8
Speaker Series	3	2	1	1		7
Cad to Cad	0	1	3		1	5
Telling Our Stories Campaign	4	1		2		7
Insurance Roadmap/Strategy			4	1	1	6
Housing Trust (Workforce Housing, Subsidized Housing)				5		5
Clean Cities Program/ZEV Planning	0		1		2	3
Community Indicators Report Hub		1	1			2
Wildfire Prevention			1	1		2
Olympics/Come to SB/IE		1		1		2
ATIS/EMS Integration			1			1
Regional Dispatch Center for Law Enforcement			1			1
Fellowship Program	1					1

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## Fund Sources for Prioritized Projects



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## SBCOG Work Plan Program 2024/25-2028/29

1	Homelessness Strategic Plan	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 240,000	\$ 230,000			\$ 470,000
	Equity/Indirect Fund		\$ 242,500	\$ 37,500			\$ 280,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)				\$ -	\$ -	\$ -
	<b>Total</b>	\$ -	\$ 482,500	\$ 267,500	\$ -	\$ -	\$ 750,000

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## SBCOG Work Plan Program 2024/25-2028/29

2	Street Vendor Toolkit	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 250,000				\$ 250,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	<b>Total</b>	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ 250,000

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## SBCOG Work Plan Program 2024/25-2028/29

3	Small Business Hub	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 150,000	\$ 200,000			\$ 350,000
	Equity/Indirect Fund			\$ 150,000			\$ 150,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ 15,000	\$ 35,000	\$ -	\$ -	\$ 50,000
	<b>Total</b>	<b>\$ -</b>	<b>\$ 165,000</b>	<b>\$ 385,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550,000</b>

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## SBCOG Work Plan Program 2024/25-2028/29

4	Regional Small Business Certification	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)			\$ 115,000			\$ 115,000
	Equity/Indirect Fund		\$ 200,000				\$ 200,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	<b>Total</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 115,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 315,000</b>

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## SBCOG Work Plan Program 2024/25-2028/29

5	Small Business Vendor Fairs	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund	\$ 50,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 290,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	<b>Total</b>	<b>\$ 50,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 290,000</b>

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## SBCOG Work Plan Program 2024/25-2028/29

6	Speaker Series	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)	\$ 10,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 38,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 700	\$ 700	\$ 700	\$ 700	\$ 3,800
	<b>Total</b>	<b>\$ 11,000</b>	<b>\$ 7,700</b>	<b>\$ 7,700</b>	<b>\$ 7,700</b>	<b>\$ 7,700</b>	<b>\$ 41,800</b>

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## SBCOG Work Plan Program 2024/25-2028/29

7	Forum	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
	Equity/Indirect Fund						
	Grant/Partner						
	Measure I						
	Subscription						
	Management/Support Cost (2910 & 7001)	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	
	<b>Total</b>	<b>\$ -</b>	<b>\$ 2,750</b>	<b>\$ 2,750</b>	<b>\$ 2,750</b>	<b>\$ 2,750</b>	<b>\$ -</b>

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## SBCOG Work Plan Program 2024/25-2028/29

8	Smart Intersections/Corridors	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	<b>Total</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ 5,000,000</b>

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## SBCOG Work Plan Program 2024/25-2028/29

9	Cad to Cad	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)				\$ 325,000		\$ 325,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 32,500	\$ -	\$ 32,500
	<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 357,500</b>	<b>\$ -</b>	<b>\$ 357,500</b>

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## SBCOG Work Plan Program 2024/25-2028/29

10	Telling Our Stories	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)				\$ 130,000	\$ 445,000	\$ 575,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 13,000	\$ 35,000	\$ 48,000
	<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 143,000</b>	<b>\$ 480,000</b>	<b>\$ 623,000</b>

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## SBCOG Work Plan Program 2024/25-2028/29

10 Outreach/Advocacy	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
COG Member Dues (remaining fees available)	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 225,000
Equity/Indirect Fund						\$ -
Grant/Partner						\$ -
Measure I						\$ -
Subscription						\$ -
<b>Total</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 45,000</b>	<b>\$ 225,000</b>

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## SBCOG Work Plan Program 2024/25-2028/29

### Programming Funding FY25 thru FY29

<b>Total SBCOG Revenues</b>	<b>\$ 1,091,000.00</b>	<b>\$ 1,716,365.00</b>	<b>\$ 1,663,374.46</b>	<b>\$ 1,592,573.89</b>	<b>\$ 1,608,306.80</b>	
<b>Total SBCOG Staff and Budget Expenditures</b>	<b>\$ 991,000.00</b>	<b>\$ 1,005,865.00</b>	<b>\$ 1,020,952.98</b>	<b>\$ 1,036,267.27</b>	<b>\$ 1,051,811.28</b>	
<b>Total Available for Vendor Projects</b>	<b>\$ 100,000.00</b>	<b>\$ 710,500.00</b>	<b>\$ 642,421.48</b>	<b>\$ 556,306.62</b>	<b>\$ 556,495.52</b>	
<b>Total Programming Cost</b>	<b>FY 24/25</b>	<b>FY 25/26</b>	<b>FY 26/27</b>	<b>FY 27/28</b>	<b>FY 28/29</b>	<b>Total</b>
COG Member Dues (remaining fees available)	\$ 55,000	\$ 710,450	\$ 635,450	\$ 555,950	\$ 535,450	\$ 2,492,300
Equity/Indirect Fund	\$ 50,000	\$ 502,500	\$ 247,500	\$ 60,000	\$ 60,000	\$ 920,000
Grant/Partner	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
Subscription	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 15,950	\$ 35,950	\$ 33,450	\$ 950	\$ 87,300
<b>Total</b>	<b>\$ 1,106,000</b>	<b>\$ 2,228,900</b>	<b>\$ 1,918,900</b>	<b>\$ 1,649,400</b>	<b>\$ 1,596,400</b>	<b>\$ 8,499,600</b>

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# 04

## Next Steps



### Next Steps



**Board Ad Hoc**  
Review of Policies and Bylaws

**Board of Directors**  
Presentation and discussion on the policy, bylaws, and work plan

**Board of Directors**  
Approval of Work Plan, Policies, and Bylaws

**Staff Work**  
Implementation of Work Plan

**Staff Work**  
Program Priorities for Board

**CCMTAC**  
Report and Feedback

Thank you





November 6, 2024

# San Bernardino Council of Governments 5-Year Work Plan

DUDEK





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02  
03  
04



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Attachment: FINAL SBcog 5-Year Work Plan 102324 (11016 : San Bernardino Council of Governments





San Bernardino  
Council of  
Governments 5-Year  
Work Plan

The San Bernardino Council of Governments (SBCOG), originally formed as the San Bernardino Associated Governments in 1973 and legally separated from the Transportation Authority in 2016, is a voluntary association guided by a joint powers agreement (JPA) and elected representatives from the 24 member cities and towns and five county supervisorial districts that serve San Bernardino County (County) residents.<sup>1</sup> SBCOG works with member jurisdictions and partners to address broad, long-term policy matters like greenhouse gas emissions, housing, promoting healthy communities, public safety, and more. In addition to its 25 member agencies (the 24 member cities and towns and the County of San Bernardino), SBCOG partners with many other Federal, State, and regional agencies and private entities in the course of our work, in order to best serve the interests of the County. SBCOG plays a vital role in supporting its member jurisdictions and enhancing the County's communities by providing a forum for local leaders and regional officials to form a comprehensive approach to community services and establish priorities that will benefit the region for generations to come.

The San Bernardino Council of Governments 5-Year Work Plan establishes projects and programs the COG and other responsible agencies will prioritize over the next 5 years. This document serves to provide a County profile including the varying geographic context of the subregions, a demographic and socioeconomic overview of the people and economy of the County, and other factors that provide a lens for the prioritization of the selected Work Plan projects and programs.

The overview of programs included in this document is organized by Countywide and Regional programs. This section includes the SBCOG Work Plan Programs and Priorities over the next 5 years, and an overview of programs related to the State's Regional Early Action Plan 2.0 (REAP 2.0) programs and other ongoing County programs. Additional cross-jurisdictional efforts, which involve coordination and shared funding with other council of governments, are described in the Inland Empire Regional Programs section. Each program under these sections includes a program summary, identified funding sources and amounts, and highlights key project deliverables, as applicable. Lastly, the attached program matrix provides a detailed description of all funding sources, amounts, and project phasing and implementation years for the selected work plan programs described in the Work Plan Programs and Priorities section.

<sup>1</sup> ArcGIS StoryMaps. "San Bernardino Council of Governments," February 7, 2024. <https://storymaps.arcgis.com/stories/6f45db75d0f54f609ef2c-00cc2bf87f9>.

# County Profile

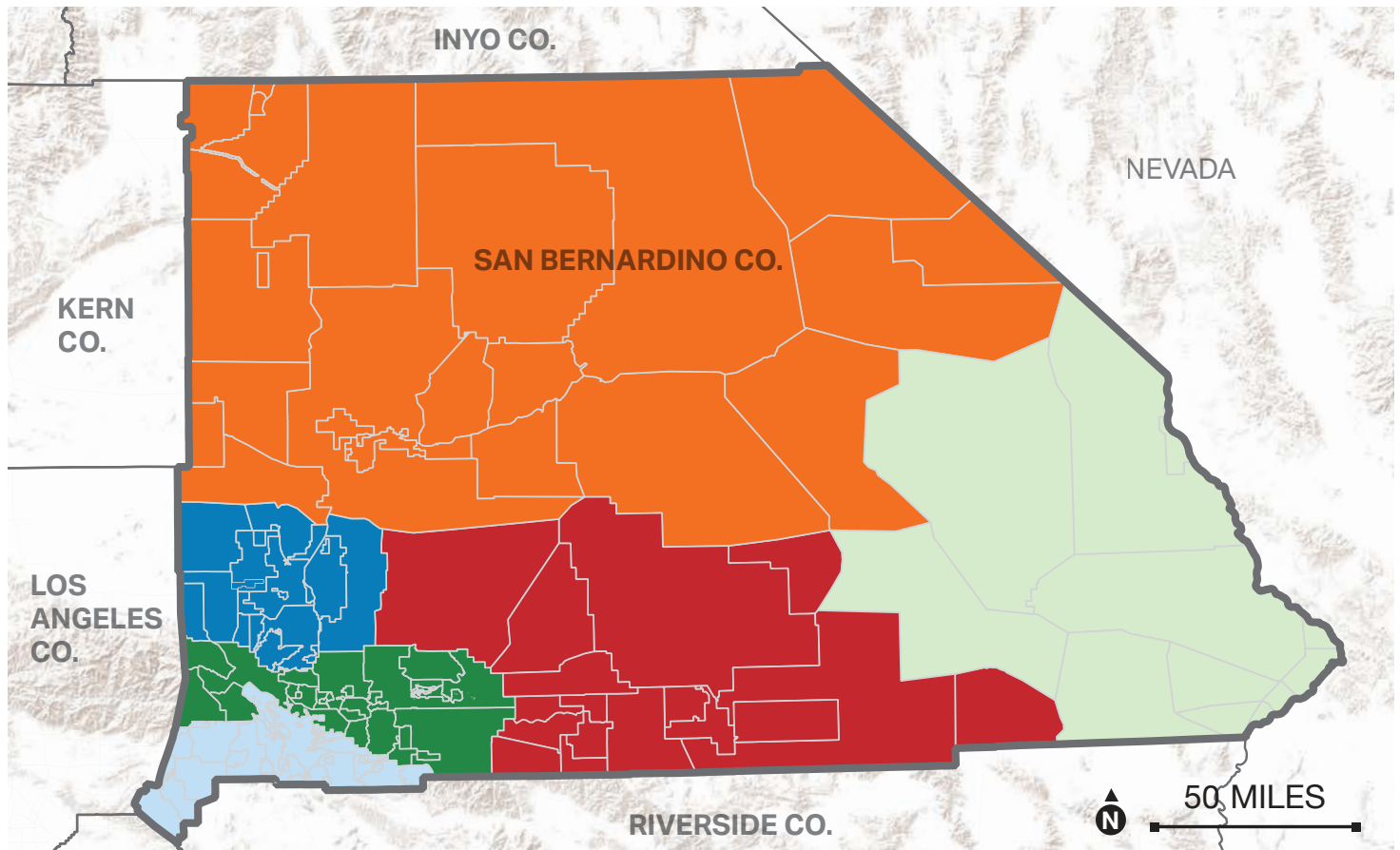
## GEOGRAPHIC CONTEXT:

The San Bernardino County (County) is approximately 20,105 square miles, the largest county in the contiguous United States. There are 24 incorporated towns and cities and over 80 unincorporated communities. The County is commonly divided into six distinct subregions, the San Bernardino Valley, the Victor Valley, the Mountains, the North Desert, the Morongo Basin, and the Colorado River as shown in Figure 1. The Colorado River, Morongo Basin, Mountains, and North Desert Subregions are also commonly referred to as the Rural Mountain/Desert Subregions.

**Figure 1. County Regions**

**Source.** "Cities\_and\_Communities (FeatureServer)," March, 16, 2023. [https://services.arcgis.com/aA3snZwJfFkVyDuP/arcgis/rest/services/Cities\\_and\\_Communities/FeatureServer.](https://services.arcgis.com/aA3snZwJfFkVyDuP/arcgis/rest/services/Cities_and_Communities/FeatureServer)

- NORTH DESERT
- COLORADO RIVER
- MORONGO BASIN
- VICTOR VALLEY
- MOUNTAINS
- SAN BERNARDINO VALLEY



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### San Bernardino Valley

The San Bernardino Valley Subregion, sometimes further divided into East and West Valley, is the most densely populated region. Cities include Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa. Unincorporated communities include Bloomington, Mentone, and Muscoy.



### Victor Valley

Victor Valley is located in the western Mojave Desert, the Victor Valley Subregion in the high desert region of the San Bernardino County. It is bordered by the San Bernardino Mountains to the south and the San Gabriel Mountains to the southwest. Cities within the subregion include Adelanto, Apple Valley, Hesperia, and Victorville. There are many unincorporated communities within the subregion such as Helendale, Lucerne Valley, and Phelan.



### Mountains

The Mountains Subregion is primarily composed of public lands owned and managed by Federal and State agencies. The City of Big Bear Lake is the only incorporated city within the subregion. However, there are multiple unincorporated communities such as Big Bear City, Crestline, Lake Arrowhead, Running Springs, and Wrightwood within the subregion.



### North Desert

The North Desert Subregion is the largest subregion geographically, covering approximately 93% of the county, and includes parts of the Mojave Desert. The City of Barstow is the only incorporated city within the subregion. However, there are many unincorporated communities such as Baker, Lenwood, Newberry Springs, and Yermo within the subregion.



### Morongo Basin

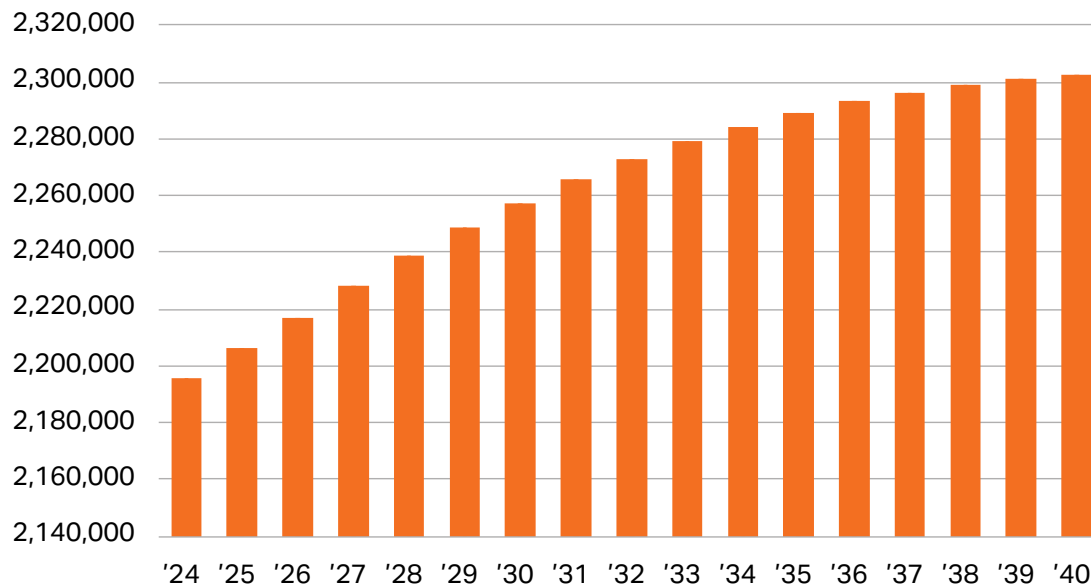
The Morongo Basin Subregion is located within the Mojave Desert and in the high desert region of the county. It is a desert landscape of hills and alluvial fans framed by mountain ranges. Cities within the subregion include Yucca Valley and Twentynine Palms. Joshua Tree is an unincorporated community within the subregion.



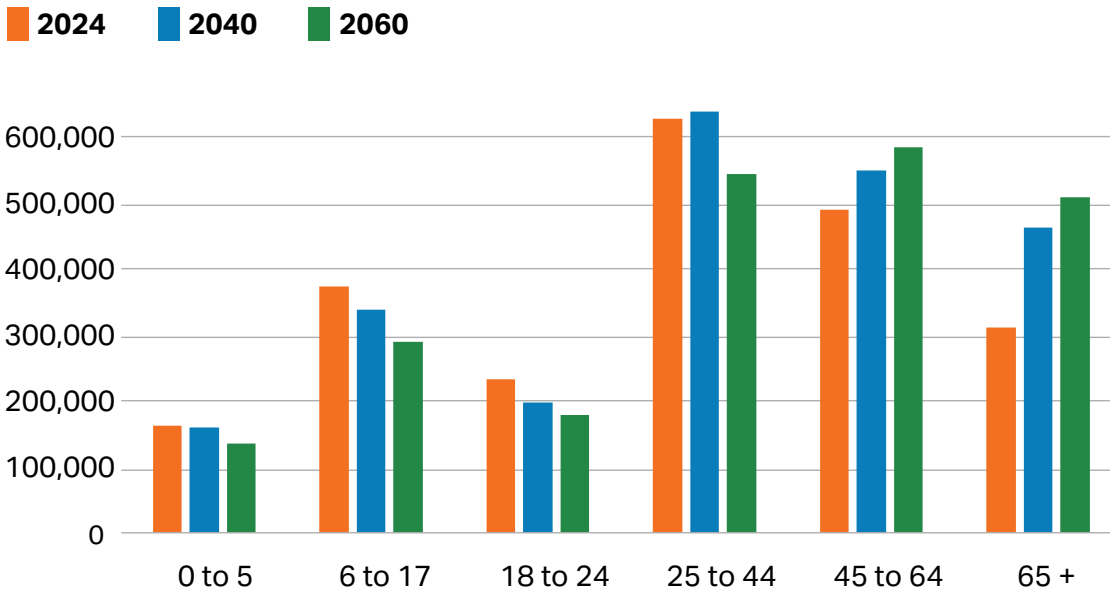
### Colorado River

This subregion is framed by the Mojave Desert to the west and the Colorado River to the east. The City of Needles is the only incorporated city within the subregion and borders the State of Arizona.

# SAN BERNARDINO COUNTY POPULATION



# AGE TRENDS



# PEOPLE

**Population.** The County is the fifth most populous county in the State of California with a total population of 2,195,732 in 2024 and a population density of 109 persons per square mile. Densities in the developed areas tend to be in the range of 3,000 to 4,000 persons per square mile. The County’s population forecast varies depending on the source. The State Department of Finance (DOF) forecast shows the County reaching a population of approximately 2.3 million by 2040, representing a 5% growth rate over the next 15 years as shown in Figure 2. The forecast from the Southern California Association of Governments (SCAG) projects a 2.43 million population by 2040 (10.5%) and 2.62 million by 2050 (19%).

**Figure 2. Projected Population Growth**

**Source.** CA DOF, P-2: County Population Projections, 2020-2060

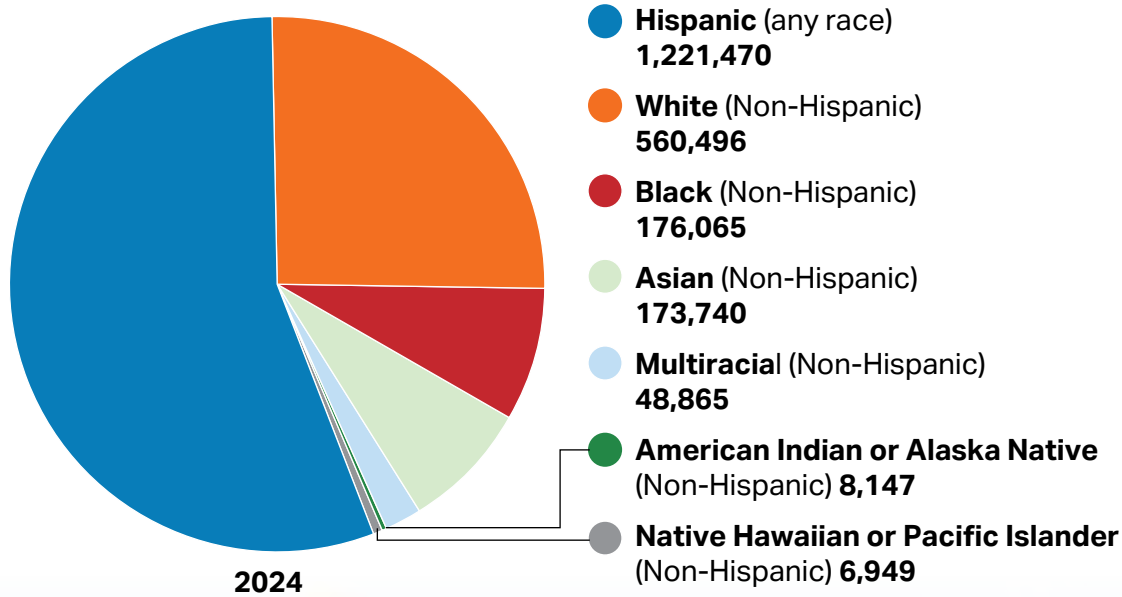
**Age.** In 2024, persons aged 25 to 44 make up 29% of the total population, according to the DOF forecast. In 2040, all age categories are projected to experience a decline except for age categories 45 to 64 and 65 and older, which are expected to continue to experience an increase in population size as shown by Figure 3. By 2060, it is projected that the 45 to 64 and 65 and older age categories will make up almost 50% of the County’s population.

**Figure 3. County Age Trends and Projections**

**Source.** CA DOF, P-2B: Population Projections by Individual Year of Age, 2020–2060



# POPULATION BY RACE



**Race.** Hispanic persons make up the largest population in the County followed by White non-Hispanic persons as shown in Figure 4. Population projections for 2040 indicates a 5% growth across each race category indicating the racial make-up of the County is projected to remain the same.

**Figure 4. Population by Race**

**Source.** CA DOF, P-1D Total Hispanic and Non-Hispanic Race, 2024

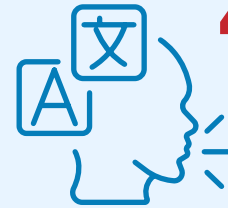


## SOCIAL AND HOUSEHOLD CHARACTERISTICS AND CIVIC ENGAGEMENT



### Total Households

**674,191** ACS 1-year estimates 2022.



**45%** of persons speak a language other than English at home ACS 1-year estimates 2022.

**22%** of the population is foreign born ACS 1-year estimates, 2022 falls below the California foreign born population, which is **27%**, but higher than the national ratio, which is **13%**.



Average household size **3.2** ACS 1-year estimates 2022, compared to **2.82** for the State of California.



Households with **Children under 18**: 34 % ACS 1-year estimates 2022.

Voter turnout among population **registered to vote** is **1,138,702**. (general election 2022).



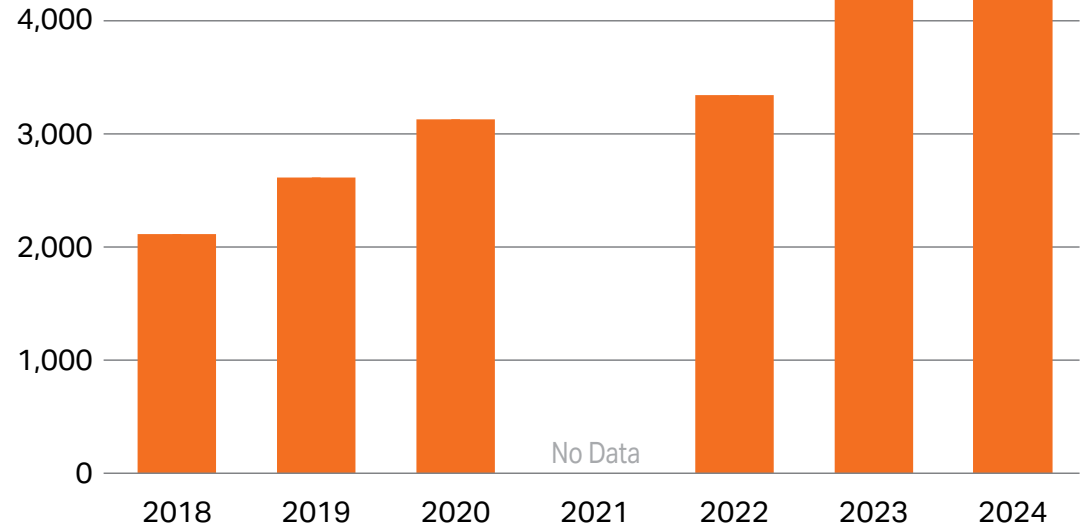
The **median household income** for San Bernardino County in 2023 is **\$85,069**, which falls below the California median household income of **\$95,521**.



**Sources.** Total Households, Languages Spoken at Home, Foreign Born Population, Average Household Size, Households with Children under 18: U.S. Census Bureau, ACS 2022, 1-Year Estimates, DP02 Selected Social Characteristics, <https://data.census.gov/table/ACSDP1Y2022.DP02>. Median Household Income: U.S. Census Bureau, ACS 2022, 1-Year Estimates, DP03, Selected Economic Characteristics, <https://data.census.gov/table/ACSDP1Y2023.DP03>. Voters: San Bernardino County Registrar of Voters. "Voter Turnout Statistics," 2022, <https://sbcountyelections.com/elections/votinghistory/>.

**People Experiencing Homelessness.** The number of persons experiencing homelessness has doubled in size since 2018, with 2,118 then, and 4,195 in 2024 as shown in Figure 5.

### TOTAL NUMBER OF PERSONS COUNTED



**Figure 5. Persons Experiencing Homelessness Counts Since 2018**

**Note.** The total count for 2021 is not included in the report.

**Source.** U.S Department of Housing and Urban Development. “2024 Continuum of Care Homeless Count and Survey Report,” 2024. <https://main.sbcounty.gov/wp-content/uploads/sites/80/2024/05/SBC-Point-in-Time-Count-Report-2024-Final.pdf>.

However, when comparing the total number of persons experiencing homeless in the year 2023 and 2024 in Table 1, there was only a 1% increase in total population, which is an increase of 60 persons from 2023.

**Table 1. San Bernardino County 2023 and 2024 Homeless County Comparison**

YEAR	SHELTERED	UNSHelterED	TOTAL
<b>2023 Count</b>	1,219	2,976	4,195
<b>2024 Count</b>	1,200	3,055	4,255
<b>Difference</b>	-19 (1.6%)	+79 (2.6%)	+60 (1.4%)

**Source.** U.S Department of Housing and Urban Development. “2024 Continuum of Care Homeless Count and Survey Report,” 2024. <https://main.sbcounty.gov/wp-content/uploads/sites/80/2024/05/SBC-Point-in-Time-Count-Report-2024-Final.pdf>.

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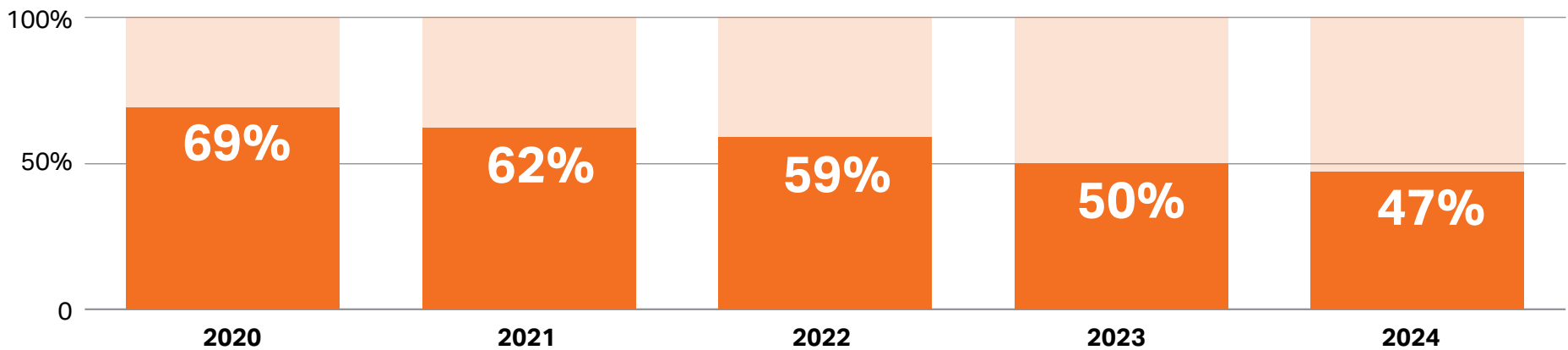
## ECONOMY

**Housing.** The median single family existing home price has increased by 6.2% from July 2023 to July 2024 and has a current median sale price of \$515,000. The median sold price of existing condos and townhomes has increased by 4.7% over the last year and has a current median price of \$472,700. The percentage of buyers in the County who

can afford an entry-level home has decreased over the last 5 years and is currently at 47% as shown in Figure 6. According to the California Association of Realtors First-time Buyer Housing Affordability Index, the minimum income needed to qualify purchasing a home is \$89,100, which is greater than the median household income for the County.

**Figure 6. Buyers Who Can Afford an Entry-Level Home**

### BUYERS WHO CAN AFFORD AN ENTRY-LEVEL HOME



**Source.** California Association of Realtors. “County Sales & Price Statistics,” August 1, 2024. [https://carorg.sharepoint.com/:x/s/CAR-RE-PublicProducts/ET\\_2DKm5lmVEqXVoLM7RGP0BomBEy7JfeTkOpDgsbh5fLg?rttime=mdSYdj\\_u3Eg](https://carorg.sharepoint.com/:x/s/CAR-RE-PublicProducts/ET_2DKm5lmVEqXVoLM7RGP0BomBEy7JfeTkOpDgsbh5fLg?rttime=mdSYdj_u3Eg)

**Key Industries and Employment.** There are approximately 1,086,962 persons 16 years and older who are in the labor force, including persons in the armed forces.<sup>2</sup> The County’s unemployment rate is approximately 6%, which is slightly higher than the State unemployment rate of 5%. Key industries include education services, health care and social assistance, transportation and warehousing, utilities, and retail trade industries, which account for 48% of the total employed population 16 years or older (excluding armed forces).

#### Key industries in San Bernardino County:

-  **Retail trade: 12%**
-  **Transportation and warehousing, and utilities: 13%**
-  **Educational services, and health care and social assistance: 23%**

<sup>2</sup> U.S. Census Bureau. American Community Survey, 2023, 1-Year Estimates, DP03, Selected Characteristics.





**Business Sector.** Enterprise businesses accounted for 67% of employed persons in the County in 2021. Table 2 below highlights enterprises by business size categorized by number of people employees. Businesses with less than 100 employees accounted for 22% of the employed population in 2021, indicating that small businesses play a vital role in employment trends in the County.

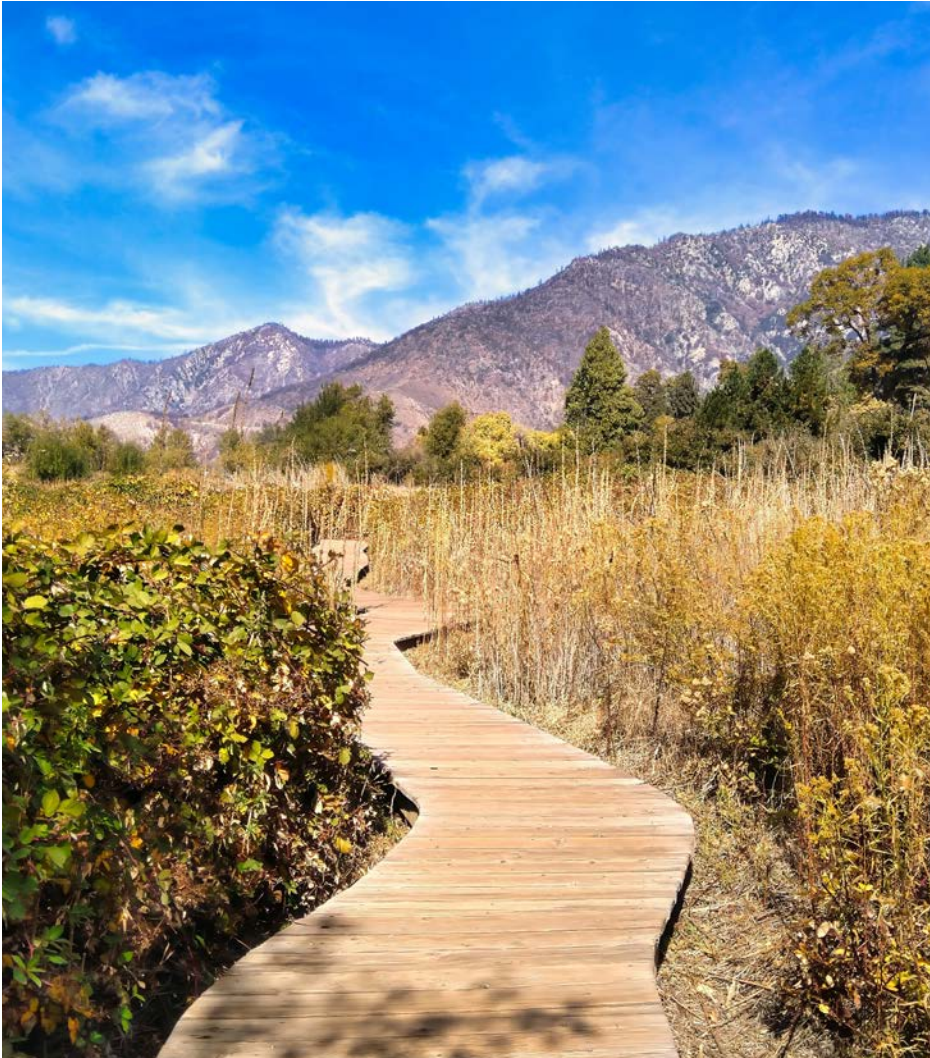
**Table 2.** San Bernardino County Number of Firms and Employment, 2021

ENTERPRISE SIZE	FIRMS		EMPLOYEES	
	Number of Firms	Percent of Total Firms	Number	Percent of Total Employees
<20 employees	28,189	85	110,241	17
20-99 employees	2,756	8	92,973	15
100-499 employees	868	3	70,346	11
500+ employees	1,543	5	359,801	57
<b>Total</b>	<b>33,356</b>	<b>—</b>	<b>633,361</b>	<b>—</b>

**Source.** US Census Bureau. "2021 SUSB Annual Data Tables by Establishment Industry." Census.gov, July 22, 2024. <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>.

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The programs and projects below include a list of programs and projects enabled through San Bernardino Council of Governments (SBCOG). The list includes budgeting capacity, Regional Early Action Planning Grants of 2021 (REAP 2.0) projects, and other countywide sustainability and climate related projects. The programs will be funded by a variety of sources, such as member dues, Measure I, REAP 2.0 grants, the Carbon Reduction Program grants (CRP), Caltrans Sustainable Transportation Planning Grant Program, and the California Public Utilities Commission (CPUC).



## Work Plan Programs and Priorities

The programs and project options selected were informed through comprehensive outreach including, initial discussions with the SBCOG Board Ad Hoc, targeted coordination and collaboration over five subregional meetings held with subsets of City and County Managers, and research on programs offered by sister agencies including the Western Riverside Council of Governments (WRCOG) and the San Gabriel Valley Council of Governments (SGVCOG). The subregional meetings were held in the West Valley, East Valley, Mountain, Victor Valley, and Desert Regions. Finally, the Work Plan is being reviewed and anticipated to be approved by the General Policy Committee and the Board of Directors. Funding for these plans and programs will be a mix of Member Agency Dues, Equity/Indirect Funds, Measure I where applicable, grant funds, and partner funds.





**HOMELESSNESS STRATEGIC PLAN**

**Program Summary:** This program is a regional strategy to plan for the population of persons experiencing homelessness within the County with prioritized programs and targeted strategies. San Bernardino Council of Governments (SBCOG) will lead a collaborative strategy for the region and coordinate with member jurisdictions. The plan will include an inventory of existing resources, law enforcement options, nonprofit organization (NGO) support, and create strategies to plan and prioritize shelter placement for individuals experiencing homelessness. Additionally, the program will identify and prioritize funding opportunities to support the identified strategies across region.

**Deliverable:** Establish a regional strategy with prioritized projects, inventory of existing resources, and strategy for countywide coordination.

<b>Target Fiscal Year</b>	2025/2026
<b>Funding Source</b>	Member Dues, Equity/Indirect
<b>Funding Amount</b>	\$750,000



**STREET VENDOR TOOLKIT/STANDARDS AND COMPLIANCE/ENFORCEMENT STRATEGIES**

**Program Summary:** Street vendor regulation varies from jurisdiction to jurisdiction in the County, which can be difficult for street vendors to navigate the complexity of the permitting process when operating in different jurisdictions. This program will analyze and create best practices on regulations and ordinances to create a menu of options for jurisdiction to implement to create consistency across the region and encourage street vendors to operate in compliance. Identify options for local agencies to utilize for the purposes of compliance and enforcement.

**Deliverable:** Toolkit and standards on street vendor regulation.

<b>Target Fiscal Year</b>	2026/2027
<b>Funding Source</b>	Member Dues
<b>Funding Amount</b>	\$250,000

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**SMALL BUSINESS VENDOR FAIRS**

**Program Summary:** The program creates networking opportunities for small business owners countywide to connect with other vendors and consumers to enhance visibility and boost sales. It includes collaboration with member agencies and partners to host vendor and procurement fairs.

**Deliverable:** Establish vendor fairs throughout the county to highlight small businesses within the region.

<b>Target Fiscal Year</b>	2024/2025–2028/2029
<b>Funding Source</b>	Equity/Indirect
<b>Funding Amount</b>	\$290,000



**SMALL BUSINESS HUB**

**Program Summary:** This program will establish a hub or dashboard for public access to public procurements and a site that promotes local, small business service providers for the benefit of San Bernardino Council of Government’s (SBCOG’s) member jurisdictions.

**Deliverable:** Dashboard that promotes small business service providers.

<b>Target Fiscal Year</b>	2025/2026–2026/2027
<b>Funding Source</b>	Member Dues, Equity/Indirect
<b>Funding Amount</b>	\$550,000



**REGIONAL SMALL BUSINESS CERTIFICATION**

**Program Summary:** The program creates a regionally recognized small business certification that individual jurisdictions may opt into so as to support small businesses in applying and bidding for a government contract. Amongst the San Bernardino Council of Governments (SBCOG) members, many of the cities’ and towns’ bidding platforms are used with varying registration requirements, they do not have a main point of contact for procurement and purchasing, which is cumbersome for small businesses and may deter them from successfully contracting with the local governments.<sup>1</sup> This program allows participating businesses to capitalize on opportunities in government and private-sector procurement through a more equitable process.

**Deliverable:** Create a regional procurement program to streamline certification for small businesses and training for small businesses in contract administration.

<b>Target Fiscal Year</b>	2025/2026–2026/2027
<b>Funding Source</b>	Member Dues, Equity/Indirect
<b>Funding Amount</b>	\$315,000



**FORUM**

**Program Summary:** Discussion and information sharing meetings between cities, towns, and counties on various issues and challenges experienced within the county. Discussion topics will include Municipal Separate Storm Sewer System (MS4) Permits, Ambulance Contracts, Animal Shelters, and more.

**Deliverable:** Host discussion opportunities focused on a rotation of topics and challenges within the county.

<b>Target Fiscal Year</b>	2025/2026–2028/2029
<b>Funding Source</b>	Member Dues, Management/Support Cost (2910 and 7001)
<b>Funding Amount</b>	\$11,000

<sup>1</sup> Amplify Communities, “San Bernardino Region Public Procurement Memorandum,”2023.





**SMART INTERSECTIONS AND CORRIDORS**

**Program Summary:** Countywide Capital Improvement Projects for identified corridors under the Smart County Master Plan (SCMP). Implement Smart Corridor pilots to extend the principles of smart intersections along entire traffic corridors, modernize transportation at a large scale to facilitate smoother traffic flow, enhance safety, reduce travel times, and minimize environmental impact.

**Deliverable:** New smart intersections and corridors.

<b>Target Fiscal Year</b>	2024/2025–2028/2029
<b>Funding Source</b>	Measure I
<b>Funding Amount</b>	\$5,000,000



**SPEAKER SERIES**

**Program Summary:** The program creates an opportunity, quarterly or biannually, for discussion on various topics and networking opportunity for member jurisdictions.

**Deliverable:** Establish a panel of experts or series of speakers to create discussion opportunities and networking events.

<b>Target Fiscal Year</b>	2024/2025–2028/2029
<b>Funding Source</b>	Member Dues, Management/Support Cost (2910 and 7001)
<b>Funding Amount</b>	\$41,800



**CAD-TO-CAD**

**Program Summary:** This program, focused on connecting computer-aided dispatch (CAD) systems, would implement data sharing across boundaries to improve emergency services. To create a unified system and maximize public safety, this program would leverage the existing Inland Empire Public Safety Operations Platform (IE PSOP) and connect neighboring Emergency Communication Centers (ECC) and other cooperating agencies through a cloud-hosted communications system interface.

**Deliverable:** Cloud-hosted communications system interface known as CAD-to-CAD.

<b>Target Fiscal Year</b>	2027/2028
<b>Funding Source</b>	Member Dues, Management/Support Cost (2910 and 7001)
<b>Funding Amount</b>	\$357,500
<b>Subregions and Participating Cities</b>	CONFIRE Jurisdictions: Apple Valley, Big Bear, Chino, Chino Hills, Colton, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, Running Springs, San Bernardino County, San Manuel Band of Mission Indians, Victorville

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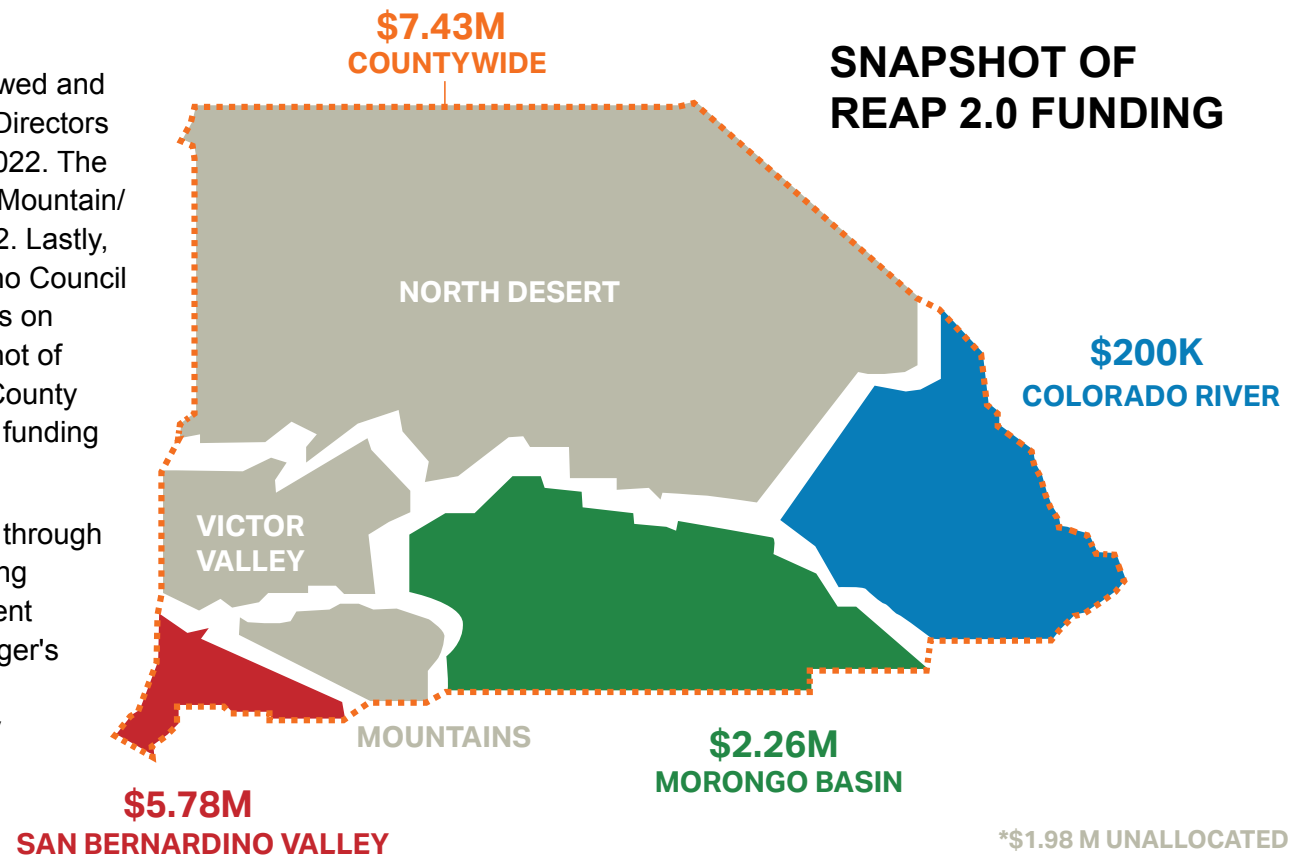
## REAP 2.0 Programs

The Regional Early Action Planning Grants (REAP) 2.0 program was established as part of the 2021 California Comeback Plan under Assembly Bill 140 and builds on the success of the REAP 2019 program.<sup>2</sup> The REAP program focused on providing housing planning and process improvement services to cities and counties. Building on the success of the REAP 2019 program, REAP 2.0 seeks to accelerate infill housing development, reduce vehicle miles traveled (VMT), increase housing supply at all affordability levels, affirmatively further fair housing, and implement adopted regional and local plans to achieve these goals.

The REAP 2.0 grant applications were reviewed and recommended for approval by the Board of Directors Metro Valley Study Session on August 11, 2022. The item was recommended for approval by the Mountain/Desert Policy Committee on August 12, 2022. Lastly, the item was approved by the San Bernardino Council of Governments (SBCOG) Board of Directors on September 7, 2022. As shown in the Snapshot of REAP 2.0 Funding graphic to the right, the County received over 17 million dollars in combined funding for Countywide and regional programs.

SBCOG coordinated with member agencies through the standing committee of jurisdiction planning directors called the Planning and Development Technical Forum (PDTF), City-County Manager's Technical Advisory Committee (CCMTAC), and through one-on-one meetings to identify and select REAP application projects. Additionally, SBCOG staff informed the selection of projects through collaboration

with member agencies to identify eligible sites for affordable housing in their jurisdiction, housing-related projects undergoing the process of entitlement, and technical assistance needs related to implementing projects and programs in their 6th cycle certified housing element that could be supported by REAP funds. The following section provides a summary of the selected projects that received funding from the REAP 2.0 program.



2 Southern California Association of Governments. "REAP 2.0 - Southern California Association of Governments," April 7, 2022. <https://scag.ca.gov/reap2021>.



**VMT MITIGATION BANK – CTC PARTNERSHIP PROGRAM**

**Program Summary:** To establish a regional San Bernardino County VMT Mitigation Bank (VMT Bank) using a mode-choice-based framework, with telework as an initial regional mitigation measure and incrementally adding transit and shared-ride measures. Initially, the VMT Bank will incentivize individuals to earn VMT reduction credits by reducing their commute travel with home-based work, or “telework.” The money exchanged for purchased credits could be applied to individual, local, regional, or State VMT reduction programs or projects, such as housing-specific projects included in a regional housing trust program. While telework would be the primary mode choice included in the bank initially, additional mode-choice programs, such as transit, vanpool/ carpool, and active transportation will be incrementally added in the course of this 2-year pilot project. The concept is one of incentivizing trip-reducing behavior, which will, in turn, build more demand for alternate mode investments. Once fully developed, the program will provide financial incentives to persons living in disadvantaged areas who are able to telework, ride transit, vanpool/carpool, or bike/ walk to work. Secondly, using proceeds from the VMT Bank, the San Bernardino County Housing Trust will be able to target funding to affordable housing and supportive infrastructure projects located in these disadvantaged communities. The VMT Bank may be the first in the State to be implemented. It is innovative and transformative in that it will incentivize “trip-makers” to make modal choices that personally reduce their VMT.

**Deliverables:**

1. **Develop Home-Based Work-Mode-choice-based framework/ VMT Bank Program:** Establish a framework, develop the VMT Mitigation Bank application, and market the program to enroll participants and attract developers.
2. **Develop Verification Oversight and Banking Capabilities:** Develop funding strategies for incentives, establish the VMT Bank, and set up third-party verifier to validate recorded VMT reductions.
3. **Sell Banked VMT Credits:** Sell developers VMT-mitigation credits, prices will be market-based with the minimum amount to be the VMT credit development costs (credits will not be funded by the REAP 2.0 CTC grant).

<b>Target Fiscal Year</b>	2024/2025–2025/2026
<b>Funding Source</b>	REAP 2.0 and CRP (Federal Carbon Reduction Program)
<b>Funding Amount</b>	\$3,045,000
<b>Subregions and Participating Cities</b>	Countywide

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**MULTI-MODAL COMPLETE STREETS PROGRAM – (CTC) PARTNERSHIP PROGRAM**

**Program summary:** Supports transformative planning activities connecting infill housing to daily services and increase travel options that support multimodal communities to shift travel modes.<sup>3</sup> The projects will all demonstrate a nexus to accelerate infill development that facilitates housing supply, choice and affordability. Projects will reduce VMT and affirmatively further fair housing by fostering racially equitable and inclusive communities while retaining and increasing affordability and protecting existing residents from displacement.

**Deliverable:** Pre-construction activities for transportation improvements near affordable housing sites. Deliverables could include surveys, preliminary engineering design, background studies, environmental studies, pre-construction documents (PS&E package). Colton and Rialto have planning studies completed pertaining to active transportation.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	REAP 2.0
<b>Funding Amount</b>	\$6,519,868
<b>Subregions and Participating Cities</b>	San Bernardino Valley: Cities of Colton, Fontana, Ontario, Rialto, and Upland Morongo Basin: City of Twentynine Palms

<sup>3</sup> Southern California Association of Governments. “2023 County Transportation Commission Partnership Program, Program Guidelines,” 2023. [https://scag.ca.gov/sites/main/files/file-attachments/ctc\\_call\\_for\\_projects\\_guidelines\\_04112023\\_final.pdf?1681314989](https://scag.ca.gov/sites/main/files/file-attachments/ctc_call_for_projects_guidelines_04112023_final.pdf?1681314989).



**SUBREGIONAL PARTNERSHIP PROGRAM 2.0**

**Program Summary:** The program focuses on implementing approved and compliant Housing Elements in order to invest in early actions that will accelerate infill development facilitating housing supply, choice, and affordability.<sup>4</sup> The goal is to affirmatively further fair housing while reducing VMT across the region. The program will provide member jurisdictions with technical assistance and materials to adopt and implement. Additionally, webinars and technical training will be available to facilitate and accelerate affordable housing projects. Finally, the project assists with outreach and engagements to all community members, gathering information and feedback related to fair housing, and providing resources to empower residents and increase discourse around fair housing. Program funding is available to member jurisdictions interested in technical assistance.

**Deliverable:** Templates and Implementation Guides for best practices, AFFH engagement programs, technical assistance to jurisdictions and programs/actions implemented.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	REAP 2.0
<b>Funding Amount</b>	\$2,367,317
<b>Subregions and Participating Cities</b>	Agencies interested in technical assistance include: San Bernardino Valley: cities of Chino Hills, Colton, Loma Linda, and Yucaipa Victor Vally: cities of Hesperia and Victorville Colorado River: City of Needles

4 Southern California Association of Governments. "Subregional Partnership Program 2.0 - Southern California Association of Governments," September 6, 2022. <https://scag.ca.gov/post/subregional-partnership-program-20>.





**HOUSING INFILL ON PUBLIC AND PRIVATE LANDS (HIPP) PILOT PROGRAM**

**Program Summary:** SBCOG will partner with member jurisdictions and the San Bernardino County Superintendent of Schools to develop a comprehensive inventory and analysis of all surplus properties within the County to identify suitable sites for housing development. The project will identify sites that could accommodate housing at a variety of affordability levels, with focus on workforce housing for educators. An implementation guide detailing best practices and implementable actions to provide member jurisdictions with direction on how to develop sites with residential uses will be created. Finally, the pilot project with the City of Needles will utilize the implementation guide to demonstrate the streamlined process of predevelopment activities related to publicly owned surplus land, environmental assessment, surveys, etc., for development of affordable housing.

**Deliverable:** Implementation Guide, inventory, development guide for jurisdictions, project documents for Needles, such as permits.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	REAP 2.0
<b>Funding Amount</b>	\$720,000
<b>Subregions and Participating Cities</b>	Countywide Colorado River: City of Needles

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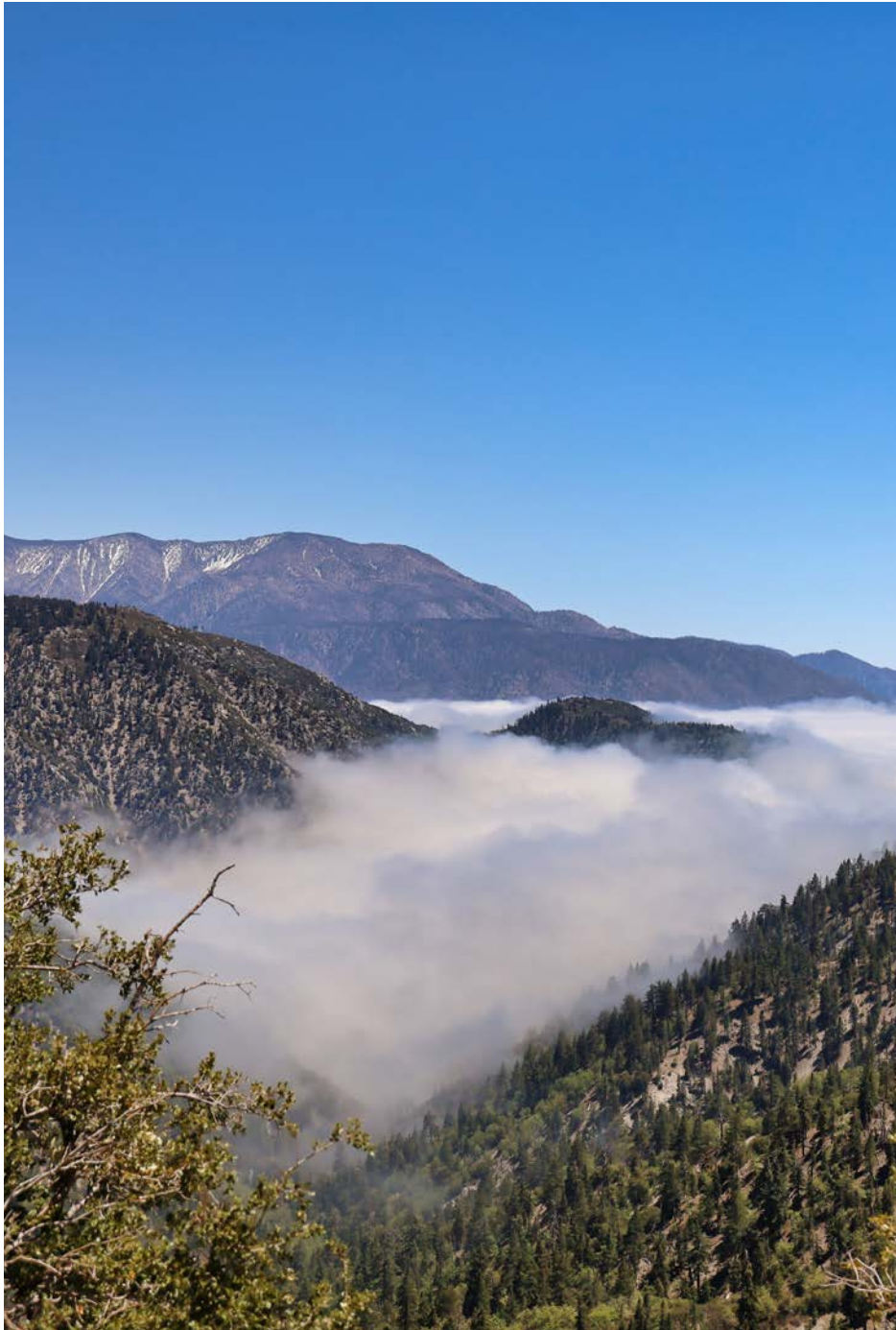
**NOTICE OF FUNDING AVAILABILITY – FUNDING FOR LASTING AFFORDABILITY/PATH**

**Program Summary:** The program will establish and administer the San Bernardino Regional Housing Trust (Housing Trust) and provide a mechanism to raise and leverage existing funds to support the creation of housing, with a focus on affordable housing.<sup>5</sup> Additionally, two programs with the City of Ontario and the City of Twentynine Palms will demonstrate how a gap financing program will be used to provide funding needed to complete the affordable housing projects and accelerate infill development in order to increase the housing stock Countywide. For additional information on the Housing Trust see the Current and Ongoing Programs section.

**Deliverable:** Establishment of Housing Trust and accompanying documents, gap financing program for pilot projects.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	REAP 2.0
<b>Funding Amount</b>	\$5,000,000
<b>Subregions and Participating Cities</b>	Countywide San Bernardino Valley: City of Ontario Morongo Basin: City of Twentynine Palms

5 San Bernardino Transportation Authority. "San Bernardino Regional Housing Trust - SBCTA." SBCTA, June 27, 2023. <https://www.gosbcta.com/housing-trust/>.



## Current and Ongoing Programs

This section includes a summary of programs SBCOG and its member jurisdictions have recently begun or are ongoing.

### SMART COUNTY MASTER PLAN (SCMP)

**Program Summary:** SBCOG is leading a Smart County Master Plan (SCMP) that will provide a roadmap for improving the region’s communications and technology infrastructure to better serve the County’s growing technology needs.<sup>6</sup> The SCMP will allow the County and its cities to be more competitive for the growing number of State and Federal grants available to local governments. Goals of the SCMP are to improve technology infrastructure, address growing technology needs, equitable resource distribution, share information/break down silos, and to serve the County and all jurisdictions. The SCMP is divided into two phases, the Early Action Plan and the Long-Range Smart County Master Plan. The Early Action Plan, which identifies tasks that the region can implement, has been completed. Early Action Plan projects include broadband, smart intersections, smart corridors, Advanced Traveler Information System (ATIS) and Emergency Management Services (EMS), CAD-to-CAD, and Zero Emission Vehicles (ZEV). The Early Action Plan identified next steps for implementation.

**Deliverable:** Master Plan to promote clean and sustainable transportation, enhance traffic flow and connectivity, improve quality of life through universal broadband access, and rewrite the narrative by promoting advancements and celebrating early wins to incentivize living and working in the County.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	County of San Bernardino, SBCTA
<b>Funding Amount</b>	\$1,000,000

6 San Bernardino Transportation Authority. “SBCTA/SBCOG Team With County on Smart County Master Plan.” SBCTA, December 12, 2022. <https://www.gosbcta.com/sbcta-sbcog-team-with-county-on-smart-county-master-plan/>.

**Equity Framework**

**Program Summary:** The Equity Framework kicked off in July 2024 and will build off of the work completed and guide the agency toward its equity goals when implementing projects, designing programs, and performing public outreach.<sup>7</sup> As a part of the Equity Framework Scope, which derives from direction of the Equity Ad Hoc discussion and ultimately direction of the Board, SBCTA/SBCOG has a goal of strengthening relationships with Community Based Organizations and other local partners. Additionally, as the goals of funding agencies evolve to include questions on how applicants address inequities, it has become clear that SBCTA/SBCOG needs to define equity clearly and identify practices that support its definition.

**Deliverable:** Create a plan to compile studies to guide member agencies in advancing SBCOG equity goals and strengthen relationships with Community Based Organizations and other local partners to advance SBCOG equity goals.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	Equity/Indirect
<b>Funding Amount</b>	\$199,934

**San Bernardino Regional Housing Trust**

**Program Summary:** The San Bernardino Regional Housing Trust (SBRHT) will be established by execution of the Joint Exercise of Powers Agreement (JPA) by and between participating jurisdictions. Through the established JPA, the SBRHT would be authorized to receive and pursue public and private financing and funds for the purpose of funding the planning, construction, and preservation of housing for extremely low-, very low-, low-, and moderate-income households, and attract significant funding and affordable housing development interest into the San Bernardino region. Through strong participatory governance, member jurisdictions will increase the region’s affordable housing supply, reduce household overcrowding, increase equitable access to community resources, and provide financial relief for vulnerable and cost-burdened households.

**Deliverable:** Establish a JPA for the San Bernardino Regional Housing Trust including to develop a framework and methodology for member dues, distribution of funds, administration and funding priorities of the trust.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	REAP 2.0
<b>Funding Amount</b>	\$1,500,000

7 San Bernardino Transportation Authority. “SBCTA/SBCOG Team With County on Smart County Master Plan.” SBCTA, December 12, 2022. <https://www.gosbcta.com/sbcta-sbcog-team-with-county-on-smart-county-master-plan/>.



The programs and projects included in this section highlight ongoing and upcoming cross-jurisdiction projects in the region, which involve multiple council of governments agencies, specifically within the Inland Empire region.

### Climate Pollution Reduction Grant Program

#### Climate Pollution Reduction Grant (CPRG) SCAQMD

**Program Summary:** SBCOG led development of a Priority Climate Plan for the bi-county Riverside/San Bernardino MSA (Metropolitan Statistical Area), funded by the Environmental Protection Agency. A bi-county grant application was submitted for implementation of multiple climate measures but was not awarded CPRG funding. However, SBCOG/SBCTA are part of a collaboration with the South Coast Air Quality Management District (SCAQMD) that was awarded the largest CPRG grant in the United States focused on cleaning up the goods movement system across Southern California. SBCOG will collaborate on identifying those investments over approximately a 5-year period.

**Deliverable:** A study identifying investments to reduce air pollution in the goods movement system within the San Bernardino County.

<b>Target Fiscal Year</b>	2024/2025–2029/2030
<b>Funding Source</b>	US EPA CPRG
<b>Funding Amount</b>	A share of SCAQMD’s \$500,000,000 CPRG award

### Caltrans Sustainable Transportation Planning Grant – Climate Adaptation Programs

#### Emergency Evacuation Network Resilience (EENR) Study

**Program Summary:** SBCOG and WRCOG have partnered to conduct an Emergency Evacuation Network Resilience (EENR) Study. The study will conduct a local-level evacuation compliance assessment (Senate Bill 99) and a high-level evacuation route capacity, safety, and viability analysis (Assembly Bill 747) for up to 40 member agencies within SBCOG and WRCOG’s jurisdiction. This Study builds upon the completed Resilient Inland Empire (Resilient IE) Study to provide planning resources for extreme weather events through evacuation planning, identifying communities with inadequate access to transportation options, and planning for increased transportation options in evacuation corridors.

**Deliverable:** The EENR Study will help individual agencies to identify areas where transportation networks need redundancy improvements to boost resilience and recommend specific infrastructure to help areas adapt to extreme weather events.

<b>Target Fiscal Year</b>	2024/2025
<b>Funding Source</b>	Caltrans Climate Adaptation Planning Grant Program
<b>Funding Amount</b>	\$1,500,000

# Inland Regional Energy Network Energy Efficiency Programs

The Inland Regional Energy Network (I-REN) Program is an initiative to help San Bernardino and Riverside County jurisdictions access project development and funding resources for energy efficiency projects.

On January 9, 2019, SBCOG’s Board of Directors authorized staff to pursue the development of a Regional Energy Network (REN) in coordination with the Coachella Valley Association of Governments (CVAG) and the Western Riverside Council of Governments (WRCOG). In October 2021, the California Public Utilities Commission (CPUC) issued a proposed decision to approve the I-REN Business Plan. The decision provided \$65 million combined over 5 years for funding of programs for jurisdictions within both the San Bernardino County and the Riverside County. I-REN initiatives are guided by the I-REN Executive Committee, consisting of a board of elected officials from San Bernardino and Riverside Counties.

## **PUBLIC SECTOR PROGRAMS**

The Public Sector Program offers no-cost energy efficiency support and technical assistance to all public agencies served by Southern California Edison or Southern California Gas Company including cities, school districts, water districts, special districts, and tribes.

<b>Target Fiscal Year</b>	2022–2027
<b>Funding Source</b>	California Public Utilities Commission (CPUC)
<b>Funding Amount for Both Counties</b>	\$29,600,000

## **Building Upgrade Concierge (Technical Assistance and Strategic Energy Planning)**

**Program Summary:** The Building Upgrade Concierge (BUC) software is part of the technical assistance provided to member jurisdictions, designed to be a one-stop-shop to access information on energy efficiency, building codes and standards, available rebates and grants, financing opportunities, access to energy consumption of publicly owned facilities, and various types of reporting.

BUC has three components that work together to support member agencies.

- 1. Analytics** – This includes the dashboard, benchmarking, and energy analysis tools. The dashboard provides at-a-glance energy savings information, while the benchmarking and energy analysis tools allow a deeper understanding of energy usage.
- 2. Modeling** – These tools allow agencies to estimate the energy savings potential of various projects, along with any associated incentives that may be available through I-REN.
- 3. Measurement & Verification** – This tool allows agencies and I-REN personnel to track the performance of installed projects and calculate the incentives that have been achieved.

The Public Sector Program focuses on helping public agencies save energy and money with the following support:

- **Energy Usage Review** – Review utility data and share insights on energy savings potential, including an energy benchmarking tool created exclusively for I-REN agencies called the Building Upgrade Concierge (BUC)
- **Energy Resilience Roadmap** – Help develop a plan to make lasting energy impacts, big and small
- **Energy Audits** – Identify actionable energy improvement projects for public facilities
- **Funding and Financing Support** – Help secure incentives and financing for projects

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- **Project Completion** – Help take plans off the shelf and into reality with project coordination support
- **Celebrate Success** – Spread the word about agency leadership and achievements through case studies, check presentations, and other community outreach

**Deliverable:** Dashboard providing information on energy efficiency, building codes and standards, available rebates and grants, financing opportunities, access to energy consumption of publicly owned facilities, and various types of reporting.

▲ PROGRAM IN ACTION

**Member agencies who are actively receiving Public Sector Program support include:**

- |                        |                          |                             |                          |
|------------------------|--------------------------|-----------------------------|--------------------------|
| 1. City of Adelanto    | 5. City of Fontana       | 9. City of Rancho Cucamonga | 13. City of Yucaipa      |
| 2. City of Barstow     | 6. City of Grand Terrace | 10. City of Redlands        | 14. Town of Apple Valley |
| 3. City of Chino Hills | 7. City of Highland      | 11. City of San Bernardino  |                          |
| 4. City of Colton      | 8. City of Ontario       | 12. City of Victorville     |                          |

**Member agencies who have conducted a minimum of one energy audit include:**

- |                         |                             |                           |
|-------------------------|-----------------------------|---------------------------|
| 1. Town of Apple Valley | 4. City of Grand Terrace    | 7. City of Redlands       |
| 2. City of Barstow      | 5. City of Highland         | 8. City of San Bernardino |
| 3. City of Fontana      | 6. City of Rancho Cucamonga | 9. City of Victorville    |

**Energy Efficiency Community Block Grant (EECBG) (Technical Assistance and Strategic Energy Planning)**

**Program Summary:** The Department of Energy (DOE) deployed \$550M of Energy Efficiency Community Block Grant (EECBG) funds in January 2023 designed to help states, local governments, and Tribes reduce energy use, reduce fossil fuel emissions, and improve energy efficiency. Several eligible uses for these grant funds included, but are not limited to, energy efficiency retrofits and renewable energy technologies related to government buildings, traffic signals, and street lighting. The I-REN Public Sector team provided ongoing technical assistance to I-REN member agencies for the EECBG funding. The types of EECBG projects supported have included battery systems, streetlights, building retrofits, solar charging stations, HVAC and lighting controls, electric vehicle (EV) charging stations, and solar light poles.

I-REN support to SBCOG member agencies included:

- Facilitating the application processes
- Providing sample applications
- Technical assistance and guidance
- Hosting information sessions
- Coordination with the Department of Energy (DOE) and the California Energy Commission (CEC)
- Navigating funding options
- Enhancing community energy strategies

**Deliverable:** Retrofit and renewable energy technologies related to government buildings, traffic signals, and street lighting.

**PROGRAM IN ACTION**

The following SBCOG member agencies have received I-REN EECBG technical support, along with their total formula allocation funding and proposed projects:

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <b>City of Adelanto: \$76,240</b> – Solar Light Poles Project</li> <li>2. <b>City of Chino Hills: \$131,750</b> – Battery System, City Yard</li> <li>3. <b>City of Fontana: \$230,640</b> – Solar Charging Station and Facility Retrofit</li> <li>4. <b>City of Redlands: \$133,300</b> – Joslyn Senior Center</li> </ol> | <ol style="list-style-type: none"> <li>5. <b>City of San Bernardino: \$249,590</b> – Streetlights</li> <li>6. <b>City of Victorville: \$173,590</b> – Novar System and Retrofits</li> <li>7. <b>City of Yucaipa: \$113,510</b> – Charging Stations</li> </ol> |
|---|---|

**Cash for Kilowatts**

**Program Summary:** The I-REN Cash for Kilowatts Program provides incentives and financing for savings based on energy reduction achieved with a special focus on Heating, Ventilation, Air Conditioning (HVAC) improvements to community-serving buildings. The money saved on the monthly electric bill will help pay for facility upgrades. There are \$10.75 million dollars in incentives available.

**Deliverable:**

Incentives and financing for savings from HVAC upgrades for community-serving buildings.

**PROGRAM IN ACTION**

The following SBCOG member agencies have conducted an I-REN Energy Audit at an eligible public facility and their respective eligible incentives:

CITY/TOWN	NUMBER OF INCENTIVES/FINANCING	PUBLIC FACILITY AND FUNDING AMOUNT
City of Barstow	2	City Hall \$28,752 Dana Park \$3,242
City of San Bernardino	1	Feldheym Library \$188,015
City of Victorville	2	Center of Arts \$9,554.98 City Hall \$737,371
Town of Apple Valley	3	Corporate Yard \$19,571 Development Services \$48,558 Conference Center, Police Department \$36,272

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## WORKFORCE EDUCATION AND TRAINING PROGRAMS

The Workforce Education and Training (WE&T) Program is primarily focused on providing resources to support the development of green workforce pathways, by building partnerships within the community to help advance and promote energy jobs for a trained workforce in both Riverside and San Bernardino counties. I-REN is uniquely positioned to effectively support these initiatives through the direct connections to local governments and interested parties that I-REN, and its Council of Government member agencies, have with the communities within Riverside and San Bernardino Counties. The intent of this Sector is not to duplicate initiatives already under delivery by Investor-Owned Utilities (IOUs) or various workforce organizations, but to supplement and tailor programs to fill gaps, with a focus on enhancing energy and energy efficiency knowledge and understanding.

During the development of other WE&T Sector program initiatives (energy certification, and workforce training programs), staff continue to meet and develop relationships with various educational institutions, workforce organizations, and community-based organizations specialized in supporting job pathways in energy fields. Staff have met with approximately 30 local organizations to date.

### WE&T Workforce Development

**Program Summary:** Connect with local companies to develop appropriate job pathways, develop energy efficiency training for job pathways, foster connections between industry and workforce development organizations. Help job seekers find employment in energy efficiency and advanced energy. Collaborate with employers to provide continuing education for professional development and employee retention.

Staff is in the process of identifying services that can assist staff and the I-REN Executive Committee to determine the workforce gaps within both Riverside and San Bernardino Counties to help guide the implementation and deployment of existing WE&T resources as well as support and identify the best use of the remaining unallocated WE&T budget.

<b>Target Fiscal Year</b>	2022–2027
<b>Funding Source</b>	California Public Utilities Commission (CPUC)
<b>Funding Amount for Both Counties</b>	\$15,100,000

**Deliverable:** Connect job seekers to companies, develop job pathways, and provide continuing education.





**WE&T Training and Education**

**Program Summary:** Establish local partnerships to enable job seekers have easy access to training and education. The program will assess the training resources currently available and support providers to “train the trainer” on energy efficiency topics and trends.

The WE&T program aims to deploy up to 27 I-REN Energy Fellows per

year to offer energy efficiency support services at no cost to member agencies. Total estimated value per fellow at \$33,000.

**Deliverable:**  
Establish a fellowship program for continuing education.

**PROGRAM IN ACTION**

**The following SBCOG member agencies have hosted an I-REN Energy Fellow for the 2023–2024 service year:**

- |                          |                             |
|--------------------------|-----------------------------|
| 1. City of Chino Hills   | 4. City of Rancho Cucamonga |
| 2. City of Grand Terrace | 5. City of San Bernardino   |
| 3. City of Ontario       |                             |

**The following SBCOG member agencies will host an I-REN Energy Fellow for the 2024–2025 service year:**

- |                        |                             |
|------------------------|-----------------------------|
| 1. City of Chino Hills | 3. City of Rancho Cucamonga |
| 2. City of Ontario     | 4. Town of Apple Valley     |

Attachment: FINAL SBcog 5-Year Work Plan 102324 (11016 : San Bernardino Council of Governments





## CODE AND STANDARDS PROGRAMS

The Code and Standards (C&S) programs seek to empower local building department staff and building professionals to be energy-efficiency leaders in the community. The program will support the local jurisdictions’ building departments through identifying potential issues, providing guidance to permit applicants, and streamlining the permitting process. The program will engage and support local builders and the building industry to comply with energy codes through education. Lastly, the program will provide regional tools, training, and resources to promote energy codes by serving as a bridge between the Statewide Codes Team and the local industry.

<b>Target Fiscal Year</b>	2022–2027
<b>Funding Source</b>	California Public Utilities Commission (CPUC)
<b>Funding Amount for Both Counties</b>	\$9,390,000

## C&S Training and Education Program

**Program Summary:** I-REN C&S Training and Education Program establishes and implements training and education for building department staff and the building industry to support, understand, and effectively implement energy efficiency codes and standards (C&S), including where gaps exist in the Statewide Investor-Owned Utility (IOU) Compliance Improvement program and enforcement activities. The Program also includes outreach to engage, educate, and involve regional construction firms, architects, industry experts, and building departments, as well as support compliance and enforcement within regional energy efficiency programs and customers.

The C&S Training and Education Program provides accessible information on existing requirements, as well as continuing education on the latest changes and trends in energy codes and standards through the form of monthly no-cost virtual training. Training participants are eligible to receive free continuing education units (CEU) training certificates from the International Code Council (ICC) valued at an approximate cost per registrant between \$40 and \$50.

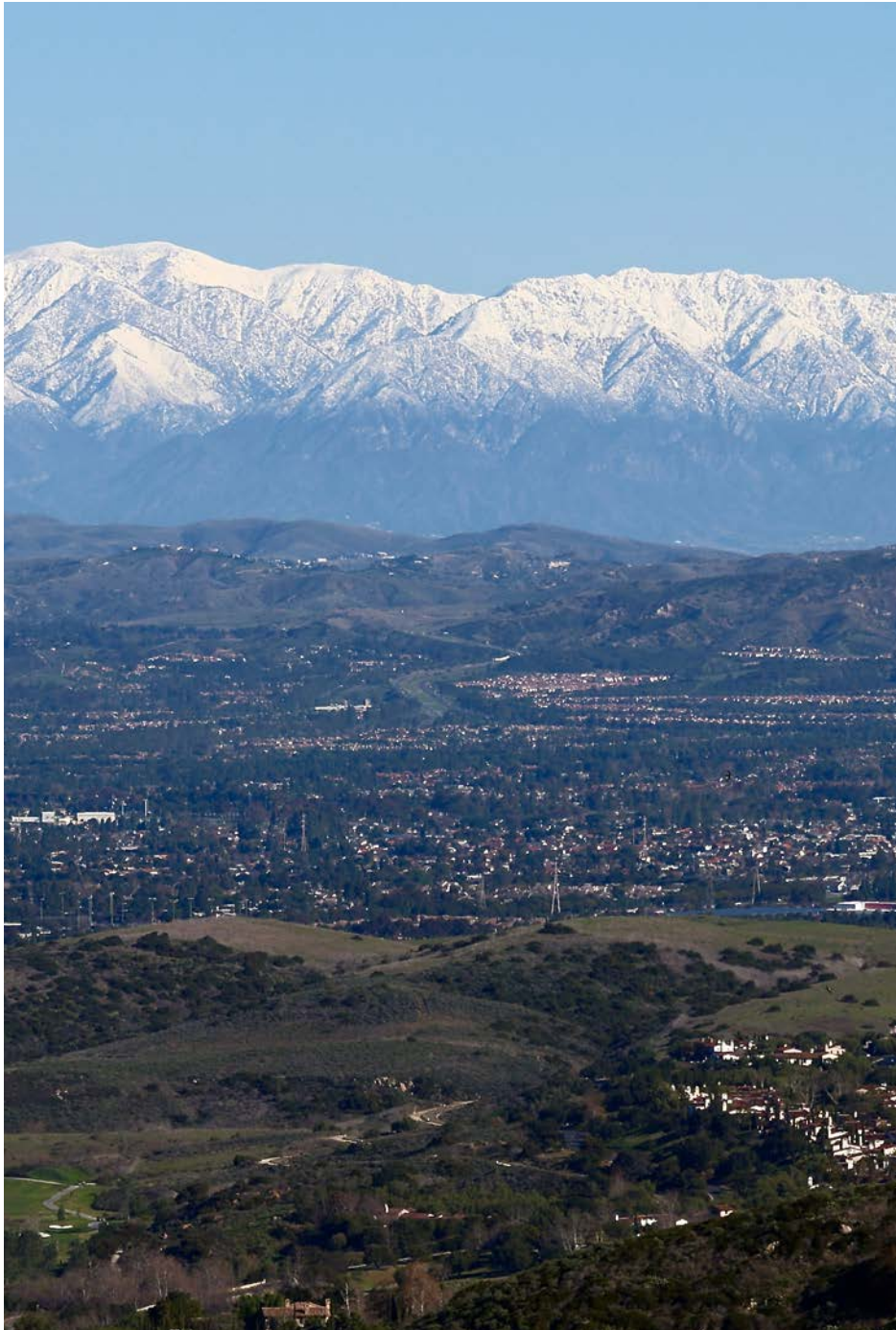
**Deliverable:** Provide training for the building department staff and other professionals on energy efficiency codes and standards.

### PROGRAM IN ACTION

The following member agencies have participated in an I-REN C&S training:

- |                          |                       |                              |                              |
|--------------------------|-----------------------|------------------------------|------------------------------|
| 1. City of Adelanto      | 6. City of Hesperia   | 11. City of Ontario          | 16. City of Twentynine Palms |
| 2. City of Chino Hills   | 7. City of Highland   | 12. City of Rancho Cucamonga | 17. City of Yucaipa          |
| 3. City of Colton        | 8. City of Loma Linda | 13. City of Redlands         | 18. Town of Apple Valley     |
| 4. City of Fontana       | 9. City of Montclair  | 14. City of Rialto           | 19. Town of Yucca Valley     |
| 5. City of Grand Terrace | 10. City of Needles   | 15. City of San Bernardino   | 20. County of San Bernardino |





**C&S Technical Support Program**

**Program Summary:** I-REN C&S Technical Support Program develops technical assistance tools and resources to assist building departments and the building industry with understanding, evaluating, and permitting the energy codes to support improved enforcement and compliance. I-REN develops regionally appropriate model ordinances, and vets and refines them with participating local governments, provides ongoing technical assistance for adoption and implementation, and delivers model ordinance updates to reflect the triennial code cycle. I-REN developed the “Ask an Energy Code Question” that enables a “Code Mentor” to provide quick, tailored support to aid building professionals in navigating the Energy Code. Members of the public can submit an inquiry via the iren.gov website and a “Code Mentor” will respond within 48 hours.

**Deliverable:**  
Provide technical support for building professionals in evaluating and permitting energy codes to improve enforcement and compliance.

Attachment: FINAL SBcog 5-Year Work Plan 102324 (11016 : San Bernardino Council of Governments

The attached document provides details for the funding, implementation, and phasing of the SBCOG programs provided in the Work Plan Programs and Priorities section.

PROGRAMMING FUNDING FY25 THRU FY29						
	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
<b>Total SBCOG Revenues</b>	\$1,091,000.00	\$1,716,365.00	\$1,663,374.46	\$1,592,573.89	\$1,608,306.80	
<b>Total SBCOG Staff and Budget Expenditures</b>	\$991,000.00	\$1,005,865.00	\$1,020,952.98	\$1,036,267.27	\$1,051,811.28	
<b>Total Available for Vendor Projects</b>	<b>\$100,000.00</b>	<b>\$710,500.00</b>	<b>\$642,421.48</b>	<b>\$556,306.62</b>	<b>\$556,495.52</b>	
<b>TOTAL PROGRAMING COST</b>	<b>FY 24/25</b>	<b>FY 25/26</b>	<b>FY 26/27</b>	<b>FY 27/28</b>	<b>FY 28/29</b>	<b>TOTAL</b>
<b>COG Member Dues</b> (remaining fees available)	\$55,000	\$710,450	\$635,450	\$555,950	\$535,450	\$2,492,300
<b>Equity/Indirect Fund</b>	\$50,000	\$502,500	\$247,500	\$60,000	\$60,000	\$920,000
<b>Grant/Partner</b>	\$-	\$-	\$-	\$-	\$-	\$-
<b>Measure I</b>	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000
<b>Subscription</b>	\$-	\$-	\$-	\$-	\$-	\$-
<b>Management/Support Cost</b> (2910 & 7001)	\$1,000	\$15,950	\$35,950	\$33,450	\$950	\$87,300
<b>Total</b>	<b>\$1,106,000</b>	<b>\$2,228,900</b>	<b>\$1,918,900</b>	<b>\$1,649,400</b>	<b>\$1,596,400</b>	<b>\$8,499,600</b>

1	HOMELESSNESS STRATEGIC PLAN	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)		\$240,000	\$230,000			\$470,000
	<b>Equity/Indirect Fund</b>		\$242,500	\$37,500			\$280,000
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)				\$-	\$-	\$-
	<b>Total</b>	\$-	\$482,500	\$267,500	\$-	\$-	\$750,000

2	STREET VENDOR TOOLKIT	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)		\$250,000				\$250,000
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-			\$-	\$-	\$-
	<b>Total</b>	\$-	\$250,000	\$-	\$-	\$-	\$250,000

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3	SMALL BUSINESS HUB	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)		\$150,000	\$200,000			\$350,000
	<b>Equity/Indirect Fund</b>			\$150,000			\$150,000
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-	\$15,000	\$35,000	\$-	\$-	\$50,000
	<b>Total</b>	\$-	<b>\$165,000</b>	<b>\$385,000</b>	\$-	\$-	<b>\$550,000</b>

4	REGIONAL SMALL BUSINESS CERTIFICATION	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)			\$115,000			\$115,000
	<b>Equity/Indirect Fund</b>		\$200,000				\$200,000
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-			\$-	\$-	\$-
	<b>Total</b>	\$-	<b>\$200,000</b>	<b>\$115,000</b>	\$-	\$-	<b>\$315,000</b>

5	SMALL BUSINESS VENDOR FAIRS	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)						\$-
	<b>Equity/Indirect Fund</b>	\$50,000	\$60,000	\$60,000	\$60,000	\$60,000	\$290,000
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)						\$-
	<b>Total</b>	<b>\$50,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$290,000</b>

\*FY24/25 already included in fiscal year budget, sub task 0223

6	SPEAKER SERIES	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)	\$10,000	\$7,000	\$7,000	\$7,000	\$7,000	\$38,000
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$1,000	\$700	\$700	\$700	\$700	\$3,800
	<b>Total</b>	<b>\$11,000</b>	<b>\$7,700</b>	<b>\$7,700</b>	<b>\$7,700</b>	<b>\$7,700</b>	<b>\$41,800</b>

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7	FORUM	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)		\$2,500	\$2,500	\$2,500	\$2,500	
	<b>Equity/Indirect Fund</b>						
	<b>Grant/Partner</b>						
	<b>Measure I</b>						
	<b>Subscription</b>						
	<b>Management/Support Cost</b> (2910 & 7001)	\$-	\$250	\$250	\$250	\$250	
	<b>Total</b>	\$-	<b>\$2,750</b>	<b>\$2,750</b>	<b>\$2,750</b>	<b>\$2,750</b>	<b>\$-</b>

8	SMART INTERSECTIONS/ CORRIDORS	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)						\$-
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)						\$-
	<b>Total</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$5,000,000</b>

\*alredy budgeted this fiscal year

9	CAD TO CAD	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)				\$325,000		\$325,000
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-	\$-	\$-	\$32,500	\$-	\$32,500
	<b>Total</b>	\$-	\$-	\$-	<b>\$357,500</b>	\$-	<b>\$357,500</b>

10	TELLING OUR STORIES	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)				\$130,000	\$445,000	\$575,000
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-	\$-	\$-	\$13,000	\$35,000	\$48,000
	<b>Total</b>	\$-	\$-	\$-	<b>\$143,000</b>	<b>\$480,000</b>	<b>\$623,000</b>

11	OUTREACH/ADVOCACY	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	\$225,000
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Total</b>	<b>\$45,000</b>	<b>\$45,000</b>	<b>\$45,000</b>	<b>\$45,000</b>	<b>\$45,000</b>	<b>\$225,000</b>

Attachment: FINAL SBcog 5-Year Work Plan 102324 (11016 : San Bernardino Council of Governments

12	ANIMAL SHELTER STRATEGIC PLAN	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)		\$125,000	\$80,000			\$205,000
	<b>Equity/Indirect Fund</b>						\$-
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-	\$12,500	\$8,000	\$-	\$-	\$20,500
	<b>Total</b>	\$-	<b>\$137,500</b>	<b>88,000</b>	\$-	\$-	<b>\$225,500</b>

13	INSURANCE ROADMAP/ STRATEGY	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	TOTAL
	<b>COG Member Dues</b> (remaining fees available)				\$150,000		\$150,000
	<b>Equity/Indirect Fund</b>				\$100,000		\$100,000
	<b>Grant/Partner</b>						\$-
	<b>Measure I</b>						\$-
	<b>Subscription</b>						\$-
	<b>Management/Support Cost</b> (2910 & 7001)	\$-	\$-	\$-	\$25,000	\$-	\$25,000
	<b>Total</b>	\$-	\$-	\$-	<b>\$275,000</b>	\$-	<b>\$275,000</b>

Start Date: 7/1/26



1170 W. Third Street  
2nd Floor, San Bernardino, CA 92410

[www.gosbcta.com](http://www.gosbcta.com)

**T:** (909) 884-8276

**F:** (909) 885-4407



## *Minute Action*

AGENDA ITEM: 22

***Date:*** November 6, 2024

***Subject:***

Transportation Development Act Article 3 Scope Change Requests: Highland City Creek and Redlands

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve the City of Highland's Transportation Development Act (TDA) Article 3 scope change request to move \$29,000 from construction to pre-construction for the Fiscal Year 2017/2018 City Creek/Alabama Street Bikeway Project award.

B. Approve the City of Redlands' TDA Article 3 scope change request to move \$204,000 from construction to pre-construction for the Fiscal Year 2017/2018 East Valley Corridor Bike Route Interconnect Project award.

***Background:***

San Bernardino County Transportation Authority (SBCTA) oversees the disbursement of 2% of the Local Transportation Funds made available to counties and cities for facilities exclusively used by pedestrians and bicyclists, known as the Transportation Development Act (TDA) Article 3 Program. In August 1999, the SBCTA Board of Directors (Board) approved a policy that 80% of the TDA Article 3 Program funds would be made available for projects that improve bicycle and pedestrian facilities. The remaining 20% would be available for projects that improve access to transit stops for pedestrians and persons with disabilities.

Another competitive funding source for active transportation projects is the Active Transportation Program (ATP) which was created by Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 2013) to encourage increased use of active modes of transportation, such as biking and walking. On March 2, 2016, knowing that the California Transportation Commission (CTC) would soon be releasing a Cycle 3 ATP Call for Projects, the Board preemptively released a TDA Article 3 Call for Projects to provide local match assistance for member jurisdictions who intended to submit Cycle 3 ATP applications.

On June 1, 2016, the Board awarded \$371,546.24 to the City of Highland to be used as additional match for the City Creek/Alabama Street Bikeway Project and \$264,401 to the City of Redlands for use as additional match for the East Valley Corridor Bike Route Interconnect Project. See **Figure 1** (on the following page) for the Fiscal Year (FY) 2017/2018 TDA Article 3 match application rankings and award selections (shown in grey). While both projects were also awarded ATP Cycle 3 funds, both projects encountered challenges ultimately leading to the forfeiture of the respective ATP awards.

*Entity: San Bernardino County Transportation Authority*

Board of Directors Agenda Item  
November 6, 2024  
Page 2

**Figure 1:** FY 17/18 TDA Article 3 Board Approved ATP Matches shown in grey

Agency	Project	Average Reviewer Score (50 Max)	Total Project Cost	ATP Funds	Article 3 Match Request	Local Match	Cumulative Article 3 Award
Fontana*	San Sevaine Trail Connectivity	43.40	\$4,900,000.00	\$3,920,000	\$588,000.00	\$392,000	\$588,000
Highland	City Creek/Alabama Street Bikeways	42.60	\$2,322,164.00	\$1,857,731	\$371,546.24	\$92,887	\$959,546
Rancho Cucamonga	6th Street Cycle Track	42.00	\$1,341,246.60	\$1,072,997	\$214,599.46	\$53,650	\$1,174,146
County of San Bernardino	Walk and Bike SB	40.00	\$2,000,000.00	\$1,600,000	\$320,000.00	\$80,000	\$1,494,146
Hesperia	Bear Valley Road Bicycle Bypass Project	37.60	\$3,854,881.25	\$3,083,905	\$616,781.00	\$154,195	\$2,110,927
Big Bear Lake	Alpine Pedal Path Rathbun Creek Expansion	36.60	\$1,094,200.25	\$875,360	\$175,072.04	\$43,768	\$2,285,999
Victorville	Arrowhead Dr./7th Ave Bike Lane & Sidewalk Project	36.00	\$1,560,000.00	\$1,248,000	\$249,600.00	\$62,400	\$2,535,599
Redlands**	East Valley Corridor Bike Route Interconnect Project	35.80	\$2,640,131.00	\$2,112,105	\$264,401.00	\$105,605	\$2,800,000
Rialto	Cactus Avenue Multi-use Path	35.00	\$1,774,013.00	\$1,419,210	\$283,842.08	\$70,961	
Ontario	San Antonio Bicycle Corridor Project	34.60	\$309,280.00	\$247,424	\$49,484.80	\$12,371	
Upland	Elementary School Safe Walking & Street Crossing Pathway Improvement Program	32.80	\$715,000.00	\$572,000	\$114,400.00	\$28,600	
County of San Bernardino	Joshua Tree Class II Bike Path	30.00	\$1,118,300.00	\$894,640	\$178,928.00	\$44,732	
Rancho Cucamonga	SRTS Sidewalk Safety Improvements	28.20	\$574,259.40	\$459,408	\$91,881.50	\$22,970	
Yucaipa	Sand Canyon Road - Pedestrian Improvements	25.60	\$600,408.00	\$480,326	\$96,065.28	\$24,016	
	<b>Total</b>		<b>\$24,803,884</b>	<b>\$19,843,107</b>	<b>\$3,614,601</b>	<b>\$1,188,155</b>	

\* City of Fontana increased City's share of the project from 4% to 8% and requested 12% match instead of 16%.  
\*\* City of Redlands will be awarded partial funding in the amount of \$261,401 as the available funds for the program is \$2.8 million.

In spite of the challenges, both projects were able to complete some pre-construction work and the cities are now requesting a scope change for their TDA Article 3 awards to help offset expenses incurred. The City Creek/Alabama Street Bikeway Project aimed to design and construct a Class I bikeway/walkway along the west levee of City Creek from Base Line Street to Alabama Street and a Class II bike lane along both sides of Alabama Street from 3<sup>rd</sup> Street to the City's southern limit. This project ran into the following complications that resulted in a forfeiture of ATP funds:

1. A lengthy 2–3 year Army Corp of Engineers approval process.
2. San Bernardino County Flood Control District (SBCFCD) estimate of 5-10 years needed to complete required levee repairs.
3. Inability to use existing SBCFCD bridge due to poor condition, thus additional funds would be needed to construct a new bridge.

To date, SBCTA has reimbursed the City of Highland TDA Article 3 funds in the amount of \$297,236.99. Based on the original Project Programming Request submitted by City of Highland, the scope change needed is for \$29,000 to be moved from construction to the pre-construction plans, specifications, and estimates (PS&E) phase (**Figure 2**, below). The City of Highland will look for an opportunity to seek funding to reinitiate and complete the project in the future, after the SBCFCD has completed the required levee repairs.

**Figure 2:** City Creek/Alabama Street Bikeway Project Programming Request

Phase	FY 17/18 TDA Art 3	Cycle 3 ATP	Highland	San Bernardino	Total
E&P (PA/ED)	\$108,000	\$0	\$26,000	\$1,000	\$135,000
PS&E	\$59,000	\$300,000	\$15,000	\$1,000	\$375,000
ROW	\$176,000	\$880,000	\$44,000	\$0	\$1,100,000
<b>SUBTOTAL</b>	<b>\$343,000</b>	<b>\$1,180,000</b>	<b>\$85,000</b>	<b>\$2,000</b>	<b>\$1,610,000</b>
CON	\$29,000	\$1,992,000	\$333,000	\$1,000	\$2,355,000
<b>TOTAL</b>	<b>\$372,000</b>	<b>\$3,172,000</b>	<b>\$418,000</b>	<b>\$3,000</b>	<b>\$3,965,000</b>

The City of Redlands' East Valley Corridor Bike Route Interconnect Project aimed to:

1. Construct a Class I bikeway across the Santa Ana River connecting to the City of Highland and the City of San Bernardino.
2. Install a Class IV cycle track on San Bernardino Avenue connecting disadvantaged communities to extended destinations and existing trails.
3. Add Class II bike lanes along Alabama Street connecting shopping, employment, and the Santa Ana River Trail.

During the environmental review, it was determined that the Class I segment on Alabama Street would impact critical habitat for the Kangaroo Rat and the Santa Ana Sucker. The environmental costs and time needed for processing permits was unattainable thus, the City of Redlands developed an alternative design that avoided the critical habitat area. This alternative was rejected by the CTC, causing the City of Redlands to have to forfeit their ATP award. The City of Redlands is currently seeking alternative funding sources to complete the modified project.

To date, SBCTA has reimbursed the City of Redlands in the amount of \$108,646.91. Based on the original Project Programming Request submitted by the City of Redlands, the scope change needed is for \$204,000 to be moved from construction to the pre-construction PS&E phase (**Figure 3**, below).

**Figure 3:** East Valley Corridor Bike Route Interconnect Project Programming Request

Phase	FY 17/18 TDA Art 3	Cycle 3 ATP	Redlands	County of San Bernardino	San Bernardino	Total
E&P (PA/ED)	\$9,000	\$80,000	\$11,000	\$0	\$0	\$100,000
PS&E	\$35,000	\$216,000	\$8,000	\$7,000	\$4,000	\$270,000
ROW	\$15,000	\$120,000	\$0	\$0	\$15,000	\$150,000
<b>SUBTOTAL</b>	<b>\$59,000</b>	<b>\$416,000</b>	<b>\$19,000</b>	<b>\$7,000</b>	<b>\$19,000</b>	<b>\$520,000</b>
CON	\$204,000	\$1,696,000	\$164,000	\$37,000	\$19,000	\$2,120,000
<b>TOTAL</b>	<b>\$263,000</b>	<b>\$2,112,000</b>	<b>\$183,000</b>	<b>\$44,000</b>	<b>\$38,000</b>	<b>\$2,640,000</b>

Additional Abbreviations Used:

- E&P (PA/ED) – Environmental Studies and Permits (Project Approval & Environmental Document)
- ROW – Right-of-way
- CON – Construction

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item was reviewed and unanimously recommended for approval by the General Policy Committee on October 9, 2024.

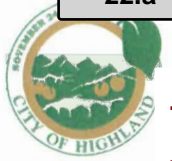
***Responsible Staff:***

Ginger Koblasz, Senior Planner



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Approved  
Board of Directors  
Date: November 6, 2024  
Witnessed By:



May 10, 2024

Ginger Koblasz
San Bernardino County Transportation Authority
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

Subject: City Creek/Alabama Street Bikeway Project – TDA Article 3 Scope Change and Forfeiture of ATP Funds, Project No. ATP-5449(037)

Dear Ginger:

The City of Highland (City) requests a scope change of the subject project for TDA Article 3 (1) CON funds to Pre-CON and (2) from project construction to project design/environmental. The TDA Article 3 funds in the amount of \$371,546 will be used in the Pre-Con phase. This change is necessary because this project will not be able to proceed with construction.

In addition, the Cycle 3 ATP funds for this project are having to be forfeited for the following reasons:

- 1. Required 2-3 years Army Corps of Engineers approval process of a Safety Assurance Review (with no guarantee of this timeline) due to a 4-foot cut of the west City Creek levee at SR-210 to provide pedestrian clearance.
2. West City Creek levee repairs required by SBCFCD will not be done prior to construction of the City's project. SBCFCD indicated they are still working with the Army Corps of Engineers and repairs are not expected to be completed until 5 to 10 years from now at the earliest. SBCFCD will not commit to a schedule on the repairs, and this work would have an impact on the new trail facility constructed by the City. SBCFCD informed City staff they would not be responsible to replace the trail.
3. The original project scope anticipated using an existing SBCFCD bridge structure on the west levee of City Creek between SR-210 and 5th Street. SBCFCD staff informed us that they would not give the City permission to the existing bridge due to the condition of the deck not being suitable for use by pedestrians and bicycles.
4. Additional funds would need to be secured to construct a new pedestrian bridge crossing.

Please do not hesitate to contact me if you have any questions or require any additional information. Thank you in advance for your consideration of our request.

Sincerely,

Handwritten signature of Carlos Zamano

Carlos Zamano
City Manager

Mayor Penny Lilburn, Mayor Pro Tem Larry McCallon, City Council Jesse Chavez-Cordova, City Council Anaeli Solano, City Council John P. Timmer, City Manager Carlos Zamano

27215 Base Line • Highland, CA 92346

Tel: 909.864.6861 • Fax: 909.862.3180 • www.cityofhighland.org

Attachment: Art3\_Highland\_FY17\_BikePed\_CreekAlabama\_ScopeRqst\_240510 (10998 : TDA Article 3 Scope Change Requests: Highland and



City of  
**REDLANDS**

Incorporated 1888  
Municipal Utilities & Engineering Department  
35 Cajon Street, Suite 15A  
Redlands, CA 92373  
909-798-7698

JOHN R. HARRIS  
MUED Director

July 18, 2024

Ginger Koblasz  
San Bernardino County Transportation Authority  
1170 W. 3rd Street, 2nd Floor  
San Bernardino, CA 92410-1715

**East Valley Corridor Bike Route Interconnect Project – TDA Article 3 Grant Scope Change Request**

Ms. Koblasz,

On December 18, 2018, City of Redlands (City) accepted a Transportation Development Act Article 3 grant funding in the amount of \$264,401 with a local match of \$265,000 for the design of the ATP Cycle 3 East Valley Corridor Bike Route Interconnect project (Project). The construction of the project was to be funded through ATP funds in the amount of \$2,112,000. The Project scope was originally to a Class I bikeway on Alabama Street across the Santa Ana River connecting to City of Highland and City of San Bernardino. The original scope also included a Class IV bikeway on San Bernardino Avenue from Mountain View Street to California Street and transitioned to a Class II bikeway with buffer to Alabama Street. The final portion of the original scope was a Class II bikeway along Alabama Street from Lugonia Avenue to Pioneer Avenue and Class III at the end of California Street.

In December 2018, an agreement was awarded to KOA Corporation to complete the design and environmental documents for the project. During the environmental review, it was determined that the segment on Alabama Street with a Class I bikeway impacts the Critical Habitat for the San Bernardino Kangaroo Rat (SBKR) and the Santa Ana Sucker. The environmental costs and time needed for processing permits were unattainable. With guidance from KOA and their environmental subconsultant, the City determined to seek design alternatives to alleviate the environmental mitigation challenge.

In February 2023, a scope change request was submitted to Caltrans for the construction portion of the project. Caltrans denied the scope change and lapsed the ATP construction funds for the project. The City is seeking alternative funding sources for the construction portion of this project.

The City is formally requesting SBCTA's approval of a scope change for the TDA portion of the project. The most suitable scope change proposes to build a Class II bikeway with buffer (2-foot striping buffer, a 5-foot bike lane in each direction of travel with street shoulder) on the west and



east side of Alabama Street from the proposed SART entrance to the City Limits, in lieu of the Class I bikeway. Other proposed scope changes are highlighted below:

- a) The original scope of the Project excluded any improvements on Alabama Street from Pioneer Avenue to the proposed SART entrance/connection. The proposed scope includes approximately .65 miles of Class II bikeway on this portion of Alabama Street.
- b) The original scope of the Project included slurry seal south of Pioneer Avenue and north of the SART connection/entrance on Alabama Street. The proposed scope excludes this item because it was determined it was not needed since Street improvements have recently been completed or are scheduled for this area.
- c) The original scope of the Project ended at the City's limits on the east side of Alabama Street. The proposed scope extends the Class II bikeway until the nearest signalized intersection in the City of Highland. There is no existing bike lane on Alabama Street from the City Limits to the nearest signalized intersection. Continuing the Class II bikeway until a signalized intersection allows the users to exit the Alabama Street corridor safely and avoid confusion from both motorized and non-motorized traffic.
- d) The original scope of the Project included AC dikes for the Class IV bikeway on San Bernardino Avenue. The proposed scope replaces the AC dike with a 4" PCC curb with median break.
- e) The original scope of the Project included a ramp to connect the Class IV bikeway on San Bernardino Avenue to the existing East Valley Corridor Multi-Purpose Trail. The proposed scope eliminated the ramp because it is not needed.
- f) The original scope of the Project included bike boxes, bike detection loops and marking, and stage queue boxes to allow bicycle users to stage in front of traffic during red lights at signalized intersections and get a head start of cars when going straight or making a left turn. The proposed scope removes these items as it was deemed unsafe for bicyclists.

The TDA Article 3 funds allowed the City to complete 100% of the design of the project, therefore, no additional funding is needed for the design phase of the project.

If you have any questions, please contact me at 909-798-7584 Ext. 6.

Sincerely,

*Veronica Medina*

Veronica Medina  
Associate Engineer





June 6, 2023

Gerard Nepomuceno  
Associate Engineer  
Via email at: [gnepomuceno@cityofredlands.org](mailto:gnepomuceno@cityofredlands.org)

RE: 2017/18 East Valley Corridor Bike Route Interconnect – Scope Change

Dear Mr. Nepomuceno:

On June 7, 2023, the SBCTA Board of Directors granted the City of Redlands's request to modify the Scope of Work for the FY 2017/18 Transportation Development Act (TDA) Article 3 awarded East Valley Corridor Bike Route Interconnect Project. Please see attached Board item for additional information.

Should you have any questions regarding the above, please feel free to contact me via email at [gkoblasz@gosbcta.com](mailto:gkoblasz@gosbcta.com) or phone at (909) 884-8276 x112.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginger Koblasz", is written over a light blue horizontal line.

Ginger Koblasz  
Senior Planner

## *Minute Action*

AGENDA ITEM: 13

**Date:** June 7, 2023

**Subject:**

Transportation Development Act Article 3: Redlands Scope Reduction Requests

**Recommendation:**

That the Board, acting as the San Bernardino County Transportation Authority, approve the following scope reductions for the City of Redlands' Transportation Development Act (TDA) Article 3 awards:

A. Fiscal Year (FY) 2013/2014 Orange Blossom Trail Phase III: remove construction of a Class I path between Bryn Mawr Avenue and California Street with a return in the amount of roughly \$140,000 to the TDA Article 3 program.

B. FY 2017/2018 East Valley Corridor Bike Route Interconnect: change Class I on Alabama Street to Class II with a buffer plus other modifications with a return in the amount of \$155,754.14 to the TDA Article 3 program.

**Background:**

San Bernardino County Transportation Authority (SBCTA) oversees the disbursement of 2% of the Local Transportation Funds (LTF) made available to counties and cities for facilities exclusively used by pedestrians and bicyclists, known as the Transportation Development Act (TDA) Article 3 program. In August 1999, the SBCTA Board of Directors (Board) approved a policy that 80% of the TDA Article 3 program funds would be made available for projects that improve bicycle and pedestrian facilities. The remaining 20% would be available for projects that improve access to transit stops for pedestrians and persons with disabilities.

Over the years, the City of Redlands (City) has received several TDA Article 3 awards, three of which the City is unable to complete as originally scoped. Below is a description of the scope reductions the City is currently requesting (City request letters included as Attachment 1).

**A. Fiscal Year (FY) 2013/2014 Orange Blossom Trail Phase III: remove construction of a Class I path between Bryn Mawr Avenue and California Street with a return in the amount of roughly \$140,000 to the TDA Article 3 program.**

On July 10, 2013, the SBCTA Board awarded the City TDA Article 3 funding in the amount of \$918,722, with a local match of \$162,128, for a total project cost of \$1,080,850, to complete a 1.2-mile Class I bike lane from Mountain View Avenue to California Street by June 30, 2016. Since then, several requests relating to this project have been approved including:

1. On February 23, 2016, SBCTA staff approved a one-year extension, revising the deadline to June 30, 2017.
2. On October 26, 2016, SBCTA staff approved an extension from June 30, 2017 to December 30, 2017 and a scope change that replaced a 0.5-mile section between Bryn Mawr Avenue and Mountain View Avenue with a 0.5-mile section between Alabama Street and Tennessee Street. The project location change was needed due to

*Entity: San Bernardino County Transportation Authority*



complications obtaining an encroachment permit from San Bernardino County Flood Control.

3. On October 10, 2017, SBCTA staff approved a deadline extension to December 31, 2018.
4. On August 21, 2019, SBCTA staff approved a deadline extension to December 31, 2020.
5. On March 3, 2021, the SBCTA Board approved a project deadline extension to December, 31, 2021.
6. On December 1, 2021, the SBCTA Board approved a deadline extension to December 31, 2023.

In February 2022, the City went out to bid for the revised scope as approved in October 2016. However, due to escalating costs since 2013, all of the proposals came in over budget and were rejected. In June 2022, the City went out to bid for construction for a portion of this project between Alabama Street and Tennessee Street and awarded a contract in the amount of \$782,396.00 with a completion date in April of 2023.

On March 30, 2023, the City submitted a letter requesting a scope reduction to remove construction of a Class I bike lane between Bryn Mawr Avenue and California Street, leaving only the portion for which the City awarded a construction contract in June 2022.

If approved, the total cost will be \$916,634.90 (\$779,181.64 TDA Article 3 & \$137,453.26 local match) of the original \$1,080,850 budget. The total cost reflects the design of the Orange Blossom Trail Phase III from Mountain View Avenue to California Street, which the City will use in the future, as well as the segment from Alabama Street to Tennessee Street. The rest of the cost was used for permits, inspections fees, and construction of the trail from Alabama Street to Tennessee Street.

The City has already been reimbursed using TDA Article 3 funds in the amount of \$107,558.05 and, pending approval of this scope change request, expect to submit additional invoices totaling roughly \$672,000, resulting in a return of roughly \$140,000 to the TDA Article 3 program.

**B. FY 2017/2018 East Valley Corridor Bike Route Interconnect: change Class I on Alabama Street to Class II with a buffer plus other modifications with a return in the amount of \$141,246.74 to the TDA Article 3 program.**

On June 1, 2016, the SBCTA Board awarded the City TDA Article 3 funding in the amount of \$264,401 to be used as a partial match for an Active Transportation Program (ATP) Cycle 3 award in the amount of \$2,112,000 for the East Valley Corridor Bike Route Interconnect Project (Project). The Project scope was originally to construct a Class I bikeway on Alabama Street across the Santa Ana River connecting to City of Highland and City of San Bernardino. The original scope also included a Class IV bikeway on San Bernardino Avenue from Mountain View Avenue to California Street and transitioned to a Class II bikeway with buffer to Alabama Street. The final portion of the original scope was a Class II bikeway along





City of  
**REDLANDS**

JOHN R. HARRIS  
MUED Director

Incorporated 1888  
Municipal Utilities & Engineering Department  
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909-798-7698

April 26, 2023

Ginger Koblasz  
San Bernardino County Transportation Authority  
1170 W. 3rd Street, 2nd Floor  
San Bernardino, CA 92410-1715

**EAST VALLEY CORRIDOR BIKE ROUTE INTERCONNECT PROJECT – TDA  
Article 3 Grant Funding**

Ms. Koblasz,

On December 18, 2018, City of Redlands (City) accepted a Transportation Development Act Article 3 grant funding in the amount of \$264,401 with a local match of \$265,000 for the design of the ATP Cycle 3 East Valley Corridor Bike Route Interconnect project (Project). The construction of the project is funded through ATP funds in the amount of \$2,112,000. The Project scope was originally to a Class I bikeway on Alabama Street across the Santa Ana River connecting to City of Highland and City of San Bernardino. The original scope also included a Class IV bikeway on San Bernardino Avenue from Mountain View Street to California Street and transitioned to a Class II bikeway with buffer to Alabama Street. The final portion of the original scope was a Class II bikeway along Alabama Street from Lugonia Avenue to Pioneer Avenue and Class III at the end of California Street. Recently, the scope was changed to minimize the environmental mitigation challenges that occurred on the Alabama Street segment where a Class I bikeway was proposed.

In December 2018, an agreement was awarded to KOA Corporation to complete the design and environmental documents for the project. During the environmental review, it was determined that the segment on Alabama Street with a Class I bikeway impacts the Critical Habitat for the San Bernardino Kangaroo Rat (SBKR) and the Santa Ana Sucker. The environmental costs and time needed for the construction of this project were unattainable. With guidance from KOA and their environmental subconsultant, the City determined to seek design alternatives to alleviate the environmental mitigation challenge. The scope changes propose to build a Class II bikeway with buffer (two (2) foot striping buffer, a five (5) foot bike lane in each direction of travel with street shoulder) on the west and east side of Alabama Street from the proposed SART entrance to the City Limits, in lieu of the Class I bikeway. Other proposed scope changes are highlighted below:

- a) The original scope of the Project excluded any improvements on Alabama Street from Pioneer Avenue to the proposed SART entrance/connection. The proposed scope includes approximately .65 miles of Class II bikeway on this portion of Alabama Street.



- b) The original scope of the Project included slurry seal south of Pioneer Avenue and north of the SART connection/entrance on Alabama Street. The proposed scope excludes this item because it was determined it was not needed since Street improvements have recently been completed or are scheduled for this area.
- c) The original scope of the Project ended at the City's limits on the east side of Alabama Street. The proposed scope extends the Class II bikeway until the nearest signalized intersection in the City of Highland. There is no existing bike lane on Alabama Street from the City Limits to the nearest signalized intersection. Continuing the Class II bikeway until a signalized intersection allows the users to exit the Alabama Street corridor safely and avoid confusion from both motorized and non-motorized traffic.
- d) The original scope of the Project included AC dikes for the Class IV bikeway on San Bernardino Avenue. The proposed scope replaces the AC dike with a 4" PCC curb with median break.
- e) The original scope of the Project included a ramp to connect the Class IV bikeway on San Bernardino Avenue to the existing East Valley Corridor Multi-Purpose Trail. The proposed scope eliminated the ramp because it is not needed.
- f) The original scope of the Project included bike boxes, bike detection loops and marking, and stage queue boxes to allow bicycle users to stage in front of traffic during red lights at signalized intersections and get a head start of cars when going straight or making a left turn. The proposed scope removes these items as it was deemed unsafe for bicyclists.

In February 2023, a scope change request was submitted to Caltrans for the construction portion of the project. Caltrans denied the scope change and lapsed the ATP construction funds for the project. The City is seeking alternative funding sources for the construction of this project.

The City is formally requesting SBCTA's approval of a scope change for the TDA portion of the project to be able to apply for future construction funding. The proposed scope change reduces construction costs from \$2,112,00 to \$1,769,680. No additional TDA Article 3 grant funds are needed for the completion of the design phase of the project. The project is shovel ready, with the plans and specifications reflecting the scope change.

If you have any questions, please contact me at 909-798-7584 Ext. 6.

Sincerely,

*Veronica Medina*

Veronica Medina  
Associate Engineer



## *Minute Action*

AGENDA ITEM: 23

***Date:*** *November 6, 2024*

***Subject:***

Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,720,966 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bellflower Street Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002975 with the City of Adelanto for the Bellflower Street Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,720,966 for a total of \$3,012,966 to include the Construction Phase as part of Project Work and extending the termination date through the anticipated project close-out date of December 31, 2025.

***Background:***

The Measure I Expenditure Plan, as part of the Measure I Ordinance No. 04-01, includes contributions to projects along major streets and highways serving as current or future primary routes of travel within the Victor Valley Subarea. In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted the Measure I 2010-2040 Strategic Plan (Plan) to define the policy framework for the delivery of Measure I programs and projects along with developing candidate project lists, which are completed with the assistance from Subarea jurisdiction representatives. The Plan was subsequently updated in September 2017.

The City of Adelanto (City) has identified a need of an additional \$2,720,966 in Victor Valley Major Local Highway (VVMLH) Program funds for their high-priority project, the Bellflower Street Widening Project (Project). The Project generally consists of roadway widening on Bellflower Street from Air Expressway to Chamberlaine Way. This includes grading, pavement grinding, utility adjustment, asphalt concrete paving, signing, and striping. The Project is currently in the Design Phase and is expected to begin construction activity in March 2025. The City's request for funding allocation meets the eligibility requirements for the VVMLH Program as defined by the VVMLH Program Measure I 2010-2040 Strategic Plan Policy No. 40013.

While the Project was not identified for funding in the 2021 Update to the 10-Year Delivery Plan, it has since been prioritized by the City and will be updated accordingly for the planned 2025 Update scheduled for SBCTA Board approval in February 2025. The estimated cost through Construction is \$8,254,700, of which the Public Share is \$3,012,966. The Public Share amount per phase is as follows: \$73,000 for Environmental, \$219,000 for Design, and \$2,720,966 for Construction. Staff recommends approval of the allocation as sufficient funding capacity exists in the VVMLH Program to support the requested Public Share amount without affecting other committed projects in the Subarea.

*Entity: San Bernardino County Transportation Authority*

Board of Directors Agenda Item

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***Financial Impact:***

The adopted Budget for Fiscal Year 2024/2025 includes sufficient Victor Valley Major Local Highway Program funds for new and amended agreements to support this allocation in Program 50, Fund Administration.

***Reviewed By:***

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

***Responsible Staff:***

Marc Lucius, Management Analyst II

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino County Transportation Authority



**AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 23-1002975**

**FOR**

**BELLFLOWER STREET WIDENING, AIR EXPRESSWAY TO CHAMBERLAINE  
WAY PROJECT**

**(CITY OF ADELANTO)**

THIS Amendment No. 1 to Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Adelanto (“CITY”). SBCTA and CITY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The Bellflower Street Widening, Air Expressway to Chamberlaine Way Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement 23-1002975 on or about July 17, 2023, to allocate \$292,000 in Measure I MLHP funds for the Public Share of costs for the Project Approval and Environmental Documentation (PA&ED) and Plans, Specifications, and Estimate (PS&E) Phases of the PROJECT; and
- D. CITY has requested to include the Construction Phase as part of PROJECT WORK; and
- E. CITY has identified a need of an additional \$2,720,966 to fully fund the Construction Phase; and
- F. CITY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- G. CITY has requested an extension of the Agreement termination date to December 31, 2025.

NOW, THEREFORE, the Parties agree to the following:

- 1. Paragraph 1 of Section I is deleted in its entirety and replaced with the following:

“1. To reimburse CITY for the actual cost of the PROJECT WORK up to a maximum of \$3,012,966 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in

Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:

“2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$3,012,966 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by CITY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”

3. Paragraph 8 of Section III is deleted in its entirety and replaced with the following:

“8. This AGREEMENT will be considered terminated upon reimbursement of all eligible costs by SBCTA or December 31, 2025, whichever is sooner, provided that the provisions of Paragraphs 5, 6, 7, 8, and 9 of Section II, and Paragraphs 5, 6 and 7 of Section III, shall survive the termination of this AGREEMENT. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by CITY within twelve (12) months of the Effective Date of this AGREEMENT.”

4. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached as Attachment A to this Amendment No. 1 and incorporated herein.
5. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.
6. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
9. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---



IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**CITY OF ADELANTO**

By: \_\_\_\_\_  
Ray Marquez, President  
Board of Directors

By: \_\_\_\_\_  
Jessie Flores  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

By: \_\_\_\_\_  
Julianna K. Tillquist  
SBCTA General Counsel

By: \_\_\_\_\_  
Todd Litfin  
City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

DRRAFT

ATTEST:

By: \_\_\_\_\_  
Brenda Lopez  
Clerk of the Board

Date: \_\_\_\_\_

Attachment: 23-1002975-01 (10993 : Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975)

## ATTACHMENT A

### BELLFLOWER STREET WIDENING, AIR EXPRESSWAY TO CHAMBERLAINE WAY PROJECT Revised Description of Project and Milestones

<b>Project Title</b>	
Bellflower Street Widening, Air Expressway to Chamberlaine Way Project	
<b>Location, Project Limits, Description, Scope of Work, Legislative Description</b>	
Bellflower Street Widening Project will widen Bellflower Street to add 2 travel lanes to existing increasing from 2 to 4 lanes from Air Expressway to Chamberlaine Way.	
<b>Project Milestone</b>	<b>Proposed</b>
Project Study Report Approved	7/31/2024
Begin Environmental (PA&ED) Phase	8/1/2024
Circulate Draft Environmental Document	8/1/2024
Draft Project Report	9/1/2024
End Environmental Phase (PA&ED Milestone)	9/30/2024
Begin Design (PS&E) Phase	10/1/2024
End Design Phase (Ready to List for Advertisement Milestone)	11/1/2024
Begin Right of Way Phase	11/30/2024
End Right of Way Phase (Right of Way Certification Milestone)	12/1/2024
Begin Construction Phase (Contract Award Milestone)	3/30/2025
End Construction Phase (Construction Contract Acceptance Milestone)	6/30/2025
Begin Closeout Phase	7/1/2025
End Closeout Phase (Closeout Report)	10/30/2025

Attachment: 23-1002975-01 (10993 : Amendment No. 1 to Bellflower Street Widening Funding Agreement No. 23-1002975)

## ATTACHMENT B

### BELLFLOWER STREET WIDENING, AIR EXPRESSWAY TO CHAMBERLAINE WAY PROJECT Revised Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds (1) (36.5%)	CITY Funds (63.5%)
Project Approval and Environmental Documentation	\$200,000.00	\$73,000.00	\$127,000.00
Plans, Specifications, and Estimate	\$600,000.00	\$219,000.00	\$381,000.00
Construction	\$7,454,700.00	\$2,720,966.00	\$4,733,734.00
<b>TOTAL</b>	<b>\$8,254,700.00</b>	<b>\$3,012,966.00</b>	<b>\$5,241,734.00</b>

**Additional Notes:**

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this agreement. Funding can be moved between phases without necessitating an amendment of this agreement.

## *Minute Action*

AGENDA ITEM: 24

***Date:*** November 6, 2024

***Subject:***

Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$146,000 in Measure I Victor Valley Major Local Highway Program funds to the City of Adelanto for the Bartlett Avenue Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002977 with the City of Adelanto for the Bartlett Avenue Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$146,000 for a total of \$2,007,500 and extending the termination date through the anticipated project close-out date of June 30, 2025.

***Background:***

The Measure I Expenditure Plan, as part of the Measure I Ordinance No. 04-01, includes contributions to projects along major streets and highways serving as current or future primary routes of travel within the Victor Valley Subarea. In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted the Measure I 2010-2040 Strategic Plan (Plan) to define the policy framework for the delivery of Measure I programs and projects along with developing candidate project lists, which are completed with the assistance from Subarea jurisdiction representatives. The Plan was subsequently updated in September 2017.

The City of Adelanto (City) has identified a need of an additional \$146,000 in Victor Valley Major Local Highway (VVMLH) Program funds for their high-priority project, the Bartlett Avenue Widening Project (Project). The Project generally consists of roadway widening on Bartlett Avenue from Adelanto Road to Aster Road. This includes grading, pavement grinding, utility adjustment, asphalt concrete paving, signing, and striping. The Project is currently in the Environmental Phase and is expected to begin construction activity in December 2024. The City's request for funding allocation meets the eligibility requirements for the VVMLH Program as defined by the VVMLH Program Measure I 2010-2040 Strategic Plan Policy No. 40013.

While the Project was not identified for funding in the 2021 Update to the 10-Year Delivery Plan, it has since been prioritized by the City and will be updated accordingly for the planned 2025 Update scheduled for SBCTA Board approval in February 2025. The estimated cost for the Project is \$5,500,000, of which the Public Share amount is \$2,007,500. The Public Share amount per phase is \$182,500 for Design and \$1,825,000 for Construction. Staff recommends approval of the allocation as sufficient funding capacity exists in the VVMLH Program to support the requested Public Share amount without affecting other committed projects in the Subarea.

***Financial Impact:***

The adopted Budget for Fiscal Year 2024/2025 includes sufficient Victor Valley Major Local Highway Program funds for new and amended agreements to support this allocation in Program 50, Fund Administration.

*Entity: San Bernardino County Transportation Authority*

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**Reviewed By:**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

**Responsible Staff:**

Marc Lucius, Management Analyst II

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 23-1002977 Amendment No.: 1
Contract Class: Payable Department: Fund Administration
Vendor No.: 00085 Vendor Name: City of Adelanto
Description: 23-1002977 Bartlett Avenue Widening

List Any Related Contract Nos.:

Table with columns for Dollar Amount, Original Contract, Prior Amendments, Current Amendment, Total/Revised Contract Value, Original Contingency, Prior Contingency Released, Current Amendment, Total Contingency Value, and Total Dollar Authority.

Contract Authorization

Board of Directors Date: 11/6/2024 Board Item # 10994

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? N/A No Budget Adjustment
Local Funding Allocation N/A

Accounts Payable

Table containing contract details: Estimated Start Date (7/31/2023), Expiration Date (12/31/2024), Revised Expiration Date (6/30/2025), NHS (N/A), QMP/QAP (N/A), Prevailing Wage (N/A), and a detailed grid for Fund, Prog, Task, Sub-Task, Object, Revenue, PA Level, Revenue Code Name, Total Contract Funding, and Total Contingency.

Marc Lucius Project Manager (Print Name)
Andrea Zureick Task Manager (Print Name)
Additional Notes: Project Acctg Code: 0516.001.249.54840

Attachment: 23-1002977-01 CSS (10994 : Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977)

**AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 23-1002977**

**FOR**

**BARTLETT AVENUE WIDENING, ADELANTO ROAD TO ASTER ROAD PROJECT**

**(CITY OF ADELANTO)**

THIS Amendment No. 1 to Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Adelanto (“CITY”). SBCTA and CITY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The Bartlett Avenue Widening, Adelanto Road to Aster Road Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement 23-1002977 on or about July 13, 2023, to allocate \$1,861,500 in Measure I MLHP funds for the Public Share of costs for the PROJECT through Construction; and
- D. CITY has identified a need of an additional \$146,000 to fully fund the Construction Phase; and
- E. CITY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- F. CITY has requested an extension of the Agreement termination date to June 30, 2025.

NOW, THEREFORE, the Parties agree to the following:

1. Paragraph 1 of Section I is deleted in its entirety and replaced with the following:

“1. To reimburse CITY for the actual cost of the PROJECT WORK up to a maximum of \$2,007,500 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:



“2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$2,007,500 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by CITY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”

3. Paragraph 8 of Section III is deleted in its entirety and replaced with the following:

“8. This AGREEMENT will be considered terminated upon reimbursement of all eligible costs by SBCTA or June 30, 2025, whichever is sooner, provided that the provisions of Paragraphs 5, 6, 7, 8, and 9 of Section II, and Paragraphs 5, 6 and 7 of Section III, shall survive the termination of this AGREEMENT. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by CITY within twelve (12) months of the Effective Date of this AGREEMENT.”

4. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached as Attachment A to this Amendment No. 1 and incorporated herein.
5. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.
6. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
9. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**CITY OF ADELANTO**

By: \_\_\_\_\_  
Ray Marquez, President  
Board of Directors

By: \_\_\_\_\_  
Jessie Flores  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

By: \_\_\_\_\_  
Julianna K. Tillquist  
SBCTA General Counsel

By: \_\_\_\_\_  
Todd Litfin  
City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**DRAFT**

ATTEST:

By: \_\_\_\_\_  
Brenda Lopez  
Clerk of the Board

Date: \_\_\_\_\_

Attachment: 23-1002977-01 (10994 : Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977)

## ATTACHMENT A

### BARTLETT AVENUE WIDENING, ADELANTO ROAD TO ASTER ROAD PROJECT Revised Description of Project and Milestones

Project Title	
Bartlett Avenue Widening, Adelanto Road to Aster Road Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
Bartlett Avenue Phase I project will widen Bartlett Avenue to add 2 travel lanes to existing increasing from 2 to 4 lanes from Adelanto Road to Aster Road.	
Project Milestone	Proposed
Project Study Report Approved	7/31/2023
Begin Environmental (PA&ED) Phase	8/01/2023
Circulate Draft Environmental Document	8/01/2023
Draft Project Report	8/30/2023
End Environmental Phase (PA&ED Milestone)	10/31/2023
Begin Design (PS&E) Phase	11/01/2023
End Design Phase (Ready to List for Advertisement Milestone)	7/1/2024
Begin Right of Way Phase	7/31/2024
End Right of Way Phase (Right of Way Certification Milestone)	8/1/2024
Begin Construction Phase (Contract Award Milestone)	8/30/2024
End Construction Phase (Construction Contract Acceptance Milestone)	11/30/2024
Begin Closeout Phase	12/1/2024
End Closeout Phase (Closeout Report)	3/31/2025

Attachment: 23-1002977-01 (10994 : Amendment No. 1 to Bartlett Avenue Widening Funding Agreement No. 23-1002977)

## ATTACHMENT B

### BARTLETT AVENUE WIDENING, ADELANTO ROAD TO ASTER ROAD PROJECT Revised Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds (1) (36.5%)	CITY Funds (63.5%)
Project Approval and Environmental Documentation	-	-	-
Plans, Specifications, and Estimate	\$500,000	\$182,500	\$317,500
Right-of-way	-	-	-
Construction	\$5,000,000	\$1,825,000	\$3,175,000
<b>TOTAL</b>	<b>\$5,500,000</b>	<b>\$2,007,500</b>	<b>\$3,492,500</b>

**Additional Notes:**

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this agreement. Funding can be moved between phases without necessitating an amendment of this agreement.

## *Minute Action*

AGENDA ITEM: 25

***Date:*** November 6, 2024

***Subject:***

Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Allocate an additional \$2,659,244 in Victor Valley Major Local Highway Program funds to the City of Adelanto for the El Mirage Road Widening Project.

B. Approve Amendment No. 1 to Funding Agreement No. 23-1002978 with the City of Adelanto for the El Mirage Road Widening Project, increasing the Measure I Victor Valley Major Local Highway Program funds by \$2,659,244 for a total of \$4,958,744 and extending the termination date through the anticipated project close-out date of December 31, 2026.

***Background:***

The Measure I Expenditure Plan, as part of the Measure I Ordinance No. 04-01, includes contributions to projects along major streets and highways serving as current or future primary routes of travel within the Victor Valley Subarea. In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted the Measure I 2010-2040 Strategic Plan (Plan) to define the policy framework for the delivery of Measure I programs and projects along with developing candidate project lists, which are completed with the assistance from Subarea jurisdiction representatives. The Plan was subsequently updated in September 2017.

The City of Adelanto (City) has identified a need of an additional \$2,659,244 in Victor Valley Major Local Highway (VVMLH) Program funds for their high-priority project, the El Mirage Road Widening Project (Project). The Project generally consists of roadway widening on El Mirage Road from Route 395 to Richardson Road. This includes grading, pavement grinding, utility adjustment, asphalt concrete paving, signing, and striping. The Project is currently in the Environmental phase and is expected to begin construction activity in December 2025.

A portion of the Project was identified for funding in the 2021 Update to the 10-Year Delivery Plan, and the new Project scope will be updated accordingly in the planned 2025 Update scheduled for SBCTA Board approval in February 2025. The estimated cost for the Project is \$13,585,600, of which the Public Share amount is \$4,958,744. The Public Share amount per phase is \$109,500 for Environmental, \$365,000 for Design, and \$4,484,244 for Construction. Staff recommends approval of the allocation as sufficient funding capacity exists in the VVMLH Program to support the requested Public Share amount without affecting other committed projects in the Subarea.

***Financial Impact:***

The adopted Budget for Fiscal Year 2024/2025 includes sufficient Victor Valley Major Local Highway Program funds for new and amended agreements to support this allocation in Program 50, Fund Administration.

*Entity: San Bernardino County Transportation Authority*

Board of Directors Agenda Item

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**Reviewed By:**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel and Risk Management have reviewed this item and the draft amendment.

**Responsible Staff:**

Marc Lucius, Management Analyst II

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino County Transportation Authority





**AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 23-1002978**

**FOR**

**EL MIRAGE ROAD WIDENING, ROUTE 395 TO RICHARDSON ROAD PROJECT**

**(CITY OF ADELANTO)**

THIS Amendment No. 1 to Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the City of Adelanto (“CITY”). SBCTA and CITY are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The El Mirage Road Widening, Route 395 to Richardson Road Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement 23-1002978 on or about July 13, 2023, to allocate \$2,299,500 in Measure I MLHP funds for the Public Share of costs for the Project Approval and Environmental Documentation (PA&ED) and Plans, Specifications, and Estimate (PS&E), and Right-of-Way (ROW) Phases of the PROJECT; and
- D. CITY has requested to include the Construction Phase as part of PROJECT WORK; and
- E. CITY has identified a need of an additional \$2,659,244 to fully fund the Construction Phase; and
- F. CITY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- G. CITY has requested an extension of the Agreement termination date to December 31, 2026.

NOW, THEREFORE, the Parties agree to the following:

1. Paragraph 1 of Section I is deleted in its entirety and replaced with the following:

“1. To reimburse CITY for the actual cost of the PROJECT WORK up to a maximum of \$4,958,744 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in

Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:

“2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$4,958,744 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by CITY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”

3. Paragraph 8 of Section III is deleted in its entirety and replaced with the following:

“8. This AGREEMENT will be considered terminated upon reimbursement of all eligible costs by SBCTA or December 31, 2026, whichever is sooner, provided that the provisions of Paragraphs 5, 6, 7, 8, and 9 of Section II, and Paragraphs 5, 6 and 7 of Section III, shall survive the termination of this AGREEMENT. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by CITY within twelve (12) months of the Effective Date of this AGREEMENT.”

4. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached as Attachment A to this Amendment No. 1 and incorporated herein.
5. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached as Attachment B to this Amendment No. 1 and incorporated herein.
6. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
9. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**CITY OF ADELANTO**

By: \_\_\_\_\_  
Ray Marquez, President  
Board of Directors

By: \_\_\_\_\_  
Jessie Flores  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

By: \_\_\_\_\_  
Julianna K. Tillquist  
SBCTA General Counsel

By: \_\_\_\_\_  
Todd Litfin  
City Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**DRAFT**

ATTEST:

By: \_\_\_\_\_  
Brenda Lopez  
Clerk of the Board

Date: \_\_\_\_\_

Attachment: 23-1002978-01 (10997 : Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978)

## ATTACHMENT A

### EL MIRAGE ROAD WIDENING, ROUTE 395 TO RICHARDSON ROAD PROJECT Revised Description of Project and Milestones

Project Title	
El Mirage Road Widening, Route 395 to Richardson Road Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
El Mirage Road Widening Project will widen El Mirage Road from Route 395 to Richardson Road from 2 to 4 travel lanes.	
Project Milestone	Proposed
Project Study Report Approved	7/31/2024
Begin Environmental (PA&ED) Phase	10/1/2024
Circulate Draft Environmental Document	11/1/2024
Draft Project Report	12/31/2024
End Environmental Phase (PA&ED Milestone)	12/31/2024
Begin Design (PS&E) Phase	1/2/2025
End Design Phase (Ready to List for Advertisement Milestone)	9/1/2025
Begin Right of Way Phase	9/30/2025
End Right of Way Phase (Right of Way Certification Milestone)	10/31/2025
Begin Construction Phase (Contract Award Milestone)	12/1/2025
End Construction Phase (Construction Contract Acceptance Milestone)	6/30/2026
Begin Closeout Phase	7/1/2026
End Closeout Phase (Closeout Report)	10/30/2026

Attachment: 23-1002978-01 (10997 : Amendment No. 1 to El Mirage Road Widening Funding Agreement No. 23-1002978)

## ATTACHMENT B

### EL MIRAGE ROAD WIDENING, ROUTE 395 TO RICHARDSON ROAD PROJECT Revised Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds (1) (36.5%)	CITY Funds (63.5%)
Project Approval and Environmental Documentation	\$300,000	\$109,500	\$190,500
Plans, Specifications, and Estimate	\$1,000,000	\$365,000	\$635,000
Right-of-way	\$0	\$0	\$0
Construction	\$12,285,600	\$4,484,244	\$7,801,356
<b>TOTAL</b>	<b>\$13,585,600</b>	<b>\$4,958,744</b>	<b>\$8,626,856</b>

**Additional Notes:**

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this agreement. Funding can be moved between phases without necessitating an amendment of this agreement.

## *Minute Action*

AGENDA ITEM: 26

***Date: November 6, 2024***

***Subject:***

State Legislative Update

***Recommendation:***

Receive and file the October 2024 State Legislative Update.

***Background:***

San Bernardino County Transportation Authority (SBCTA) Legislative Affairs staff, along with representatives from state advocates, California Advisors, LLC, updated the Legislative Policy Committee on October 9, 2024, on the end of the 2023-2024 Legislative Session and status of SBCTA supported legislation.

**End of 2024 Legislative Session**

The month of September was squarely focused on Governor Gavin Newsom who had until September 30, 2024, to sign or veto all legislation sent to him.

On August 31, 2024, Governor Newsom announced a special session focusing on reducing spikes in gas prices. While the Assembly decided to convene the special session, Senate Pro Tem Mike McGuire issued a statement stating that the Senate would not be convening a special session but looked forward to continuing conversations with Governor Newsom and Assembly Speaker Robert Rivas about this critical issue in the days and weeks to come. Subsequently, Pro Tem McGuire stated the Senate would convene a special session if and when the Assembly passes a bill that would need to be reviewed and passed by the Senate.

SBCTA sponsored a bill, Assembly Bill 2590 by Assemblywoman Eloise Gomez Reyes, increasing thresholds for certain procurement processes at SBCTA/San Bernardino Council of Governments (SBCOG), which was signed by Governor Newsom on September 27, 2024. Additionally, SBCTA supported Assembly Bill 2645 by Assemblyman Tom Lackey, requiring toll facilities to cooperate with law enforcement during an emergency alert, which was signed by Governor Newsome on September 30, 2024.

**2024-2025 Budget**

On September 10, 2024, the Legislative Analyst's Office (LAO) published the 2024-2025 Spending Plan: Transportation (Attachment A). It stated that the budget package provides a total of \$30.4 billion for transportation-related programs in 2024-25, including for the California Department of Transportation, California State Transportation Agency, local streets and roads (shared revenues), California Highway Patrol, Department of Motor Vehicles, and High-Speed Rail Authority. This total reflects a net decrease of \$4.5 billion (13 percent) compared to the estimated 2023-2024 expenditure levels. LAO stated that this year-to-year change is primarily due to large amounts of one-time funds from previous budget packages that were available for expenditure in the prior year, particularly from the General Fund. In the report, they summarized some of the major revisions made to previous budgets and spending plans to address the state's General Fund budget shortfall. Also, LAO identified other notable changes made to the transportation program budgets.

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

Board of Directors Agenda Item  
November 6, 2024  
Page 2

Attachment B contains a list of legislative bills that the San Bernardino County Transportation Authority SBCTA/SBCOG have taken a position on. Attachment C reflects bills of interest to SBCTA and SBCOG.

**Financial Impact:**

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

**Reviewed By:**

This item was received by the Legislative Policy Committee on October 9, 2024.

**Responsible Staff:**

Otis Greer, Director of Legislative and Public Affairs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino Council of Governments  
San Bernardino County Transportation Authority



## ATTACHMENT A



## The 2024-25 Spending Plan

### Transportation

#### Overview

As shown in Figure 1, the budget package provides a total of \$30.4 billion for transportation-related programs in 2024-25, including for the California Department of Transportation (Caltrans), California State Transportation Agency, local streets and roads (shared revenues), California Highway Patrol (CHP), Department of Motor Vehicles (DMV), and High-Speed Rail Authority (HSRA). This total reflects a net decrease of \$4.5 billion (13 percent) compared to estimated 2023-24 expenditure levels. This year-to-year change is primarily due to large amounts of one-time funds from previous budget packages that were available for expenditure in the prior year, particularly from the General Fund. Below, we summarize some of the major revisions made to previous budgets and spending plans to address the state's General Fund budget shortfall. We then identify the other most notable changes made to transportation program budgets.

Figure 1

#### Transportation Expenditures Summary

(In Millions)

	2022-23 Actual	2023-24 Estimated	2024-25 Enacted
<b>Totals</b>	<b>\$26,380</b>	<b>\$34,843</b>	<b>\$30,367</b>
<b>By Department/Program</b>			
Caltrans	\$14,062	\$15,256	\$15,318
Local streets and roads	3,164	3,477	3,617
California Highway Patrol	2,950	3,328	3,219
General obligation bond debt service	1,693	1,690	1,811
Department of Motor Vehicles	1,596	1,517	1,489
High-Speed Rail Authority	1,343 <sup>a</sup>	1,787 <sup>a</sup>	1,144

State Transit Assistance	1,342	1,368	1,279
Transportation Agency	218	6,397	2,468
Transportation Commission	9	11	11
Board of Pilot Commissioners	3	9	9
High-Speed Rail Authority OIG	1	1	3
<b>By Funding Source</b>			
Special funds	\$17,790	\$21,854	\$21,455
Federal funds	6,076	6,582	6,901
General Fund	1,317	4,887	1,925
Bond funds	1,196	1,519	86
<sup>a</sup> Based on High-Speed Rail Authority's expenditure reports.			
Caltrans = California Department of Transportation and OIG = Office of the Inspector General.			

### Revisions to Prior Budget Packages and Spending Plans

***Makes Some Modifications to Address General Fund Condition, Maintains Majority of Previous Augmentations Provided to Transportation Programs.*** Recent budget packages planned for significant multiyear General Fund augmentations for transportation programs, with a smaller portion coming from special funds. This includes multiyear funding provided within thematic packages centered around improving transportation infrastructure and supply chains and through a few other one-time augmentations. To address the General Fund shortfall, the 2024-25 budget makes a few modifications to transportation funding included and planned for in prior budgets. (These changes build upon fund shifts and delays that were made as part of the 2023-24 budget agreement.) In total, these changes reduce General Fund spending by \$4.4 billion across the budget window (2022-23 through 2024-25). However, some of these savings are only temporary because the budget agreement plans to provide the funding in a future year. Overall, the budget package has the net effect of reducing General Fund spending by \$2.3 billion across the multiyear period through 2027-28.

Major reductions include \$400 million from the Active Transportation Program, \$200 million for grade separation projects, and \$96 million from support for the Port of Oakland. The spending plan also changes the timing of when some funding will be provided, such as by delaying planned funding to a future year and through cash flow adjustments—reverting funds that have already been awarded to projects with the intent to reappropriate the dollars in a future year when they are needed to cover planned expenditures. Additionally, the budget shifts some spending from the General Fund to the Greenhouse Gas Reduction Fund (GGRF) and the State Highway Account. This

includes a combined total of \$1.3 billion from the competitive and formula-based Transit and Intercity Rail Capital Programs (TIRCP) shifted to GGRF. After accounting for these modifications, the budget retains \$11.5 billion (\$8.2 billion from the General Fund) for transportation programs across a seven-year period (2021-22 through 2027-28), which is 93 percent of the multiyear amount originally planned. Figure 2 provides more details on the modifications included in the budget.

Figure 2

### Revised Multiyear Transportation Funding Packages

(In Millions)

Program	Department	Original Multiyear Totals	2023-24 Revised Multiyear Totals	2024-25		Revised Multiyear Totals
				Changes		
<b>Transportation Infrastructure Package</b>		<b>\$9,500</b>	<b>\$9,500</b>		<b>-\$675</b>	<b>\$8,825</b>
Formula-based TIRCP	CalSTA	\$4,000	\$4,000	D, FS	—	\$4,000
Competitive TIRCP	CalSTA	3,650	3,650	CF, FS	—	3,650
Active Transportation Program	Caltrans	1,050	1,050	CF, R	-\$400	650
Grade separation projects	CalSTA/Caltrans	350	350	CF, FS, R	-200	150
Local climate adaptation programs	Caltrans	200	200		—	200
Highways to Boulevards Pilot Program	Caltrans	150	150	CF, FS, R	-75	75

Clean California Local Grant Program	Caltrans	100	100		—	100
<b>Supply Chain Package</b>		<b>\$1,380</b>	<b>\$1,380</b>		<b>-\$31</b>	<b>\$1,349</b>
Port and Freight Infrastructure Program	CalSTA	\$1,200	\$1,200	CF	—	\$1,200
Supply chain workforce campus	CWDB	110	110	CF	—	110
Port operational improvements	GO-Biz	30	30		—	30
Increased commercial driver's license capacity	DMV	40	40	R	-\$31	9
<b>Other</b>		<b>\$1,380</b>	<b>\$1,380</b>		<b>-\$96</b>	<b>\$1,284</b>
Zero-Emission Transit Capital Program	CalSTA	\$1,100 <sup>a</sup>	\$1,100	D	—	\$1,100
Port of Oakland improvements	CalSTA	280	280	R	-\$96	184
<b>Totals</b>		<b>\$12,260</b>	<b>\$12,260</b>		<b>-\$802</b>	<b>\$11,458</b>
<b>General Fund</b>		<b>\$11,160</b>	<b>\$10,510</b>		<b>-\$2,298</b>	<b>\$8,212</b>
<b>Greenhouse Gas Reduction Fund</b>		<b>\$910</b>	<b>\$910</b>		<b>\$1,421</b>	<b>\$2,331</b>
<b>State Highway Account</b>		<b>—</b>	<b>\$650</b>		<b>\$75</b>	<b>\$725</b>
<b>Public Transportation Account</b>		<b>\$190</b>	<b>\$190</b>		<b>—</b>	<b>\$190</b>

<sup>a</sup>Created as part of the 2023-24 budget package.

D = Delay; FS = Fund Shift; CF = Cash Flow Adjustment; and R = Reduction.

TIRCP = Transit and Intercity Rail Capital Program; CalSTA = California State Transportation Agency; Caltrans = California Department of Transportation; CWDB = California Workforce Development Board; GO-Biz = Governor's Office of Business and Economic Development; and DMV = Department of Motor Vehicles.

**Delays Some Transit Funding.** The budget delays some funding for transit infrastructure and operations. This includes \$1 billion from formula-based TIRCP that had been planned for 2024-25 to instead be provided in 2025-26, as well as a total of \$460 million that had been planned for the Zero-Emission Transit Capital Program across 2023-24 and 2025-26 to instead be provided in 2027-28. Both programs can be used by local transit agencies to support either operations or infrastructure projects, although they have some differing requirements and restrictions on the types of projects that can be funded.

### Caltrans

The budget provides \$15.3 billion to support Caltrans in 2024-25. This is roughly the same amount as the estimated 2023-24 expenditure level. A few notable new augmentations include the following:

- **Establishes Ongoing Funding for Expanded California Integrated Travel Project.** The budget includes \$11.8 million from the Public Transportation Account in 2024-25 (increasing to \$26.3 million annually in 2026-27) to expand and provide ongoing support for the California Integrated Travel Project. This program funds various activities intended to improve and standardize the ridership experience across public transit agencies. The program was first established in 2021-22 using limited-term federal funding.
- **Increases Funding for Intercity Passenger Rail Program.** The budget includes \$66 million in 2024-25, \$72 million in 2025-26, and \$73 million in 2026-27 from the Public Transportation Account through Caltrans to support Intercity Passenger Rail Program operations. This will augment existing funding for three state-supported intercity passenger rail services operated by Amtrak (Capitol Corridor, San Joaquin, and the Los Angeles-San Diego-San Luis Obispo Rail [LOSSAN] Corridor). These services historically have relied heavily on fare revenues to support their operations. However, increased operating costs, decreased ridership, and the expiration of limited-term federal funds have resulted in them experiencing structural budget deficits in recent years.
- **One-Time General Fund to Support Local Transportation Projects.** The budget includes \$20.8 million from the General Fund through Caltrans to support four local transportation projects, including: (1) \$8 million to repair storm damage to bluffs in Crescent City, (2) \$5 million for the Active Transportation Program to support bike lanes that connect disadvantaged communities to higher education facilities and job centers, (3) \$4 million to

support operations and maintenance for the Sonoma-Marin Area Rail Transit District, and (4) \$3.8 million for a street safety project in Sonoma County.

### California Highway Patrol

The budget provides \$3.2 billion for CHP in 2024-25, which represents a reduction of \$110 million (about 3 percent) relative to 2023-24. Similar to last year, the budget includes a number of shifts in the funding approach for CHP capital outlay projects. Specifically, the budget shifts \$13.1 million from the General Fund to lease revenue bonds for the performance criteria phase of six area office projects including Antelope, Barstow, Gold Run, Los Banos, Porterville, and Redding. The administration has not yet identified what fund source it plans to propose to pay the future debt service on these bonds.

### Department of Motor Vehicles

The budget provides \$1.5 billion for DMV in 2024-25, which is roughly equivalent to the estimated 2023-24 expenditure level. This relatively flat year-to-year comparison masks the expiration of some limited-term expenditures and carryover balances from prior years, offset by a few augmentations from the Motor Vehicle Account related to information technology. This new spending includes: (1) \$60.2 million in one-time funding in 2024-25 for the driver licensing and vehicle registration phases of the Digital Experiences Platform; (2) \$17.3 million ongoing funding to cover increases in fees the California Department of Technology charges for services it provides to DMV; (3) \$7.4 million in 2024-25, decreasing to \$4.9 million on an ongoing basis in future years, to improve the department's cybersecurity; and (4) \$2.4 million in 2024-25 to update the Commercial Driver License Information System to comply with federal mandates. The budget also includes \$4.5 million in 2024-25 (decreasing to \$200,000 ongoing in future years) from the General Fund to continue the development and implementation of the Motor Voter Program.

### High-Speed Rail Authority

The budget provides a total of \$1.1 billion for HSRA in 2024-25, mostly from GGRF. While this is a net reduction from the estimated 2023-24 expenditure level, actual expenditures in 2024-25 could be notably higher or lower than budgeted. This is because the project has access to resources—such as GGRF funds that remain unspent from prior years—that far exceed the budgeted amount.

**Replaces Consultants With State Staff.** The budget includes \$14 million (just over \$13 million from GGRF and \$279,000 from Proposition 1A bond funds) on an ongoing basis and authority to hire 67 state staff to replace work currently undertaken by consultants. The additional state staff are expected to reduce contract costs, resulting in net savings to the state of \$9 million. (HSRA estimates it currently spends around \$22 million for consultants to undertake this work.)

**Budget Trailer Legislation Increases Administrative Spending Cap.** The budget package includes trailer legislation that raises the share of Proposition 1A bond funds that can be used for HSRA's administrative expenses (known as the administrative spending cap) from 2.5 percent to 5 percent. Given the \$9 billion in Proposition 1A bond authority for the high-speed rail project, this action increases the maximum amount of Proposition 1A funding available to HSRA for administrative purposes from \$225 million to \$450 million.

## High-Speed Rail Authority Office of the Inspector General

***Funding and Budget Trailer Legislation Support Establishment of the Office of the Inspector General.*** The 2024-25 budget provides a total of \$3 million on an ongoing basis from the Public Transportation Account for the High-Speed Rail Authority Office of the Inspector General. This is an increase of \$2 million from the estimated 2023-24 level. The funds will support 14 new permanent staff positions. These new positions, along with the recently appointed Inspector General, will launch the office, which was created by Chapter 71 of 2022 (SB 198, Committee on Budget and Fiscal Review). The budget package also includes trailer legislation to make technical amendments to Chapter 71 and facilitate the successful startup of the office.



**SAN BERNARDINO COUNTY**  
**TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)**  
**LEGISLATIVE BILL POSITIONS - September 2024**

**ATTACHMENT B**

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 6 (Friedman)	Would require the California Air Resources Board to establish additional greenhouse gas emissions targets for 2035 and 2045, as well as imposing new requirements on Metropolitan Planning Organizations, such as the Southern California Association of Governments, regarding technical methodology in developing their Regional Transportation Plan and Sustainable Community Strategy.	Failed Policy Committee deadline, DEAD (7/02/24)	Oppose	6/14/2023
AB 7 (Friedman)	Would require the project selection process for transportation infrastructure projects funded by certain state transportation accounts to incorporate federal principles that promote accessibility, climate change, the environment, resilience, safety, timeliness, among other principles	Failed to be voted upon on Senate Floor, two-year bill. (9/14/23)	Oppose	6/14/2023
AB 2590 (Reyes)	Would amend the California Public Utilities Code to increase the monetary thresholds of certain procurement processes for supplies, equipment and materials that are utilized for SBCTA projects.	Signed into law by the Governor. (9/27/24)	Sponsor Support	2/14/2024

Attachment: Bill position matrix 10-24 (10985 : State Legislative Update)

SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)  
LEGISLATIVE BILL POSITIONS - September 2024

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 2645 (Lackey)	Would require agencies that operate tolling facilities to cooperate with law enforcement in the event an emergency alert is issued.	Signed into law by the Governor. (9/27/24)	Support	4/10/2024
AB 2535 (Bonta)	Would alter the Trade Corridor Enhancement Program to support zero emission freight infrastructure and restrict projects that expand certain highway projects.	Held in Assembly Appropriations Committee. Failed committee deadline, DEAD. (5/16/24)	Oppose	4/10/2024

Attachment: Bill position matrix 10-24 (10985 : State Legislative Update)

ATTACHMENT C

Status Report

Monday, September 30, 2024

**AB 6 Friedman D ( Dist. 44) Transportation planning: regional transportation plans: reduction of greenhouse gas emissions.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires that each regional transportation plan include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain regional targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. Current law requires the state board to update the regional targets every 8 years until 2050. Current law requires a metropolitan planning organization, before adopting a sustainable communities strategy, to quantify the reduction in the emissions of greenhouse gases projected to be achieved by the sustainable communities strategy and set forth the difference, if any, between the amount of that reduction and the regional targets. This bill would require the state board to update the regional targets indefinitely, rather than only until 2050, and authorize the state board to update the years to which those targets apply, as specified.

**Position:** Oppose

**AB 7 Friedman D ( Dist. 44) Transportation: planning: project selection processes.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Transportation Agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over each department within the agency. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects. On and after January 1, 2025, and to the extent applicable, feasible, and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified goals into program funding guidelines and processes.

**Position:** Oppose

**AB 9 Muratsuchi D ( Dist. 66) Greenhouse gases: market-based compliance mechanism.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms in regulating greenhouse gas emissions. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board to initiate a regulatory process to evaluate potential updates to the market-based compliance mechanism, and would require regulatory changes to take effect no later than January 1, 2025. The bill would require the evaluation to focus on specified items, including whether the supply of emission allowances and carbon offsets are consistent with a linear trajectory toward the statewide greenhouse gas emissions reduction goal established in the state board's most recent scoping plan, rules for banking allowances to use for future compliance and recommendations made by the Independent Emissions Market Advisory Committee and the state board's

Attachment: Bill Report 10-24 (10985 : State Legislative Update)

environmental justice advisory committee. The bill would require the state board, beginning January 1, 2025, and subsequently on a triennial basis, as specified, and in consultation with the Independent Emissions Market Advisory Committee and the environmental justice advisory committee, to conduct an evaluation of the market-based compliance mechanism, as provided.

**Position: Watch**

**AB 11 Jackson D ( Dist. 60) Milton Marks “Little Hoover” Commission on California State Government Organization and Economy.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Milton Marks “Little Hoover” Commission on California State Government Organization and Economy (the commission) for the purpose of securing assistance for the Governor and itself in promoting economy, efficiency, and improved service in the transaction of the public business, as specified, and in making the operation of all state departments, agencies, and instrumentalities, and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives through various means. Existing law declares that the availability of housing is of vital statewide importance. Current law declares that the provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government. Current law declares that housing prices in California have risen dramatically in all parts of the state in the past decade, while the wealth gap, especially the racial wealth gap, continues to be a growing problem in California. This bill would require the commission to study the causes and effects of the rising cost of living in California and develop solutions toward making California a more affordable place to live, as specified. The bill would require the commission to meet quarterly, as specified. The bill would require the commission to complete 2 reports describing the commission’s findings and recommendations, as specified. The bill would repeal these provisions as of January 1, 2027.

**AB 16 Dixon R ( Dist. 72) Motor Vehicle Fuel Tax Law: adjustment suspension.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would authorize the Governor to suspend an adjustment to the motor vehicle fuel tax, as specified, scheduled on or after July 1, 2025, upon making a determination that increasing the rate would impose an undue burden on low-income and middle-class families. The bill would require the Governor to notify the Legislature of an intent to suspend the rate adjustment on or before January 10 of that year, and would require the Department of Finance to submit to the Legislature a proposal by January 10 that would maintain the same level of funding for transportation purposes as would have been generated had the scheduled adjustment not been suspended.

**AB 31 Carrillo, Juan D ( Dist. 39) Public transit: funding.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides various sources of funding for capital and operating expenses of public transit systems and intercity rail in the state. This bill would state the intent of the Legislature to enact subsequent legislation that would appropriate funds for the development and operation of a privately run public transit system connecting the Victor Valley and the Antelope Valley in southern California.

**AB 49 Soria D ( Dist. 27) Affordable housing.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would express the intent of the Legislature to enact legislation that would increase the supply of affordable and reduce homelessness.

**AB 53 Fong, Vince R ( Dist. 0) Motor Vehicle Fuel Tax Law: suspension of tax.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would suspend the imposition of the tax on motor vehicle fuels for one year. The bill would require that all savings realized based on the suspension of the motor vehicle fuels tax by a person other than an end consumer, as defined, be passed on to the end consumer, and would make the violation of this requirement an unfair business practice, in violation of unfair competition laws, as provided. The bill would require a seller of motor vehicle fuels to provide a receipt to a purchaser that indicates the amount of tax that would have otherwise applied to the transaction.

**AB 68 Ward D ( Dist. 78) Land use: streamlined housing approvals: density, subdivision, and utility approvals.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region’s sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

**AB 69 Waldron R ( Dist. 75) Transportation: traffic signal synchronization: roadway improvement projects.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The State Air Resources Board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law authorizes moneys in the fund to be allocated, as specified, for an investment in a traffic signal synchronization component that is part of a sustainable infrastructure project if the component is designed and implemented to achieve cost-effective reductions in greenhouse gas emissions and includes specific emissions reduction targets and metrics to evaluate the project’s effect. This bill would additionally authorize moneys in the fund to be allocated for an investment in a traffic signal synchronization component that is part of a roadway improvement project requiring multiple signals, including, but not limited to, multimodal redevelopment projects, rail trail projects, urban renewal projects, or a project near transit facilities, if the component is designed and implemented to achieve cost-effective reductions in greenhouse gas emissions and includes specific emissions reduction targets and metrics to evaluate the project’s effect.

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**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require a public transit employer, at least 10 months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of a workforce, to provide written notice to the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process. The bill would require the public transit employer and exclusive employee representative, upon written request by the exclusive employee representative, to commence collective bargaining within a specified time period on certain subjects, including creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology. The bill would vest the Public Employment Relations Board (PERB) with jurisdiction to process unfair practice charges alleging violations of these provisions, but only as to transit district employers where PERB has jurisdiction to process unfair practice charges. Should an employee organization file an unfair practice charge with PERB, the bill would require PERB’s powers and duties to apply, as appropriate, and would require PERB’s regulations to apply. The bill would authorize PERB to make additional emergency regulations, as specified.

**AB 241 Reyes D ( Dist. 50) Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2024, increases the smog abatement fee on certain vehicles by a specified amount and requires the revenues generated by the increase to be deposited in the Air Quality Improvement Fund and the Alternative and Renewable Fuel and Vehicle Technology Fund. Current law, until January 1, 2024, increases vehicle registration fees and certain service fees for identification plates by specified amounts. Current law requires the revenue generated by the increase in those fees to be deposited in the Alternative and Renewable Fuel and Vehicle Technology Fund and either the Air Quality Improvement Fund or the Enhanced Fleet Modernization Subaccount, as provided. This bill would extend the increases in those charges to July 1, 2035.

**AB 250 Rodriguez D ( Dist. 53) State highways: State Route 83: reduction.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the California Transportation Commission to relinquish to local agencies state highway segments that have been deleted from the state highway system by legislative enactment or have been superseded by relocation, and in certain other cases. Current law designates State Route 83 from Route 71 to Route 10 near the City of Upland. Current law authorizes the commission to relinquish to the City of Ontario all or a portion of State Route 83 within the city’s jurisdiction and prescribes conditions that apply upon relinquishment. This bill would authorize the commission to additionally relinquish to the City of Chino all or a portion of State Route 83 within the city’s jurisdiction and prescribe conditions that apply upon relinquishment.

**AB 287 Garcia D ( Dist. 36) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: competitive grant programs: funding objectives.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							



Current law requires the moneys from the Greenhouse Gas Reduction Fund to be used to facilitate the achievement of reductions of greenhouse gas emissions consistent with the California Global Warming Solutions Act of 2006 and, where applicable and to the extent feasible, to maximize economic, environmental, and public health benefits to the state, among other goals. This bill, beginning July 1, 2025, would require state agencies administering competitive grant programs that allocate moneys from the fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality, to provide for a specified application timeline, and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.

**AB 295 Lowenthal D ( Dist. 69) Residential real property: foreclosure.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust and prescribes a procedure for the exercise of that power. This bill would prohibit a person from contacting, soliciting, or initiating communication with an owner to claim the surplus funds from a foreclosure sale of the owner’s residence before 90 days after the trustee’s deed has been required.

**AB 316 Aguiar-Curry D ( Dist. 4) Vehicles: autonomous vehicles.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Would require a manufacturer of an autonomous vehicle to report to the Department of Motor Vehicles a collision on a public road that involved one of its autonomous vehicles with a gross vehicle weight of 10,001 pounds or more that is operating under a testing permit that resulted in damage of property, bodily injury, or death within 10 days of the collision.

**AB 340 Fong, Vince R ( Dist. 0) California Environmental Quality Act: grounds for noncompliance.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

**AB 354 Nguyen, Stephanie D ( Dist. 10) Sacramento Regional Transit District: board of directors: membership.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Current law vests the government of the district in a board of directors and prescribes procedures for increasing the number of members of the board of directors, including authorizing each member entity to make one appointment to the board, as



specified. This bill would authorize the City of Elk Grove to instead appoint 2 members to the board, as sp

**AB 382 Cervantes D ( Dist. 58) High-occupancy vehicle lanes: County of Riverside.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value pricing program and exclusive or preferential lane facilities for public transit. Current law authorizes a value pricing and transit program involving HOT lanes to be developed and operated on State Highway Route 15 in the County of Riverside by the Riverside County Transportation Commission. Current law requires the Department of Transportation to report to the transportation policy committees of the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the use of high-occupancy vehicle lanes to high-occupancy vehicles and eligible vehicles, as defined, only during the hours of heavy commuter traffic on both State Route 91 between Interstate 15 and Interstate 215 in the County of Riverside, and State Route 60 in the County of Riverside. Separate from that report, this bill would require the Transportation Agency, on or before January 1, 2025, to report to the transportation policy committees of the Legislature on that same topic and on the feasibility and appropriateness of removing from high-occupancy vehicle lanes in the County of Riverside, except for certain high-occupancy toll lanes, any double parallel solid lines to restrict the entrance into or exit from those lanes, including the use of the appropriate markings and signage.

**Position:** Watch

**AB 400 Rubio, Blanca D ( Dist. 48) Local agency design-build projects: authorization.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a local agency, as defined, with approval of its governing body, to procure design-build contracts for public works projects in excess of \$1,000,000, awarding the contract either to the lowest bid or the best value. "Local agency" is defined, in part, for this purpose to include specified local and regional agencies responsible for the construction of transit projects, including any joint powers authority formed to provide transit service. Current law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would delete from the definition of "local agency" any joint powers authority formed to provide transit services, and would instead expand that definition to include any joint powers authority responsible for the construction of transit projects, thereby authorizing additional joint powers authorities to use the above-described design-build procurement process. The bill would extend the repeal date to January 1, 2031.

**Position:** Support

**AB 411 Bennett D ( Dist. 38) California Recreational Trails and Greenways Act.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Parks and Recreation to establish the California Recreational Trails and Greenways Program to, beginning in 2024, award competitive grants on a biennial basis for new, expanded, or improved public access opportunities through nonmotorized recreational trail creation, improvement, enhancement, and restoration projects. The bill would create the California Recreational Trails and Greenways Fund in the State Treasury, and would require that specified moneys, including, to the extent consistent with Proposition 68, unexpended Proposition 68 moneys that revert to the administering agency for allocation, upon appropriation by th

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Legislature, be deposited into the fund and, upon appropriation by the Legislature, be available for allocation to the department for purposes of the program, as specified. In order to reduce the financial burdens associated with frontloaded cost structures and match requirements, the bill would authorize the department to create a loan or grant process for advanced payment and match assistance to reduce barriers to participation in the program.

**AB 413 Lee D ( Dist. 24) Vehicles: stopping, standing, and parking.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would prohibit the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any unmarked or marked crosswalk or 15 feet of any crosswalk where a curb extension is present, as specified. The bill would, prior to January 1, 2025, authorize jurisdictions to only issue a warning for a violation, and would prohibit them from issuing a citation for a violation, unless the violation occurs in an area marked using paint or a sign.

**AB 463 Hart D ( Dist. 37) Electricity: prioritization of service: public transit vehicles.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Public Utilities Commission to establish priorities among the types or categories of customers of every electrical corporation and every gas corporation, and among the uses of electricity or gas by those customers, to determine which of those customers and uses provide the most important public benefits and serve the greatest public need, and to categorize all other customers and uses in order of descending priority based on these standards. Current law requires the commission, in establishing those priorities, to consider, among other things, the economic, social, and other effects of a temporary discontinuance in electrical or gas service to certain customers or for certain uses, as specified. If an electrical or gas corporation experiences a shortage of capacity or capability and is unable to meet all demands by its customers, existing law requires the commission to order that service be temporarily reduced by an amount that reflects the established priorities for the duration of the shortage. This bill would require the commission, in establishing those priorities, to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles.

**AB 480 Ting D ( Dist. 19) Surplus land.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under current law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. This bill would define the term “dispose” to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified. The bill would provide that “dispose” does not include entering a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease.

**AB 557 Hart D ( Dist. 37) Open meetings: local agencies: teleconferences.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect.

**AB 591 Gabriel D ( Dist. 46) Electric vehicle service equipment: connectors and public accessibility.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require that any electric vehicle service equipment that is capable of charging a light-duty electric vehicle and is installed or substantially retrofitted, as defined, except for private use at a single-family residence or multifamily residence, include a universal connector, as defined, and be publicly accessible. The bill would require an owner or operator of CHAdeMO electric vehicle service equipment, as defined, that is in operation on January 1, 2024, except where it is located at a single-family residence or multifamily residence and is only for private use, to maintain the CHAdeMO electric vehicle service equipment in good working condition until at least January 1, 2029.

**AB 627 Jackson D ( Dist. 60) Drayage trucks: voucher incentive project.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The state board, in this capacity, administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. The Budget Act of 2023 appropriated funds from the Greenhouse Gas Reduction Fund to the state board for zero-emission drayage trucks to be administered through the project and, in expending those funds, requires the state board, before January 1, 2025, to limit the number and award amount levels under the project based on fleet size. This bill would require the state board to ensure that a voucher provided under the project for the purchase of a new, or the retrofit of a used, drayage truck is provided to an operator in an amount determined pursuant to a sliding scale established by the state board, based on the number of drayage trucks the operator owns. In administering the project, the bill would require the state board to prioritize the award of those vouchers to operators meeting certain criteria.

**Position:** Watch

**AB 673 Bennett D ( Dist. 38) Hydrogen-fueling stations: preference.**

**Location:** ASSEMBLY DEAD

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2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	26.c
	1st House				2nd House								

Would, except for the Clean Transportation Program and moneys allocated from the Alternative and Renewable Fuel and Vehicle Technology Fund, require the State Energy Resources Conservation Development Commission, when considering providing funding for projects for the construction and operation of hydrogen-fueling medium- an heavy-duty stations, to evaluate whether the project needs to also include access for light-duty vehicles. In this evaluation, the bill would require the commission to consider safety, regional light-duty vehicle hydrogen fueling needs, and the station fueling capacity.

**AB 744 Carrillo, Juan D ( Dist. 39) California Transportation Commission: data, modeling, and analytic software tools procurement.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the California Transportation Commission to convene relevant state agencies to assess the procurement and implementation of data, modeling, and analytic software tools to support the state’s sustainable transportation, congestion management, affordable housing, efficient land use, air quality, economic, and climate change strategies and goals, as provided. On or before July 1, 2025, the bill would require the commission to develop a proposal to procure data, modeling, and analytic software tools and a process to grant access to the data it procures directly, or provide a process for direct allocation of funding to agencies for data procurement, or both of those, as provided.

**AB 756 Papan D ( Dist. 21) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Transportation, in consultation with the State Water Resources Control Board, the Department of Toxic Substances Control, and the Department of Fish and Wildlife, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the department’s 6PPD and 6PPD-quinone programmatic environmental review process to include, among other specified components, a pilot project at a particular highway crossing over the San Mateo Creek to study the effectiveness and cost effectiveness of installing and maintaining bioretention and biofiltration comparatively along department rights-of-way to eliminate the discharge of 6PPD and 6PPD-quinone into surface waters of the state, as specified. The bill would require, no later than December 31, 2026, the Director of Transportation to submit a report to the Legislature describing the department’s strategy to eliminate the discharge of 6PPD and 6PPD-quinone by the department to all salmon and steelhead trout bearing surface waters of the state.

**AB 761 Friedman D ( Dist. 44) Local finance: enhanced infrastructure financing districts.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Current law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. Current law requires that the financing section include a plan for financing the public

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facilities, a limit on the total number of dollars of taxes that may be allocated to the district pursuant to the plan on a date, either not more than 45 years from the date on which the issuance of the bonds is approved for the plan on which the district will cease to exist, by which time all tax allocation to the district will end, or, where the district is divided into project areas, a date on which the infrastructure financing plan will cease to be in effect and all tax allocations to the district will end and a date on which the district's authority to repay indebtedness with incremental tax revenues will end, as specified. This bill, for plans proposed on or after January 1, 2025, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the approval of a TIFIA loan, as specified.

**Position: Watch**

**AB 776 Holden D ( Dist. 41) Route 210.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Transportation, through the erection of highway signs and appropriate markers, to provide recognition of the historical and cultural importance of the California tribes local to, or historically located in the Counties of Los Angeles and San Bernardino. The bill would require the department to work with certain entities, including, but not limited to, California tribes local to, or historically located along, Route 210, to name Route 210 and to identify appropriate locations for signs to recognize tribal lands along Route 210 in the Counties of Los Angeles and San Bernardino. The bill would require the department to erect those signs and other appropriate markers at the appropriate locations on Route 210, as part of the department's regularly scheduled replacement, modification, and maintenance of highway signs. The bill would specify that Route 210 shall be known and designated as the Southern California Native American Freeway or by the name developed by the department with the specified entities.

**AB 817 Pacheco D ( Dist. 64) Open meetings: teleconferencing: subsidiary body.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). Current law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to provide specific means by which the public may remotely hear and visually observe the meeting. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. The bill would require at least one staff member of the local agency to be present at a designated primary physical meeting location during the meeting. The bill would require the local agency to post the agenda at the primary physical meeting location. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. The bill would also require the subsidiary body to list a member of the subsidiary body who participates in a teleconference meeting from a remote location in the minutes of the meeting. In order to use teleconferencing

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pursuant to this act, the bill would require the legislative body that established the subsidiary body by chart... ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

**AB 823 Schiavo D ( Dist. 40) Clean Transportation Program: eligible projects.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding, upon appropriation by the Legislature, to certain entities to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. Current law requires the commission to give preference to those projects that maximize the goals of the program based on specified criteria and to fund specified eligible projects, including, among others, alternative and renewable fuel infrastructure, fueling stations, and equipment. This bill would expand the list of eligible projects to include, among other things, roadway integrated fueling and parking surface integrated fueling projects.

**AB 832 Cervantes D ( Dist. 58) California Transportation Commission: membership.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, the California Transportation Commission consists of 13 members, including 9 members appointed by the Governor with the advice and consent of the Senate, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules, as specified. Current law requires the Governor, in appointing those members to the commission, to make every effort to ensure, among other things, the commission has a diverse membership with expertise in transportation issues, taking into consideration factors, including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities. This bill would require that at least one of those Governor appointed members of the commission have expertise in transportation issues and professional experience that includes experience working in, or representing, disadvantaged communities.

**AB 849 Garcia D ( Dist. 36) Community emissions reduction programs.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board’s selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed. Current law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority. This bill would additionally require the air district, in adopting a community emissions

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reduction program, to consult with other relevant state agencies. By imposing additional duties on air district bill would impose a state-mandated local program.

**AB 902 Rodriguez D ( Dist. 53) Ambulances: fee and toll exemptions.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the owner or operator of a toll facility, upon the request of the local emergency service provider, to enter into an agreement for the use of a toll facility. This bill would clarify that the owner or operator of toll facility is required to enter into an agreement for the use of a toll facility upon the request of a private or public local emergency service provider.

**AB 930 Friedman D ( Dist. 44) Local government: infrastructure financing districts: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts: housing development: restrictive covenants.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as described, and authorizes an authority to, among other things, provide for low and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more specified local governments to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would require at least one of the local governments to be a city or county within the proposed RISE district boundaries. The bill would authorize a local government that lacks the authority to levy a property tax to join a RISE district, by resolution, as specified. The bill would prohibit a RISE district from including territory within the jurisdiction of a participating local government unless the city or county where the territory is located is also a participating local government.

**AB 980 Friedman D ( Dist. 44) Active Transportation Program: report.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Current law requires the California Transportation Commission to develop guidelines and project selection criteria for the program and authorizes the commission to amend the adopted guidelines after conducting at least one public hearing. This bill would require an applicant that receives funding under the program for a project to, within one year of completing the project, submit a report to the commission describing how the project met active transportation goals.

**AB 981 Friedman D ( Dist. 44) State highways: pilot highway maintenance and rehabilitation demonstration projects.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Transportation, beginning in 2025 and ending in 2032, to use cold in-place recycling or partial depth recycling, as defined, on at least 12 projects each year. The bill would require the department, beginning in 2027 and ending in 2032, to use full depth recycling, as defined, on at least 5 projects each year. The bill would require the department to submit an annual report to the Legislature regarding these projects.

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The bill would repeal its provisions on January 1, 2034.

**AB 1000 Reyes D ( Dist. 50) Qualifying logistics use projects.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would prohibit the County of Riverside, the County of San Bernardino, any city located within those counties, and the agencies, boards, or commissions, charter cities, joint powers authorities, regional agencies, public districts, and redevelopment agencies, and any other political subdivisions located within those counties, from approving the development or expansion of any qualifying logistics use, as defined, within 1,000 feet of sensitive receptors, as defined, except as provided. The bill would authorize a public agency, as defined, to approve the development or expansion of a qualifying logistics use greater than 500 feet from a sensitive receptor and within 1,000 feet of a sensitive receptor only if the qualifying logistics use complies with certain requirements, including that all heavy-duty vehicles domiciled onsite meet certain requirements. The bill would require these minimum setback measurements to be made from the property line of the sensitive receptor to the property line of the qualifying logistics use by using a straight-line method.

**Position:** Watch

**AB 1008 Bauer-Kahan D ( Dist. 16) California Consumer Privacy Act of 2018: personal information.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Consumer Privacy Act of 2018 (CCPA) grants to a consumer various rights with respect to personal information, as defined, that is collected by a business, as defined, including by requiring a business that controls the collection of a consumer’s personal information to, at or before the point of collection, make certain disclosures to the consumer. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA. The CCPA establishes the California Privacy Protection Agency and vests it with full administrative power, authority, and jurisdiction to implement and enforce the CCPA. This bill would specify that personal information can exist in various formats.

**Position:** Watch

**AB 1052 McCarty D ( Dist. 6) Sacramento Regional Transit District: taxes.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, the Sacramento Regional Transit District Act, creates the Sacramento Regional Transit District, with specified powers and duties relative to providing transit services in the Sacramento region. Current law authorizes the board of directors of the district to adopt a retail transactions and use tax ordinance, subject to the approval of 2/3 of the electors at a special election. This bill would revise and recast those provisions related to the imposition of property taxes and retail transactions and use taxes by the district, by, among other things, explicitly authorizing the district to impose a property tax or retail transactions and use tax in the entirety of, or a portion of, the incorporated and unincorporated territory. If the tax only applies to a portion of an area of the district, the bill would require the incorporated area of each city and of contiguous cities within the district to be either wholly included within or wholly excluded from that portion that is taxed and would require the entire unincorporated area of the district to be either wholly included within or wholly excluded from that portion that is taxed.

**AB 1333 Ward D ( Dist. 78) Single-family dwelling units: bundled sales.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Current law regulates the transfer of property. Current law generally permits any kind of property to be transferred, subject to specified exceptions. This bill would prohibit a homebuilder of a new single-family dwelling unit, as defined, from conducting a bundled sale of 2 or more parcels of real property containing one to 4 single-family dwelling units, inclusive, under a single assessor’s parcel number, in a single transaction to an institutional investor, as defined, if the certificate of occupancy was issued for a single-family dwelling unit within the bundled sale and the contract of sale was entered into on or after January 1, 2025. The bill would exempt a homebuilder from this prohibition if the homebuilder obtains an affidavit signed under penalty of perjury from the buyer that the buyer is not an institutional investor, among other things.

**AB 1335 Zbur D ( Dist. 51) Local government: transportation planning and land use: sustainable communities strategy.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires specified designated transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, as described. Current law requires the plan to include specified information, including a sustainable communities strategy prepared by each metropolitan planning organization, and requires each transportation planning agency to adopt and submit, every 4 years, an updated plan to the California Transportation Commission and the Department of Transportation. Current law requires the sustainable communities strategy to include specified information, including an identification of areas within the region sufficient to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and an identification of areas within the region sufficient to house an 8-year projection of the regional housing need for the region, as specified. This bill would additionally require each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and the total number of new housing units necessary to house the above-described 8-year projection, as specified.

**AB 1348 Grayson D ( Dist. 15) State government: Controller: claims audits.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law, the Government Claims Act, generally requires the presentation of all claims for money or damages against local public entities and the state. Existing law provides for the presentation of a claim for which appropriations have been made, or for which state funds are available, under that act to the Controller, in the form and manner prescribed by the general rules and regulations adopted by the Department of General Services. Existing law, with specified exceptions, prohibits the Controller from drawing a warrant for any claim until it has been audited in conformity with law and the general rules and regulations adopted by the Department of General Services governing the presentation and audit of claims. This bill would authorize the Controller to conduct, unless prohibited by the provisions of a state ballot proposition passed by the electorate, financial and compliance audits at the Controller’s office deems as necessary for purposes of ensuring that any expenditures, regardless of the source or fund from which the warrants for claims are drawn, are expended in a manner consistent with the law and the voters’ intent. The bill would also authorize the Controller to conduct any audits necessary to carry out their constitutional and statutory duties and responsibilities under the law. The bill would require, if an audit is conducted as specified, the Controller to provide a report with specified information from these audits to the Legislature by June 30 following the completion of the audit and would require the Controller to allow all auditees in the report a reasonable period of time to review and comment on the section of the report relating to the auditee, as described. The bill would make related legislative findings and declarations.

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**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Riverside County Transportation Commission to impose a transactions and use tax for transportation purposes subject to approval of the voters, which, pursuant to the California Constitution, requires approval of 2/3 of the voters. Current law limits the commission to a 1% maximum tax rate, and requires the commission’s tax or taxes to be levied at a rate divisible by 1/4%, unless a different rate is specifically authorized by statute. This bill would raise the maximum tax rate the commission may impose from 1% to 1.5%. This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Riverside.

**Position: Watch**

**AB 1525 Bonta D ( Dist. 18) Transportation projects: priority populations.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the agency, the Department of Transportation, and the California Transportation Commission, on or before July 1, 2025, to jointly develop and adopt criteria and an evaluation process for purposes of jointly evaluating each agency, Department of Transportation, or California Transportation Commission project, as defined to, among other things, determine if the project would be located in a priority population, address an important need of a priority population, and provide a direct, meaningful, and assured benefit to a priority population, as specified. The bill would require the agency, the Department of Transportation, and the California Transportation Commission on and after July 1, 2025, to jointly evaluate all new proposed projects by the criteria, and, on or before July 1, 2026, and annually thereafter, to jointly submit a report to the Legislature that evaluates how projects funded during the prior year impacted priority populations, as specified.

**Position: Watch**

**AB 1550 Bennett D ( Dist. 38) Renewable hydrogen.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require, on and after January 1, 2045, that all hydrogen produced or used in California for the generation of electricity or fueling of vehicles be renewable hydrogen of nonbiological origin, as defined, or renewable hydrogen of biological origin, as defined, in furtherance of the state’s policy to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045. The bill would require the State Air Resources Board, in consultation with the Public Utilities Commission (PUC) and the State Energy Resources Conservation and Development Commission (Energy Commission), to develop interim targets to ensure the state achieves that requirement. Because a violation of a state board regulation implementing this requirement would be a crime, the bill would impose a state-mandated local program.

**AB 1609 Garcia D ( Dist. 36) Air pollution: motor vehicle registration: pollution reduction.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires a registration fee to be paid to the Department of Motor Vehicles for the registration of each vehicle or trailer coach of a type subject to registration under the Vehicle Code, except those vehicles that are expressly exempted from the payment of registration fees. Current law, until January 1, 2024, increases vehicle registration fees by \$3 and requires revenues from those fees to be used, upon appropriation by the Legislature, for

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programs to reduce air pollution from motor vehicles. This bill would impose an additional annual \$4 charge on a motor vehicle registered in the state except those vehicles that are expressly exempted from the payment of registration fees, thereby imposing a tax. The bill would require the department to collect the charge and deposit revenues from the charge in the Air Quality Improvement Fee Fund, which the bill would create. The bill would continuously appropriate the revenues in the fund to the department for distribution to air pollution control districts and air quality management districts based upon the amount of the charges collected from motor vehicles registered within each air district, thereby creating an appropriation. The bill would require these revenues to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles.

**Position: Watch**

**AB 1626 McCarty D ( Dist. 6) Transportation electrification: fleet data.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission), in collaboration with the State Air Resources Board, the Public Utilities Commission, and other relevant stakeholders, to annually gather from state agencies, as provided, specified entities’ fleet data for on-road and off-road vehicles in the medium- and heavy-duty sectors, including information that would allow an electrical corporation or local publicly owned electric utility to estimate the total anticipated charging capacity at each fleet location, and share that data with electrical corporations and local publicly owned electric utilities to help inform electrical grid planning efforts, as specified. Current law prohibits electrical corporations and local publicly owned electric utilities from disclosing that data to third parties. This bill would require the Energy Commission to also gather information that would allow relevant state agencies to estimate the total anticipated hydrogen fueling demand at each fleet location.

**AB 1637 Irwin D ( Dist. 42) Local government: internet websites and email addresses.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

**AB 1654 Addis D ( Dist. 30) City streets and highways.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law authorizes the legislative body of a city to do any and all things necessary to lay out, acquire, and construct a section or portion of a street or highway within its jurisdiction as a freeway and to make an existing street or highway a freeway. This bill would make nonsubstantive changes to this provision.

**AB 1702 Hart D ( Dist. 37) Active Transportation Program.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Current law establishes the Active Transportation Program in the Department of Transportation for purposes of encouraging increased use of active modes of transportation, such as biking and walking. This bill would make nonsubstantive changes to that provision.

**AB 1711 Carrillo, Juan D ( Dist. 39) Energy: hydrogen: Clean Energy Equity Act.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would enact the Clean Energy Equity Act and would require the State Energy Resources Conservation and Development Commission to equitably allocate moneys appropriated by the Legislature for hydrogen-fueling infrastructure to specifically prioritize rural communities and low-income communities. The bill would require the commission and the State Air Resources Board, except as provided, to jointly review and submit a report to the Legislature on the progress toward establishing hydrogen-fueling infrastructure that is equally accessible to all communities, especially rural communities and low-income communities.

**AB 1748 Ramos D ( Dist. 45) Logistics use projects: sensitive receptors.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would prohibit the County of Riverside, the County of San Bernardino, and any of the cities, joint powers authorities, or agencies with land use authority within those counties from approving the development or expansion of any logistics use, as defined, that is adjacent to sensitive receptors, as defined, unless the local agency imposes certain requirements, as specified, including a minimum setback on the logistics use of 300 feet if the logistics use consists of 400,000 or more square feet of building space, including, but not limited to, warehouses. By imposing new requirements on local agencies, the bill would impose a state-mandated local program.

**Position:** Watch

**AB 1777 Ting D ( Dist. 19) Autonomous vehicles.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Would, commencing July 1, 2026, require manufacturers of autonomous vehicles that operate without a human operator physically present in the vehicle, except as provided to comply with certain requirements, including, among other things, to maintain a dedicated emergency response telephone line that is available for emergency response officials, as defined, and to equip each autonomous vehicle with a 2-way voice communication device that enables emergency response officials that are near the vehicle to communicate effectively with a remote human operator, as specified. The bill would, commencing July 1, 2026, authorize an emergency response official to issue an emergency geofencing message, as defined, to a manufacturer and would require a manufacturer to direct its fleet to leave or avoid the area identified within 2 minutes of receiving an emergency geofencing message, as specified.

**AB 1837 Papan D ( Dist. 21) San Francisco Bay area: public transit: Regional Network Management Council.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. Current law requires the commission to adopt rules and regulations to

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promote the coordination of fares and schedules for all public transit systems within its jurisdiction, as specified. The bill would create the Regional Network Management Council as an 11-member council to represent the interests of its stakeholders, to provide leadership and critical input on regional transit policies, and to provide executive guidance on regional transit policies and actionable implementation plans in pursuit of transformative improvements in the customer experience San Francisco Bay area transit. The bill would require the commission to facilitate the creation of the council.

**AB 1889 Friedman D ( Dist. 44) Conservation element: wildlife and habitat connectivity.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Current law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands. This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan, including a certified local coastal plan, that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity.

**AB 1893 Wicks D ( Dist. 14) Housing Accountability Act: housing disapprovals: required local findings.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Housing Element Law prescribes requirements for a city’s or county’s preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. The Housing Accountability Act, among other things, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households unless the local agency makes written findings as to one of certain sets of conditions, as specified. Among these conditions, the act allows a local agency to disapprove a housing development project that is inconsistent with the jurisdiction’s zoning ordinances and general plan land use designation as it existed on the date the application was deemed complete, if the jurisdiction has adopted a revised housing element that is in substantial compliance with the Housing Element Law, as specified. This bill would make various changes to that condition. The bill would specify that a local agency may disapprove or condition approval of a housing development project or emergency shelter, as described above, if the local agency makes written findings that on the date the application for the housing development project or emergency shelter was deemed complete the jurisdiction did not have an adopted revised housing element that was in substantial compliance with the Housing Element Law and the housing development project is not a builder’s remedy project, as defined.

**AB 1904 Ward D ( Dist. 78) Transit buses: yield right-of-way sign.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Current law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Current law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it.

**AB 1957 Wilson D ( Dist. 11) Public contracts: best value construction contracting for counties.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes a pilot program to allow the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba to select a bidder on the basis of best value, as defined, for construction projects in excess of \$1,000,000. Current law also authorizes these counties to use a best value construction contracting method to award individual annual contracts, not to exceed \$3,000,000, for repair, remodeling, or other repetitive work to be done according to unit prices, as specified. Current law establishes procedures and criteria for the selection of a best value contractor and requires that bidders verify specified information under oath. Current law requires the board of supervisors of a participating county to submit a report that contains specified information about the projects awarded using the best value procedures described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2024. Current law repeals the pilot program provisions on January 1, 2025. This bill would instead authorize any county of the state to utilize this program and would extend the operation of those provisions until January 1, 2030. The bill would instead require the board of supervisors of a participating county to submit the report described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2029.

**AB 2006 Mathis R ( Dist. 33) Sales and Use Tax Law: exemption: over-the-counter medication.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Sales and Use Tax Law provides various exemptions from those taxes. This bill would, until January 1, 2030, exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, over-the-counter medication, as defined.

**AB 2023 Quirk-Silva D ( Dist. 67) Housing element: inventory of land: substantial compliance: rebuttable presumptions.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, commonly referred to as the Housing Element Law, prescribes requirements for a city’s or county’s preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. Current law requires the housing element to include an inventory of land suitable and available for residential development. If that inventory of sites does not identify adequate sites to accommodate the need for groups of all household income levels, as provided, current law requires that the local government rezone sites within 3 years after the date the housing element is adopted or within one year if the local government fails to adopt a housing element that the department finds to be in substantial compliance with the Housing Element Law within 120

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days of the statutory deadline to adopt the housing element. This bill, for the 7th and each subsequent revision of the housing element, would require a local government to complete the rezoning of sites within one year of the statutory deadline for the adoption of the housing element or 3 years and 90 days of the statutory deadline if the local government satisfies certain requirements, including submitting a draft element or draft amendment to the department for review within specified timeframes and adopting a draft element or draft amendment that the department finds to be in substantial compliance with the Housing Element Law, as specified.

**AB 2029 Jackson D ( Dist. 60) Electric vehicle charging stations assessment.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

This bill would require the Energy Commission, beginning January 1, 2025, to biennially conduct an assessment, in consultation with applicable state and federal agencies, of the abundance of electric vehicle charging stations, as defined, with electric vehicle charging station-related accessibility requirements and related guidance from relevant state and federal agencies, as provided. The bill would require the biennial assessment to include a biennial report, and would require the Energy Commission to submit the report to the Legislature concurrently with the Energy Commission’s updates to the statewide assessment of the electric vehicle charging infrastructure. The bill would repeal these provisions on January 1, 2036.

**AB 2086 Schiavo D ( Dist. 40) Transportation funding: California Transportation Plan: public dashboard.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. Current law requires the department to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter. This bill would require the California Transportation Plan to also include a financial element that summarizes the full cost of plan implementation through the first 10 years of the planning period and includes a summary of available revenues through the planning period and an analysis of what is feasible within the plan if constrained by a realistic projection of available revenues, as specified.

**AB 2087 Alanis R ( Dist. 22) California Environmental Quality Act: disclosure: identity and interests.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the courts to give an action or proceeding alleging noncompliance with CEQA preference over all other civil actions. CEQA requires superior courts in counties with a population of more than 200,000 people to designate one or more judges to develop expertise in CEQA and certain related laws so that those judges will be available to hear and quickly resolve actions or proceedings alleging noncompliance with CEQA. This bill would require, in all actions or proceedings brought pursuant to the provisions of CEQA, that a filing party include with the filing a disclosure of the identity and interests of the party, as provided. The bill would authorize a court to request more information as needed, including, but not limited to, financial statements and testimony, in the event a filing party that has previously brought an action or proceeding concerning a project makes a subsequent filing in an action or proceeding concerning the same project. Because the bill would impose additional duties on a lead agency that is a filing party to an action or proceeding, the bill would impose a state-mandated local

program.

**AB 2090 Irwin D ( Dist. 42) Office of Farm to Fork: food deserts: transportation.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Office of Farm to Fork to work with transportation agencies to increase the amount of agricultural products available to underserved communities and schools in the state, and to prioritize the Department of Food and Agriculture’s efforts in food deserts, as defined, throughout the state, especially cities and counties that are most impacted by food insecurity, as defined. The bill would require the office to work to overcome those identified distribution barriers by also facilitating partnerships between statewide, regional, and local transportation agencies to address inadequate public transportation lines in urban and rural communities, with the aim of connecting all communities to adequate and nutritional food access, as provided. The bill would require the office to coordinate with school districts and representatives to assess access to school breakfast and lunch programs during scheduled academic calendar breaks and school closures.

**AB 2147 Mathis R ( Dist. 33) Clean Transportation Program: hydrogen-fueling stations: report: job creation and workforce development.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the State Energy Resources Conservation and Development Commission and the State Air Resources Board to annually jointly review and report on progress toward establishing a hydrogen-fueling network that provides the coverage and capacity to fuel vehicles requiring hydrogen fuel that are being placed into operation in the state. Current law requires the commission and the state board to consider several things, including, but not limited to, the available plans of automobile manufacturers to deploy hydrogen-fueled vehicles in California and their progress toward achieving those plans in their report. This bill would require the commission and state board’s joint review and report to also include information on the progress made on job creation and workforce development in support of hydrogen fueling, limited to the construction, operation, and maintenance of hydrogen-fueling stations that are funded by active commission agreements. The bill would require the report to include the number of related workforce training programs in the state, the number of participants in those workforce training programs, the number of graduates of those workforce training programs, and the number of related jobs in the state that are created annually.

**AB 2190 Mathis R ( Dist. 33) California Environmental Quality Act: expedited judicial review: infrastructure projects: hydrogen.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Governor to certify certain projects, including energy infrastructure projects that meet specified requirements, for streamlining benefits related to the California Environmental Quality Act (CEQA), such as the requirement that judicial actions, including any potential appeals, challenging the certification of an EIR or the granting of approval by a lead agency for certified projects be resolved, to the extent feasible, within 270 days after the filing of the certified record of proceedings with the court. Current law excludes from the definition of “energy infrastructure project” for these purposes any project using hydrogen as a fuel. This bill would delete that exclusion, thereby authorizing the Governor to certify energy infrastructure projects that use hydrogen as a fuel for streamlining benefits related to CEQA, as described above. Because the bill would impose additional duties on lead agencies in conducting the environmental review of energy infrastructure projects using hydrogen as a fuel that are certified by the Governor, including the concurrent preparation of the record of proceedings, this bill would impose a state-mandated local program.

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**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The State Air Resources Board administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. This bill would require the state board to authorize a voucher issued under the program to be used for the acquisition of any zero-emission vehicle that meets specified requirements.

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking, with specified available funds to be allocated to eligible projects by the California Transportation Commission and regional transportation agencies through the adoption of a program of projects. Existing law requires the commission to develop guidelines regarding, among other topics, project eligibility and project selection for the program of projects, as provided. This bill would prohibit, on and after January 1, 2026, the commission from adding a project that creates a Class III bikeway or adds a specific road marking used to inform road users that bicyclists might occupy the travel lane to the program of projects, unless the bikeway or road marking is on a highway with a design speed limit of 25 miles per hour or less or the project will implement improvements to reduce the design speed limit to 25 miles per hour or less.

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	
	1st House				2nd House							

The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, among others, that the development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate-income housing units required remain available at affordable housing costs or rent to persons and families of lower or moderate income, as specified. This bill would deem a tribal housing development that is located on a site owned in fee simple by the tribe an allowable use if it satisfies specified requirements, including that it is located on an infill lot and it is not located on an environmentally sensitive site, as specified. The bill would define “allowable use” for purposes of these provisions to mean that the development project is a permitted use regardless of zoning designation, as specified.

**AB 2394 Grayson D ( Dist. 15) California Environmental Quality Act.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA makes various legislative findings and declarations regarding the maintenance of a quality environment for the people of this state and states the intent of the Legislature for state agencies to regulate activities so that major consideration is given to preventing environmental damage. This bill would make nonsubstantive changes to those findings and declarations, and to the statement of intent.

**AB 2400 Rivas, Luz D ( Dist. 43) California Alternative Energy and Advanced Transportation Financing Authority Act.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing sales and use tax laws impose taxes on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2026, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusions from exceeding \$100,000,000 for each calendar year, except as provided. The Sales and Use Tax Law, for the purposes of the taxes imposed pursuant to that law, until January 1, 2026, excludes the lease or transfer of title of tangible personal property constituting a project to any contractor for use in the performance of a construction contract for a participating party that will use that property as an integral part of the approved project. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects to January 1, 2031, and would extend the sales and use tax exclusion to January 1, 2031. The bill would make other conforming changes.

**AB 2417 Hoover R ( Dist. 7) Homelessness: California Interagency Council on Homelessness.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Governor to create the California Interagency Council on Homelessness, and specifies the duties of the coordinating council to include creating partnerships among state agencies and departments, local government agencies, and specified federal agencies and private entities, for the purpose of arriving at specific strategies to end homelessness. Current law requires agencies and departments administering state programs to collaborate with the California Interagency Council on Homelessness to adopt guidelines and regulations to incorporate core components of Housing First. This bill would repeal Housing First policies and related requirements, thereby removing the requirement on those state agencies and departments to incorporate core components of Housing First.

**AB 2418 Patterson, Jim R ( Dist. 8) Vehicular air pollution: heavy-duty trucks.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the state board to adopt and implement emission standards for new motor vehicles for the control of emissions from new motor vehicles that the State Air Resources Board finds to be necessary and technologically feasible, as provided. Current state regulations establish exhaust emissions standards and test procedures for 1985 and subsequent model heavy-duty engines and vehicles, as provided. Current law defines “heavy-duty” for purposes of laws governing air resources. This bill would exempt, notwithstanding any other law, 2024 and subsequent model heavy-duty truck that meets federal exhaust emission standards from the state regulations described above governing exhaust emissions standards and test procedures for 1985 and subsequent model heavy-duty engines and vehicles.

**AB 2421 Low D ( Dist. 26) Employer-employee relations: confidential communications.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law that governs the labor relations of public employees and employers, including the Meyers-Milias-Brow Act, the Ralph C. Dills Act, and provisions relating to judicial employees, public schools, higher education, the San Francisco Bay Area Rapid Transit District, the Santa Cruz Metropolitan Transit District, the Sacramento Regional Transit District, and other public transit employees, prohibits employers from taking certain actions relating to employee organizations. This includes imposing or threatening to impose reprisals on employees, discriminating or threatening to discriminate against employees, or otherwise interfering with, restraining, or coercing employees because of their exercise of their guaranteed rights. Those provisions further prohibit denying to employee organizations the rights guaranteed to them by existing law. This bill would also prohibit a local public agency employer, a state employer, a judicial employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization’s representation.

**AB 2427 McCarty D ( Dist. 6) Electric vehicle charging stations: permitting: curbside charging.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law continues into existence the zero-emission vehicle (ZEV) division within Governor’s Office of Business and Economic Development (GO-Biz) as the Zero-Emission Vehicle Market Development Office. Current law references GO-Biz’s Electric Vehicle Charging Station Permitting Guidebook, which recommends best practices for electric vehicle supply equipment permitting. This bill would require the office to develop a model permitting checklist, model zoning ordinances, and best practices for permit costs and permit review timelines to help local

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governments permit curbside charging stations as part of the office’s development of the Electric Vehicle Charging Station Permitting Guidebook or any subsequent updates. The bill would also require the office to consult with local governments, electric vehicle service providers, and utilities while developing the above-described materials.

**AB 2430 Alvarez D ( Dist. 80) Planning and zoning: density bonuses: monitoring fees.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law, commonly referred to as the Density Bonus Law, requires a city, county, or city and county to provide a developer that proposes a housing development within the city or county with a density bonus, waivers or reductions of development standards and parking ratios, and other incentives or concessions, as specified, if the developer agrees to construct certain types of housing, including a housing development in which 100% of the units are for lower income households, except that up to 20% of the units in the development may be for moderate-income households, as specified. This bill would prohibit a city, county, or city and county from charging a monitoring fee, as defined, on those types of housing developments if certain conditions are met, except as specified. The bill would provide that, beginning on January 1, 2025, any housing development that is currently placed in service, is subject to monitoring fees, and meets those conditions shall no longer be subject to those fees.

**AB 2431 Mathis R ( Dist. 33) Taxation: Transactions and Use Tax Law: limit increase.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes cities and counties, subject to certain limitations and approval requirements, to levy a transactions and use tax for general or specific purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%. This bill would authorize a city, county, or city and county to impose a transactions and use tax at a rate of no more than an unspecified percentage that, in combination with other transactions and use taxes, would exceed the above-described combined rate limit of 2%, if certain conditions are met, including that the city, county, or city and county has reached the 2% rate limitation.

**AB 2443 Carrillo, Juan D ( Dist. 39) Transactions and use taxes: Cities of Lancaster, Palmdale, and Victorville.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes cities and counties, subject to certain limitations and approval requirements, to levy a transactions and use tax for general or specific purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the jurisdiction not exceed 2%. This bill would authorize the Cities of Lancaster, Palmdale, and Victorville to impose a transactions and use tax for the support of countywide transportation programs or general services, at a rate of no more than 1% that, in combination with other transactions and use taxes, would exceed the above-described combined rate limit of 2%, if certain requirements are met. The bill would provide that a transactions and use tax rate imposed pursuant to the bill will not be considered for purposes of the combined rate limit described above. The bill would repeal these authorizations on January 1, 2029, if an ordinance proposing the tax has not been approved by that date, as specified.

**AB 2448 Jackson D ( Dist. 60) Electric Vehicle Economic Opportunity Zone: County of Riverside.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

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Would, upon appropriation by the Legislature, establish an Electric Vehicle Economic Opportunity Zone (EVEOZ) for the County of Riverside, administered by the Labor and Workforce Development Agency, for the purpose of creating programs to make electric vehicle manufacturing jobs and education more accessible to lower income communities. The bill would require the agency to collaborate with the County of Riverside in determining the geographical boundaries of the EVEOZ. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would authorize the agency to partner with educational institutions, electric vehicle manufacturing businesses, and local and national financial intuitions to develop EVEOZ education, training, and investment programs, as specified.

**AB 2453 Villapudua D ( Dist. 13) Weights and measures: electric vehicle supply equipment.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state, including devices used to measure electricit sold as a motor vehicle fuel. Current law regulates the use and repair of weighing or measuring devices. Current law authorizes a device to be placed in service only by a sealer or a service agency. This bill would prohibit, until January 1, 2028, requiring electric vehicle supply equipment (EVSE) to be retested or placed in service by a servic agency or sealer, if the EVSE has previously been placed in service by a service agency or sealer, before the EVSE is used after receiving maintenance, as specified.

**AB 2460 Ta R ( Dist. 70) Common interest developments: association governance: member election.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Davis-Stirling Common Interest Development Act defines and regulates common interest developments, including member elections. Current law prescribes that a quorum is required only if stated in the governing documents or by law. In the absence of a quorum, current law authorizes an association to adjourn the proceeding to a date at least 20 days after the adjourned proceeding, at which time the quorum required for purposes of a membership meeting is 20% of the voting members present in person, by proxy, or by secret written ballot received. Current law requires an association to provide general notice of the membership meeting, as specified, no less than 15 days prior to the election of directors. In the absence of a quorum, this bill would instead authorize an associatio to adjourn the meeting to a date at least 20 days after the adjourned meeting, at which time the quorum required for purposes of a reconvened meeting would be 20% of the members, voting in person, by proxy, or by secret ballot. The bill would require an association to provide general notice of the reconvened meeting, as specified, no later tha 15 days prior to the date of the reconvened meeting.

**AB 2463 Alanis R ( Dist. 22) Railroad employee safety.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law grants the Division of Occupational Safety and Health jurisdiction over the safety and health of railroad employees, as specified. Current law authorizes a conductor to place a pusher engine ahead of the caboos, as defined, if conditions warrant it for the safety of the occupants of a caboos. This bill would make nonsubstantive changes to provisions relating to the above-described authority of a conductor.

**AB 2464 Alanis R ( Dist. 22) Employment eligibility: reverification.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							



Current law imposes various requirements on public and private employers with regard to federal immigration agency worksite enforcement actions. Current law, except as required by federal law, prohibits a public or private employer, or a person acting on behalf of a public or private employer, from reverifying the employment eligibility of a current employee at a time or in a manner not required by specified federal law. Current law prescribes a penalty of up to \$10,000 for a violation of this prohibition to be recoverable by the Labor Commissioner. This bill would make a nonsubstantive change to these provisions.

**AB 2472 Alvarez D ( Dist. 80) State freeways: air space.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a public agency that has responsibility for the planning and development of public transportation systems to use airspace over or under an existing state freeway as a route for a public transportation system, as provided. This bill would make nonsubstantive changes to this provision.

**AB 2474 Lackey R ( Dist. 34) Retirement: County Employees Retirement Law of 1937: benefit payments and overpayments.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The County Employees Retirement Law of 1937 (CERL) authorizes counties and districts to establish retirement systems in order to provide pension benefits to their employees and their beneficiaries and prescribes the rights, benefits, and duties of members in this regard. CERL defines compensation and compensation earnable for purposes of its provisions. The Public Employees’ Pension Reform Act of 2013 (PEPRA) prescribed various limitations on public employees, employers, and retirement systems concerning, among other things, the types of remuneration that may be included in compensation that is applied to pensions. Under CERL, the board of retirement is required to comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member, as described, authorizing the treasurer or other entity authorized by the board to deliver the monthly warrant, check, or electronic fund transfer for the retirement allowance or benefit to any specified bank, savings and loan institution, or credit union to be credited to the account of the retired member or survivor of a deceased retired member. This bill would also define “account of the retired member or survivor of a deceased retired member” to include an account held in a living trust or an income-only trust, as specified.

**AB 2479 Haney D ( Dist. 17) Housing First: core components.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires agencies and departments administering state programs related to homelessness to adopt guidelines and regulations to incorporate core components of Housing First, as defined. Under current law, Housing First includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient, among other things, in accessing permanent housing. Current law defines “state programs” for this purpose as any program a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness, except as provided. Under existing law, the core components of Housing First include, among others, services that are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants’ lives, where tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses. This bill would clarify, pursuant to that core component, that state departments or agencies may allow programs to fund recovery housing, as defined, that use

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substance use-specific services, peer support, and physical design features supporting individuals and family path to recovery from addiction that emphasizes abstinence, so long as the state program meets specified requirements.

**AB 2480 Garcia D ( Dist. 36) Zero-emission schoolbus replacement grants: private contractors.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law appropriates, for the 2023–24 fiscal year, \$375,000,000 from the General Fund to the State Air Resources Board for the Hybrid and Zero-Emission Truck and Voucher Incentive Project to fund grants to local educational agencies, as defined, for zero-emission schoolbuses to replace heavy-duty internal combustion schoolbuses owned by local educational agencies, as specified, and \$125,000,000 from the General Fund to the State Energy Resources Conservation and Development Commission to fund grants to local educational agencies for zero-emission schoolbus charging or fueling infrastructure and related activities, including, but not limited to, charging or fueling stations, equipment, site design, construction, and related infrastructure upgrades, in order to complement those vehicle investments, as specified. This bill would also make the above-described grants available to a private contractor, defined as an entity under contract with a school district, county office of education, or charter school with ownership of title for a schoolbus that is used to provide transportation services for the school district, county office of education, or charter school, as provided. By expanding the scope of eligibility for purpose of an appropriation, the bill would make an appropriation.

**AB 2482 Papan D ( Dist. 21) County treasurer: settlement of accounts.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the county treasurer to settle the county treasurer’s accounts relating to the collection, care, and disbursement of public revenue with the auditor no less frequently than monthly. Current law additionally requires the county treasurer, upon the request of the auditor, to provide a settlement of cash receipts and disbursements of the prior calendar month to the auditor on or before 10 business days after the treasurer receives the auditor’s request. This bill would instead require the treasurer, upon the request of the auditor, to provide a settlement of cash receipts and disbursements of the prior calendar month to the auditor on or before 12 business days after the treasurer receives the auditor’s request.

**AB 2485 Carrillo, Juan D ( Dist. 39) Regional housing need: determination.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, which includes, among other mandatory elements, a housing element. That law requires, for the 4th and subsequent revisions of the housing element, the Department of Housing and Community Development (department), in consultation with each council of governments, where applicable, to determine the existing and projected need for housing for each region, at least 2 years prior to the scheduled revision of the housing element, as specified. That law requires the department’s determination to be based upon population projections produced by the Department of Finance and regional population forecasts developed by the council of governments and used for the preparation of the regional transportation plan, as specified. That law also requires the department to meet and consult with the council of governments regarding the assumptions and methodologies to be used to determine a region’s housing need and requires the council of governments to provide data assumptions from the council of governments’ projections, as specified. That law authorizes the department to accept or reject the information provided by the council of governments and, requires the department, after

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consultation with the council of governments, to make determinations on the data assumptions and the method the department will use to determine the region’s housing need, as specified. That law requires the department to provide its determinations to the council of governments, as specified. This bill would for the 8th and subsequent revisions of the housing element require the department to convene and engage stakeholders to consider improvements to the process of determining the existing and projected housing need for each region before determining any region’s existing projected housing need. The bill would require the department, prior to finalization of the regional determination, as specified, to publish on the department’s internet website a summary of the information the department considered and determinations made by the department to improve the process of determining the existing and projected housing need for each region.

**AB 2487 Fong, Mike D ( Dist. 49) Deputy Secretary for Climate.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, upon appropriation by the Legislature, establishes the position of Deputy Secretary for Climate within the Labor and Workforce Development Agency, to be appointed by the Governor and subject to confirmation by the Senate, for the purpose of assisting in the oversight of California’s workforce transition to a sustainable and equitable carbon-neutral economy. Current law requires the deputy secretary to perform specified duties, including creating or coordinating programs with other state agencies to retrain and upskill workers for, among other jobs, clean energy jobs, as specified. On or before January 1, 2025, and annually thereafter, current law requires the deputy secretary to submit a report to the Legislature on key findings and recommendations regarding the development and implementation of the workforce transition to a sustainable and equitable clean energy economy. This bill would also require the deputy secretary to create and maintain a green jobs website that serves as the central hub for employment opportunities related to the transition to carbon-neutral jobs.

**AB 2488 Ting D ( Dist. 19) Downtown revitalization and economic recovery financing districts: City and County of San Francisco.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including the acquisition, construction, or rehabilitation of housing for persons of very low, low, and moderate income. Current law requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, at the same time the resolution to form an enhanced infrastructure district is adopted. Current law requires the public financing authority to adopt an infrastructure financing plan that includes specified information, including a finding that the development and financial assistance are of communitywide significance and provide significant benefits to an area larger than the area of the district. This bill would authorize the City and County of San Francisco to designate one downtown revitalization and economic recovery financing district for the purpose of financing commercial-to-residential conversion projects with incremental tax revenues generated by commercial-to-residential conversion projects within the district.

**AB 2503 Lee D ( Dist. 24) California Environmental Quality Act: exemption: passenger rail projects.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA), until January 1, 2030, exempts from its requirements certain transportation-related projects if specified requirements are met, including that a local agency, as defined, is carrying out the project and that the project will be completed by a skilled and trained workforce, as provided. CEQA includes within these exempt transportation-related projects a public project for the institution or increase of bus

rapid transit, bus, or light rail service, which will be exclusively used by low-emission or zero-emission vehicles on existing public rights-of-way or existing highway rights-of-way. Current law requires the lead agency, if it determines that a transportation-related project is exempt from CEQA and determines to carry out the project, to file a notice of exemption with the Office of Planning and Research and the county clerk in which the project is located. This bill would expand that exemption from CEQA to include a public project for the institution or increase of other passenger rail service, which will be exclusively used by zero-emission trains, located entirely within existing rail rights-of-way or existing highway rights-of-way. Because the bill would increase the duties of the county clerk, this bill would impose a state-mandated local program.

**AB 2522 Carrillo, Wendy D ( Dist. 52) Air districts: governing boards: compensation.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law provides that the south coast district is governed by a district board consisting of 11 members and that each member of the board shall receive compensation of \$100 for each day, or portion thereof, but not to exceed \$1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member’s official duties. This bill would raise the limits of the above-described compensation each member of the board receives to up to \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, as specified.

**AB 2525 Zbur D ( Dist. 51) State highways: property leases.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes the Department of Transportation to offer leases to the City of Los Angeles on a right of first refusal basis for any airspace under a freeway or certain real property acquired for highway purposes located in the city for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified. This bill would expand the purposes for which these leases may be issued to include an emergency shelter or feeding program, a secure vehicle lot program, or any combination of those purposes. The bill would define “secure vehicle lot program” to mean the use of the leased property to store a vehicle belonging to a person receiving services from the lessee or other governmental agency for the purpose of relieving homelessness. The bill would specify conditions for a vehicle stored in a secure vehicle lot program. The bill would also increase the number of parcels that may be leased for \$1 per month to 25 parcels.

**AB 2535 Bonta D ( Dist. 18) Trade Corridor Enhancement Program.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law requires the California Transportation Commission, under a program commonly known as the Trade Corridor Enhancement Program, to allocate, upon appropriation by the Legislature, revenues from a specified portion of the state excise tax on diesel fuel and certain federal funds to infrastructure projects located on or along specified transportation corridors. Under current law, eligible projects under the program include, among others, highway improvements to more efficiently accommodate the movement of freight and environmental and community mitigation or efforts to reduce environmental impacts of freight movement. Under the program, existing law requires the commission to adopt a program of projects from projects nominated by the Department of Transportation and

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local agencies. In adopting the program of projects, existing law requires the commission to evaluate the to potential economic and noneconomic benefits of the program of projects to California’s economy, environment, and public health, and to specifically assess localized impacts in disadvantaged communities. Current law also requires the California Environmental Protection Agency to identify disadvantaged communities, and, pursuant to that requirement, the agency has developed a tool to identify those communities, commonly known as CalEnviroScreen This bill would, commencing January 1, 2025, require the commission, the Department of Housing and Community Development, and the State Air Resources Board to create guidance for the programming of projects under the Trade Corridor Enhancement Program that expand the physical footprint of a highway in a community in the highest 10% of CalEnviroScreen communities. Commencing January 1, 2028, the bill would require this guidance to be incorporated into the programming cycle.

**Position: Oppose**

**AB 2536 Hoover R ( Dist. 7) Vehicles: local registration fees.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a specific fee, in addition to other fees imposed for the registration of a vehicle, to be expended in part to fund programs to deter, investigate, and prosecute vehicle theft crimes. This bill would, for purposes of this requirement, define vehicle theft crimes to include the theft of vehicle parts or components.

**AB 2553 Friedman D ( Dist. 44) Housing development: major transit stops: vehicular traffic impact fees.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements residential projects on infill sites and transit priority projects that meet certain requirements, including a requirement that the projects are located within 1/2 mile of a major transit stop. This bill would revise the definition of “major transit stop” to increase the frequency of service interval to 20 minutes.

**AB 2555 Quirk-Silva D ( Dist. 67) Sales and use tax: exemption: medicinal cannabis: donations.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidate the licensure and regulation of commercial medicinal and adult-use cannabis activities. Current sales and use tax laws impose use taxes on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, presumes tangible personal property purchased outside the state that is stored, used, or consumed in this state is purchased for use in this state, and provides various exemptions from those taxes. Current law exempts from the use tax the storage, use, or other consumption in this state of medicinal cannabis or medicinal cannabis products that are donated, for no consideration, under specified circumstances. Current law requires the exemption to apply only if the cannabis retailer certifies in writing, as specified, that the medicinal cannabis or medicinal cannabis product will be used as specified. Current law makes a licensee that uses the donated medicinal cannabis or medicinal cannabis product in



some other manner, or for some other purpose, liable for the payment of use tax and subject to having their suspension suspended. Current law repeals these provisions 5 years after the specified operative date. This bill would extend these provisions until January 1, 2030.

**AB 2559 Petrie-Norris D ( Dist. 73) Local planning: electric vehicle service equipment: permitting delays.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

Existing law creates the Governor’s Office of Business and Economic Development (GO-Biz) and requires GO-Biz to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Existing law requires every city, county, an city and county to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit and requires the review of an application to install an electric vehicle charging station to be limited to the building official’s review of whether it meets all health and safety requirements of local, state, and federal law. Existing law requires an electric vehicle charging station to comply with among other things, all applicable rules of the Public Utilities Commission regarding safety and reliability, as specified. This bill would require GO-Biz to create and maintain a publicly accessible internet website that contains landing page with functionality to collect information and report delays and denials regarding all applicable forms of permitting for zero-emission vehicle infrastructure, as specified. The bill would prohibit GO-Biz from publicly displaying any submissions received under these provisions. The bill would require GO-Biz in a new or existing working group, as specified, to evaluate the data it receives from the internet website and direct the working group to determine recommended solutions to address permitting delays. The bill would require, on or before January 1, 2026, GO-Biz to submit to the Legislature and publish on its internet website a comprehensive report regarding the challenges identified throughout the data collection process, as specified. The bill would also require GO-Biz to establish a permit streamlining specialist to assist authorities having jurisdiction with permit delays and denials related to these provisions.

**AB 2560 Alvarez D ( Dist. 80) Density Bonus Law: California Coastal Act of 1976.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

The California Coastal Act of 1976, regulates development, as defined, in the coastal zone, as defined, and require a new development to comply with specified requirements. The Density Bonus Law provides that its provisions do not supersede or in any way alter or lessen the effect or application of the act, and requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner consistent with the act. This bill would instead provide that, in the coastal zone, the Density Bonus Law does not relieve a project from the requirement to obtain a coastal development permit, as specified. The bill would require any density bonus, concessions, incentives, waiver or reductions of development standards, and parking ratios to which an applicant is entitled to be permitted in a manner that is consistent with the Density Bonus Law and does not result in significant adverse impacts to coastal resources and public coastal access, as specified.

**AB 2583 Berman D ( Dist. 23) School zones: speed limits.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

Current law establishes a prima facie speed limit of 25 miles per hour when approaching or passing a school building or grounds contiguous to a highway or when the school grounds are not separated from the highway, as specified. Current law authorizes a local authority, by ordinance or resolution, to reduce the prima facie speed limit based on

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an engineering and traffic survey, as specified. This bill would, until January 1, 2028, instead establish a prima facie speed limit of 25 miles per hour in a school zone, as defined, subject to specified conditions, including, among others, when a school speed limit sign states “when children are present” and children are present, as defined, and when a school speed limit sign states specific hours, as specified. The bill would, notwithstanding the above provision and until January 1, 2028, authorize a local authority, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 miles per hour in a school zone. The bill would, beginning on January 1, 2028, establish a prima facie speed limit of 20 miles per hour in a school zone, subject to conditions similar to those described above.

**AB 2584 Lee D ( Dist. 24) Single-family residential real property: corporate entity: ownership.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would prohibit a business entity, as defined, that has an interest in more than 1,000 single-family residential properties from purchasing, acquiring, or otherwise obtaining an ownership interest in another single-family residential property and subsequently leasing the property, as specified. The bill would authorize the Attorney General to bring a civil action for a violation of these provisions, and would require a court in a civil action in which the Attorney General prevails to order specified relief, including that the business entity pay a civil penalty of \$100,000 for each violation and that the business entity sell the property to an independent third party within one year of the date that the court enters judgment. The bill would require that these provisions be the exclusive means of enforcement of these provisions.

**AB 2590 Reyes D ( Dist. 50) San Bernardino County Transportation Authority: contracting.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the San Bernardino County Transportation Authority with various powers and duties relative to transportation planning and funding in the County of San Bernardino. Current law requires the authority’s contracts for the purchase of supplies, equipment, and materials, and the construction of all facilities and works, to be let to the lowest responsible bidder when the expenditure required exceeds \$25,000. Current law also requires the authority to obtain a minimum of 3 quotations, either written or oral, that permit prices and terms to be compared whenever the expected expenditure required exceeds \$1,000 but not \$25,000. This bill would authorize a contract for the purchase of supplies, equipment, or materials with a required expenditure that exceeds \$100,000 to be let to the lowest responsible bidder, or, in the authority’s discretion, to the responsible bidder who submitted a proposal that provides the best value to the authority on the basis of the factors identified in the solicitation.

**Position:** Sponsor

**AB 2592 Grayson D ( Dist. 15) Local planning: housing elements: water and sewer services.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires that the housing element adopted by the legislative body of the city, county, or city and county and any amendments made to that element be delivered to all public agencies or private entities that provide water or sewer services, as described, within the territory of the legislative body. Current law requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households. Existing law also requires a public agency or private entity providing water or sewer services to adopt written policies and procedures not later than July 1, 2006, and at least once every 5 years thereafter, with specific objective standards for provision of services, as described. This bill would instead require each public agency or private entity providing



water or sewer services to grant a priority for the provision of these services to proposed housing developments which the bill would define for these purposes to include both housing developments that include units sold or rented to lower income households, as provided in existing law as described above, and housing developments constructed pursuant to specified laws providing for ministerial approval of certain housing developments or subdivision maps. The bill would also update the compliance date to adopt written policies and procedures to July 1, 2025, and continue to require the adoption of those written policies and procedures at least once every 5 years thereafter.

**AB 2626 Dixon R ( Dist. 72) Advanced Clean Fleets regulations: local governments.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleet Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would extend the compliance dates for local government set forth in the Advanced Clean Fleets Regulation by 10 years. The bill would prohibit the state board from taking enforcement action against a local government for violating the Advanced Clean Fleets Regulation if the alleged violation occurs before January 1, 2025.

**AB 2634 McCarty D ( Dist. 6) Sacramento Regional Transit District.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Current law requires each transit operator, including the district, that offers reduced fares to senior citizens to also offer reduced fares to disabled persons, as defined, and disabled veterans, as defined, at the same rate established for senior citizens, as specified. This bill would exempt the district from that requirement until January 1, 2027, as specified. If the district reduces fares for senior citizens below the rate offered to disabled persons or disabled veterans, the bill would prohibit the district from increasing rates for disabled persons and disabled veterans and would require the district to submit a report to the Legislature, as specified.

**AB 2638 Ward D ( Dist. 78) Housing programs: financing.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Zenovich-Moscone-Chacon Housing and Home Finance Act establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing and to provide housing assistance and home loans. Current law sets forth various general powers of the department in implementing these programs, including authorizing the department to enter into long-term contracts or agreements of up to 30 years for the purpose of servicing loans or grants or enforcing regulatory agreements or other security documents. Current law, unless an extension of a department loan, the reinstatement of a qualifying unpaid matured loan, the subordination of a department loan to new debt, or an investment of tax credit equity would result in a rent increase for tenants of a development, authorizes the Department of Housing and Community Development to approve an extension, reinstatement, subordination, payoff, extraction, or investment pursuant to

specified rental housing finance programs, as specified, or if the department determines that a project has, or will have after rehabilitation or repairs, a potential remaining useful life equal to or greater than the term of the restructured loan. Current law authorizes the department to charge a monitoring fee to cover the aggregate monitoring costs in years the loan is extended and a transaction fee to cover its costs for processing restructuring transactions, and requires developer fee limitations to be consistent with specified laws and regulations, including regulations by the California Tax Credit Allocation Committee. This bill would revise and recast these provisions, including additionally authorizing the department to approve the payoff of a department loan in whole or part before the end of its term and the extraction of equity from a development for purposes approved by the department. The bill would specify eligible uses of loan and equity sources, if the department determines that a project has, or will have after rehabilitation or repairs, a potential remaining useful life equal to or greater than the term of the department's regulatory agreement for purposes of approving an extension, reinstatement, subordination, payoff, extraction, or investment, as described above.

**AB 2639 Patterson, Joe R ( Dist. 5) Forestry: timber operations: maintenance of timberlands for fuels reduction.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. Current law defines "timber operations" for purposes of the act. The act provides that any person who willfully violates any provision of the act or rule or regulation of the State Board of Forestry and Fire Protection is guilty of a misdemeanor. This bill would expand the definition of "timber operations" to include the maintenance of timberlands through fuels reduction paid in part or in whole with public funds. By expanding the scope of a crime, the bill would create a state-mandated local program. The bill would provide that timber operations for the maintenance of timberland, paid in part or in whole with public funds, may, as an alternative to obtaining an approved timber harvesting plan, comply with the requirements of the California Environmental Quality Act (CEQA).

**AB 2645 Lackey R ( Dist. 34) Electronic toll collection systems: information sharing: law enforcement.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prohibits a transportation agency, as defined, from selling or otherwise providing to any other person or entity, with certain exceptions, personally identifiable information of a person who subscribes to an electronic toll collection system or who uses a toll bridge, toll lane, or toll highway that employs an electronic toll collection system. Current law authorizes a law enforcement agency to request the Department of the California Highway Patrol (CHP) to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Current law also authorizes the CHP, upon the request of a law enforcement agency, to activate various other alerts for missing individuals meeting certain criteria and alerts following an attack upon a law enforcement officer or a hit-and-run fatality. This bill would authorize a transportation agency that employs an electronic toll collection system to provide the date, time, and location of a vehicle license plate read captured by the system to a peace officer in response to one of these alerts.

**Position:** Support

**AB 2649 Wicks D ( Dist. 14) State government: housing projects.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would state the intent of the Legislature to enact legislation that would designate an unspecified state entity with permitting authority for housing projects of statewide significance, and would make related findings and declarations.

**AB 2656 Ramos D ( Dist. 45) Tribal gaming: compact ratification.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The current federal Indian Gaming Regulatory Act of 1988 provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature. Current law expressly ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes. This bill would ratify the tribal-state gaming compact entered into between the State of California and the Table Mountain Rancheria, executed on November 1, 2023. The bill would provide that in deference to tribal sovereignty, certain actions related to this compact are not projects for purposes of the California Environmental Quality Act (CEQA).

**AB 2662 Mathis R ( Dist. 33) Sale of agricultural land: tribal first right of refusal.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require a property owner selling agricultural land within an area of cultural and traditionally significant land to send, before selling or participating in negotiations to sell that agricultural land to a prospective buyer, a notice of first right of refusal for the agricultural land to a California Native American tribe affiliated with the cultural and traditionally significant land within the area of the agricultural land. The bill would require a California Native American tribe desiring to purchase the agricultural land to notify, in writing, the property owner of its interest in purchasing the agricultural land within 30 days after the notice of first right of refusal is provided. The bill would, after the property owner receives a notice of interest from a California Native American tribe, require the property owner and tribe to enter into good faith negotiations to determine mutually satisfactory terms of the sale except for the price, as specified. The bill would require the price to be the appraised fair market value of the agricultural land, unless otherwise mutually agreed upon by all parties to the sale. The bill would authorize the property owner to transfer the agricultural land without regard for these provisions, if the property owner does not receive a notice of interest from a California Native American tribe 30 days after the notice of first right of refusal is provided, or if the terms, besides price, cannot be agreed upon after a good faith negotiation period of not less than 90 days. This bill would provide that if a California Native American tribe purchases agricultural land in accordance with this bill, the tribe shall continue to use the agricultural land for agricultural purposes.

**AB 2663 Grayson D ( Dist. 15) Inclusionary housing: fees: reports.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, commencing on January 1, 2026, would require a local agency that collects inclusionary housing in-lieu fees and has an internet website to annually post on its internet website the amount of those fees collected in the previous year and whether those fees are intended to be used for a project, if any. The bill would define “inclusionary housing in-lieu fees” to mean fees imposed as an alternative means of compliance with an inclusionary housing requirement. The bill, commencing on January 1, 2026, and every 5 years thereafter, would require a local agency that collects inclusionary housing in-lieu fees to post on its internet website the amount of those fees collected in the past 5 years and the project those fees were spent on.

**AB 2665 Lee D ( Dist. 24) Housing finance: Mixed Income Revolving Loan Program.**

Attachment: Bill Report 10-24 (10985 : State Legislative Update)

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish, upon appropriation by the Legislature, the Mixed Income Revolving Loan Program within the California Housing Finance Agency to provide zero-interest construction loans to qualifying residential, infill housing developers for purposes of constructing deed-restricted affordable housing. The bill would require the agency to administer the program pursuant to specified requirements, including that any loans provided under the program be for the development of multifamily housing projects where a portion of the housing units in the project are set aside to ensure affordability, as specified. The bill would require the agency to be the administrator of the program and to promulgate rules and regulations deemed necessary for the administration and implementation of its provisions.

**AB 2667 Santiago D ( Dist. 54) Affirmatively furthering fair housing: housing element: reporting.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. Current law requires a housing element to include a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through, among other things, the administration of land use and development controls and the provision of regulatory concessions and incentives. Current law requires this program to affirmatively further fair housing and consist of specified components, including a summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity. This bill would require the Department of Housing and Community Development to develop a standardized reporting format for programs and actions taken with regards to the local agency affirmatively further fair housing that enables the reporting of the assessment components described-above, as specified. The bill would require local governments to utilize the standardized reporting format for the 7th and each subsequent revision of the housing element. This bill would require a planning agency, for the 7th and each subsequent revision of the housing element, to make a draft of its inventory of sites required under the Housing Element Law available to the department and the public, post the draft inventory on its internet website, and send a notification email to individuals and organizations that have previously requested notices at least 90 days before the initial adoption of the housing element and at least 7 days before any subsequent adoption submittal if changes have occurred to the inventory of sites.

**AB 2669 Ting D ( Dist. 19) Toll bridges: tolls.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for the construction and operation of various toll bridges by the state, the Golden Gate Bridge Highway and Transportation District, and private entities that have entered into a franchise agreement with the state. This bill would prohibit a toll from being imposed on the passage of a pedestrian, bicycle, or personal micromobility device over these various toll bridges, unless the bridge was under construction on or after January 1, 2025, and the tolls are used to fund the cost of constructing the bridge.

**AB 2676 Gabriel D ( Dist. 46) Housing elements.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Attachment: Bill Report 10-24 (10985 : State Legislative Update)

Current law requires a city, county, or city and county to submit a draft housing element or draft amendment to its housing element to the Department of Housing and Community Development for a determination as to whether the draft complies with state law governing housing elements. Current law imposes certain requirements on an action brought by an interested party to review the conformity of a housing element with applicable state law. This bill would make a nonsubstantive change to the provision imposing certain requirements on those actions.

**AB 2678 Wallis R ( Dist. 47) Vehicles: high-occupancy vehicle lanes.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs). Current federal law authorizes, until September 30, 2025, a state to allow specified alternate fuel and plug-in electric or hybrid vehicles to use lanes designated for HOVs. Current state law authorizes the Department of Motor Vehicles to issue decals or other identifiers to qualified vehicles, as specified. Current state law allows a vehicle displaying a valid decal or identifier issued pursuant to these provisions to be operated in a lane designated for the exclusive use of HOVs regardless of the occupancy of the vehicle. These existing state laws, by operation of their provisions, become inoperative on the date the federal authorization expires. Current state law also repeals these provisions on September 30, 2025. This bill would extend the repeal date of these provisions until January 1, 2027.

**AB 2687 Flora R ( Dist. 9) Automated traffic enforcement systems.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

This bill would, until January 1, 2030, authorize a city or city and county to establish an automated traffic enforcement system for a period of 5 years if, among other things, the system meets the criteria specified above. The bill would require a violation of any traffic law that is recorded by an automated traffic enforcement system to be subject only to a civil penalty, and would prohibit the Department of Motor Vehicles from suspending or revoking the privilege of a violator to drive a motor vehicle. The bill would require a notice of violation to be in writing and issued to the registered owner of the vehicle within 15 calendar days of the date of the violation.

**AB 2697 Irwin D ( Dist. 42) Transportation electrification: electric vehicle charging stations: network roaming standards.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law prohibits persons desiring to use an electric vehicle charging station that requires payment of a fee from being required to pay a subscription fee to use the station and from being required to obtain membership in any club association, or organization as a condition of using the station. Current law requires the total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, to be disclosed to the public at the point of sale. Current law authorizes the State Energy Resources Conservation and Development Commission to adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations if no interoperability billing standards have been adopted by a national standards organization by January 1, 2015. This bill would require the commission to apply any network roaming standards it adopts only to major electric vehicle charging network operators, as defined.

**AB 2698 Ta R ( Dist. 70) Route 405: Little Saigon Freeway.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							



Would specify that Route 405 from Bolsa Chica Road to Bolsa Avenue in the County of Orange shall be known and designated as the Little Saigon Freeway, and would require the Department of Transportation to determine the cost of appropriate signs showing that special designation and, upon receiving donations from nonstate sources sufficient to cover the cost, to erect those signs, as specified.

**AB 2700 Gabriel D ( Dist. 46) Emergency medical services: alternate destinations.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a local EMS agency to develop a community paramedicine or triage to alternate destination program that, among other things, selects providers to triage individuals to mental health facilities and sobering centers as alternates to emergency departments. Current law requires the Emergency Medical Services Authority to develop and, after approval by the Commission on Emergency Medical Services, adopt regulations and establish minimum standards for the development of those programs. This bill would require the state to survey and analyze the facilities in each county that can serve as an alternate destination facility. The bill would require a local emergency medical services agency to annually report to the Emergency Medical Services Authority regarding the development of triage to alternate destination programs in its jurisdiction, as specified.

**AB 2712 Friedman D ( Dist. 44) Preferential parking privileges: transit-oriented development.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes a local authority, by ordinance or resolution, to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways during all or certain hours of the day. Current law authorizes the ordinance or resolution to include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued permits that exempt them from the prohibition or restriction of the ordinance or resolution. Current law prohibits a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project that is located within 1/2 mile of public transit, as defined unless the public agency makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on, among other things, the city's, county's, or city and county's ability to meet its share of the regional housing need for low- and very low income households. This bill would, for purposes of its provisions, define "development project" to mean a residential, commercial, or other development project exempt from minimum automobile parking requirements, or subject to parking minimum reductions based on any other applicable law, located within the boundaries of the City of Los Angeles. This bill, for a development project that is located within a preferential parking area, would require the development project to be excluded from the boundaries of the preferential parking area and would prohibit the local authority, as defined, from issuing any permit to the residents or visitors of the development project that grants preferential parking privileges.

**AB 2715 Boerner D ( Dist. 77) Ralph M. Brown Act: closed sessions.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session with specified individuals on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a legislative body to hold a closed session with other law

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enforcement or security personnel and to hold a closed session on a threat to critical infrastructure controls critical infrastructure information, as defined, relating to cybersecurity.

**AB 2717 Alvarez D ( Dist. 80) Planning and zoning: housing element: annual progress report.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

This bill would require each planning agency, in their above-described annual report, to include the number of rental housing units and for-sale units that have been completed, as evidenced by the project’s certificate of occupancy, pursuant to the above-described assessment and inventory.

**AB 2719 Wilson D ( Dist. 11) Vehicles: commercial vehicle inspections.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would authorize a public transit agency, as defined, to request the California Highway Patrol (CHP) to conduct an annual inspection and certification of its fleet. The bill would authorize the Commissioner of the CHP to issue stickers or other devices as evidence of certification. The bill would exempt any public transit agency vehicle that has been certified through that inspection from the requirement to stop at a roadside inspection.

**AB 2728 Gabriel D ( Dist. 46) Planning and zoning: housing development: independent institutions of higher education and religious institutions.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan that includes, among other mandatory elements, a housing element. That law requires the city’s or county’s planning agency, after the legislative body has adopted a general plan, to submit an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development. This bill would require a local government to include in the annual report specified information relating to housing development projects under the act, including the number of applications submitted and the total number of building permits issued under the act.

**AB 2735 Rubio, Blanca D ( Dist. 48) Joint powers agreements: water corporations.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would authorize a water corporation, as defined, a mutual water company, and one or more public agencies to provide insurance, as specified, by a joint powers agreement. The bill would also authorize a water corporation, a mutual water company, and one or more public agencies to enter into a joint powers agreement for the purposes of risk pooling, as specified. The bill would prohibit a joint powers agency from allowing a water corporation to join the joint powers agency, unless the joint powers agency makes a specified determination relating to insurance. If a water corporation enters into a joint powers agreement for the purposes of risk pooling, the bill would require the water corporation to submit an annual information filing to the Public Utilities Commission and the joint powers agency, as specified.

**AB 2743 Pacheco D ( Dist. 64) Insurance: personal vehicle sharing.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Current law prohibits classifying a private passenger motor vehicle as a commercial vehicle, for-hire vehicle, permissive use vehicle, or livery solely because its owner allows it to be shared, if specified criteria are met, including if the annual revenue received by the vehicle’s owner generated by the personal vehicle sharing of the vehicle does not exceed the annual expenses of owning and operating the vehicle. Current law requires a personal vehicle sharing program, for each vehicle that it facilitates the use of, among other things, to provide insurance coverages for the vehicle and operator of the vehicle that are equal to or greater than the insurance coverages maintained by the vehicle owner, but no less than 3 times the minimum coverage amounts for private passenger vehicles. Current law requires an owner or operator of a motor vehicle, or an owner of a vehicle used to transport passengers for hire not regulated by the Public Utilities Commission, to maintain liability insurance coverage for the named insured and any other person using the vehicle with permission in the amount of \$15,000 for the bodily injury or death of any one person, \$30,000 for the bodily injury or death of all persons, and \$5,000 for damage to the property of others resulting from any one accident. Current law increases these minimum amounts to \$30,000, \$60,000, and \$15,000, respectively, on January 1, 2025. This bill would require a personal vehicle sharing program to provide, instead, insurance coverages for the vehicle and operator at a minimum of \$45,000 for bodily injury or death for one person, \$90,000 for bodily injury or death for all persons, and \$15,000 for property damage, and, on and after January 1, 2031, to provide liability coverage at least 3 times the minimum insurance requirements for private passenger vehicles. The bill would require a personal vehicle sharing program to disclose to a vehicle owner and any person that operates the vehicle specified information, including the minimum mandatory coverage and limit that the personal vehicle sharing program is required to provide and the coverages and limits provided.

**AB 2744** [McCarty D \( Dist. 6\)](#) **Vehicles: pedestrian, bicycle, and vehicle safety.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the legislative body of a city to do any and all things necessary to lay out, acquire, and construct a section or portion of a street or highway within its jurisdiction as a freeway and to make an existing street or highway a freeway. Current law authorizes a legislative body of a city, whenever this legislative body determines that it is necessary for the more efficient maintenance, construction, or repair of streets and roads within the city, to contract with the board of supervisors of any county for the rental of the county’s equipment, as specified. This bill would, beginning on January 1, 2025, prohibit the construction of slip lanes, as defined.

**AB 2750** [Gallagher R \( Dist. 3\)](#) **Electricity: procurement: generation from biomass.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires electrical corporations, in addition to other requirements to procure generating capacity from bioenergy projects, to collectively procure, by December 1, 2023, their proportionate share of 125 megawatts of cumulative rated generating capacity from bioenergy projects that commenced operations before June 1, 2013, and that use certain feedstocks. This bill would extend that procurement deadline to July 1, 2025. This bill contains other related provisions and other existing laws.

**AB 2760** [Muratsuchi D \( Dist. 66\)](#) **Lower Emissions Equipment at Seaports and Intermodal Yards Program.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2032, enact the Lower Emissions Equipment at Seaports and Intermodal Yards Program. The program would be administered by the State Air Resources Board and would require the state board to

approve as covered equipment applicable cargo handling equipment that will reduce cumulative emissions at seaports and intermodal yards in the state. The bill would require a covered equipment application to be approved by the state board if the applicant demonstrates that the total surplus emissions from covered equipment are lower cumulative emissions than the emissions resulting from compliance with the current applicable cargo handling equipment statute, regulation, or rule, as determined by the state board pursuant to the methodology established by the bill, or that the covered equipment meets the standards and definitions for zero emissions set forth under a specified European Union regulation. The bill would require the state board to establish and certify the useful lifespan of each item of covered equipment, and to certify cargo handling equipment as covered equipment if the applicant seller, reseller, distributor, or manufacturer of the cargo handling equipment demonstrates to the state board that the equipment satisfies specified criteria. The bill would require the state board to establish an application fee, as specified, and would require the application fees to be deposited in the Air Pollution Control Fund and made available to the state board upon appropriation by the Legislature. The bill would require a covered equipment application to be provided to the state board for approval before December 31, 2025. The bill would require the state board, by January 1, 2027, and January 1, 2031, to evaluate the impact of the program on state and local clean air efforts to meet state and local clean air goals and to hold at least one public workshop before completing the evaluation.

**AB 2793 Gabriel D ( Dist. 46) Housing elements: prohousing incentives.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Current law requires the Department of Housing and Community Development to determine whether the housing element is in substantial compliance with those provisions. Current law requires the department to designate jurisdictions as prohousing pursuant to emergency regulations adopted by the department, as prescribed. Current law awards jurisdictions that are prohousing and that are in substantial compliance with specified provisions additional points or preference in the scoring of applications for specified state programs. This bill would make nonsubstantive changes to those provisions.

**AB 2794 Bryan D ( Dist. 55) Community development: Antidisplacement Commercial Property Acquisition Program.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Antidisplacement Commercial Property Acquisition Program, to be administered by GO-Biz to provide low-interest loans to eligible community-based acquisition partners to acquire commercial property in communities that are vulnerable to gentrification and displacement. The bill would specify the goals of the program, including ensuring local businesses remain in high-risk communities vulnerable to gentrification and displacement. The bill would establish the Antidisplacement Commercial Property Acquisition Revolving Loan Fund, and would authorize GO-Biz, upon appropriation by the Legislature to the fund for purposes of the program, to provide low-interest loans for purposes of the program. The bill would require GO-Biz to adopt regulations to administer the program, including qualifications that prioritize the preservation of Black-, indigenous-, people of color-, and women-owned businesses and the acquisition of commercial property in culturally significant commercial corridors. The bill would require GO-Biz to report to the Legislature on the progress of the program by January 1, 2030, or 5 years after the disbursement of the first loan by GO-Biz, whichever is later. The bill would make the program contingent upon appropriation by the Legislature in the annual Budget Act or another statute for its purposes.

**AB 2796 Alvarez D ( Dist. 80) Equitable Access to Zero-Emissions Vehicles Fund.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Would establish the Equitable Access to Zero-Emission Vehicles Fund and would make moneys in the fund available, upon appropriation by the Legislature, for a new vehicle rebate program and for other specified purposes. The bill would require the State Air Resources Board, by July 1, 2025, to establish a program to offer rebates for the purchase of zero-emission vehicles and other specified vehicles from moneys made available from the fund. The bill would require the state board to submit a biennial report to the Legislature that includes certain information relating to the expenditures from the fund.

**AB 2802 Maienschein D ( Dist. 76) Transitional housing placement providers.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Community Care Facilities Act requires the State Department of Social Services to license and regulate transitional housing placement providers pursuant to the act. Under existing law, a transitional housing placement provider is an organization licensed by the department to provide transitional housing to foster children a least 16 years of age and not more than 18 years of age and to nonminor dependents to promote their transition to adulthood. Current law requires a transitional housing unit to include, among other things, a host family certified by a transitional housing placement provider or other designated entity, as prescribed. Current law requires the department to adopt regulations governing transitional housing placement living arrangements requirements for minors and nonminor dependents, as prescribed. Under existing law, a violation of the act is a misdemeanor. This bill would require those regulations to include allowing a minor or nonminor dependent participant to share a bedroom or unit in a transitional housing placement with a nonparticipant roommate, sibling, or coparent, as specified. The bill would also require the regulations to allow a minor or nonminor dependent participant to share their living arrangement with another participant, including a participant sibling or coparent, as specified. The bill would require the regulations to require counties and program contracts to allow individual program participants and individuals sharing their living arrangements to share bedrooms, bathrooms, and units together, regardless of gender identity and would require county program contracts to allow providers and participants to make best matches to allow for gender flexibility.

**AB 2803 Valencia D ( Dist. 68) Campaign expenditures: criminal convictions: fees and costs.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Political Reform Act of 1974 deems all campaign contributions to be held in trust for expenses associated with seeking or holding office, and generally authorizes expenditures associated therewith if they are reasonably related to a political, legislative, or governmental purpose. Current law prohibits the use of campaign funds to pay or reimburse fines, penalties, judgments, or settlements, except as specified. Current law provides that the expenditure of campaign funds for attorney’s fees and other costs in connection with administrative, civil, or criminal litigation are not related to a political, legislative, or governmental purpose unless the litigation is directly related to activities of a committee that are consistent with its primary objectives or arises directly out of a candidate’s or elected officer’s activities, duties, or status as a candidate or elected officer, as specified. This bill would prohibit campaign funds from being used to reimburse expenditures for attorney’s fees and other costs in connection with criminal litigation if the litigation results in a conviction of the candidate or elected officer for a felony involving certain types of offenses as specified. The bill would prohibit the use of campaign funds to pay or reimburse a candidate or elected officer for a fine, penalty, judgment, or settlement relating to a conviction for a felony involving such specified offenses. The bill would require the candidate or elected officer, if convicted, to reimburse the campaign for all funds used in connection with other legal costs and expenses related to claims of criminal acts.

**AB 2805 Essayli R ( Dist. 63) Electricity: fixed charges: repeal.**

**Location:** ASSEMBLY DEAD

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2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	26.c
	1st House				2nd House								

Current law authorizes the Public Utilities Commission to adopt new, or expand existing, fixed charges, as defined, for the purpose of collecting a reasonable portion of the fixed costs of providing electrical service to residential customers. Current law requires the commission to continue a program of assistance to low-income electrical and gas customers with annual household incomes that are no greater than 200% of the federal poverty guidelines, as specified, which is referred to as the California Alternative Rates for Energy (CARE) program. Under current law, the commission may authorize fixed charges for any rate schedule applicable to a residential customer account for the purpose described above and for the CARE program. Current law requires the commission, no later than July 2024, to authorize a fixed charge for default residential rates. Current law requires these fixed charges to be established on an income-graduated basis, with no fewer than 3 income thresholds, so that low-income ratepayers in each baseline territory would realize a lower average monthly bill without making any changes in usage. This bill would repeal the provisions described in the preceding paragraph.

**AB 2809 Haney D ( Dist. 17) Vehicles: automated speed enforcement.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Secretary of Transportation to develop guidelines for the implementation of a state highway work zone speed safety program using automated speed enforcement systems, as specified. The bill would authorize the Department of Transportation to establish a state highway work zone speed safety program in accordance with those guidelines. The bill would require the department, if a program is established, to prepare and submit a report to the Legislature, as specified. The bill would require any moneys generated from the issuance of the citations to be deposited in the Safe Highway Work Zone Account, created in the State Transportation Fund, and for the moneys to be allocated, upon appropriation by the Legislature, to the Department of Transportation for administration of the program. The provisions of the bill would become inoperative on July 1, 2030.

**AB 2815 Petrie-Norris D ( Dist. 73) Clean Transportation Program: electric vehicle chargers.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. Current law limits funding under the program to specified categories of programs and projects. Current law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program. This bill would add to the categories of programs and projects eligible for funding under the Clean Transportation Program a program to repair or replace nonoperational electric vehicle chargers that are at least 5 years old and that are located in a publicly available parking space, as provided. The bill would require the commission to allocate at least 50% of the funding allocated for the repair or replacement program to low-income communities and disadvantaged communities.

**AB 2825 Boerner D ( Dist. 77) Accessory dwelling units: inspections: housing purposes.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law, authorizes a local agency, by ordinance, to provide for the creation of accessory dwelling units (ADUs) in areas zoned for residential use, as specified. Current law requires ministerial approval of

ADUs, as specified, if the local agency does not adopt an ordinance governing ADUs. Under current law, agency is also required to ministerially approve an application for a building permit within a residential or mixed-use zone to create any of specified variations of ADUs. Current law also authorizes a local agency to provide for the creation of junior accessory dwelling units (JADUs) in single-family residential zones, as specified. This bill would authorize a local agency to adopt an ordinance that allows the local agency to inspect an ADU or JADU to ensure that the unit is used for dwelling purposes consistent with specified requirements.

**AB 2826 Ta R ( Dist. 70) Vehicles: temporary license plates.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires a dealer or lessor-retailer, when selling a vehicle, to attach a temporary license plate to a vehicle that does not already display a license plate issued by the Department of Motor Vehicles. This bill would require a dealer or lessor-retailer, when selling a vehicle, to attach for display a copy of a report-of-sale form to the vehicle before the vehicle is delivered to the purchaser only if the dealer does not attach a temporary license plate to the vehicle.

**AB 2849 Rubio, Blanca D ( Dist. 48) Beer manufacturers: sale of draught beer.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law requires any on-sale retail licensee that gives, sells, or otherwise dispenses draught beer to include specified information about the beer upon the faucet, spigot, or outlet from which the beer is drawn or in the place of service and consumption, as provided. This bill would exempt from these labeling requirements premises operated under a beer manufacturer license.

**AB 2853 Wicks D ( Dist. 14) Department of Transportation.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. This bill would make nonsubstantive changes to that provision.

**AB 2854 Irwin D ( Dist. 42) Bradley-Burns Uniform Local Sales and Use Tax Law.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns) authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. Current law, on or after January 1, 2016, prohibits a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would require a local agency, as defined, to annually provide specified information relating to each agreement resulting in the direct or indirect payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to the California Department of Tax and Fee Administration.

**AB 2861 Wallis R ( Dist. 47) Personal income tax: credit: gun safe.**

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**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2025, and before January 1, 2030, in an amount equal to the amount paid or incurred, not to exceed \$300, during the taxable year for the purchase of one gun safe, as defined, for use in a residential unit located in the state.

**AB 2867 Gabriel D ( Dist. 46) Recovery of artwork and personal property lost due to persecution.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law provides that in the case of a theft of any article of historical, interpretive, scientific, cultural, or artistic significance, a cause of action is not deemed to have accrued until the discovery of the whereabouts of the article by the aggrieved party, the aggrieved party’s agent, or a law enforcement agency. Current law requires a civil action against a museum, gallery, auctioneer, or dealer for the recovery of works of fine art that were unlawfully taken or stolen, including a taking or theft by means of fraud or duress, to be commenced within 6 years of the actual discovery by the claimant or their agent of the identity and whereabouts of the work of fine art and information or facts that are sufficient to indicate that the claimant has a claim for a possessory interest in the work of fine art. Current federal law, the Holocaust Expropriated Art Recovery Act of 2016, establishes a statute of limitation for claims to recover artwork and other property, as defined, stolen or misappropriated by the Nazis between 1933 and 1945. This bill would provide that California substantive law shall apply in actions to recover fine art or an item of historical, interpretive, scientific, or artistic significance, including those covered by the Holocaust Expropriated Art Recovery Act of 2016, brought by a California resident or their heirs, as specified.

**AB 2869 Friedman D ( Dist. 44) Department of Transportation: trail access: infrastructure projects.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. This bill would require the department to mitigate the impact of infrastructure projects that interfere with or eliminate trail access to parks and recreational areas by maintaining safe access for users of existing trails or providing alternative safe access to those parks and recreational areas.

**AB 2874 Soria D ( Dist. 27) Planning and zoning: residential development.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would state the intent of the Legislature to enact legislation that would eliminate barriers to new residential development.

**AB 2886 Aguiar-Curry D ( Dist. 4) Gambling Control Act: injunctive relief.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Department of Justice to investigate any violations of, and to enforce, the Gambling Control Act. Current law prohibits a court from issuing a temporary injunction or other provisional order to restrain, stay, or otherwise interfere with any action by the department or the California Gambling Control Commission, except upon

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a finding by the court, based on clear and convincing evidence, that the public interest will not be prejudiced. Current law prohibits an order from being effective for more than 15 days and a preliminary order from being effective for more than 45 days, except by stipulation of the department or commission. This bill would extend the period an order may be effective to 21 days and extend the period a preliminary order may be effective to 60 days

**AB 2889 Zbur D ( Dist. 51) Local public employee relations: the City of Los Angeles Employee Relations Board and the Los Angeles County Employee Relations Commission.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Public Employment Relations Board (PERB). Under current law, PERB has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. The Meyers-Milias-Brown Act regulates the labor relations of employees and employers of local public agencies. The act requires that a complaint alleging any violation of the act or of any rules and regulations adopted by a public agency pursuant to specified law be processed as an unfair practice charge by PERB. The act provides that the initial determination as to whether the charge of unfair practice is justified and, if so, the appropriate remedy necessary to effectuate the purposes of the act is a matter within the exclusive jurisdiction of PERB, except that in an action to recover damages due to an unlawful strike, PERB does not have authority to award strike-preparation expenses as damages and does not have authority to award damages for costs, expenses or revenue losses incurred during, or as a consequence of, an unlawful strike. Current law, notwithstanding PERB's authority, grants the employee relations commissions for the City of Los Angeles and the County of Los Angeles the power and responsibility to take actions on all unfair practices, as specified. This bill would prohibit, in an action to recover damages due to an unlawful strike, the City of Los Angeles Employee Relations Board and the Los Angeles County Employee Relations Commission from awarding strike-preparation expenses as damages and awarding damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike.

**AB 2891 Friedman D ( Dist. 44) Energy: electrical demand forecasts.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Energy Commission, on or before December 1, 2026, and in consultation with the Public Utilities Commission, Independent System Operator, load-serving entities, and resource aggregators, to adopt a set of upfront technical requirements and load modification protocols, as defined, to provide the option for a load-serving entity to reduce or modify its electrical demand forecast upon aggregated system operation, as specified.

**AB 2898 Carrillo, Wendy D ( Dist. 52) Unbundled parking: exemptions: Housing Choice Vouchers.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the owner of qualifying residential property, as defined, that provides parking with the qualifying residential property to unbundle parking from the price of rent, as specified. Current law defines "unbundled parking" as the practice of selling or leasing parking spaces separate from the lease of the residential use. Current federal law provides housing assistance to low-income individuals and households in the form of vouchers, commonly known as Housing Choice Vouchers. This bill would exempt any residential unit that is leased to a tenant who receives a federal Housing Choice Voucher, including a federal Veterans Affairs Supportive Housing voucher, from the above-described requirement to unbundle parking.

**AB 2899 Gabriel D ( Dist. 46) General acute care hospitals: licensed nurse-to-patient ratios.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Under existing law, the State Department of Public Health adopted regulations that establish minimum, specific, and numerical licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit within a general acute care hospital, among other health facilities. Existing regulations require licensed nurse-to-patient ratios to represent the maximum number of patients assigned to one licensed nurse at any one time, and define "assigned" to mean the licensed nurse has responsibility for the provision of care to a particular patient within their scope of practice. This bill would require the department, when transmitting to a general acute care hospital the action to be taken on a substantiated violation of the regulation establishing licensed nurse-to-patient ratios, to simultaneously transmit the same information to the person who filed the claim of the violation and their collective bargaining agent or representative, if any. This bill contains other related provisions and other existing laws.

**AB 2903 Hoover R ( Dist. 7) Homelessness.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require, commencing September 1, 2025, a state agency or department that administers one or more state homelessness programs to report annually to the California Interagency Council on Homelessness cost and outcome data for each program the agency or department administers, and would require the council, in coordination with each agency or department required to report to the council, as specified, to develop data collection and reporting procedures for this purpose. The bill would require the council to compile the data reported by agencies and departments and, commencing April 1, 2026, annually make that data available to the public.

**AB 2904 Quirk-Silva D ( Dist. 67) Zoning ordinances: notice.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the planning commission to hold a public hearing on any zoning ordinance or an amendment to a zoning ordinance that changes any property from one zone to another. If the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, current law requires notice of the hearing to be, among other things, mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property, as specified. This bill would instead require notice of the planning commission's hearing on a proposed zoning ordinance or amendment to a zoning ordinance, if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, to be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.

**AB 2909 Santiago D ( Dist. 54) Historical property contracts: qualified historical property: adaptive reuse: City of Los Angeles.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Mills Act authorizes an owner of any qualified historical property to contract with the legislative body of a city, county, or city and county to restrict the use of the property, as specified, in exchange for lowered assessment values. Current law defines "qualified historical property" as privately owned property that is not exempt from property taxation and meets certain criteria related to the property's historic significance. In this regard, current law requires the property to be listed in the National Register of Historic Places, located in a registered historic district, as defined, or listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks. This bill, starting January 1, 2026, and until January 1, 2036, would expand the definition of "qualified historical property" for purposes of the Mills Act by providing alternative criteria that a privately owned property that is not exempt from property taxation may meet. That alternative criteria would require the property to be constructed at least 30 years prior to the year a legislative body and property owner enter into

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the contract to restrict the use of the property, and to be located within the City of Los Angeles on a site that satisfies certain criteria, including, among others, being in a zone where office, retail, or parking are a principally permitted use. The alternative criteria would also require the property to meet, in the determination of the City of Los Angeles, at least one of specified criteria, including, among others, being identified with important events of national, state, or local history, as specified.

**AB 2910 Santiago D ( Dist. 54) State Housing Law: City of Los Angeles: conversion of nonresidential buildings.**

**Location:** ASSEMBLY VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Building Standards Law establishes the California Building Standards Commission within the Department of General Services. Current law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code, which is required to be published once every 10 years. The State Housing Law establishes statewide construction and occupancy standards for buildings used for human habitation. That law requires the building department of every city or county to enforce within its jurisdiction the provisions of the California Building Standards Code, the provisions of the State Housing Law, and specified other rules and regulations promulgated pursuant to that law. That law authorizes a city or county to adopt alternative building regulations for the conversion of commercial or industrial buildings to joint living and work quarters, as specified. This bill would additionally authorize the City of Los Angeles (city) to adopt alternative building regulations for the conversion of nonresidential buildings to residential uses, as specified. The bill would prohibit these alternative building regulations from applying to nonresidential buildings with industrial uses.

**AB 2911 McKinnor D ( Dist. 61) Campaign contributions: agency officers.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Political Reform Act of 1974 prohibits an officer of an agency from accepting, soliciting, or directing a contribution of more than \$250 from any party, participant, or a party or participant’s agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered in the proceeding, if the officer knows or has reason to know that the participant has a financial interest, as defined. Current law permits an officer who violates this prohibition to cure the violation by returning the contribution, or portion of the contribution in excess of \$250, within 14 days of accepting, soliciting or directing the contribution, as specified. Current law also prohibits a party or party’s agent from making a contribution of more than \$250 to any officer of an agency while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered by the agency in that proceeding. This bill would raise the threshold for contributions regulated by these provisions to \$1,500, as specified.

**AB 2912 Dixon R ( Dist. 72) Energy: retail gasoline pricing.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Division of Petroleum Market Oversight in the State Energy Resources Conservation and Development Commission to, among other duties, provide guidance and recommendations to the Governor and the commission on issues related to transportation fuel pricing and transportation decarbonization in California. This bill would require the commission to post and update, on a monthly basis, on its internet website the difference between retail gasoline prices in California and the national average and a calculation of how much that difference has decreased since June 26, 2023, which is the effective date of the above-described provisions, due to the action taken pursuant to those provisions.

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**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law, the State Housing Law, generally provides for the regulation of buildings used for human habitation. The law makes its provisions inapplicable to any building regulated by the Manufactured Housing Act of 1980, the Mobilehome Parks Act, and the California Factory-Built Housing Law unless those acts specifically require application. This bill would make nonsubstantive changes to the latter provision.

**AB 2921 Gabriel D ( Dist. 46) Planning and zoning.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law makes various legislative findings and declarations, including that the state has a positive interest in the preparation and maintenance of a long-term, general plan for the physical development of each of the state’s urban areas and that the planning activities of counties and cities can be strengthened and more effectively performed when conducted in relation to studies and planning of an urban regional character. This bill would make nonsubstantive changes to those provisions.

**AB 2926 Kalra D ( Dist. 25) Planning and zoning: assisted housing developments: notice of expiration of affordability restrictions.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires an owner of an assisted housing development proposing the termination of a subsidy contract or prepayment of governmental assistance or of an assisted housing development in which there will be the expiration of rental restrictions to provide a notice of the proposed change to each affected tenant household residing in the assisted housing development, as specified. The Planning and Zoning Law defines “assisted housing development” for these purposes to mean a multifamily rental housing development of 5 or more units that receives governmental assistance under any of specified programs, including assistance provided by counties or cities under specified law in exchange for restrictions on the maximum rents, as specified, and on the maximum tenant income, as specified. The Planning and Zoning law defines a “termination” for these purposes to mean an owner’s decision to extend or renew its participation in a federal, state, or local government subsidy program or private, nongovernmental subsidy program for an assisted housing development, as specified. The Planning and Zoning Law defines the “expiration of rental restrictions” for these purposes to mean the expiration of rental restrictions for an assisted housing development, as specified, unless the development has other recorded agreements restricting the rent to the same or lesser levels for at least 50% of the units. This bill would instead impose the above-described notice requirement on an owner prior to the anticipated date of termination of a subsidy contract or expiration of rental restrictions or prepayment on an assisted housing development, as specified. The bill would expand the definition of “assisted housing development” to include a development that receives assistance from counties or cities in exchange for affordability restrictions, as described above, pursuant to the Middle Class Housing Act of 2022; streamlining assistance pursuant to the Affordable Housing and High Road Job Act of 2022; specified law providing a streamlined, ministerial approval process for certain housing developments; or the Affordable Housing on Faith and Higher Education Lands Act of 2023. The bill would revise the definition of “termination” for these purposes to instead mean the failure of an owner to extend or renew its participation in the above-described programs, as specified.

**AB 2928 Flora R ( Dist. 9) Budget Act of 2022.**

**Location: ASSEMBLY DEAD**

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2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	26.c
	1st House				2nd House								

The Budget Act of 2022 made appropriations for the support of state government for the 2022–23 fiscal years. This bill would amend the Budget Act of 2022 by amending an item of appropriation relating to the Lockeford Community Services District.

**AB 2937 Wicks D ( Dist. 14) California Environmental Quality Act: streamlined environmental reviews.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes certain processes, such as the preparation of a master EIR or a focused EIR, to streamline the environmental review of projects. CEQA states the intentions of the Legislature in enacting those streamlined environmental review processes. This bill would make nonsubstantive changes to those statements of intent.

**AB 2940 Muratsuchi D ( Dist. 66) California Environmental Quality Act: environmental leadership development projects: transmission projects.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 (the act) authorizes the Governor, until January 1, 2032, to certify environmental leadership development projects that meet specified requirements for certain streamlining benefits related to CEQA. The act requires the lead agency for an environmental leadership development project certified by the Governor to prepare the record of proceedings under CEQA concurrently with the administrative process. This bill would make transmission projects that bring new renewable energy generation onto the grid to be environmental leadership development projects for purposes of the act. Because the lead agency for those transmission projects would be required to prepare concurrently the record of proceedings, this bill would impose a state-mandated local program.

**AB 2945 Alvarez D ( Dist. 80) Reconnecting Communities Redevelopment Act.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution, with respect to any taxes levied on taxable property in a redevelopment project established under the Community Redevelopment Law, as it then read or may be amended, authorizes the Legislature to provide for the division of those taxes under a redevelopment plan between the taxing agencies and the redevelopment agency, as provided. Current law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Reconnecting Communities Redevelopment Act, would authorize a city or county, or two or more cities acting jointly, to propose the formation of a reconnecting communities investment agency by adoption of a resolution of

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intention that meets specified requirements, including that the resolution of intention include a passthrough p and an override passthrough provision, as defined. The bill would require the city or county to submit that resolution to each affected taxing entity and would authorize an entity that receives that resolution to elect to not receive a passthrough payment, as provided. The bill would require the city or county that adopted that resolution to hold a public hearing on the proposal to consider all written and oral objections to the formation, as well as any recommendations of the affected taxing entities, and would authorize that city or county to adopt a resolution of formation at the conclusion of that hearing.

**AB 2951 Cervantes D ( Dist. 58) Voter registration: cancellation.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires a county elections official to cancel a person’s voter registration in certain circumstances, including when a person is deemed mentally incompetent, upon proof that the person is presently imprisoned for conviction of a felony, upon the death of the person, and when a person fails to respond to an address verification mailed by the elections official and does not attempt to vote at the next two federal general elections. Current law requires the elections official to provide notice of the intent to cancel the person’s registration between 15 and 30 days before the cancellation. This bill, until July 1, 2025, instead would require the elections official to provide notice of the intent to cancel the person’s registration between 15 and 30 days before the cancellation if the cancellation was due to mental incapacity to vote, a prison commitment, or the voter has failed to respond to an address verification, as specified, and would require the elections official to provide notice within 15 days before or after cancellation of a voter’s registration if the person has died. This bill would require the Secretary of State to submit an update on January 1, 2025, and on the first of each month thereafter until July 1, 2025, to specified committees of the Legislature detailing its efforts and progress in fully implementing and achieving compliance with specified law regarding voting rights disqualifications and restorations.

**AB 2952 Addis D ( Dist. 30) Public employees: retraining and rehabilitation.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires every public agency, its insurance carrier, and the Department of Rehabilitation to jointly formulate procedures for the selection and referral of injured full-time public employees who may be benefited by rehabilitation services and retrained for other positions in public service. This bill would make nonsubstantive changes to those provisions.

**AB 2955 Quirk-Silva D ( Dist. 67) Affordable housing.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Affordable Housing and High Road Jobs Act of 2022, until January 1, 2033, establishes a streamlined development process for affordable housing developments that meet specified objective standards and affordability and site criteria. This bill would make a nonsubstantive change to those provisions.

**AB 3055 Bonta D ( Dist. 18) Survivors of human trafficking: identification cards.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Motor Vehicles to issue an identification card to an applicant who provides specified information to the department and pays a specified fee. Current law provides assisted processes



for persons being released from a federal or state prison or a state hospital to obtain an identification card. law additionally waives the fee for senior citizens and indigent persons. This bill would require the department to develop an assisted and expedited process for survivors of human trafficking to obtain a new or replacement identification card. The bill would require the department to develop an application form that can be filled out by specified persons on behalf of the applicant. The bill would require the department to waive the fee for an applicant applying pursuant to this process. The bill would also require the California Victim Compensation Board to post specified information, including information about obtaining an identification card using this process, on its internet website.

**AB 3123 Jones-Sawyer D ( Dist. 57) Los Angeles County Metropolitan Transportation Authority: board code of conduct: lobbying rules.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The Los Angeles County Metropolitan Transportation Authority (MTA) is governed by a 14-member board with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. Current law prescribes a code of conduct for the board of MTA, which includes, among other things, rule pertaining to gifts and financial conflicts of interest. As part of the provisions establishing this code of conduct, existing law requires the board of MTA to appoint an ethics officer who reports to the board. Current law also requires MTA to appoint an inspector general and requires the code of conduct to be enforced by the inspector general. This bill would revise and recast the code of conduct by, among other things, specifying that board members are subject to all ethics laws applicable to other public officials and by eliminating specific rules from the code of conduct including, among others, certain rules pertaining to gifts and financial conflicts of interest. The bill would also provide that the code of conduct is in addition to any rules or codes adopted by the board. The bill would require the ethics officer, in addition to reporting to the board, to operate in an independent manner, and would prohibit the ethics officer from being removed from office except under certain circumstances. The bill would require the ethics officer to provide advice to the board and MTA relating to codes of conduct, lobbying, governmental ethics, campaign finance, fair procurement practices, and conflicts of interest. The bill would also authorize the ethics officer to make recommendations regarding a potential violation to the inspector general.

**AB 3177 Carrillo, Wendy D ( Dist. 52) Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Current law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics including that the housing development is located within 1/2 mile of a transit station, as specified. Current law define transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. This bill would instead require the housing development to be located within a transit priority area, as specified, for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation. The bill would define “transit priority area” as an area within 1/2 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon include in a Transportation Improvement Program or applicable regional transportation plan. This bill would prohibit a local agency from imposing a land dedication requirement, as defined, on a housing development to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width.

**AB 3182 Lackey R ( Dist. 34) Land conservation: California Wildlife, Coastal, and Park Land Conservation**

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**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires an applicant receiving state funds under the California Wildlife, Coastal, and Park Land Conservation Act to maintain any property acquired in perpetuity, as specified, and use the property only for the purposes stated in the act and to make no other use, sale, or other disposition of the property except as authorized by a specific act of the Legislature. Current law authorizes the County of San Bernardino to sell or exchange property it owns within the Chino Agricultural Preserve that was purchased with grant funds if it meets certain conditions. Among those conditions, current law requires the county to preserve all lands and conservation easements acquired or dedicated as authorized by the act in perpetuity for open-space conservation purposes or agricultural preservation, and specifies that open-space conservation includes community gardens, agricultural heritage projects, agricultural and wildlife education or wildlife habitat. This bill would additionally authorize preservation of those lands or easements for park and recreational purposes, and would explicitly include, to the extent they are consistent with the purposes of the act, playgrounds, recreational venues, sporting venues, amphitheaters, and preservation of historical resources as appropriate purposes.

**Position:** Support

**AB 3214 Fong, Mike D ( Dist. 49) Public transit: advertising.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates various transit districts with specified powers and duties related to providing public transit services. This bill would require the state, to the extent feasible, to prioritize using advertising space offered by a public transit operator over other advertising space for a public awareness campaign, as specified.

**ABX1 2 Fong, Vince R ( Dist. 0) Motor Vehicle Fuel Tax Law: suspension of tax.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would suspend the imposition of the tax on motor vehicle fuels for one year. The bill would require that all savings realized based on the suspension of the motor vehicle fuels tax by a person other than an end consumer, as defined, be passed on to the end consumer, and would make the violation of this requirement an unfair business practice, in violation of unfair competition laws, as provided. The bill would require a seller of motor vehicle fuels to provide a receipt to a purchaser that indicates the amount of tax that would have otherwise applied to the transaction.

**ACA 1 Aguiar-Curry D ( Dist. 4) Local government financing: affordable housing and public infrastructure voter approval.**

**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, including downpayment assistance, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, and the proposition includes specific accountability requirements. The measure would prohibit a city, county, city and county, or special district from

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placing a proposition on the ballot pursuant to these provisions if the voters have previously approved a proposition pursuant to these provisions or the below special tax provisions until all funds from the previous proposition are committed to programs and projects listed in the specific local program or ordinance, as described. The measure, subject to certain vote thresholds, would authorize the Legislature to enact laws establishing additional accountability measures and laws for the downpayment assistance programs authorized by the measure, as specified.

**Position: Watch**

**ACA 13 Ward D ( Dist. 78) Voting thresholds.**

**Location: ASSEMBLY CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution provides that a proposed constitutional amendment and a statewide initiative measure each take effect only if approved by a majority of the votes cast on the amendment or measure. This measure would further provide that an initiative measure that includes one or more provisions that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. The measure would specify that this voter approval requirement would apply to statewide initiative measures that appear on the ballot on or after January 1, 2024.

**Position: Watch**

**SB 4 Wiener D ( Dist. 11) Planning and zoning: housing development: higher education institutions and religious institutions.**

**Location: SENATE CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, the Zenovich-Moscone-Chacon Housing and Home Finance Act, establishes the California Tax Credit Allocation Committee within the Department of Housing and Community Development. Current law requires the committee to allocate state low-income housing tax credits in conformity with state and federal law that establishes maximum rent that may be charged to a tenant for a project unit constructed using low-income housing tax credits. The bill would define various terms for these purposes. Among other things, the bill would require that 100% of the units, exclusive of manager units, in a housing development project eligible for approval as a use by right under these provisions be affordable to lower income households, except that 20% of the units may be for moderate-income households, and 5% of the units may be for staff of the independent institution of higher education or the religious institution that owns the land, provided that the units affordable to lower income households are offered at affordable rent, as set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee, or affordable housing cost, as specified. The bill would authorize the development to include ancillary uses on the ground floor of the development, as specified.

**SB 5 Nguyen R ( Dist. 36) Motor Vehicle Fuel Tax Law: limitation on adjustment.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

**SB 7 Blakespear D ( Dist. 38) Regional housing need: determination.**

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**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires, for the 4th and subsequent revisions of the housing element, the Department of Housing and Community Development (department) to determine the existing and projected need for housing for each region, as specified. That law requires the department, in consultation with the council of governments, to determine the existing and projected need of housing for each region in a specified manner. That law requires the department's determination to be based upon population projections produced by the Department of Finance, as specified. That law also requires the department to meet and consult with the council of governments regarding the assumptions and methodologies to be used to determine each region's housing need and requires the council of governments to provide data assumptions from the council of governments' projections, as specified. That law authorizes the department to accept or reject the information provided by the council of governments and, after consultation with each council of governments, to make determinations on the council of governments' data assumptions and the methodology the department will use to determine each region's housing need. That law requires the department to provide its determinations to each council of governments, as specified. That law, upon making that determination, authorizes the council of governments to object to the determination. This bill, for region in which the department is required to distribute the regional housing need, would prohibit a city or county from filing an objection to the regional housing need determination.

**SB 12 Stern D ( Dist. 27) California Global Warming Solutions Act of 2006: emissions limit.****Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under the California Global Warming Solutions Act of 2006, the State Air Resources Board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by no later than December 31, 2030. Under the act, a violation of a rule, regulation, order, emission limitation, emission reduction measure, or other measure adopted by the state board under the act is a crime. This bill instead would require the state board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.

**Position:** Watch**SB 20 Rubio D ( Dist. 22) Joint powers agreements: regional housing trusts.****Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Joint Exercise of Powers Act specifically authorizes the creation of the Orange County Housing Finance Trust and the San Gabriel Valley Regional Housing Trust, both joint powers authorities, for the purpose of funding housing to assist the homeless population and persons and families of extremely low, very low, and low income within their respective regions, as specified. This bill would authorize 2 or more local agencies, as defined, to create a regional housing trust for the purpose of funding housing to assist the homeless population and persons and families of extremely low, very low, and low income within their jurisdictions by entering into a joint powers agreement pursuant to the Joint Exercise of Powers Act. The bill would also authorize a federally recognized tribal government to enter into the joint powers agreement. The bill would require a regional housing trust created pursuant to these provisions to be governed by a board of directors consisting of a minimum of 5 directors, as specified. The bill would authorize a regional housing trust to fund the planning, construction, and acquisition of housing, receive public and private financing and funds, and authorize and issue bonds, as specified. The bill would require the joint powers agreement establishing the regional housing trust to incorporate specified annual financial reporting and auditing requirements.

**SB 32 Jones R ( Dist. 40) Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Global Warming Solutions Act of 2006 requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the State Air Resources Board has adopted the Low Carbon Fuel Standard regulations. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. This bill would suspend the Low Carbon Fuel Standard regulations for one year. The bill would also exempt suppliers of transportation fuels from regulations for the use of market-based compliance mechanisms for one year.

**SB 84 Gonzalez D ( Dist. 33) Air quality programs: funding.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Enhanced Fleet Modernization Program to provide compensation for the retirement and replacement of passenger vehicles and light-duty and medium-duty trucks that are high polluters. Existing law requires the Bureau of Automotive Repair to administer the program and the State Air Resources Board to adopt the guidelines for the program. Current law requires the guidelines to ensure vehicle replacement or a mobility option be an option for all motor vehicle owners and may be in addition to compensation for vehicles retired. Current law creates the Enhanced Fleet Modernization Subaccount in the High Polluter Repair or Removal Account and makes available, upon appropriation, all moneys in the account to establish, implement, and administer the program. This bill would require the guidelines to ensure each replacement vehicle in the program be either a plug-in hybrid or zero-emission vehicle unless the state board makes a specified determination in consultation with the State Energy Resources Conservation and Development Commission, as specified.

**Position:** Watch

**SB 229 Umberg D ( Dist. 34) Surplus land: disposal of property: violations: public meeting.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require a local agency that is disposing of surplus land and has received a notification of violation from the Department of Housing and Community Development to hold an open and public meeting to review and consider the substance of the notice of violation. The bill would require the local agency’s governing body to provide prescribed notice no later than the time required by specified provisions. The bill would prohibit the local agency’s governing body from taking final action to ratify or approve the proposed disposal of surplus land until a public meeting is held as required. The bill would exempt from its provisions a local agency that ceases to dispose of surplus land after receiving the notice of violation. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

**SB 253 Wiener D ( Dist. 11) Climate Corporate Data Accountability Act.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the State Air Resources Board, on or before January 1, 2025, to develop and adopt regulations requiring specified partnerships, corporations, limited liability companies, and other business entities with total annual

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revenues in excess of \$1,000,000,000 and that do business in California, defined as “reporting entities,” to disclose to the emissions reporting organization, as defined, and obtain an assurance engagement on, starting in 2026 on a date to be determined by the state board, and annually thereafter, their scope 1 and scope 2 greenhouse gas emissions, as defined, and, starting in 2027 and annually thereafter, their scope 3 greenhouse gas emissions, as defined, from the reporting entity’s prior fiscal year, as provided. The bill would require the state board to review during 2029, and update as necessary on or before January 1, 2030, these deadlines to evaluate trends in scope 3 emissions reporting and to consider changes to the deadlines, as provided. The bill would require a reporting entity to obtain an assurance engagement, performed by an independent third-party assurance provider, of the entity’s public disclosure as provided. The bill would require the state board, in developing these regulations, to consult with the Attorney General, other government stakeholders, investors, stakeholders representing consumer and environmental justice interests, and reporting entities that have demonstrated leadership in full-scope greenhouse gas emissions accounting and public disclosure and greenhouse gas emissions reductions. The bill would also require the state board to ensure that the assurance process minimizes the need for reporting entities to engage multiple assurance providers and ensures sufficient assurance provider capacity, as well as timely reporting implementation, as required. The bill would further require the state board to contract with an emissions reporting organization to develop a reporting program to receive and make publicly available the required disclosures. The bill would authorize the state board, starting in 2033 and every 5 years thereafter, to assess the global greenhouse gas accounting and reporting standards and to adopt an alternative standard if it determines that using the alternative standard would more effectively further the goals of the bill.

**SB 304 Laird D ( Dist. 17) Monterey-Salinas Transit District: public contracting.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Monterey-Salinas Transit District to include all of the County of Monterey, with specified powers and duties related to public transit service. Existing law requires the district to award contracts for the purchase of supplies, equipment, and materials in excess of \$100,000 to the lowest responsible bidder, or to the responsible bidder that provides the best value, as provided. Current law requires the district to obtain a minimum of 3 quotations, as provided, that permit prices and terms to be compared, whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds \$2,500 but does not exceed \$100,000. This bill would increase to \$150,000 the monetary threshold for contracts above which the district is required to award contracts to the lowest responsible bidder, or to the responsible bidder that provides the best value, as provided. The bill would also require the district to obtain a minimum of 3 quotations, as provided, that permit prices and terms to be compared whenever the expected expenditure required for the purchase instead exceeds \$5,000 but does not exceed \$150,000.

**Position:** Watch

**SB 312 Wiener D ( Dist. 11) California Environmental Quality Act: university housing development projects: exemption.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2030, exempts from the California Environmental Quality Act (CEQA) a university housing development project carried out by a public university on real property owned by the public university if the project meets certain requirements, including that each building within the project is certified as Leadership in Energy and Environmental Design (LEED) Platinum or better by the United States Green Building Council. Existing law requires the lead agency, if the university housing development project is exempt from CEQA under the above provision, to file the LEED certificate for buildings within the project and a notice determining that the construction impacts of the project have been fully mitigated with the Office of Planning and Research and the county clerk of the county in which the project is located. Current law requires a university housing development project carried out by

the University of California, in order to be exempt from CEQA under this law, to be consistent with the most recent long-range development plan EIR certified on or after January 1, 2018, as provided. This bill would extend the application of the university housing development project exemption until January 1, 2032. The bill would instead require a university housing development project carried out by the University of California, in order to be exempt from CEQA under the above-described exemption to be located on a campus site identified for housing in the most recent long-range development plan EIR or an EIR prepared for any subsequent amendment to that plan relating to housing, as specified. The bill would remove the requirement to file the LEED certificate with the county clerk of the county in which the project is located.

**SB 405 Cortese D ( Dist. 15) Planning and zoning: housing element: inventory of sites: regional housing need.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires each county and each city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes specified mandatory elements, including a housing element. Current law also establishes a planning agency in each city and each county with the powers necessary to carry out the Planning and Zoning Law. Current law requires the housing element to include, among other things, an inventory of land suitable and available for residential development. For a housing element or amendment adopted on or after January 1, 2021, existing law requires the planning agency to submit to the Department of Housing and Community Development an electronic copy of its inventory, as specified. Existing law requires a county or city to submit each revision or amendment of its housing element to the department promptly following adoption of the revision or amendment and requires the department, within 90 days, to review the adopted housing element or amendment and report its findings to the planning agency. This bill would expand the requirement to submit an electronic copy of the above-described inventory to the department to additionally require the planning agency to submit a housing element or amendment prepared on or after January 1, 2021.

**SB 411 Portantino D ( Dist. 25) Open meetings: teleconferences: neighborhood councils.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

**Position:** Watch

**SB 493 Min D ( Dist. 37) Air pollution: alternative vehicles and electric and hydrogen infrastructure.**

**Location:** SENATE VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the State Energy Resources Conservation and Development Commission (Energy



Commission), in consultation with the State Air Resources Board (state board) and the Public Utilities Commission (PUC), to prepare a statewide assessment of fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet the goals and requirements of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. Current law also requires the Energy Commission, working with the state board and the PUC, to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030, and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. This bill would require the assessment of the fuel cell electric vehicle fueling infrastructure and fuel production to additionally include an assessment of storage and transport facilities, and the assessment of the electric vehicle charging infrastructure to additionally include electric system infrastructure and electric generation. The bill would expand the scope of the latter assessment to include the electric vehicle charging infrastructure, electric system infrastructure, and electric generation needed for the state to meet the goals of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. The bill would require both assessments to identify any barriers to the deployment of hydrogen infrastructure and any barriers to the deployment of electric infrastructure, respectively, for medium- and heavy-duty fleets and recommendations for addressing those barriers. The bill would require the Energy Commission to publish a determination regarding the adequacy of completed or planned charging or fueling sites for the 5 years following the completion of the initial statewide assessment and the findings of the electric vehicle charging infrastructure assessment, as provided.

**SB 517 Gonzalez D ( Dist. 33) Economic development: movement of freight.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes GO-Biz to undertake various activities relating to economic development, including the provision of prescribed information. Current law requires the Transportation Agency to prepare a state freight plan that provides a comprehensive plan to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. This bill would authorize GO-Biz to serve as the coordinating entity to steer the growth, competitiveness, and sustainability for freight and the supply chain across the state and to promote and assess the continued economic vitality, economic competitiveness, and sustainability of the freight sector. The bill would also authorize GO-Biz to provide freight and supply chain economic competitiveness information.

**SB 523 Laird D ( Dist. 17) Santa Cruz Metropolitan Transit District.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the formation of the Santa Cruz Metropolitan Transit District, with specified powers and duties related to the operation of public transit services serving the County of Santa Cruz. Current law authorizes the board of directors of the district to establish a retirement system for the officers and employees of the district. Current law authorizes the board of directors of the district to create a retirement board, to administer the retirement system, of not more than 5 members, as specified. This bill would authorize the retirement board to instead have not more than 7 members.

**SB 537 Becker D ( Dist. 13) City or County of Los Angeles: memorial to forcibly deported Mexican Americans and Mexican immigrants.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Current law provides for various memorials and monuments on the grounds of the State Capitol. Current law requires the Department of General Services to maintain state buildings and grounds. Existing law, the Apology Act for the 1930s Mexican Repatriation Program, makes findings and declarations regarding the unconstitutional removal and coerced emigration of United States citizens and legal residents of Mexican descent, between the year 1929 and 1944, to Mexico from the United States during the 1930s “Mexican Repatriation” Program. Current law expresses the apology of the State of California to those individuals who were illegally deported and coerced into emigrating to Mexico and requires that a plaque to commemorate those individuals be installed and maintained by the Department of Parks and Recreation in an appropriate public place in the City or County of Los Angeles. This bill would authorize a nonprofit organization representing Mexican Americans or Mexican immigrants to enter into negotiations to plan, construct, and maintain a memorial to Mexican Americans and Mexican immigrants who were forcibly deported from the United States during the Great Depression, as provided. The bill would require the memorial to be located at an appropriate public place in the City or County of Los Angeles. The bill would require the nonprofit organization to enter into negotiations with the Department of General Services and the state agency with jurisdiction over the state property where the memorial is proposed, where applicable, if the nonprofit organization proposes to locate the memorial on state property.

**SB 538 [Portantino D \( Dist. 25\) Department of Transportation: Chief Advisor on Bicycling and Active Transportation.](#)**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Department of Transportation and provides that the Director of Transportation shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise provided by law. This bill would require the director to appoint a Chief Advisor on Bicycling and Active Transportation, to serve as the department’s primary advisor on all issues related to bicycle transportation, safety, and infrastructure, as specified.

**SB 563 [Archuleta D \( Dist. 30\) Air pollution control districts and air quality management districts: dependent and independent special districts: funding.](#)**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. Current law also defines dependent special districts and independent special districts for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill would designate a district as a special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

**SB 614 [Blakespear D \( Dist. 38\) Transportation Development Act.](#)**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for funding of local public transit systems throughout the state, as provided. The act makes legislative findings and declarations in that regard. This bill would make nonsubstantive changes to the legislative findings and declarations of the act.

**SB 617 [Newman D \( Dist. 29\) Public contracts: progressive design-build: local and regional agencies: transit.](#)**

**Location:** SENATE CHAPTERED



2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project that treats, pumps, stores, or conveys water, wastewater, recycled water, advanced treated water, or supporting facilities. Current law defines “progressive design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law requires the selected entity and its general partners or joint venture members to verify specified information under penalty of perjury. Current law requires local agencies to report to the Legislature by January 1, 2028, regarding the use of the progressive design-build process, as specified. This bill, until January 1, 2029, would similarly authorize a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, as described, to use the progressive design-build process for up to 10 public works projects in excess of \$5,000,000 for each project.

**Position: Support**

**SB 638 Egan D ( Dist. 5) Climate Resiliency and Flood Protection Bond Act of 2024.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

**SB 649 Hurtado D ( Dist. 16) California Endangered Species Act: incidental take permits.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Endangered Species Act requires the Department of Fish and Wildlife to adopt regulations for issuance of incidental take permits. Existing law prohibits the department from issuing an incidental take permit if issuance of the permit would jeopardize the continued existence of the species. Existing law requires the department to make this determination based on the best scientific and other information that is reasonably available, and to include consideration of the species’ capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. This bill would require the department to make that decision based on a real-time monitoring system, rather than a calendar-based schedule, and to additionally consider the proximity of the species relative to the operation of a facility subject to the permit conditions and the known location of the population relative to the facility subject to the permit.

**SB 663 Archuleta D ( Dist. 30) California Renewables Portfolio Standard Program: renewable hydrogen.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the California Renewables Portfolio Standard Program, which requires the Public Utilities Commission to implement annual procurement targets for the procurement of eligible renewable energy resources, which is defined as an electrical generating facility that meets the definition of “renewable electrical generation facility” subject to certain conditions, for all retail sellers, as defined, and requires local publicly owned electric utilities to adopt and implement a renewable energy resources procurement plan to achieve the targets and goals of

the program. This bill would include a facility that uses renewable hydrogen, as defined, meeting certain requirements, including a requirement that sellers and purchasers of renewable hydrogen comply with a system for tracking and verifying the use of renewable hydrogen, as a renewable electrical generation facility for purposes of the California Renewables Portfolio Standard Program.

**SB 670 Allen D ( Dist. 24) State Air Resources Board: vehicle miles traveled: maps.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Current law imposes various requirements related to transportation planning, including a requirement that certain transportation planning agencies prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires each regional transportation plan to include, among other things, a sustainable communities strategy prepared by each metropolitan planning organization, as specified, which is designed to achieve certain targets for 2020 and 2035 established by the state board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. This bill would require the state board, in consultation with the Office of Planning and Research and the Department of Transportation, to develop a methodology for assessing and spatially representing light-duty vehicle miles traveled and to develop maps accordingly to display average light-duty vehicle miles traveled per capita in the state at the local, regional, and statewide level, as provided. The bill would require the state board to adopt the methodology no later than January 1, 2025, and to publish the maps no later than 6 months after the methodology is adopted. The bill would require the state board to update the methodology and maps at least once every 4 years.

**Position:** Watch

**SB 672 McGuire D ( Dist. 2) Residential property insurance.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law generally regulates classes of insurance, including residential property insurance. Current law prohibits residential property insurance policy from being issued or renewed in this state unless it complies with certain requirements. This bill would prohibit an admitted insurer that offers residential property insurance from refusing to offer or sell residential property insurance to an applicant whose property meets specified best practices for wildfire building hardening and property-level mitigation.

**SB 677 Blakespear D ( Dist. 38) Intercity rail: LOSSAN Rail Corridor.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Transportation, subject to approval of the Secretary of Transportation, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor, including the LOSSAN Rail Corridor. Current law provides for the allocation of state funds by the secretary to a joint powers board under an interagency transfer agreement based on an annual business plan for the intercity rail corridor and subsequent appropriation of state funds. Existing law requires the joint powers board to submit the annual business plan to the secretary for review and recommendation by April 1 of each year. Current law requires the business plan to include, among other things, a report on the performance of the corridor service, an overall operating plan, short-term and long-term capital improvement programs, funding requirements for the upcoming fiscal year, and an action plan with specific performance goals and objectives. This bill would require the LOSSAN Rail Corridor Agency, as part of the annual

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business plan submitted to the secretary, to include a description of the effects of climate change on the LOSSAN Ra corridor, to identify projects planned to increase climate resiliency on the corridor, and to discuss possible funding options for those identified projects, as specified. To the extent the bill would add to the duties of the LOSSAN Ra Corridor Agency, the bill would impose a state-mandated local program.

**SB 695 Gonzalez D ( Dist. 33) Department of Transportation: internet website: state highway system data and information.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Department of Transportation and vests the department with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Current law requires the department to improve and maintain state highways. This bill would require the department, beginning January 1, 2026, to annually prepare and make available on its internet website information and data about project on the state highway system from the prior fiscal year, as specified, and to present this information and data to the California Transportation Commission at a regularly scheduled commission meeting on or before April 1 of each year.

**SB 706 Caballero D ( Dist. 14) Public contracts: progressive design-build: local agencies.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. This bill would, until January 1, 2030, provide additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to 10 public works in excess of \$5,000,000, not limited to water-related projects, excluding projects on state-owned or state-operated facilities. The bill would require information to be provided under penalty of perjury and would require similar reports due no later than December 31, 2028.

**Position:** Support

**SB 710 Durazo D ( Dist. 26) Sale of excess state highway property: State Highway Route 710 Terminus.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, if the Department of Transportation determines that real property, or an interest in the property, acquired for highway purposes is no longer necessary for those purposes, authorizes the department to sell or exchange the property or property interest in the manner and upon terms, standards, and conditions established by the California Transportation Commission, as provided. Current law authorizes the California Transportation Commission to relinquish a portion of State Highway Route 710. This bill would require the department to establish and administer a Terminus Regional Planning Task Force, as provided, to meet quarterly and complete and submit report to the Legislature on the issues of traffic and potential land use related to the State Route 710 Terminus adjacent areas, as defined. The bill would repeal these provisions on January 1, 2027.

**SB 747 Caballero D ( Dist. 14) Land use: surplus land.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines these purposes. Existing law defines “surplus land” to generally mean land owned in fee simple by a local agency for which the local agency’s governing body takes formal action in a public meeting declaring that the land is surplus and not necessary for the agency’s use. Current law defines “agency’s use” to include land that is being used, is planned to be used pursuant to a written plan adopted by the local agency’s governing board, or is disposed of to support agency work or operations. Current law excludes from “agency’s use” commercial or industrial uses or activities, or property disposed of for the sole purpose of investment or generation of revenue, unless the local agency is a district, except as specified, and the agency’s governing body takes specified actions in a public meeting. Current law excludes from these requirements the disposal of exempt surplus land by an agency of the state or any local government. Current law requires a local agency to declare land as either surplus land or exempt surplus land, as supported by written findings, before a local agency may take any action to dispose of it. Under existing law, exempt surplus land includes, among other types of land, property that is used by a district for an “agency’s use” as expressly authorized, land for specified developments, including a mixed-use development, if put out to open, competitive bid by a local agency, as specified, and surplus land that is subject to specified valid legal restrictions. This bill would define the term “dispose” for these purposes to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified.

**SB 768 Caballero D ( Dist. 14) California Environmental Quality Act: Department of Housing and Community Development: vehicle miles traveled: study.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria, for purposes of the California Environmental Quality Act (CEQA), for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency and makes the department responsible for administering various housing programs throughout the state. This bill would require the department, in consultation with local governments and other interested parties, as specified, by January 1, 2028, and subject to an appropriation by the Legislature for this purpose, to conduct and post on its internet website a study on how vehicle miles traveled is used as a metric for measuring transportation impacts of housing projects pursuant to CEQA. The bill would require the study to include, among other things, an analysis of the differences in the availability and feasibility of mitigation measures to housing projects for vehicle miles traveled in rural, suburban, urban, and low vehicle miles traveled areas. The bill would repeal those provisions on January 1, 2029.

**SB 790 Padilla D ( Dist. 18) Public records: contracts for goods and services.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided. The act requires state and local agencies to make public records available upon receipt of a request for a copy that reasonably describes an identifiable record not otherwise exempt from disclosure, and upon payment of fees to cover costs. This bill would provide that any executed contract for the purchase of goods or services by a state or local agency, including the price and terms of payment, is a public record subject to disclosure under the act.

**SB 825 Limón D ( Dist. 19) Local government: public broadband services.**

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**Location: SENATE CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would add metropolitan planning organizations and regional transportation planning authorities to that list of local government agencies included in the definition of “local agency.”

**SB 849 Stern D ( Dist. 27) Air pollution: emissions from ports.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under existing law, the State Air Resources Board has adopted the Ocean-Going Vessels At Berth Regulation to increase emissions reductions from oceangoing vessels at berth in state ports to provide more air quality and health benefits to the people living and working in and around California’s busiest seaports. This bill would state the intent of the Legislature to enact subsequent legislation to reduce emissions at the ports of California.

**SB 908 Cortese D ( Dist. 15) Fentanyl: child deaths.**

**Location: SENATE CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The State Department of Public Health administers the California Overdose Surveillance Dashboard that provides data on state- and local-level drug-related overdose outcomes for California, including, among other data, the number of deaths related to fentanyl overdoses. Current law requires the department to update the dashboard to reflect additional information, as specified. This bill would require the department to use best efforts to utilize all of its relevant data regarding overdoses in the state to monitor and identify current trends of fentanyl-related deaths of children 0 to 5 years of age, inclusive. The bill would require the department to develop guidance and spread awareness of the trends to protect and prevent children from fentanyl exposure. The bill would require the department, on or before January 1, 2026, to annually distribute its findings and guidance to local health departments, county boards of supervisors, and the Legislature. The bill would repeal these provisions on January 2029.

**SB 915 Cortese D ( Dist. 15) Local government: autonomous vehicle service.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes an autonomous vehicle, as defined, to be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if certain requirements are met, including that the vehicle is being operated solely by employees, contractors, or other persons designated by the manufacturer. Current law prohibits an autonomous vehicle from being operated on public roads until the manufacturer submits an application to the Department of Motor Vehicles containing certain certifications regarding safety and other technological requirements and the department approves that application pursuant to adopted regulations. Current law, commencing January 1, 2030, and to the extent authorized by federal law, prohibits the operation of certain new autonomous vehicles that are not zero-emission vehicles, as defined. This bill would authorize a city with a population of 250,000 or greater that an autonomous vehicle service, as defined, has receive authorization by the Department of Motor Vehicles, the Public Utilities Commission, or any other applicable state agency to operate, to protect the public health, safety, and welfare by enacting an ordinance in regard to autonomous vehicle services within that jurisdiction. The bill would require each city that enacts an ordinance to include certain provisions within that ordinance. These would include a policy for entry into the business of providing autonomous vehicle services including a permitting program that includes, among other things, the establishment of reasonable vehicle caps and hours of service restrictions. The bill would authorize a city with a population of less

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than 250,000 that shares a border or is contiguous to a city that has enacted an autonomous vehicle services ordinance to enact an ordinance substantially consistent with that autonomous vehicle services ordinance.

**SB 925 Wiener D ( Dist. 11) City and County of San Francisco: merchandising sales.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, knowingly buying or receiving stolen property or property that has been obtained in any manner constituting theft or extortion, as specified, is punishable as either a misdemeanor or a felony if the value of the property exceeds \$950. Current law authorizes a local authority to, by ordinance or resolution, adopt requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns. Current law prohibits a local authority from regulating sidewalk vendors, except in accordance with certain provisions. This bill, until January 1, 2030, would authorize the City and County of San Francisco to adopt an ordinance prohibiting the sale of specified merchandise on public property without a permit, if the ordinance includes specified written findings, including, among other things, that there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco. The bill would require an ordinance adopted by the City and County of San Francisco to, among other things, identify a local permitting agency that is responsible for administering a permit system. The bill would authorize the ordinance to provide that selling merchandise without a permit is punishable as an infraction, and that subsequent violations after 2 prior convictions is an infraction or a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months. By creating a new crime, the bill would impose a state-mandated local program.

**SB 926 Wahab D ( Dist. 10) Crimes: distribution of intimate images.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Would make it a crime for a person who is 18 years of age or older to intentionally create and distribute or cause to be distributed any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates that was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress. By expanding the scope of a crime, this bill would impose a state-mandated local program. This bill would incorporate additional changes to Section 647 of the Penal Code proposed by AB 1874, AB 1962, and SB 1414, to be operative only if this bill and some or all of those other bills are enacted and this bill is enacted last.

**SB 936 Seyarto R ( Dist. 32) Department of Transportation: study: state highway system: road safety projects.**

**Location:** SENATE VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Would require the Department of Transportation to conduct a study to identify certain locations in the state highway system with regard to vehicle collisions, projects that could improve road safety at each of those locations, and common factors, if any, contributing to the delay in the delivery of those projects. The bill would require the department to post the study on its internet website on or before January 1, 2026.

**SB 947 Seyarto R ( Dist. 32) Department of Transportation: state highway projects: agreements with public entities: project design changes.**

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**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Transportation, in an agreement with a city, county, or other public entity for the contribution of funds for the acquisition, construction, or improvement of any portion of state highway, to include a provision that makes the department responsible for any additional costs associated with a new project design adopted by the department after the project is included in the state transportation improvement program or the state highway operation and protection program, as specified. The bill would also make this provision applicable to agreements in effect as of January 1, 2025.

**SB 955 Seyarto R ( Dist. 32) Office of Planning and Research: Infrastructure Gap-Fund Program.**

**Location: SENATE DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Office of Planning and Research, upon appropriation by the Legislature, to establish the Infrastructure Gap-Fund Program to provide grants to local agencies to develop and construct infrastructure projects, as defined. The bill would authorize the office to provide funding for up to 20% of a project’s total cost, subject to specified requirements, including, among other things, that the office is prohibited from awarding a grant to a local agency unless the local agency provides funding that has been raised through local taxes for at least 10% of the infrastructure project’s total cost. The bill would require the office to develop guidelines to implement the program that establish the criteria by which grant applications will be evaluated and funded. The bill would make these provisions operative January 1, 2027.

**SB 960 Wiener D ( Dist. 11) Transportation: planning: complete streets facilities: transit priority facilities.**

**Location: SENATE CHAPTERED**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Department of Transportation to improve and maintain the state’s highways, and establish various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state, including the state highway operation and protection program (SHOPP). Current law requires the department, in consultation with the California Transportation Commission, to prepare a robust asset management plan to guide selection of projects for the SHOPP. Current law requires the commission, in connection with the plan, to adopt targets and performance measures reflecting state transportation goals and objectives. Existing law requires the department to develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the SHOPP. This bill would require the targets and performance measures adopted by the commission to include targets and performance measures reflecting state transportation goals and objectives for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit priority facilities on the state highway system. The bill would require the department’s plain language performance report to include a description of complete streets facilities, including pedestrian, bicycle, and transit priority facilities on each project, as specified.

**SB 1031 Wiener D ( Dist. 11) San Francisco Bay area: local revenue measure: transportation improvements.**

**Location: ASSEMBLY DEAD**

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties.

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relating to providing public transit services. This bill would authorize the commission to raise and allocate revenue and incur and issue bonds and other indebtedness, as specified. In this regard, the bill would authorize the commission, until January 1, 2041, to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9 counties of the San Francisco Bay area, except as specified, in accordance with applicable constitutional requirements. The bill would prohibit a tax or surcharge described above from being imposed for a period of time of more than 30 years. The bill would require the parcel tax to be collected by counties and the other 3 taxes to be collected by specified state agencies, and would require the net revenues from those taxes to be remitted to the commission, as prescribed.

**SB 1068 Eggman D ( Dist. 5) Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Constructor Manager/General Contractor project delivery method.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority for purposes of planning, developing, delivering, and operating cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District’s rapid transit system and the Altamont Corridor Express commuter rail service. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to contract with public and private entities for the planning, design, and construction of the connection. Current law authorizes these contracts to be assigned separately or combined to include any or all tasks necessary to achieve transit connectivity. This bill would authorize the Tri-Valley-San Joaquin Valley Regional Rail Authority to use the Construction Manager/General Contractor project delivery method when contracting for the planning, design, and construction of the connection. The bill would additionally authorize the contracts of the authority to extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor.

**SB 1086 Seyarto R ( Dist. 32) Sales and Use Tax Law: motor vehicle fuel tax: sales price: gross receipts.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current sales and use tax laws provide a partial exemption from the taxes imposed by those laws for motor vehicle fuel that is subject to the taxes imposed by the Motor Vehicle Fuel Tax Law. This bill, beginning January 1, 2025, would exclude from the terms “gross receipts” and “sales price” under the Sales and Use Tax Law the amount of any motor vehicle fuel tax imposed pursuant to the Motor Vehicle Fuel Tax Law.

**SB 1098 Blakespear D ( Dist. 38) Passenger and freight rail: LOSSAN Rail Corridor.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes the Department of Transportation, subject to approval of the Secretary of Transportation, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in certain rail corridors, including the LOSSAN Rail Corridor. Current law defines the LOSSAN Rail Corridor as the intercity passenger rail corridor between San Diego, Los Angeles, and San Luis Obispo. Pursuant to this authority, the department entered into an interagency transfer agreement with the LOSSAN Rail Corridor Agency to administer intercity passenger rail service in the LOSSAN Rail Corridor. This bill would require the Secretary of Transportation to provide guidance and recommendations to

and coordination between, stakeholders as necessary to ensure the performance of the LOSSAN Rail Corridor as specified. This bill would also require the Secretary of Transportation, with technical and subject matter assistance from the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency, to submit a report to the Legislature regarding the LOSSAN Rail Corridor that includes specified information no later than 2 years after an appropriation is made by the Legislature for purposes of this report.

**SB 1325 Durazo D ( Dist. 26) Public contracts: best value procurement: goods.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law imposes requirements on, and authorizes procedures for, public contracting for equipment and services among other things, by local and state agencies. Current law authorizes certain procurements to be facilitated through a lowest responsible bidder requirement. This bill would authorize a public entity, as defined, to award contracts through a best value procurement method, as described, for the purchase of goods with a base value of \$250,000 or more. The bill would require the public entity to adopt and publish procedures and guidelines for evaluating the qualifications of the bidders to ensure the best value selections are conducted in a fair and impartial manner, as described. The bill would authorize the procedures and guidelines to include the adoption of a high road jobs plan policy that evaluates bidders' high road jobs plan commitments as part of the overall score for the public contract, as specified. This bill would require the solicitation document to include certain information and would direct the public entity to use a scoring method based on price and the factors described in the solicitation document, as specified.

**SB 1393 Niello R ( Dist. 6) Advanced Clean Fleets Regulation Appeals Advisory Committee.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified state agencies, other state and local government representatives, and representatives of private fleet owners, the electric vehicle manufacturing industry, and electrical corporations, as provided. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website.

**SB 1402 Min D ( Dist. 37) 30x30 goal: state agencies: adoption, revision, or establishment of plans, policies and regulations.**

**Location:** ASSEMBLY DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Attachment: Bill Report 10-24 (10985 : State Legislative Update)

Current law requires the Secretary of the Natural Resources Agency to prepare and submit, on or before 31, 2024, and annually thereafter, a report to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30% of California’s lands and coastal waters by 2030. Current law provides that it is the goal of the state to conserve at least 30% of California’s lands and coastal waters by 2030, known as the 30x30 goal. This bill would require all state agencies, departments, boards, offices, commissions, and conservancies to consider the 30x30 goal when adopting, revising, or establishing plans, policies, or regulations that directly affect the use of coastal waters or land, management of natural resources, or biodiversity conservation.

**SB 1418 Archuleta D ( Dist. 30) Hydrogen-fueling stations: expedited review.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires every city, county, and city and county to administratively approve an application to install electric vehicle charging stations and hydrogen-fueling stations through the issuance of a building permit or similar nondiscretionary permit. The Planning and Zoning Law requires each city, county, and city and county to adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations. Current law authorizes a city, county, or city and county developing an ordinance to refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist,” as specified. Current law requires a city, county, and city and county, in developing the expedited permitting process, to adopt a checklist of all requirements with which electric vehicle charging stations must comply to be eligible for expedited review. For these purposes, current law defines “hydrogen-fueling station” to mean the equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public. Current law requires a hydrogen-fueling station to meet certain requirements, including any rules established by the State Air Resources Board, Energy Commission, or Department of Food and Agriculture regarding safety, reliability, weights, and measures. This bill would modify the definition of “hydrogen-fueling station” to mean the equipment and structural design components necessary to ensure the safety of the fueling station, including hydrogen-refueling canopies, that are used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that are open to the public.

**SB 1420 Caballero D ( Dist. 14) Hydrogen production facilities: certification and environmental review.**

**Location:** SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires preparation of specified documentation before a public agency approves or carries out certain projects. Current law authorizes the Governor to certify energy infrastructure projects meeting specified requirements for streamlining benefits related to CEQA. Current law defines “energy infrastructure project” for these purposes to include eligible renewable energy resources under the California Renewables Portfolio Standard Program, excluding resources that use biomass fuels. Current law expressly excludes from that definition of “energy infrastructure project” any project using hydrogen as a fuel. This bill would instead exclude from the definition of “energy infrastructure project” for purposes of the CEQA streamlining benefit eligible renewable energy resources under the California Renewables Portfolio Standard Program that combust, rather than use, biomass fuels. The bill would include hydrogen production facilities and associated onsite storage and processing facilities that do not derive hydrogen from a fossil fuel feedstock and that receive funding from specified state and federal programs within the definition of “energy infrastructure project.”

**SB 1494 Glazer D ( Dist. 7) Local agencies: Sales and Use Tax: retailers.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Attachment: Bill Report 10-24 (10985 : State Legislative Update)

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose a local use tax in accordance with that law for tangible personal property sold at retail in the city or county, or purchased for storage, use, or other consumption in the city or county. That law requires the city or county to contract with the California Department of Tax and Fee Administration for the administration of the taxes and requires the department to transmit those taxes to the city or county. That law provides that for the purpose of a local sales tax adopted pursuant to that law, all retail sales are consummated at the place of business of the retailer unless otherwise specified. Current law prohibits a local agency, defined to mean all cities and counties, from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would additionally prohibit, on or after January 1, 2024, a local agency from entering into, renewing, or extending any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any retailer, as defined, in exchange for the retailer locating or continuing to maintain a place of business that serves as the place of sale, as defined, within the territorial jurisdiction of the local agency if that place of business would generate revenue, from the sale of tangible property delivered to and received by the purchaser in the territorial jurisdiction of another local agency, for the local agency under the Bradley-Burns Uniform Local Sales and Use Tax Law.

**SB 1510 Stern D ( Dist. 27) Permitting: electric vehicle charging.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

Current law requires every city, county, and city and county to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit and requires the review of an application to install an electric vehicle charging station to be limited to the building official review of whether it meets all health and safety requirements of local, state, and federal law. Current law requires an electric vehicle charging station to comply with, among other things, all applicable rules of the Public Utilities Commission regarding safety and reliability, as specified. This bill would express the intent of the Legislature to enact subsequent legislation that would reduce state and local permitting barriers for electric vehicle charging.

**SBX1 1 Jones R ( Dist. 40) Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.**

**Location:** SENATE DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. This bill would suspend the Low Carbon Fuel Standard regulations for one year. The bill would also exempt suppliers of transportation fuels from regulations for the use of market-based compliance mechanisms for one year.

Total Measures: 238

Total Tracking Forms: 238

Attachment: Bill Report 10-24 (10985 : State Legislative Update)

## *Minute Action*

AGENDA ITEM: 27

***Date:*** November 6, 2024

***Subject:***

Federal Legislative Update

***Recommendation:***

Receive and file the October 2024 Federal Legislative Update.

***Background:***

San Bernardino County Transportation Authority (SBCTA) Legislative Affairs staff, along with a representative from federal advocates, Potomac Partners D.C., LLC, updated the Legislative Policy Committee on October 9, 2024, regarding the appropriations process for Fiscal Year 2025 and potential impacts from the November 2024, General Election.

**Federal Appropriations Process**

On September 25, 2024, the House of Representatives passed a Continuing Resolution (CR) to fund the government past September 30, 2024, the end of Fiscal Year 2024, the Senate quickly passed it in kind and President Biden signed it into law on September 26, 2024. The CR will expire on December 20, 2024.

House Speaker Mike Johnson indicated that there will be no “Christmas Omnibus”, signaling that the Fiscal Year 2025 appropriations process could continue into the 119<sup>th</sup> Congress next year if negotiations are not completed before the December 20, 2024, deadline. Those negotiations will be weighed heavily by the results of the November 5, 2024, elections.

**California Transit Association, 2024 Federal Lobbying Visit**

During the week of September 23, 2024, SBCTA Director of Legislative and Public Affairs, Otis Greer, was part of a delegation representing the California Transit Association (CTA) that travelled to Washington, D.C., for CTA’s 2024 Federal Lobbying visit.

Representatives from the Association's membership joined CTA’s Federal Advocacy Team to meet with representatives from the Biden Administration and California's congressional delegation to elevate CTA's priorities on critical topics, including the California Public Employees’ Pension Reform Act, the transit industry's transition to zero-emission technology, and the Transportation, Housing, and Urban Development (THUD) Committees’ appropriations bills.

Meetings with Southern California Congress members included Pete Aguilar, Grace Napolitano, Michelle Steele, Scott Peters, Julia Brownley, Mike Garcia, and Jimmy Gomez. Additionally, CTA representatives were able to meet with staff from the House Transportation and Infrastructure Committee, as well as the Senate THUD Committee, Banking Committee and Environmental and Public Works Committee.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

Board of Directors Agenda Item  
November 6, 2024  
Page 2

**Reviewed By:**

This item was received by the Legislative Policy Committee on October 9, 2024.

**Responsible Staff:**

Otis Greer, Director of Legislative and Public Affairs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino Council of Governments  
San Bernardino County Transportation Authority

## *Minute Action*

AGENDA ITEM: 28

***Date:*** *November 6, 2024*

***Subject:***

Contract Extensions for State and Federal Advocacy Services

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 3 to Contract No. 20-1002384 with California Advisors, LLC for State Advocacy Services, to exercise the second of two available two-year options to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$244,000 for a not-to-exceed contract amount of \$590,000.

B. Approve Amendment No. 5 to Contract No. 20-1002385 with Potomac Partners DC, LLC for Federal Advocacy Services, to exercise the second of two available two-year options to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$324,000 for a not-to-exceed contract amount of \$720,000.

C. Approve Amendment No. 1 to Agreement No. 24-1003123 with Omnitrans to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$144,000 for a not-to-exceed contract amount of \$210,000.

D. Approve Amendment No. 1 to Agreement No. 24-1003124 with Omnitrans to extend the contract termination date through December 31, 2026, and to increase the contract amount by \$96,000 for a not-to-exceed contract amount of \$140,000.

***Background:***

On November 24, 2020, the San Bernardino County Transportation Authority (SBCTA) entered into Contract No. 20-1002384 with California Advisors, LLC (CAA) to provide State Advocacy Services through December 31, 2022, in an amount not-to-exceed \$150,000. The contract provided for two optional two-year extensions. SBCTA exercised the first option with Amendment No. 1, on November 16, 2022, extending the contract termination date through December 31, 2024. Amendment No. 2, executed on February 22, 2024, added a supplemental scope of work to the CAA contract relating to public transit within San Bernardino County and increased the contract price by \$44,000, for a new not-to-exceed contract amount of \$346,000.

CAA has provided excellent service and demonstrated that its contract is of great value to the agency. Amendment No. 3 will exercise the second of two available Board of Directors (Board) approved two-year options and extend the contract termination date through December 31, 2026. Amendment No. 3 also increases the contract price by \$244,000, for a new not-to-exceed contract amount of \$590,000.

On January 5, 2021, SBCTA entered into Contract No. 20-1002385 with Potomac Partners DC, LLC (PPDC) to provide Federal Advocacy Services through December 31, 2022, in an amount not-to-exceed \$180,000. The contract provided for two optional two-year extensions.

The PPDC contract has been amended four times: Amendment No. 1 reduced the total not-to-exceed contract amount to \$150,000; Amendment No. 2 modified the insurance language and insurance policy limits; Amendment No. 3 exercised the first of two available Board approved two-year options and extended the contract termination date until December 31, 2024;

*Entity: San Bernardino County Transportation Authority*



and Amendment No. 4 added a supplemental scope of work to PPDC contract, relating to public transit within San Bernardino County, and increased the contract price by \$66,000, for a not-to-exceed contract amount of \$396,000.

PPDC has provided excellent service and demonstrated that its contract is of great value to the agency. Amendment No. 5 will exercise the second of two available board-approved two-year options and extend the contract termination date through December 31, 2026. Amendment No. 5 will increase the contract price by \$324,000, for a not-to-exceed contract amount of \$720,000.

In February 2024, SBCTA proposed Amendment No. 2 to the CAA Contract No. 20-1002384 and Amendment No. 4 to the PPDC Contract No. 20-1002385, to add supplemental scopes of work to those contracts relating to public transit within San Bernardino County to enhance SBCTA advocacy efforts and institute a more active role relating to legislation, policies, and regulations, including, but not limited to: public transit operations and maintenance funding, resources for capital projects, labor regulations, vehicle fleet environmental requirements and autonomous vehicle regulations.

In recognition of the collaborative environment of public transit throughout San Bernardino County, Omnitrans agreed to reimburse SBCTA for the costs associated with supplementing the scopes of service to the federal and state advocacy contracts. The additional advocacy services gained by SBCTA result in direct benefit to Omnitrans, while enhancing SBCTA’s overall legislative support of the other transit providers in the County. Consequently, on March 15, 2024, SBCTA and Omnitrans entered into Agreement Nos. 24-1003123 and 24-1003124 for services relating to the federal and state advocacy contracts, respectively. The agreements with Omnitrans expire December 31, 2024.

SBCTA and Omnitrans wish to amend Agreement No. 24-1003123, for PPDC’s services, to extend the contract termination date through December 31, 2026, and increase the contract's not-to-exceed amount from \$66,000 to \$210,000. They further wish to amend Agreement No. 24-1003124, for CAA’s services, to extend the termination date through December 31, 2026, and to increase the contract's not-to-exceed amount from \$44,000 to \$140,000.

**Financial Impact:**

These services are included in the adopted Budget for Fiscal Year 2024/2025 and funded through Legislative Affairs Indirect Fund and supplemented with existing Local Transportation Funding.

**Reviewed By:**

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on October 9, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft amendments.

**Responsible Staff:**

Otis Greer, Director of Legislative and Public Affairs

Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

**General Contract Information**

Contract No: 20-1002384 Amendment No.: 3  
 Contract Class: Payable Department: Legislative and Public Affairs  
 Vendor No.: 03090 Vendor Name: California Advisors, LLC  
 Description: State advocacy services.  
 List Any Related Contract Nos.: \_\_\_\_\_

Dollar Amount					
Original Contract	\$	154,000.00	Original Contingency	\$	-
Prior Amendments	\$	192,000.00	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	244,000.00	Current Amendment	\$	-
<b>Total/Revised Contract Value</b>	<b>\$</b>	<b>590,000.00</b>	<b>Total Contingency Value</b>	<b>\$</b>	<b>-</b>
<b>Total Dollar Authority (Contract Value and Contingency)</b>				<b>\$</b>	<b>590,000.00</b>

**Contract Authorization**

Board of Directors Date: 11/6/2024 Board Item # 10987

**Contract Management (Internal Purposes Only)**

Other Contracts Local Sole Source? No No Budget Adjustment N/A  
 Professional Services (Non-A&E) \_\_\_\_\_

**Accounts Payable**

Estimated Start Date: 12/1/2020 Expiration Date: 12/31/2024 Revised Expiration Date: 12/31/2026  
 NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

							Total Contract Funding:	Total Contingency:			
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name				
GL:	7001	01	0503	0000	52001		43001000	\$	590,000.00	\$	-
							Indirect		450,000.00		-
GL:	1040	01	0503	0000	52001		41200000		140,000.00		-
							LTF Rail				-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
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GL:									-		-

Louis Vidaure  
 Project Manager (Print Name)

Otis Greer  
 Task Manager (Print Name)

Additional Notes:  
 \_\_\_\_\_  
 \_\_\_\_\_

Attachment: CSS 20-1002384-03 (10987 : State and Federal Advocacy Contract Extensions)

**AMENDMENT NO. 3 TO CONTRACT NO. 20-1002384**

**FOR**

**STATE ADVOCACY SERVICES**

**(CALIFORNIA ADVISORS, LLC)**

This Amendment No. 3 to Contract No. 20-1002384 is made by and between California Advisors, LLC (“CONSULTANT”) and the San Bernardino County Transportation Authority (“SBCTA”). CONSULTANT and SBCTA are each a "Party" and collectively "Parties".

**RECITALS**

- A. On November 24, 2020, SBCTA, under Contract No. 20-1002384, engaged the services of CONSULTANT to provide state advocacy services related to advancing SBCTA's legislative platform, policy, funding and regulatory objectives in Sacramento (“Contract”); and
- B. SBCTA and CONSULTANT executed Amendment No. 1 to the Contract, effective November 2, 2022, to exercise the first of two two-year options, extending the contract through December 31, 2024, and to increase the contract not-to-exceed amount to \$302,000; and
- C. SBCTA and CONSULTANT executed Amendment No. 2 to the Contract, effective February 22, 2024, to add a supplemental scope of work to enhance advocacy services and activities relating to public transit services within San Bernardino County and to increase the contract amount by \$44,000 for performance of the additional scope of work, for a total contract cost of \$346,000; and
- D. SBCTA and CONSULTANT desire to further amend the Contract to exercise the second of two two-year options, extending the contract through December 31, 2026, and to increase the contract not-to-exceed amount to \$590,000.

**NOW, THEREFORE**, in consideration of the terms and conditions set forth herein, the Parties agree as follows:

1. Article 2 CONTRACT TERM, is revised in its entirety to read as follows:

“The Contract term shall commence upon issuance of a written Notice To Proceed (NTP) issued by SBCTA and shall continue in full force and effect through December 31, 2026, until otherwise terminated, or unless extended as hereafter provided by written amendment, except that all indemnity and defense obligations hereunder shall survive termination of this Contract. CONSULTANT shall not be compensated for any Work performed or costs incurred prior to issuance of the NTP.”

2. Article 3 COMPENSATION, Paragraph 3.1 is revised in its entirety to read as follows:

“3.1 The method of payment for this Contract will be based on lump sum. The total lump sum price paid CONSULTANT in accordance with Exhibit B and B-1, ‘Approved Cost Proposal’, will include compensation for all Work and deliverables, and chargeable expenses not-to-exceed Five Hundred Ninety Thousand Dollars (\$590,000). Chargeable expenses for the purpose of this agreement shall include reasonable and necessary expenses directly related to the interests of SBCTA and travel outside of the Sacramento area including meals, and lodging while engaged in such travel, up to \$2,000 annually. All chargeable expenses related to this contract shall be expressly authorized by SBCTA prior to such expenses being incurred, and shall not include ordinary office overhead. No additional compensation will be paid to CONSULTANT, unless there is a change in the Scope of Work. In the instance of a change in the Scope of Work, adjustment to the total lump sum compensation will be negotiated between Parties. Adjustment in the total lump sum will not be effective until authorized by contract amendment and approved by SBCTA.”

- 3. The Recitals set forth above are incorporated herein by this reference.
- 4. Except as amended by this Amendment No. 3, all other provisions of the Contract, including all previous amendments, shall remain in full force and effect and are incorporated herein by this reference.
- 5. The Amendment No. 3 is effective upon execution by SBCTA.

-----SIGNATURES ON THE FOLLOWING PAGE-----

DRAFT

Attachment: 20-1002384-03-PDF (10987 : State and Federal Advocacy Contract Extensions)

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 3 below.

**CALIFORNIA ADVISORS, LLC, A  
CALIFORNIA LIMITED LIABILITY  
COMPANY**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Delaney L. Hunter  
Manager

By: \_\_\_\_\_  
Ray Marquez  
Board President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

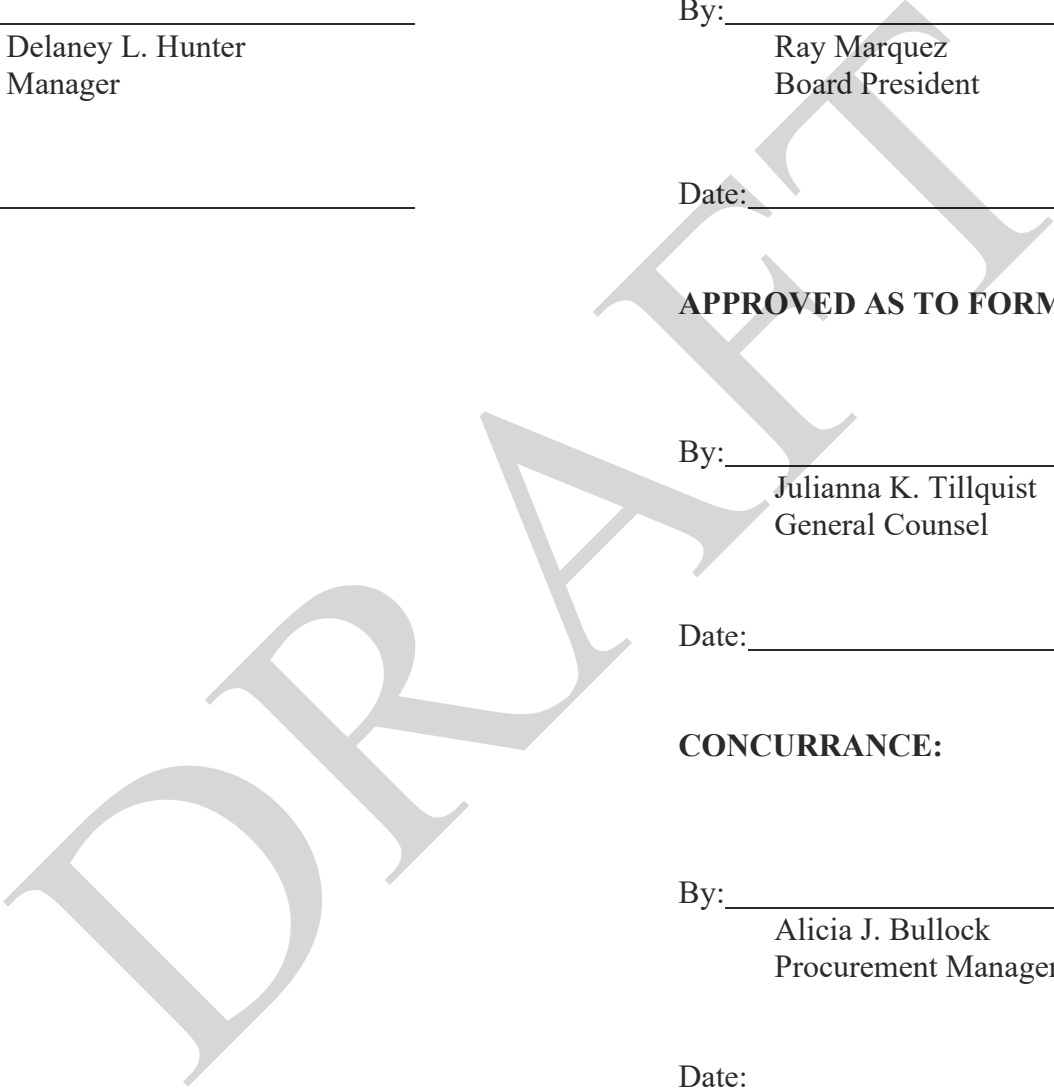
By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

Date: \_\_\_\_\_

**CONCURRENCE:**

By: \_\_\_\_\_  
Alicia J. Bullock  
Procurement Manager

Date: \_\_\_\_\_



Attachment: 20-1002384-03-PDF (10987 : State and Federal Advocacy Contract Extensions)

**Contract Summary Sheet**

**28.c**

**General Contract Information**

Contract No: 20-1002385 Amendment No.: 5  
 Contract Class: Payable Department: Legislative and Public Affairs  
 Vendor No.: 03654 Vendor Name: Potomac Partners DC, LLC  
 Description: Federal advocacy services.  
 List Any Related Contract Nos.: \_\_\_\_\_

Dollar Amount					
Original Contract	\$	180,000.00	Original Contingency	\$	-
Prior Amendments	\$	216,000.00	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	324,000.00	Current Amendment	\$	-
<b>Total/Revised Contract Value</b>	<b>\$</b>	<b>720,000.00</b>	<b>Total Contingency Value</b>	<b>\$</b>	<b>-</b>
<b>Total Dollar Authority (Contract Value and Contingency)</b>				<b>\$</b>	<b>720,000.00</b>

**Contract Authorization**

Board of Directors Date: 11/6/2024 Board Item # 10987

**Contract Management (Internal Purposes Only)**

Other Contracts \_\_\_\_\_ Sole Source? No No Budget Adjustment \_\_\_\_\_  
 Local \_\_\_\_\_ Professional Services (Non-A&E) \_\_\_\_\_ N/A \_\_\_\_\_

**Accounts Payable**

Estimated Start Date: 5/1/2021 Expiration Date: 12/31/2024 Revised Expiration Date: 12/31/2026

NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

							Total Contract Funding:	Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	\$
GL:	7001	01	0503	0000	52001		43001000:	720,000.00	-
GL:	1040	01	0503	0000	52001		41200000:	510,000.00	-
GL:							Indirect	210,000.00	-
GL:							LTF-Rail	-	-
GL:								-	-
GL:								-	-
GL:								-	-
GL:								-	-
GL:								-	-
GL:								-	-
GL:								-	-
GL:								-	-

Louis Vidaure  
Project Manager (Print Name)

Otis Greer  
Task Manager (Print Name)

Additional Notes:  
 \_\_\_\_\_  
 \_\_\_\_\_

Attachment: CSS - 1002385-05 (10987 : State and Federal Advocacy Contract Extensions)

**AMENDMENT NO. 5 TO CONTRACT  
NO. 20-1002385**

**FOR**

**FEDERAL ADVOCACY SERVICES**

**(POTOMAC PARTNERS DC, LLC)**

This AMENDMENT No. 5 to Contract No. 20-1002385 (“Contract”) is made by and between the San Bernardino County Transportation Authority (“SBCTA”) and Potomac Partners DC, LLC, a District of Columbia Limited Liability Company (“CONSULTANT”). SBCTA and CONSULTANT are each a “Party” and collectively the “Parties” herein.

**RECITALS**

- A. The Parties entered into Contract No. 20-1002385, effective January 5, 2021, setting forth the terms and conditions for the Contract; and
- B. The Parties executed Amendment No. 1 to Contract No. 20-1002385, effective March 22, 2021, reducing the Article 21.1.1 Professional Liability Insurance limit required and reducing the contract not-to-exceed amount to \$150,000; and
- C. The Parties executed Amendment No. 2 to Contract No. 20-1002385, effective January 6, 2022, to modify Article 21.1 by eliminating the requirement for professional liability insurance and reduce the insurance limit for the Commercial General Liability Insurance; and
- D. The Parties executed Amendment No. 3 to Contract No. 20-1002385, effective November 21, 2022, to exercise the first of two two-year options, extending the contract through December 31, 2024, and to increase the contract not-to-exceed amount to \$330,000; and
- E. The Parties executed Amendment No. 4 to Contract No. 20-1002385, effective February 12, 2024, to add a supplemental scope of work to enhance advocacy services and activities relating to public transit services within San Bernardino County and to increase the contract amount by \$66,000 for performance of the additional scope of work, for a total contract not-to-exceed amount of \$396,000; and
- F. SBCTA and CONSULTANT desire to further amend the Contract to exercise the second of two two-year options, extending the contract through December 31, 2026, and to increase the contract not-to-exceed amount to \$720,000.



NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the Parties agree as follows:

- 1. Article 2 CONTRACT TERM, is revised in its entirety to read as follows:

“The Contract term shall commence upon issuance of a written Notice To Proceed (NTP) issued by SBCTA and shall continue in full force and effect through December 31, 2026, until otherwise terminated, or unless extended as hereafter provided by written amendment, except that all indemnity and defense obligations hereunder shall survive termination of this Contract. CONSULTANT shall not be compensated for any Work performed or costs incurred prior to issuance of the NTP.”

- 2. Article 3 COMPENSATION, paragraph 3.2 is amended in its entirety to read as follows:

“The total Contract Not-To-Exceed Amount is Seven Hundred Twenty Thousand Dollars (\$720,000). All Work provided under this Contract is to be performed as set forth in Exhibit A and A-1 ‘Scope of Work’, and shall be reimbursed pursuant to Exhibit B and B-1 ‘Price Form’. The rates identified in Exhibit B and B-1 shall remain fixed for the term of this Contract and include CONSULTANT's direct labor costs, indirect costs, and profit. All expenses shall be reimbursed for the amounts identified in the Price Form. Any travel expenses must be pre- approved by SBCTA and shall be reimbursed for per diem expenses at a rate not to exceed the currently authorized rates for state employees under the State Department of Personnel Administration rules. SBCTA will not reimburse CONSULTANT for any expenses not shown in the Price Form or agreed to and approved by SBCTA as required under this Contract.”

- 3. The Recitals set forth above are incorporated herein by this reference.
- 4. Except as amended by this Amendment No. 5, all other provisions of the Contract, including all previous amendments, shall remain in full force and effect and are incorporated herein by this reference.
- 5. The Amendment No. 5 is effective upon execution by SBCTA.

-----SIGNATURES ON FOLLOWING PAGE-----

Attachment: 20-1002385-05-PDF (10987 : State and Federal Advocacy Contract Extensions)

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 5 below.

**POTOMAC PARTNERS DC, LLC,  
A District of Columbia  
Limited Liability Company**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Richard Alcalde  
President

By: \_\_\_\_\_  
Ray Marquez  
Board President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

Date: \_\_\_\_\_

**CONCURRENCE:**

By: \_\_\_\_\_  
Alicia J. Bullock  
Procurement Manager

Date: \_\_\_\_\_

*DRAFT*

Attachment: 20-1002385-05-PDF (10987 : State and Federal Advocacy Contract Extensions)

General Contract Information

Contract No: 24-1003123 Amendment No.: 1  
 Contract Class: Receivable Department: Legislative and Public Affairs  
 Customer ID: OMNITRANS Customer Name: Omnitrans  
 Description: Funding agreement for federal advocacy services

List Any Accounts Payable Related Contract Nos.: 20-1002385

Dollar Amount					
Original Contract	\$	66,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	144,000.00	Current Amendment	\$	-
<b>Total/Revised Contract Value</b>	<b>\$</b>	<b>210,000.00</b>	<b>Total Contingency Value</b>	<b>\$</b>	<b>-</b>
<b>Total Dollar Authority (Contract Value and Contingency)</b>				<b>\$</b>	<b>210,000.00</b>

Contract Authorization

Board of Directors Date: 11/6/2024 Board Item # 10987

Contract Management (Internal Purposes Only)

Local Funding Agreement N/A

Accounts Receivable

Total Contract Funding: \$ 210,000.00 Funding Agreement No: 24-1003123

Beginning POP Date: 2/1/2024 Ending POP Date: 12/31/2026 Final Billing Date: 2/28/2027

Expiration Date: 12/31/2026 Fund Admin: Yes

Parent Contract 24-1003123 PM Description Federal Advocacy Services - Omnitrans Contribution

Z-Related Contracts Z24-1003123

Sub-						Sub-					
Fund	Prog	Task	Task	Revenue	Total Contract Funding:	Fund	Prog	Task	Task	Revenue	Total Contract Funding:
GL	1040	01	0503	0000	41200000	210,000.00	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-

Louis Vidaure Project Manager (Print Name) Otis Greer Task Manager (Print Name)

Additional Notes:

Attachment: CSS 24-1003123-01 (10987 : State and Federal Advocacy Contract Extensions)

**AMENDMENT NO. 1 TO AGREEMENT NO. 24-1003123**  
**BETWEEN**  
**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY**  
**AND**  
**OMNITRANS**

This Amendment No. 1 to Agreement No. 24-1003123 (AGREEMENT) is made and entered into by and between the San Bernardino County Transportation Authority (SBCTA) and Omnitrans, a joint powers authority (OMNITRANS). SBCTA and OMNITRANS are each a “Party” or collectively, “Parties”.

**RECITALS:**

- A. On March 15, 2024, SBCTA and OMNITRANS entered into Agreement No. 24-1003123 whereby Omnitrans would reimburse SBCTA for costs associated with inclusion of additional public transit-focused federal advocacy services included in Amendment No. 4 to Contract No. 20-1002385; and
- B. SBCTA and OMNITRANS desire to amend AGREEMENT No. 24-1003123 to extend the agreement through December 31, 2026, and to increase the contract not-to-exceed amount.

**NOW, THEREFORE**, in consideration of the terms and conditions set forth herein, the Parties agree as follows:

- 1. Article I TERM, is revised in its entirety to read as follows:  
“TERM. This AGREEMENT shall be effective from the last date of a Party’s signature until December 31, 2026.”
- 2. Article II SBCTA RESPONSIBILITIES, Paragraph B is revised in its entirety to read as follows:  
“Subject to reimbursement by OMNITRANS in accordance with Section III.A., SBCTA will pay CONSULTANT for the additional scope of work performed, in an amount not-to-exceed \$210,000.”
- 3. Article III OMNITRANS RESPONSIBILITIES, Paragraph A is revised in its entirety to read as follows:  
“OMNITRANS will reimburse SBCTA the cost for all work completed for the additional scope of work performed by CONSULTANT, up to \$210,000, by transferring a like amount of OMNITRANS’ Local Transportation Fund (LTF) operating allocation to SBCTA.”
- 4. The Recitals set forth above are incorporated herein by this reference.
- 5. Except as amended by this Amendment No. 1, all other provisions of the AGREEMENT shall remain in full force and effect and are incorporated herein by this reference.
- 6. The Amendment No. 1 is effective upon execution by SBCTA.

-----SIGNATURES ON FOLLOWING PAGE-----

Attachment: 24-1003123-01-PDF (10987 : State and Federal Advocacy Contract Extensions)

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 1 below.

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**OMNITRANS**

By: \_\_\_\_\_  
Ray Marquez  
Board President

By: \_\_\_\_\_  
Erin Rogers  
CEO / General Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

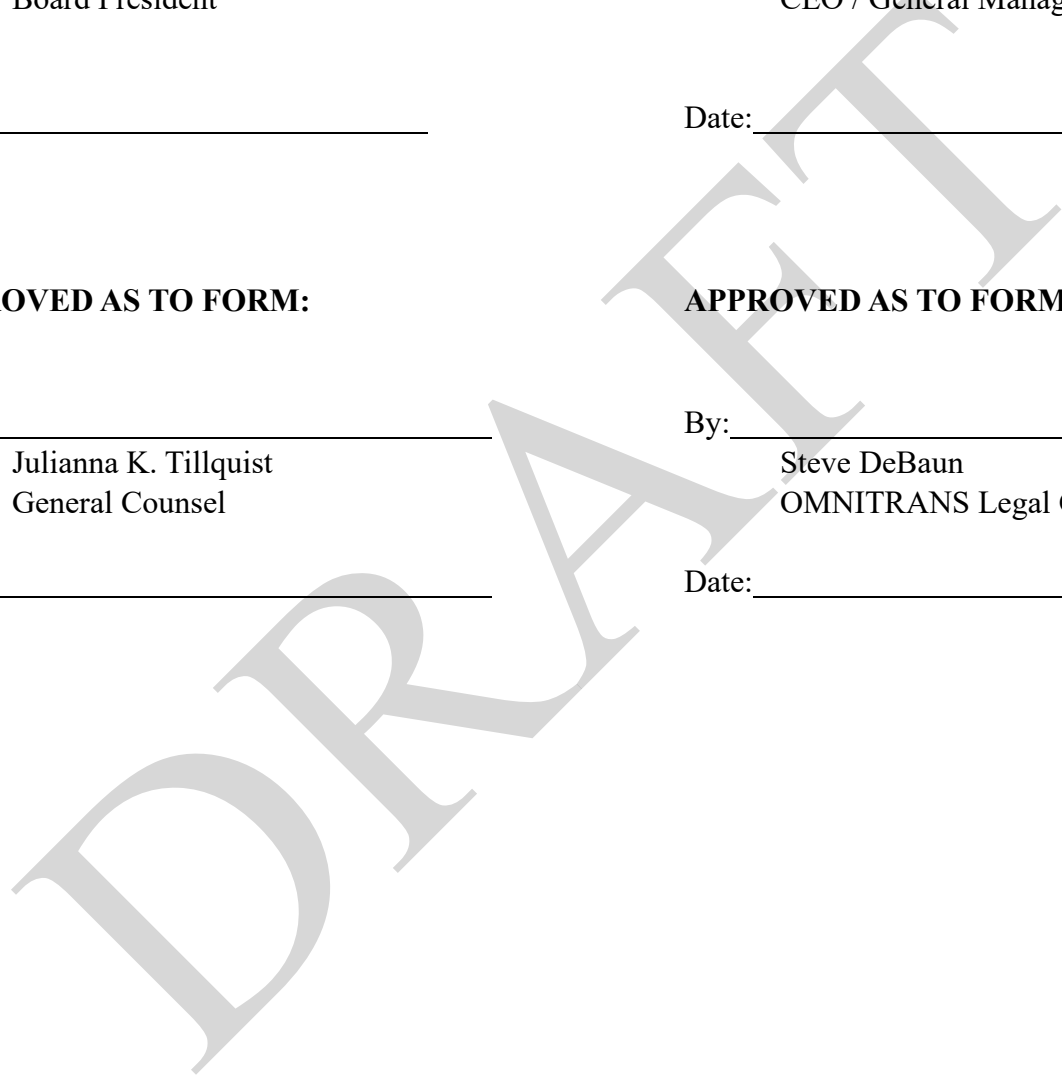
**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

By: \_\_\_\_\_  
Steve DeBaun  
OMNITRANS Legal Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Attachment: 24-1003123-01-PDF (10987 : State and Federal Advocacy Contract Extensions)

General Contract Information

Contract No: 24-1003124 Amendment No.: 1  
 Contract Class: Receivable Department: Legislative and Public Affairs  
 Customer ID: OMNITRANS Customer Name: Omnitrans  
 Description: Funding agreement for state advocacy services

List Any Accounts Payable Related Contract Nos.: 20-1002384

Dollar Amount					
Original Contract	\$	44,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$	-
Current Amendment	\$	96,000.00	Current Amendment	\$	-
<b>Total/Revised Contract Value</b>	<b>\$</b>	<b>140,000.00</b>	<b>Total Contingency Value</b>	<b>\$</b>	<b>-</b>
<b>Total Dollar Authority (Contract Value and Contingency)</b>				<b>\$</b>	<b>140,000.00</b>

Contract Authorization

Board of Directors Date: 11/6/2024 Board Item # 10987

Contract Management (Internal Purposes Only)

Local Funding Agreement N/A

Accounts Receivable

Total Contract Funding: \$ 140,000.00 Funding Agreement No: 24-1003124  
 Beginning POP Date: 2/1/2024 Ending POP Date: 12/31/2026 Final Billing Date: 2/28/2027  
 Expiration Date: 12/31/2026 Fund Admin: Yes  
 Parent Contract 24-1003124 PM Description State Advocacy Services - Omnitrans Contribution  
 Z-Related Contracts Z24-1003124

Sub-						Sub-					
Fund	Prog	Task	Task	Revenue	Total Contract Funding:	Fund	Prog	Task	Task	Revenue	Total Contract Funding:
GL	1040	01	0503	0000	41200000	140,000.00	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-
GL						-	GL				-

Louis Vidaure Project Manager (Print Name) Otis Greer Task Manager (Print Name)

Additional Notes:

Attachment: CSS 24-1003124-01 (10987 : State and Federal Advocacy Contract Extensions)

**AMENDMENT NO. 1 TO AGREEMENT NO. 24-1003124**  
**BETWEEN**  
**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY**  
**AND**  
**OMNITRANS**

This Amendment No. 1 to Agreement No. 24-1003124 (AGREEMENT) is made and entered into by and between the San Bernardino County Transportation Authority (SBCTA) and Omnitrans, a joint powers authority (OMNITRANS). SBCTA and OMNITRANS are each a “Party” or collectively, “Parties”.

**RECITALS:**

- A. On March 15, 2024, SBCTA and OMNITRANS entered into AGREEMENT No. 24-1003124 whereby OMNITRANS would reimburse SBCTA for costs associated with inclusion of additional public transit-focused state advocacy services included in Amendment No. 2 to SBCTA Contract No. 20-1002384; and
- B. SBCTA and OMNITRANS desire to amend AGREEMENT No. 24-1003124 to extend the agreement through December 31, 2026, and increase the contract not-to-exceed amount.

**NOW, THEREFORE**, in consideration of the terms and conditions set forth herein, the Parties agree as follows:

- 1. Article I TERM, is revised in its entirety to read as follows:  
“TERM. This AGREEMENT shall be effective from the last date of a Party’s signature until December 31, 2026.”
- 2. Article II SBCTA RESPONSIBILITIES, Paragraph B is revised in its entirety to read as follows:  
“Subject to reimbursement by OMNITRANS in accordance with Section III.A., SBCTA will pay CONSULTANT for the additional scope of work performed, in an amount not-to-exceed \$140,000.”
- 3. Article III OMNITRANS RESPONSIBILITIES, Paragraph A is revised in its entirety to read as follows:  
“OMNITRANS will reimburse SBCTA the cost for all work completed for the additional scope of work performed by CONSULTANT, up to \$140,000, by transferring a like amount of OMNITRANS’ Local Transportation Fund (LTF) operating allocation to SBCTA.”
- 4. The Recitals set forth above are incorporated herein by this reference.
- 5. Except as amended by this Amendment No. 1, all other provisions of the AGREEMENT shall remain in full force and effect and are incorporated herein by this reference.
- 6. The Amendment No. 1 is effective upon execution by SBCTA.

-----SIGNATURES ON FOLLOWING PAGE-----



IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 1 below.

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**OMNITRANS**

By: \_\_\_\_\_  
Ray Marquez  
Board President

By: \_\_\_\_\_  
Erin Rogers  
CEO / General Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

By: \_\_\_\_\_  
Steve DeBaun  
OMNITRANS Legal Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

DRAFT

Attachment: 24-1003124-01-PDF (10987 : State and Federal Advocacy Contract Extensions)

## *Minute Action*

AGENDA ITEM: 29

***Date: November 6, 2024***

***Subject:***

US 395 Phase 2 Project Hearings to Consider Resolutions of Necessity for Property Interests Within the Cities of Hesperia and Victorville

***Recommendation:***

That the Board of Directors, acting as the San Bernardino County Transportation Authority:

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase 2 Project in the Cities of Hesperia and Victorville.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-031 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Victor Valley Community College District (Assessor's Parcel Number 3064-571-08). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-046 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Donald Jue (Assessor's Parcel Number 3064-541-08). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-036 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jue Investment Partnership (Assessor's Parcel Number 3064-541-07). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-056 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Kiss Hesperia Venture, LLC (Assessor's Parcel Number 3064-401-12). The resolution must be approved by at least a two-thirds majority.

~~F. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-053 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Main Hesperia, LLC (Assessor's Parcel Number 3064-401-02). The resolution must be approved by at least a two-thirds majority.~~

~~G. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-047 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Yucca Terrace Investors, LLC (Assessor's Parcel Number 3064-401-01). The resolution must be approved by at least a two-thirds majority.~~

~~H. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-041 authorizing and directing General Counsel, or her designee, to prepare, commence,~~

*Entity: San Bernardino County Transportation Authority*

## Board of Directors Agenda Item

November 6, 2024

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~~and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: United States Cold Storage of California (Assessor's Parcel Number 3064 421 01 and 3064 421 03). The resolution must be approved by at least a two-thirds majority.~~

I. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-023 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Hazboon Family Trust (Assessor's Parcel Number 3064-371-11). The resolution must be approved by at least a two-thirds majority.

J. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-055 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Victorville, LLC (Assessor's Parcel Number 3136-371-02). The resolution must be approved by at least a two-thirds majority.

K. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-054 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Baldy Mesa County Water District (Assessor's Parcel Number 3136-271-01 and 3136-261-11). The resolution must be approved by at least a two-thirds majority.

L. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-028 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Walden J. Dahl (Assessor's Parcel Number 3136-261-10). The resolution must be approved by at least a two-thirds majority.

M. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-040 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-07). The resolution must be approved by at least a two-thirds majority.

N. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-050 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Ravneet Kaur (Assessor's Parcel Number 3136-261-05). The resolution must be approved by at least a two-thirds majority.

O. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-012 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-06). The resolution must be approved by at least a two-thirds majority.

P. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-011 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TK Properties, LLC/R J Premier Properties, LLC (Assessor's Parcel Number 3136-251-03). The resolution must be approved by at least a two-thirds majority.

Q. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-030 authorizing and directing General Counsel, or her designee, to prepare, commence,

## Board of Directors Agenda Item

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and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Slough Family Trust (Assessor's Parcel Number 3136-281-01 and 3136-281-02). The resolution must be approved by at least a two-thirds majority.

R. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-049 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shayan Capital, LLC (Assessor's Parcel Number 3136-251-01). The resolution must be approved by at least a two-thirds majority.

S. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-038 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Prime A Investments, LLC (Assessor's Parcel Number 3071-381-17 and 3071-381-18). The resolution must be approved by at least a two-thirds majority.

T. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-052 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Sycamore Properties (Assessor's Parcel Number 3071-551-02). The resolution must be approved by at least a two-thirds majority.

U. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-016 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Lighthouse Petroleum-Victorville, LLC (Assessor's Parcel Number 3071-331-11). The resolution must be approved by at least a two-thirds majority.

V. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-045 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jim V. Guthrel (Assessor's Parcel Number 3134-121-38). The resolution must be approved by at least a two-thirds majority.

W. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-039 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: S.W. Irving (Assessor's Parcel Number 3134-121-22). The resolution must be approved by at least a two-thirds majority.

~~X. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-032 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Tsai Family Trust (Assessor's Parcel Number 3134-111-02). The resolution must be approved by at least a two-thirds majority.~~

Y. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-035 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Vertigo Investments Group, LLC (Assessor's Parcel Number 3134-101-02 and 3134-101-05). The resolution must be approved by at least a two-thirds majority.

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~~Z. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-037 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Regwan Family Trust (Assessor's Parcel Number 3134-131-01). The resolution must be approved by at least a two-thirds majority.~~

AA. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-034 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Paradise Lake, LLC (Assessor's Parcel Number 3096-371-04). The resolution must be approved by at least a two-thirds majority.

BB. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-048 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Luna Property, LLC (Assessor's Parcel Number 3096-431-07). The resolution must be approved by at least a two-thirds majority.

CC. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-029 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: TAFE Investment Partnership (Assessor's Parcel Number 3096-391-03). The resolution must be approved by at least a two-thirds majority.

DD. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-042 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: DOS3SRK Investments, LLC (Assessor's Parcel Number 3096-381-01 and 3096-381-09). The resolution must be approved by at least a two-thirds majority.

~~EE. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-043 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The City of Victorville (Assessor's Parcel Number 3103-632-23). The resolution must be approved by at least a two-thirds majority.~~

FF. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-033 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Dr. Prem Reddy Family Foundation (Assessor's Parcel Number 3103-571-03). The resolution must be approved by at least a two-thirds majority.

~~GG. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-027 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: James J. & Sue Femino Living Trust (Assessor's Parcel Number 3103-571-02). The resolution must be approved by at least a two-thirds majority.~~

~~HH. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-044 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Palmdale Rd, LLC (Assessor's Parcel Number 3103-571-01). The resolution must be approved by at least a two-thirds majority.~~

San Bernardino County Transportation Authority

**Background:**

San Bernardino County Transportation Authority (SBCTA) is proceeding with the delivery of the US 395 Phase 2 Project (Project). The acquisition of temporary construction easements (TCE), permanent easements, and partial fee areas from 52 properties is required to construct and operate the Project.

On September 8, 2022, SBCTA and California Department of Transportation (Caltrans) executed Cooperative Agreement No. 22-1002816 for the final design and Right-of-Way (ROW) phase of this Project. Under the cooperative agreement, SBCTA is to lead the acquisition of ROW needed to construct and operate the Project.

In an effort to maintain the Project schedule, it is necessary to comply with the statutorily prescribed process for eminent domain and conduct hearings for a Resolution of Necessity for each property while negotiations continue. Therefore, the purpose of this agenda item is to present information regarding the public interest and necessity for the Project and the property rights required for Project implementation. Although the adoption of Resolutions of Necessity is recommended for the subject properties in order to maintain the Project schedule and avoid delay costs, SBCTA's acquisition agents will continue to negotiate with the property owners in an effort to acquire the property interests through a voluntary purchase and avoid litigation.

The owners of the subject properties are:

- Victor Valley Community College District
- Donald Jue
- Jue Investment Partnership
- Kiss Hesperia Venture, LLC
- ~~Main Hesperia, LLC~~
- ~~Yucca Terrace Investors, LLC~~
- ~~United States Cold Storage of California~~
- The Hazboon Family Trust
- 395 Victorville, LLC
- Baldy Mesa County Water District
- Walden J. Dahl
- Ravneet Kaur
- TK Properties, LLC/R J Premier Properties, LLC
- Slough Family Trust
- Shayan Capital, LLC
- Prime A Investments, LLC
- Sycamore Properties
- Lighthouse Petroleum-Victorville, LLC

- Jim V. Guthrel
- S.W. Irving
- ~~Tsai Family Trust~~
- Vertigo Investments Group, LLC
- ~~Regwan Family Trust~~
- Paradise Lake, LLC
- 395 Luna Property, LLC
- TAFE Investment Partnership
- DOS3SRK Investments, LLC
- ~~The City of Victorville~~
- Dr. Prem Reddy Family Foundation
- ~~James J. & Sue Femino Living Trust~~
- ~~Palmdale Rd, LLC~~

### *Support for the Resolutions of Necessity*

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b)(4). Eminent domain will allow SBCTA to obtain legal rights to the properties needed for the Project if a negotiated sale cannot be reached. A Resolution of Necessity is the first step in the eminent domain process. Since the process takes several months, it is necessary to start this process now to ensure that possession of the property is obtained in time to meet the scheduled delivery and to avoid costly ROW delays.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the properties. The issue of the amount of just compensation for these properties is not addressed by these Resolutions of Necessity and is not to be considered at the hearings. The four necessary findings are:

#### **1. The public interest and necessity require the Project.**

The Project is located in the Cities of Hesperia and Victorville of San Bernardino County. The Project will widen US 395 from two to four lanes with a raised median, turning lanes, and eight-foot shoulders between Interstate 15 and Palmdale Road (SR 18). The proposed improvements will address a critical freight bottleneck in the Victor Valley region. US 395 is designated as a “Priority Interregional Highway” in the Caltrans 2021 Interregional Transportation Strategic Plan. US 395 is widely recognized as a critical linkage for goods movement, supporting the economies of multiple inland counties and an important agricultural route to and from the Central Valley.

The purpose of the Project is to:

- Improve the efficiency and reliability of regional freight flows by closing a critical gap on US 395.
- Improve safety for all users, both motorized and non-motorized.



- Transition US 395 into a more community-centric facility that better accommodates bicycle, pedestrian, and transit travel.

If no improvements are made to US 395, the existing and future traffic congestion will not be mitigated.

**2. The Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.**

During the environmental phase of the Project, three alternatives were studied. The Project Development Team (PDT) selected this alternative to construct as it included the least ROW impacts to the community and relieves congestion, enhancing the operational efficiency and improving access to local services. The proposed design minimizes the property required for the Project, but still requires partial acquisitions, permanent utility easements, permanent maintenance easements and the relinquishment of access rights to the highway in some areas. During the design phase, considerations had been taken that would provide access to adjacent properties where access to those properties would be affected by the Project. Epic Land Solutions, Inc., has also had numerous communications with the property owners about their needs in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good through construction of the Project.

**3. Each property sought to be acquired is necessary for the Project.**

While some of the Project is being constructed within existing ROW, some acquisition from the subject properties is needed to allow existing roadbed widening, retaining wall, drainage systems, and required utility relocations. For the subject properties, the following ROW interests are required:

- **Victor Valley Community College District:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Donald Jue:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Jue Investment Partnership:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Kiss Hesperia Venture, LLC:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- ~~**Main Hesperia, LLC:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.~~
- ~~**Yucca Terrace Investors, LLC:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.~~
- ~~**United States Cold Storage of California:** Two Fee Acquisitions are needed for the construction of the Project improvements.~~
- **The Hazboon Family Trust:** A Fee Acquisition, a Permanent Slope Easement, and a TCE are needed for the construction of the Project improvements.
- **395 Victorville, LLC:** Two Fee Acquisitions are needed for the construction of the Project improvements.

- **Baldy Mesa County Water District:** Two Fee Acquisitions, two Permanent Slope Easements, and two TCEs are needed for the construction of the Project improvements.
- **Walden J. Dahl:** A Fee Acquisition, a Permanent Slope Easement, and a TCE are needed for the construction of the Project improvements.
- **Ravneet Kaur:** Two Fee Acquisitions and two Permanent Slope Easements are needed for the construction of the Project improvements.
- **TK Properties, LLC/R J Premier Properties, LLC:** Two Fee Acquisitions are needed for the construction of the Project improvements.
- **Slough Family Trust:** Two Fee Acquisitions, two Permanent Slope Easements, and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **Shayan Capital, LLC:** Two Fee Acquisitions and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **Prime A Investments, LLC:** Two Fee Acquisitions, two Permanent Slope Easements, and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **Sycamore Properties:** A Permanent Drainage Easement is needed for the construction of the Project improvements.
- **Lighthouse Petroleum-Victorville, LLC:** A Permanent Drainage Easement is needed for the construction of the Project improvements.
- **Jim V. Guthrel:** A Fee Acquisition is needed for the construction of the Project improvements.
- **S.W. Irving:** A Fee Acquisition is needed for the construction of the Project improvements.
- ~~**Tsai Family Trust:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.~~
- **Vertigo Investments Group, LLC:** Two Fee Acquisitions and two Permanent Slope Easements are needed for the construction of the Project improvements.
- ~~**Regwan Family Trust:** A Fee Acquisition and a TCE are needed for the construction of the Project improvements.~~
- **Paradise Lake, LLC:** A Fee Acquisition and a Permanent Drainage Easement are needed for the construction of the Project improvements.
- **395 Luna Property, LLC:** A Fee Acquisition, a Permanent Drainage Easement, and two TCEs are needed for the construction of the Project improvements.
- **TAFA Investment Partnership:** A Fee Acquisition is needed for the construction of the Project improvements.
- **DOS3SRK Investments, LLC:** A Fee Acquisition, a Permanent Drainage Easement, and two TCEs are needed for the construction of the Project improvements.

- ~~**The City of Victorville:** A TCE is needed for the construction of the Project improvements.~~
- **Dr. Prem Reddy Family Foundation:** A Permanent Slope Easements are needed for the construction of the Project improvements.
- ~~**James J. & Sue Femino Living Trust:** A Permanent Slope Easement is needed for the construction of the Project improvements.~~
- ~~**Palmdale Rd, LLC:** Two TCEs are needed for the construction of the Project improvements.~~

**4. Offers required by Section 7267.2 of the Government Code have been made to the property owners.**

The properties listed below were appraised and offers for the full amount of the appraisals were made to the owner or owners of record in accordance with Section 7267.2 of the Government Code.

- The offer for the Victor Valley Community College District property was sent on August 28, 2024.
- The offer for the Donald Jue property was sent on August 30, 2024.
- The offer for the Jue Investment Partnership property was sent on August 29, 2024.
- The offer for the Kiss Hesperia Venture, LLC property was sent on September 3, 2024.
- ~~The offer for the Main Hesperia, LLC property was sent on September 3, 2024.~~
- ~~The offer for the Yucca Terrace Investors, LLC property was sent on September 3, 2024.~~
- ~~The offer for the United States Cold Storage of California property was sent on August 29, 2024.~~
- The offer for the The Hazboon Family Trust property was sent on August 5, 2024.
- The offer for the 395 Victorville, LLC property was sent on September 3, 2024.
- The offer for the Baldy Mesa County Water District property was sent on September 3, 2024.
- The offer for the Walden J. Dahl property was sent on August 27, 2024.
- The offers for the Ravneet Kaur properties were sent on August 29, 2024 and September 3, 2024.
- The offers for the TK Properties, LLC/R J Premier Properties, LLC properties were sent on August 5, 2024.
- The offer for the Slough Family Trust property was sent on August 27, 2024.
- The offer for the Shayan Capital, LLC property was sent on August 29, 2024.
- The offer for the Prime A Investments, LLC property was sent on August 29, 2024.
- The offer for the Sycamore Properties property was sent on September 3, 2024.

- The offer for the Lighthouse Petroleum-Victorville, LLC property was sent on August 5, 2024.
- The offer for the Jim V. Guthrel property was sent on August 30, 2024.
- The offer for the S.W. Irving property was sent on August 29, 2024.
- ~~The offer for the Tsai Family Trust property was sent on August 28, 2024.~~
- The offer for the Vertigo Investments Group, LLC property was sent on August 28, 2024.
- ~~The offer for the Regwan Family Trust property was sent on August 29, 2024.~~
- The offer for the Paradise Lake, LLC property was sent on August 28, 2024.
- The offer for the 395 Luna Property, LLC property was sent on September 3, 2024.
- The offer for the TAFE Investment Partnership property was sent on August 27, 2024.
- The offer for the DOS3SRK Investments, LLC property was sent on August 29, 2024.
- ~~The offer for the City of Victorville property was sent on August 29, 2024.~~
- The offer for the Dr. Prem Reddy Family Foundation property was sent on August 28, 2024.
- ~~The offer for the James J. & Sue Femino Living Trust property was sent on August 27, 2024.~~
- ~~The offer for the Palmdale Rd, LLC property was sent on August 30, 2024.~~

***Financial Impact:***

The US 395 Phase 2 Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Surface Transportation Program Funds in Program 40, Project Delivery.

***Reviewed By:***

This item was reviewed and recommended for approval (7-0-1; Abstained: Bishop) with a quorum present at the Mountain/Desert Policy Committee on October 11, 2024. SBCTA General Counsel has reviewed this item. The RONs were prepared and reviewed by outside ROW Counsel.

***Responsible Staff:***

Tracy Escobedo, Management Analyst II

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

# Attachment A

## PowerPoint Presentation and Letter Submitted for the Public Hearing

# US 395 Phase 2 Project

## DRY RUN RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Tracy Escobedo  
Right-of-Way Coordinator



San Bernardino County  
Transportation Authority

Board of Directors  
November 6, 2024

1

### SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

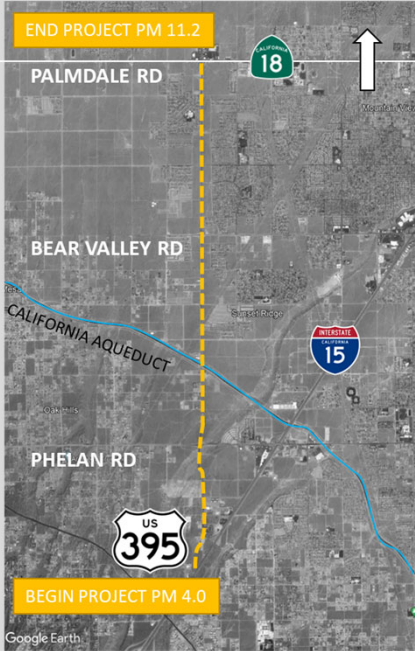
1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



SBCTA Request

2

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



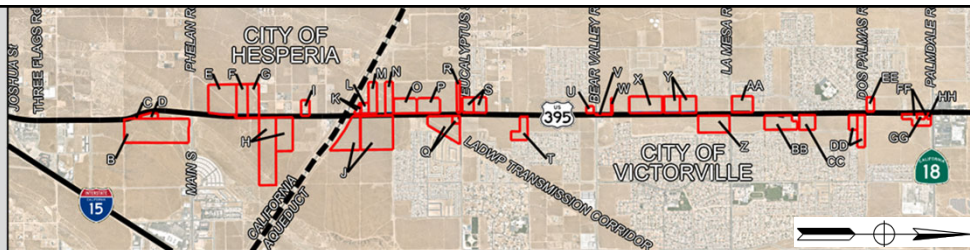
# Project Overview

- Widen US 395 from 2 to 4 lanes with a raised median and eight-foot shoulders between I-15 and Palmdale Road (SR 18).
- New southbound bridge at California Aqueduct



US 395 Phase 2 Project

3



ID	APN	OWNER
B	3064-571-08	VICTOR VALLEY COMMUNITY COLLEGE DISTRICT
C	3064-541-08	DONALD JUE
D	3064-541-07	JUE INVESTMENT PARTNERSHIP
E	3064-401-12	KISS HESPERIA VENTURE, LLC
F	<del>3064-401-02</del>	<del>MAIN HESPERIA, LLC</del>
G	3064-401-01	YUCCA TERRACE INVESTORS, LLC
H	<del>3064-421-01</del>	<del>UNITED STATES GOLD STORAGE OF CALIFORNIA</del>
I	3064-371-11	THE HAZBOON FAMILY TRUST
J	3136-371-02	395 VICTORVILLE, LLC
K	3136-271-01, 3136-261-11	BALDY MESA COUNTY WATER DISTRICT
L	3136-261-10	WALDEN J. DAHL
M	3136-261-07	RAVNEET KAUR
N	3136-261-05	RAVNEET KAUR
O	3136-251-06	TK PROPERTIES, LLC/RJ PREMIER PROPERTIES, LLC
P	3136-251-03	TK PROPERTIES, LLC/RJ PREMIER PROPERTIES, LLC
Q	3136-281-01, 3136-281-02	SLOUGH FAMILY TRUST
R	3136-251-01	SHAYAN CAPITAL, LLC

ID	APN	OWNER
S	3071-381-17, 3071-381-18	PRIME A INVESTMENTS, LLC
T	3071-551-02	SYCAMORE PROPERTIES
U	3071-331-11	LIGHTHOUSE PETROLEUM-VICTORVILLE, LLC
V	3134-121-38	JIM V. GUTHREL
W	3134-121-22	S.W. IRVING
X	<del>3134-111-02</del>	<del>TSAI FAMILY TRUST</del>
Y	3134-101-02, 3134-101-05	VERTIGO INVESTMENTS GROUP, LLC
Z	<del>3134-131-01</del>	<del>REGWAN FAMILY TRUST</del>
AA	3096-371-04	PARADISE LAKE, LLC
BB	3096-431-07	395 LUNA PROPERTY, LLC
CC	3096-391-03	TAFI INVESTMENT PARTNERSHIP
DD	3096-381-01, 3096-381-09	DOS3SRK INVESTMENTS, LLC
EE	<del>3103-632-23</del>	<del>CITY OF VICTORVILLE</del>
FF	3103-571-03	DR. PREM REDDY FAMILY FOUNDATION
GG	<del>3103-571-02</del>	<del>JAMES J. &amp; SUE FEMINO LIVING TRUST</del>
HH	<del>3103-571-01</del>	<del>PALMDALE RD, LLC</del>



Parcel Locations

4

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



**US-395 Phase 2 Project**  
City of Hesperia

APN: 3064-571-08    Owner: Victor Valley Community College District

**Property "B"**

Parcel Location

5

**US-395 Phase 2 Project**  
City of Hesperia

APN: 3064-541-08    Owner: Donald Jue

**Property "C"**

Parcel Location

6

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Hesperia

APN: 3064-541-07    Owner: Jue Investment Partnership

**Property "D"**

Parcel Location

7

**US-395 Phase 2 Project**  
City of Hesperia

APN: 3064-401-12    Owner: Kiss Hesperia Venture, LLC

**US-395 Phase 2 Project**  
City of Hesperia

APN: 3064-401-12 (cont.)    Owner: Kiss Hesperia Venture, LLC

**Property "E"**

Parcel Location

8

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Hesperia  
APN: 3064-401-12 (cont.) Owner: Klas Hesperia Venture, LLC

**Property "E"**




Parcel Location

9

**US-395 Phase 2 Project**  
City of Hesperia  
APN: 3064-401-02 Owner: Main Hesperia, LLC

**Property "F"**

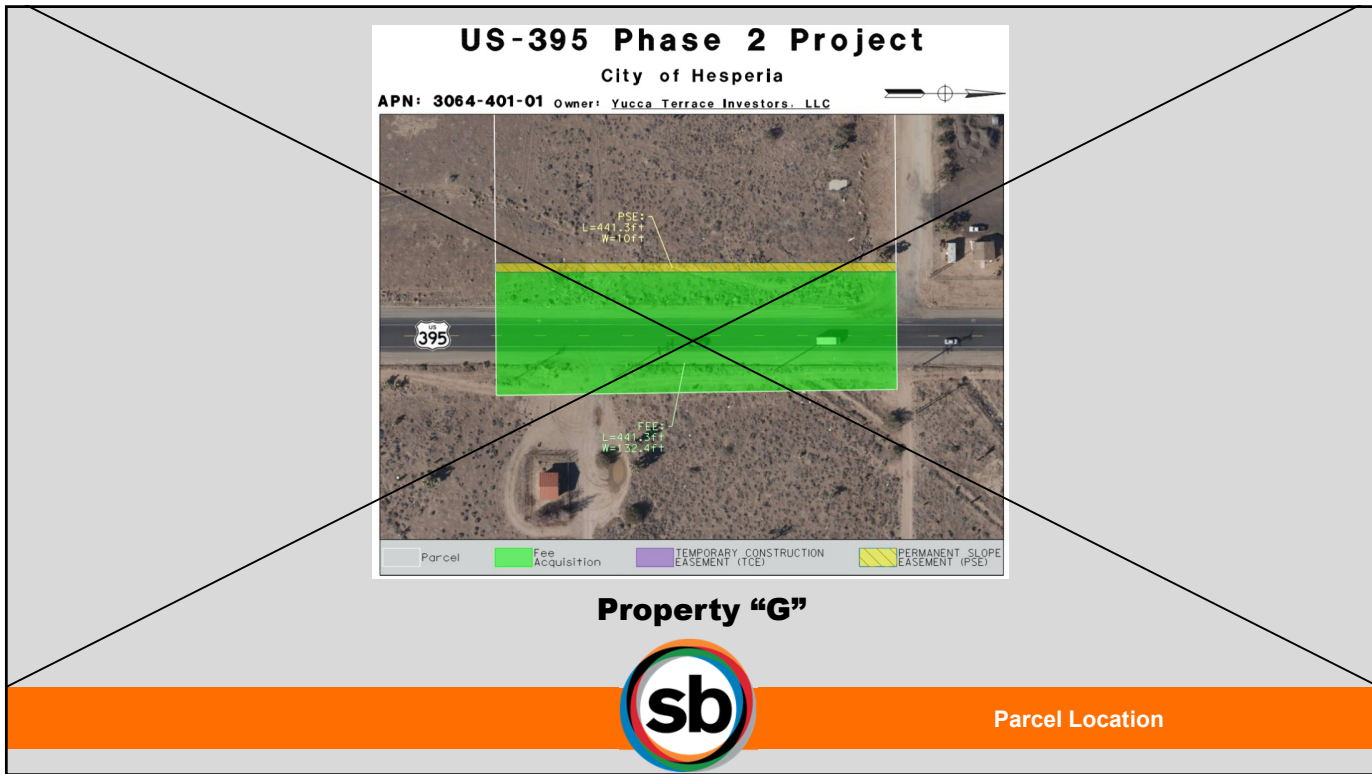


Parcel Location

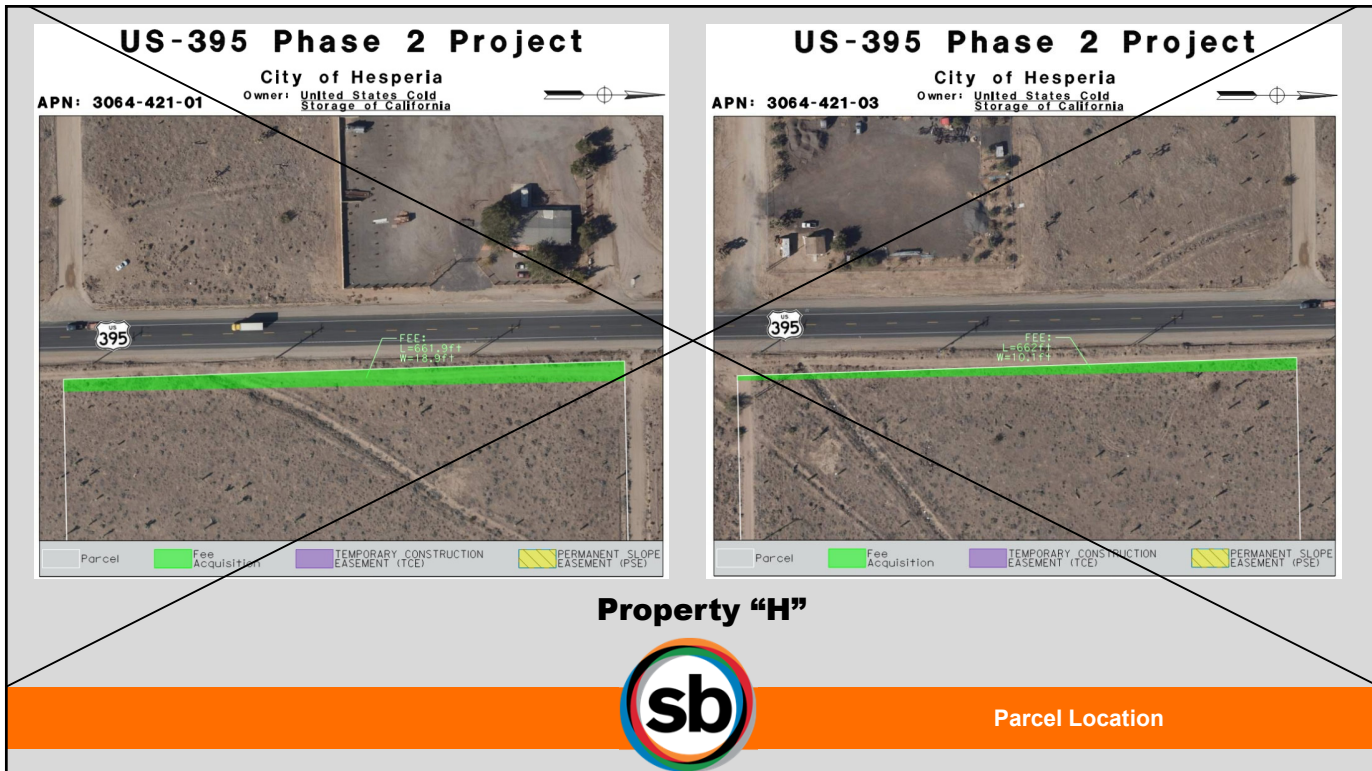
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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



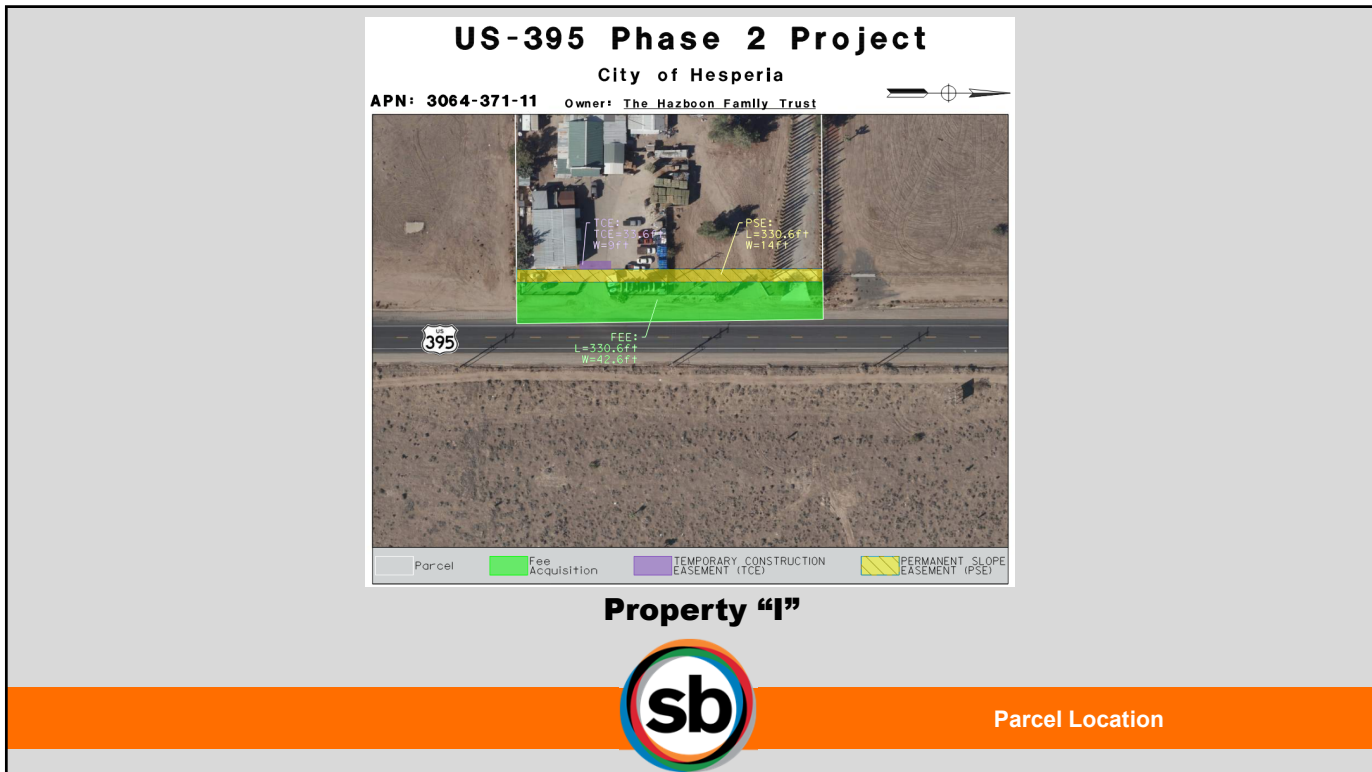


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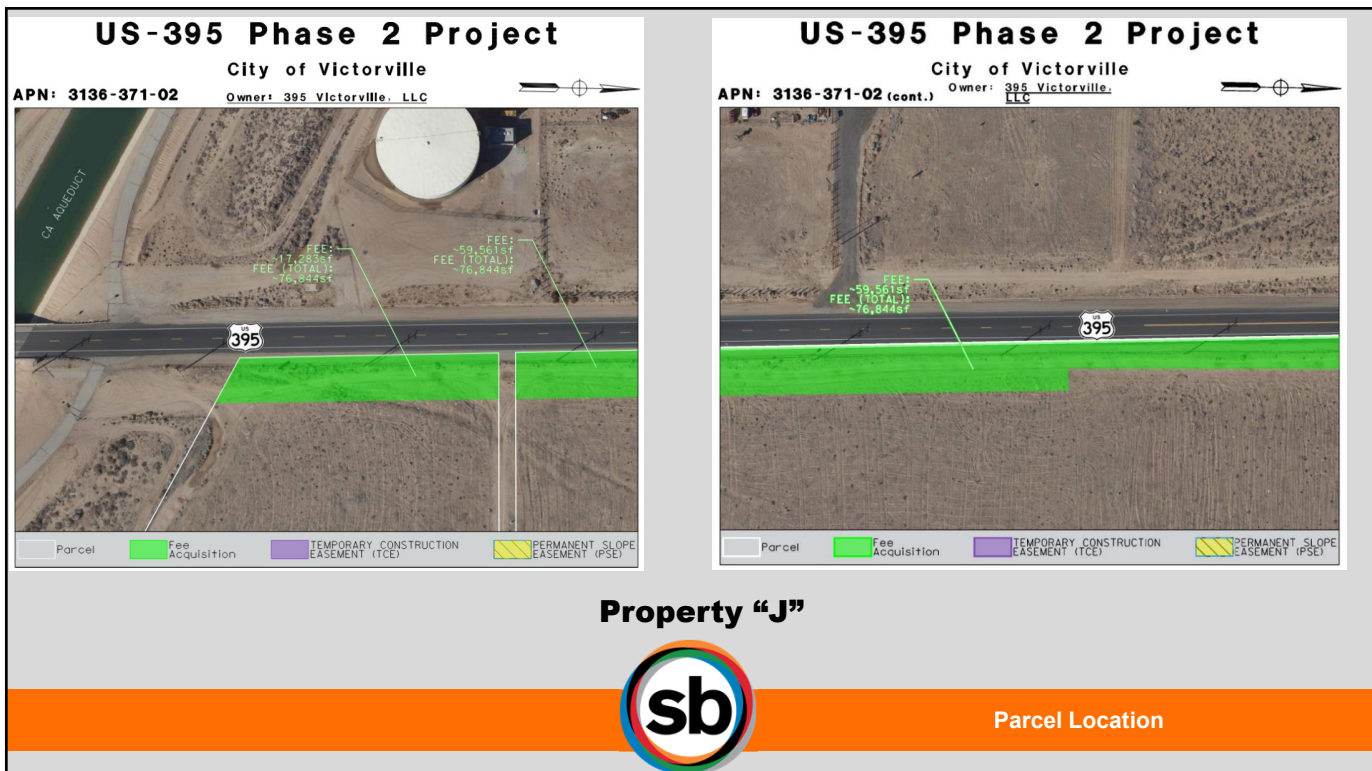


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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



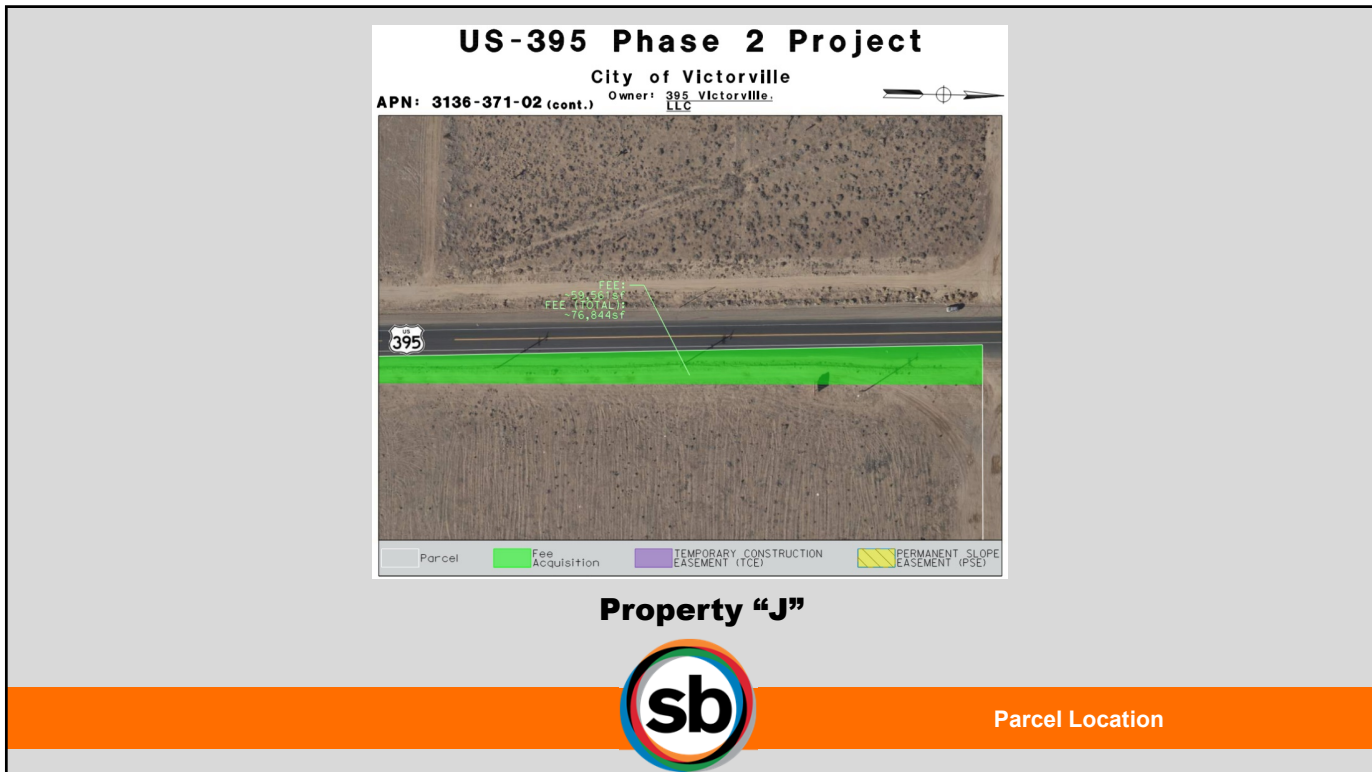
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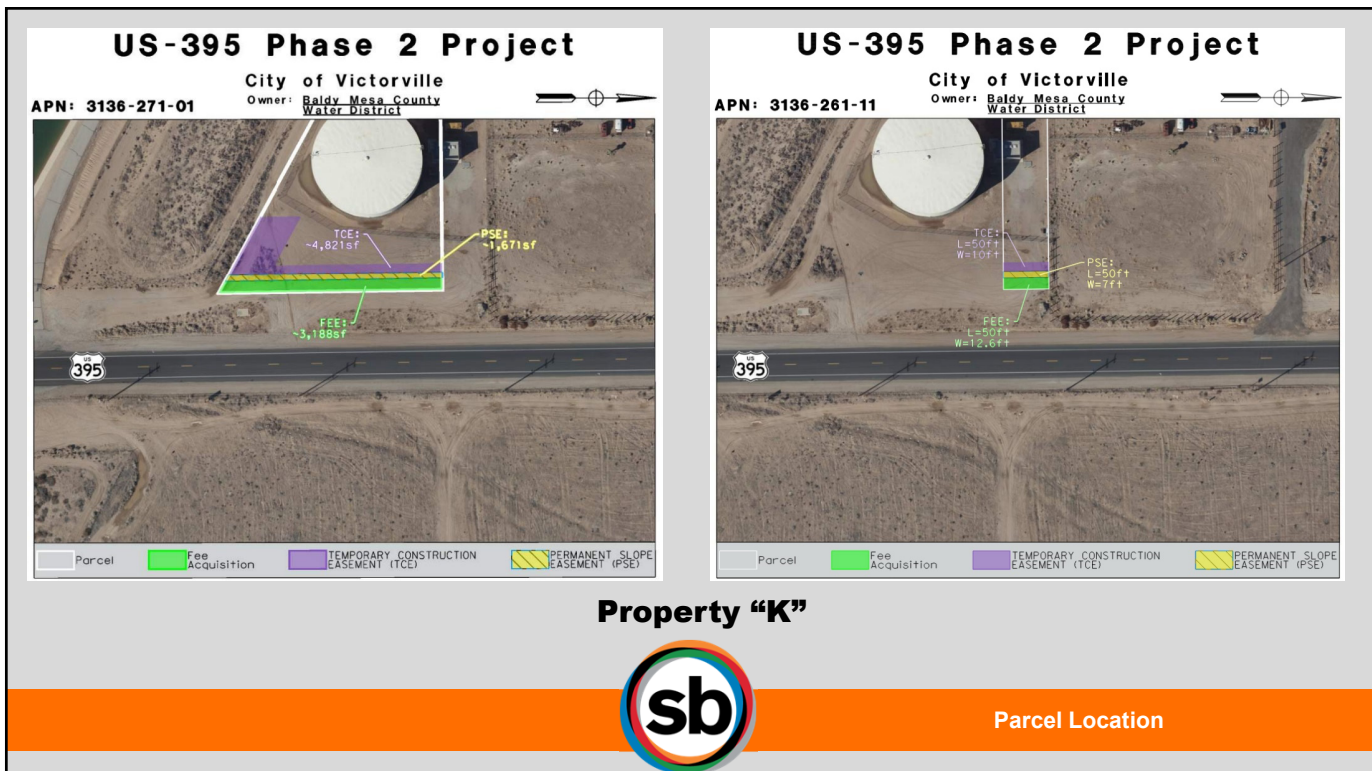
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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)





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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Victorville

APN: 3136-261-10      Owner: Walden J. Dahl

**Property "L"**




Parcel Location

17

**US-395 Phase 2 Project**  
City of Victorville

APN: 3136-261-07      Owner: Ravneet Kaur

**Property "M"**



Parcel Location

18

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



**US-395 Phase 2 Project**  
City of Victorville

APN: 3136-261-05      Owner: Ravneet Kaur

**Property "N"**



Parcel Location

19

**US-395 Phase 2 Project**  
City of Victorville

APN: 3136-251-06      Owner: TK Properties LLC/  
RJ Premier Properties, LLC

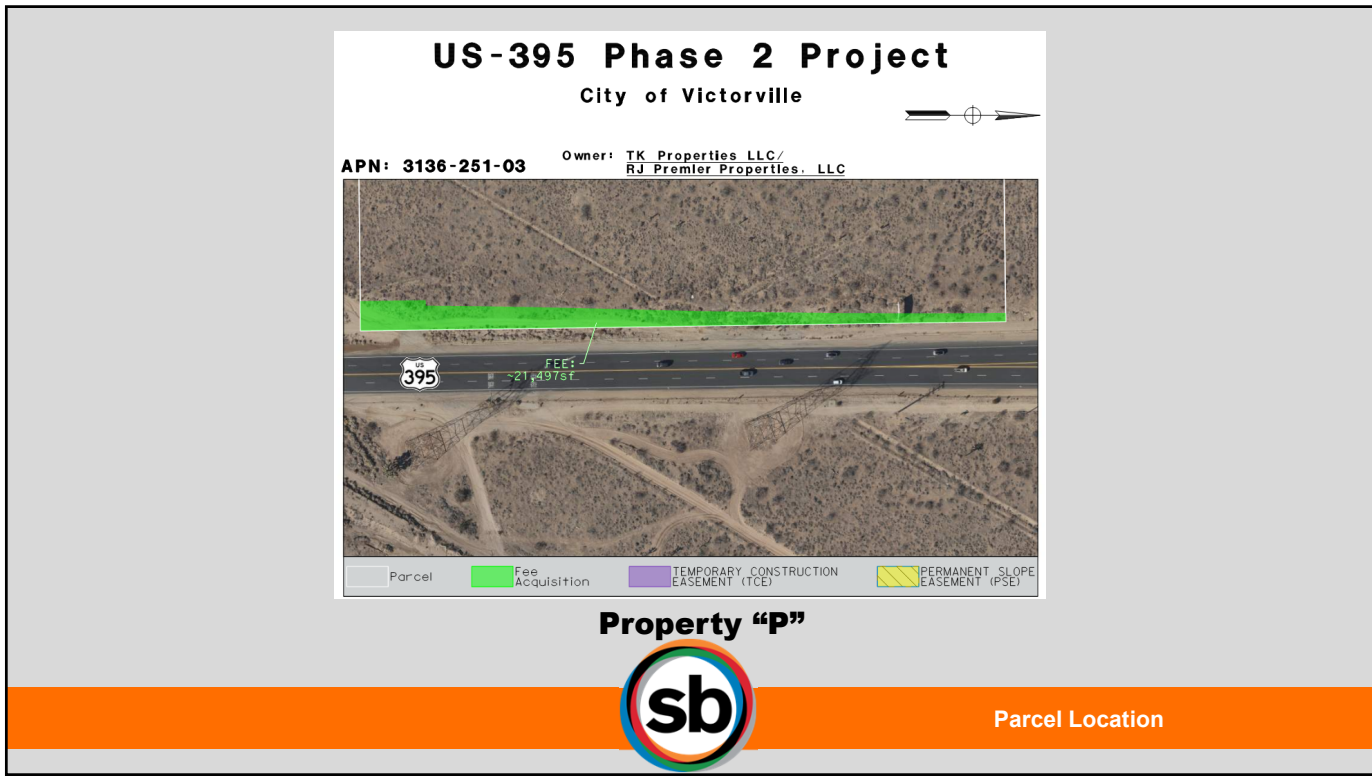
**Property "O"**



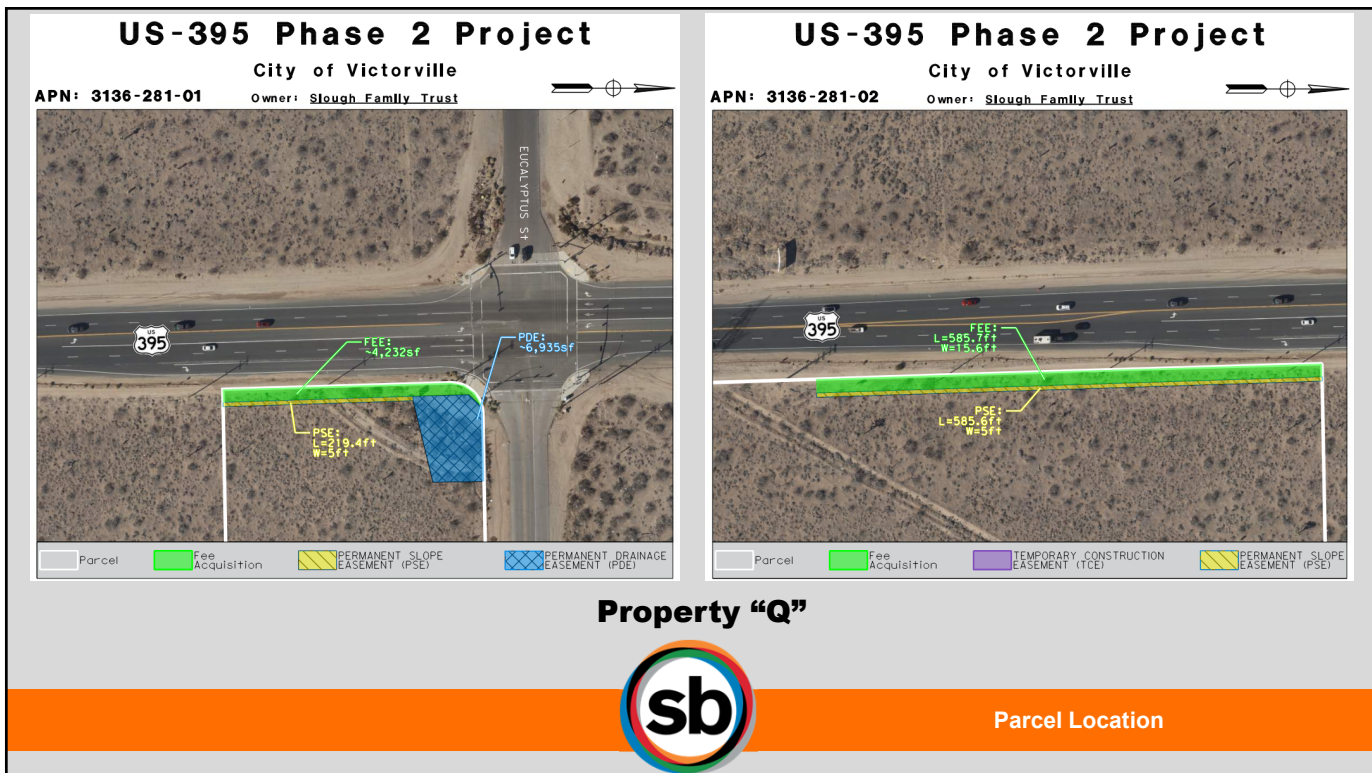
Parcel Location

20

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



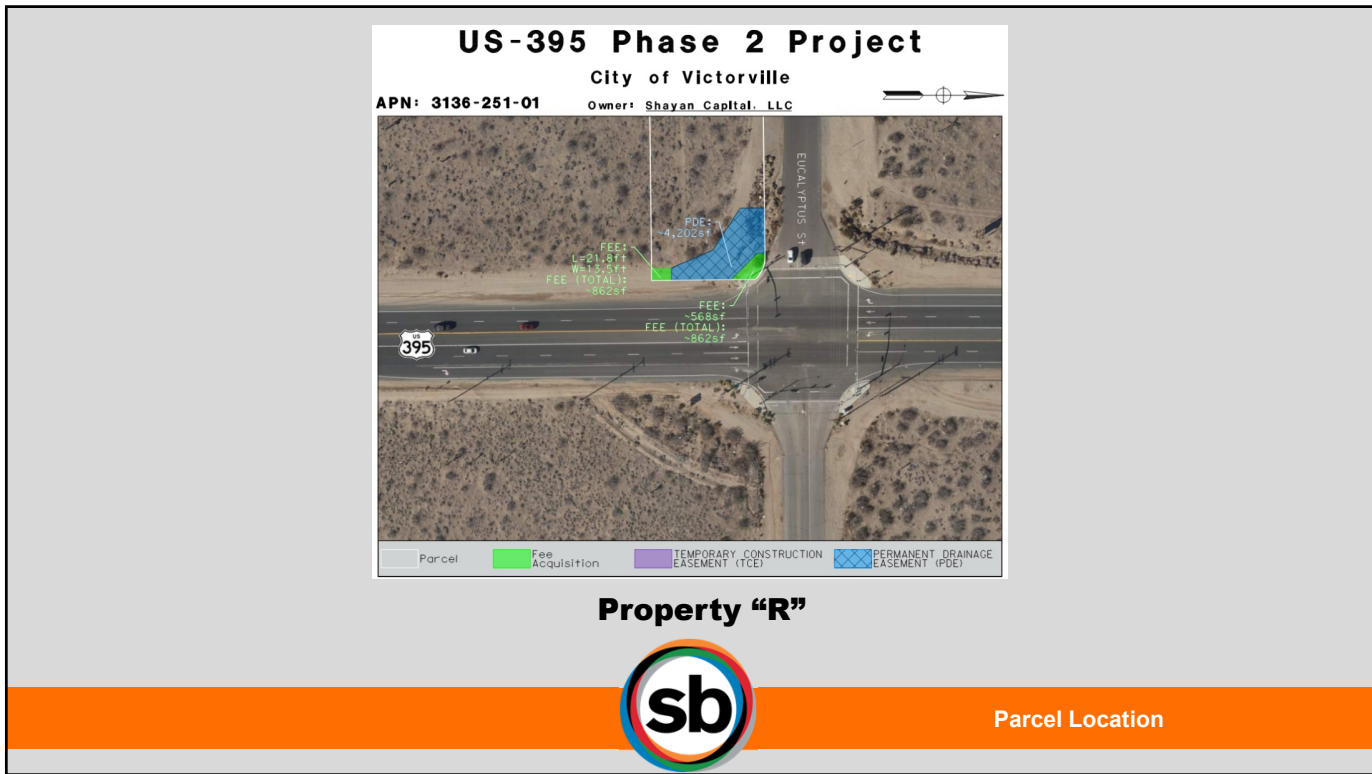
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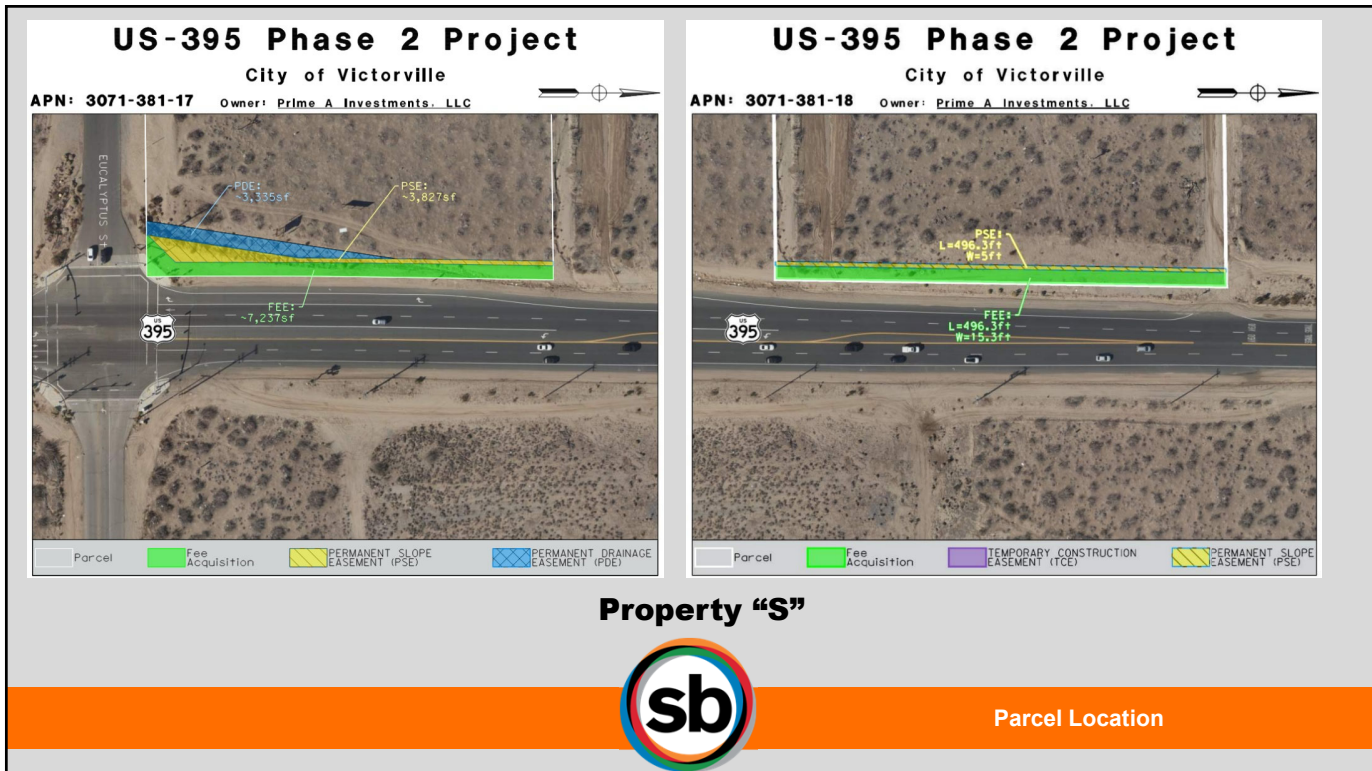
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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)





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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Victorville

APN: 3071-551-02      Owner: Sycamore Properties

**Property "T"**

Parcel Location

25

**US-395 Phase 2 Project**  
City of Victorville

APN: 3071-331-11      Owner: Lighthouse Petroleum-Victorville, LLC

**Property "U"**

Parcel Location


26

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Victorville

APN: 3134-121-38      Owner: Jim V. Guthrel

**Property "V"**




Parcel Location

27

**US-395 Phase 2 Project**  
City of Victorville

APN: 3134-121-22      Owner: S.W. Irving

**Property "W"**

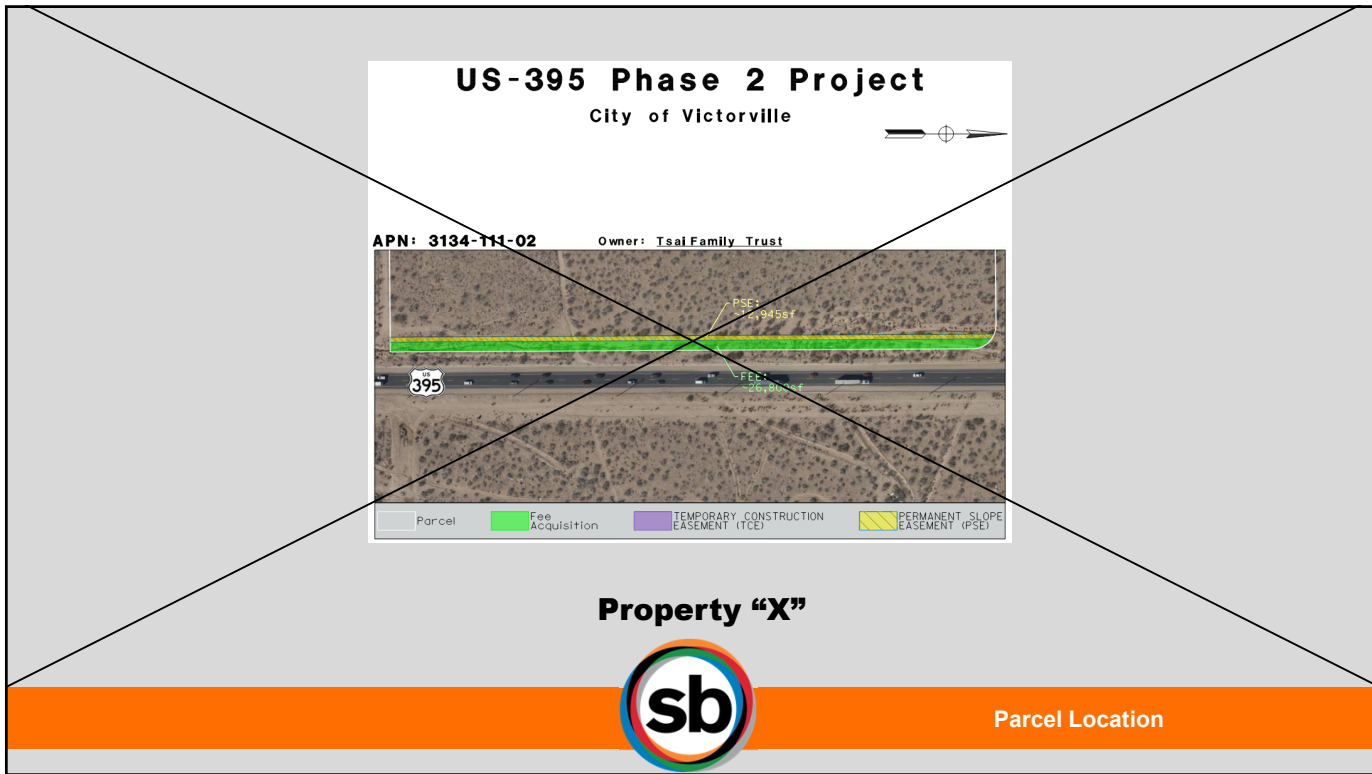


Parcel Location

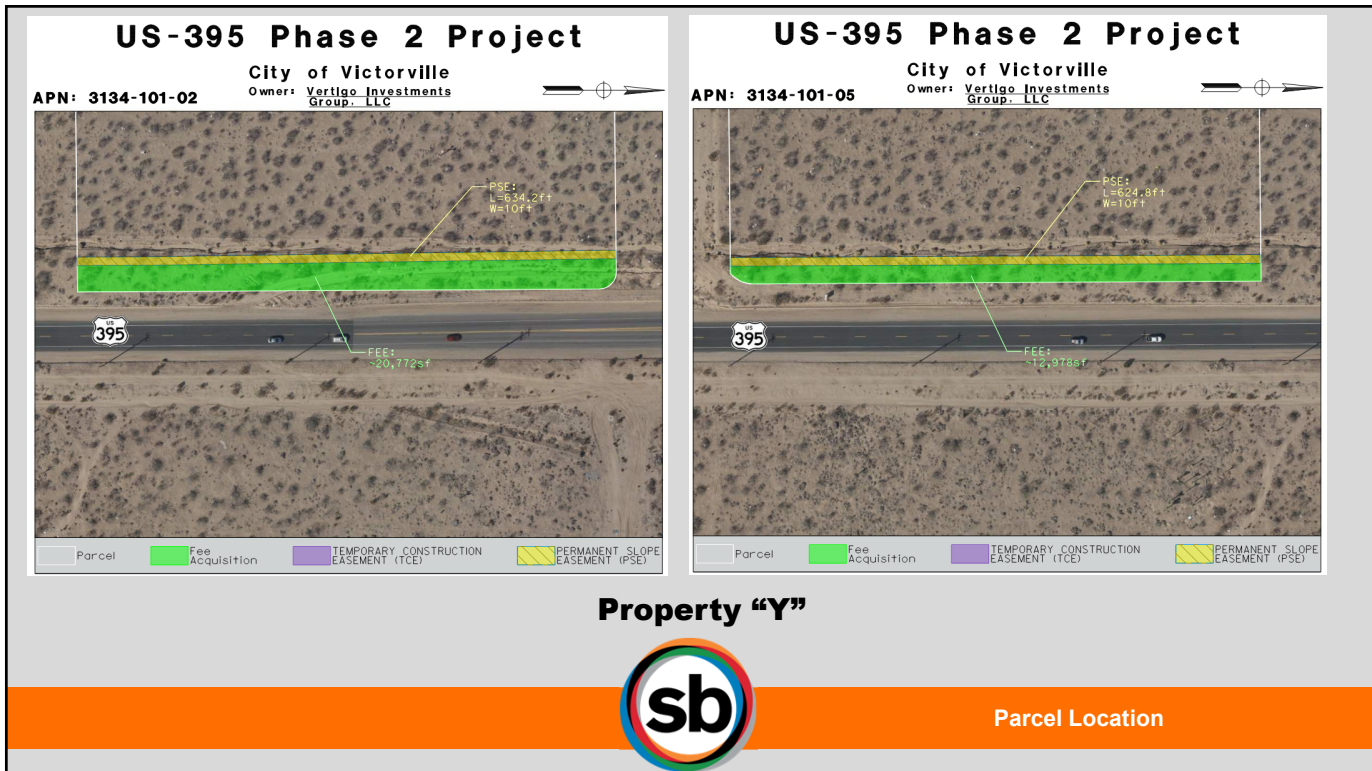
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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)





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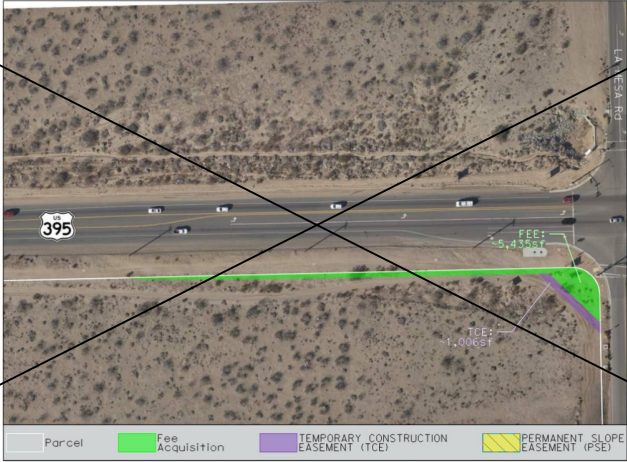


30


Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Victorville

APN: 3134-131-01      Owner: Regwan Family Trust



**Property "Z"**



Parcel Location

31

**US-395 Phase 2 Project**  
City of Victorville

APN: 3096-371-04      Owner: Paradise Lake, LLC



**Property "AA"**



Parcel Location

32

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

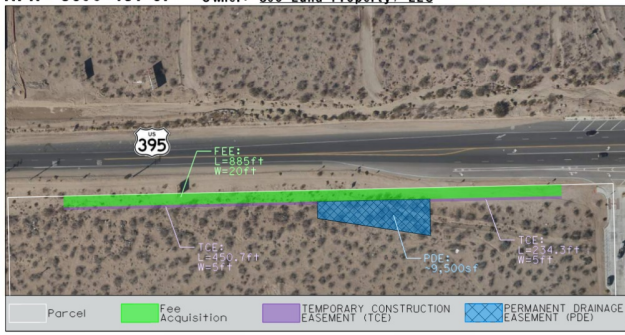


### US-395 Phase 2 Project

City of Victorville



APN: 3096-431-07 Owner: 395 Luna Property, LLC



### Property "BB"



Parcel Location

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### US-395 Phase 2 Project

City of Victorville



APN: 3096-391-03 Owner: Tafa Investment Partnership



### Property "CC"



Parcel Location

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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Victorville

APN: 3096-381-01 Owner: DOS3SRK\_Investments\_LLC

**Property "DD"**

**US-395 Phase 2 Project**  
City of Victorville

APN: 3096-381-09 Owner: DOS3SRK\_Investments\_LLC

**Property "DD"**

Parcel Location

35

**US-395 Phase 2 Project**  
City of Victorville

APN: 3103-632-23 Owner: City of Victorville

**Property "EE"**

Parcel Location

36

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**US-395 Phase 2 Project**  
City of Victorville

APN: 3103-571-03      Owner: Dr. Prem Reddy Family Foundation

**Property "FF"**

Parcel Location

37

**US-395 Phase 2 Project**  
City of Victorville

APN: 3103-571-02      Owner: James J. & Sue Estino Living Trust

**Property "GG"**

Parcel Location

38

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



### US-395 Phase 2 Project

City of Victorville

APN: 3103-571-01      Owner: Palmdale Rd. LLC

**Property "HH"**

Parcel Location

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No.	Ownership	Date of First Contact	Mailing	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts*	Total
B	Victor Valley Community College District	3/22/2024	2	0	1	5	0	1	9
C	Donald Jue	3/22/2024	2	0	4	0	0	3	9
D	Jue Investment Partnership	3/22/2024	2	0	0	4	0	2	8
E	Kiss Hesperia Venture, LLC	3/22/2024	2	0	2	12	0	0	14
F	Main Hesperia, LLC	3/22/2024	2	0	0	5	0	0	7
G	Yucca Terrace Investors, LLC	3/22/2024	2	0	0	4	0	0	6
H	United States Cold Storage of California	3/22/2024	3	0	2	0	0	3	8
I	The Hazboon Family Trust	3/22/2024	2	0	3	2	0	2	9
J	395 Victorville, LLC	3/22/2024	2	0	2	0	0	0	4
K	Baldy Mesa County Water District	3/22/2024	2	0	1	3	0	3	9
L	Walden J. Dahl	3/22/2024	2	0	3	0	0	0	5
M & N	Ravneet Kaur	3/22/2024	4	0	2	0	0	0	6
O & P	*TK Properties, LLC/RJ PREMIER PROPERTIES, LLC	3/22/2024	3	0	9	2	0	11	25
Q	Slough Family Trust	3/22/2024	3	0	7	4	0	0	14
R	Shayan Capital, LLC	3/22/2024	2	0	2	2	0	2	8
S	Prime A Investments, LLC	3/22/2024	2	0	1	14	0	0	16
T	Sycamore Properties	3/22/2024	2	0	3	3	0	2	10
U	Lighthouse Petroleum-Victorville, LLC	3/22/2024	2	0	4	8	0	1	15
V	Jim V. Guthrel	4/5/2024	2	0	2	0	0	0	4
W	S.W. Irving	3/22/2024	4	0	0	0	0	6	10
X	Tsai Family Trust	3/22/2024	2	0	0	2	0	0	4
Y	Vertigo Investments Group, LLC	3/22/2024	2	0	4	5	0	0	11
Z	Regwan Family Trust	3/22/2024	2	0	2	0	0	0	4
AA	Paradise Lake, LLC	4/2/2024	2	0	3	1	0	0	5
BB	395 Luna Property, LLC	3/22/2024	2	0	1	1	0	3	7
CC	Tafa Investment Partnership	3/22/2024	2	0	2	7	0	0	11
DD	DOS3SRK Investments, LLC	3/22/2024	4	0	3	5	0	0	12
EE	The City of Victorville	3/22/2024	2	0	3	9	0	0	14
FF	Dr. Prem Reddy Family Foundation	3/22/2024	2	0	1	14	0	0	16
GG	James J. & Sue Femino Living Trust	3/22/2024	2	0	4	0	0	0	6
HH	Palmdale Rd. LLC	3/22/2024	2	0	3	0	0	0	5

\*Property visit, phone call and/or email with no response      Communications as of 9/24/2024

Communication Summary

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Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

Item	Ownership	Offer Date
B	Victor Valley Community College District	8/28/2024
C	Donald Jue	8/30/2024
D	Jue Investment Partnership	8/29/2024
E	Kiss Hesperia Venture, LLC	9/3/2024
F	Main Hesperia, LLC	9/3/2024
G	Yucca Terrace Investors, LLC	9/3/2024
H	United States Cold Storage of California	8/29/2024
I	The Hazboon Family Trust	8/5/2024
J	395 Victorville, LLC	9/3/2024
K	Baldy Mesa County Water District	9/3/2024
L	Walden J. Dahl	8/27/2024
M & N	Ravneet Kaur	8/29/2024 & 9/3/2024
O & P	*TK Properties, LLC/RJ PREMIER PROPERTIES, LLC	8/5/2024
Q	Slough Family Trust	8/27/2024
R	Shayan Capital, LLC	8/29/2024
S	Prime A Investments, LLC	8/29/2024
T	Sycamore Properties	9/3/2024
U	Lighthouse Petroleum-Victorville, LLC	8/5/2024
V	Jim V. Guthrel	8/30/2024
W	S.W. Irving	8/29/2024
X	Tsal Family Trust	8/28/2024
Y	Vertigo Investments Group, LLC	8/28/2024
Z	Regwan Family Trust	8/29/2024
AA	Paradise Lake, LLC	8/28/2024
BB	395 Luna Property, LLC	9/3/2024
CC	Tafa Investment Partnership	8/27/2024
DD	DOS3SRK Investments, LLC	8/29/2024
EE	The City of Victorville	8/29/2024
FF	Dr. Prem Reddy Family Foundation	8/28/2024
GG	James J. & Sue Femino Living Trust	8/27/2024
HH	Palmdale Rd, LLC	8/30/2024



Offer of Just Compensation

41

**SBCTA ADOPT A RESOLUTION OF NECESSITY  
BASED ON THE FOLLOWING FINDINGS:**

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



Staff Recommendation

42

Attachment: US 395 Phase 2 Resolutions of Necessity Hearing 11.06.24 Board (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

THANK YOU





# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
 Attorneys at Law  
 2010 Main Street, 8<sup>th</sup> Floor | Irvine, CA 92614-7214  
 Telephone: 949.553.1313 | Facsimile: 949.553.8354  
 www.allenmatkins.com

**K. Erik Friess**  
 E-mail: rfriess@allenmatkins.com  
 Direct Dial: 949.851.5478 File Number: 395694.00001/4883-4874-8012.1

## Via Email/U.S. Mail

October 3, 2024

San Bernardino County Transportation  
 Authority  
 Clerk of the Board of Directors  
 1170 W. 3rd Street, 2nd Floor  
 San Bernardino, CA 92410

Email: clerkoftheboard@gosbcta.com

**Re: Sidqi & Latifeh Hazboon (10368 Highway 395): Request to be heard at the SBCTA Board of Directors November 6, 2024, hearing on its proposed resolution of necessity.**

To the Clerk of the Board:

This firm represents Sidqi S. Hazboon and Latifeh S. Hazboon, Trustees of the Hazboon Family Trust dated March 16, 1998, owners of property that is the subject of the Board's November 6, 2024, hearing regarding the intent to adopt a resolution of necessity authorizing condemnation for a portion of the property located at 10368 Highway 395, and designated as San Bernardino County Assessor's Parcel Number 3064-371-11, for Phase 2 of the US-395 Widening Project.

This letter constitutes the Hazboon Family's request to appear and be heard on the intended resolution of necessity. This letter also provides notice that the Hazboon Family intends to, and hereby does, object to the Board's adoption of the proposed resolution of necessity.

The Hazboon Family reserves the right to submit additional comments and objections in advance of and at the November 6, 2024, hearing.

Very truly yours,



K. Erik Friess

KEF:slp

**RESOLUTION OF NECESSITY No. 25-031**

**VICTOR VALLEY COMMUNITY COLLEGE  
DISTRICT PROPERTY**

**(APN 3064-571-08)**

**RESOLUTION NO. 25-031**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3064-571-08.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located on the south side of Main Street, east of US Highway 395, in the City of Hesperia, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Hesperia as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

Attachment: B-Victor Valley Community College Dist. - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-571-08\_01**

That portion of Parcel 1 of Amending Map Parcel Map No. 19187, in the City of Hesperia, County of San Bernardino, State of California, as shown on the map filed under Document No. 2009-0547969, in Book 235, Pages 43 and 44 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 22, Township 4 North, Range 5 West, San Bernardino Meridian, said portion more particularly described in the Grant Deed recorded July 09, 2009 as Document No. 2009-0299179 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 22 as shown on said Parcel Map;

Thence northerly along the westerly line of said Section 22 North  $00^{\circ}13'03''$  East 242.41 feet to the **Point of Beginning**;

Thence continuing northerly along said westerly line North  $00^{\circ}13'03''$  East 183.32 feet;

Thence leaving said westerly line South  $22^{\circ}56'24''$  East 5.37 feet to the beginning of a tangent curve, concave westerly, having a radius of 1,532.00 feet;

Thence southerly along said curve through a central angle of  $16^{\circ}18'53''$ , an arc length of 436.23 feet to the southerly line of said Parcel 1, said southerly line also being the southerly line of the Northwest one-quarter (1/4) of said Section 22;

Thence westerly along said southerly line South  $89^{\circ}47'44''$  West 71.76 feet to the beginning of a non-tangent curve, concave westerly, having a radius of 1,549.65 feet, a radial line to said beginning bears North  $84^{\circ}43'24''$  East, said non-tangent curve also being the southwesterly line of said Parcel 1;

Thence northerly along said curve through a central angle of  $09^{\circ}05'59''$ , an arc length of 246.12 feet to the **Point of Beginning**.


Containing 23,067 square feet (0.53 acres) more or less.

**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

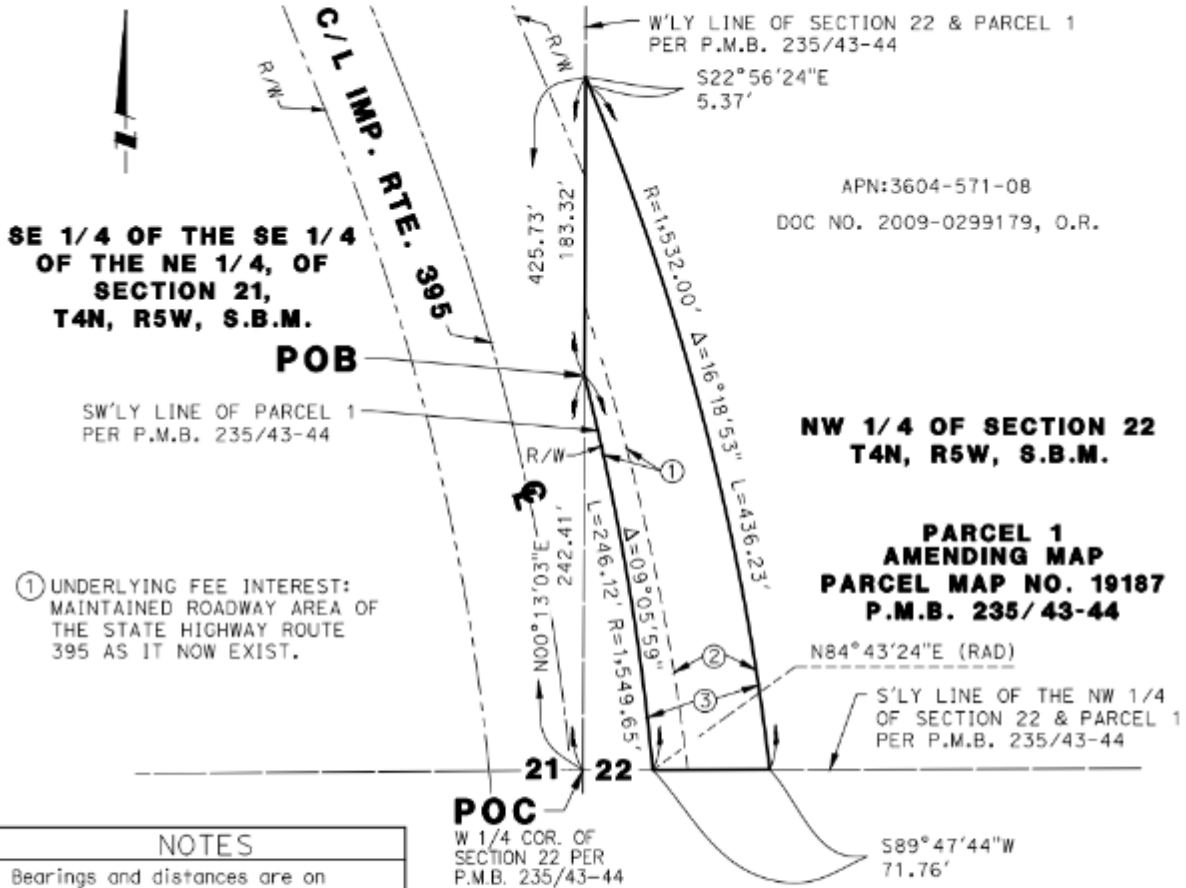
06/28/2024  
Date: \_\_\_\_\_



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-571-08_01		23,067 S.F.	3064-571-08

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 22, T4N, R5W, S.B.M.



**SE 1/4 OF THE SE 1/4 OF THE NE 1/4, OF SECTION 21, T4N, R5W, S.B.M.**

APN:3604-571-08  
 DOC NO. 2009-0299179, O.R.

**NW 1/4 OF SECTION 22 T4N, R5W, S.B.M.**

**PARCEL 1 AMENDING MAP PARCEL MAP NO. 19187 P.M.B. 235/43-44**

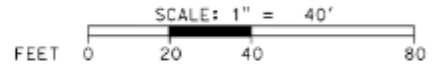
① UNDERLYING FEE INTEREST: MAINTAINED ROADWAY AREA OF THE STATE HIGHWAY ROUTE 395 AS IT NOW EXIST.

### NOTES

Bearings and distances are on CCS 1983 (2007.00) Zone 5. Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- CENTERLINE
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET
- (RAD) RADIAL BEARING



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 06/28/2024  
 TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE:06/28/2024	DRAFTED BY: TRG	REV.:	EA:0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.13	1	1

Attachment: B-Victor Valley Community College Dist. - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-046**  
**DONALD JUE PROPERTY**  
**(APN 3064-541-08)**

Attachment: C-Jue, Donald - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-046**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3064-541-08.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located on the east side of US Highway 395, south of Main Street, in the City of Hesperia, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and



**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Hesperia as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

Attachment: C-Jue, Donald - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-541-08\_01**

That portion of the land within the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 21, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described in the Quit Claim Deed recorded November 13, 2013 as Document No. 2013-0485885 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of Section 22, Township 4 North, Range 5 West, San Bernardino Meridian, as shown on the Amending Map, Parcel Map No. 19187, filed in Book 235, Pages 43 and 44 of Parcel Maps, in the office of the County Recorder of said County, said corner also being the East one-quarter (1/4) corner of said Section 21;

Thence northerly along the easterly line of said Section 21 North 00° 13' 03" East 364.21 feet to the **Point of Beginning**;

Thence continuing northerly along said easterly line North 00° 13' 03" East 61.52 feet;

Thence leaving said easterly line North 22° 56' 24" West 97.58 feet;

Thence North 16° 24' 43" East 64.66 feet;

Thence North 22° 56' 24" West 25.00 feet;

Thence North 47° 16' 00" West 89.70 feet to the northerly line of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of said Section 21 as shown on the County Surveyor Map C.S. 7808, filed in the County Surveyor's Office of said County;

Thence westerly along said northerly line South 89° 35' 18" West 20.95 feet to the easterly line of Parcel 16004-1, as described in the Final Order of Condemnation, Case No. VCV 015560, recorded February 15, 2000 as Document No. 2000-0051989 of Official Records, in the office of the County Recorder of said County;

Thence southerly along said easterly line South 14° 42' 30" East 62.14 feet;

Thence continuing southerly along said easterly line South 22° 56' 28" East 257.40 feet to the **Point of Beginning**.

Containing 10,604 square feet (0.24 acres) more or less.

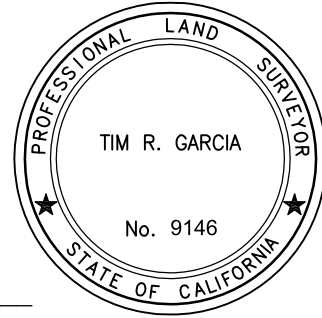
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/19/2024  
\_\_\_\_\_  
Date:



Attachment: C-Jue, Donald - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

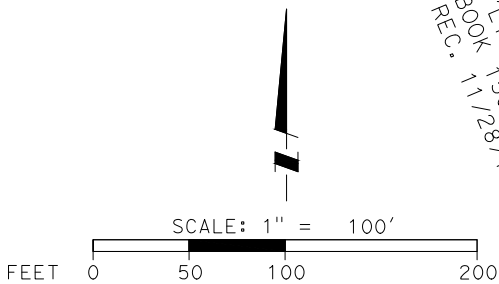
PARCEL	TYPE OF ESTATE	AREA	APN
3064-541-08_01		10,604 S.F.	3064-541-08

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 21, T4N, R5W, S.B.M.

**COUNTY SURVEYOR  
 MAP C.S. 7808**

**SE 1/4 OF THE SE 1/4  
 OF THE NE 1/4  
 OF SECTION 21,  
 T4N, R5W, S.B.M.**

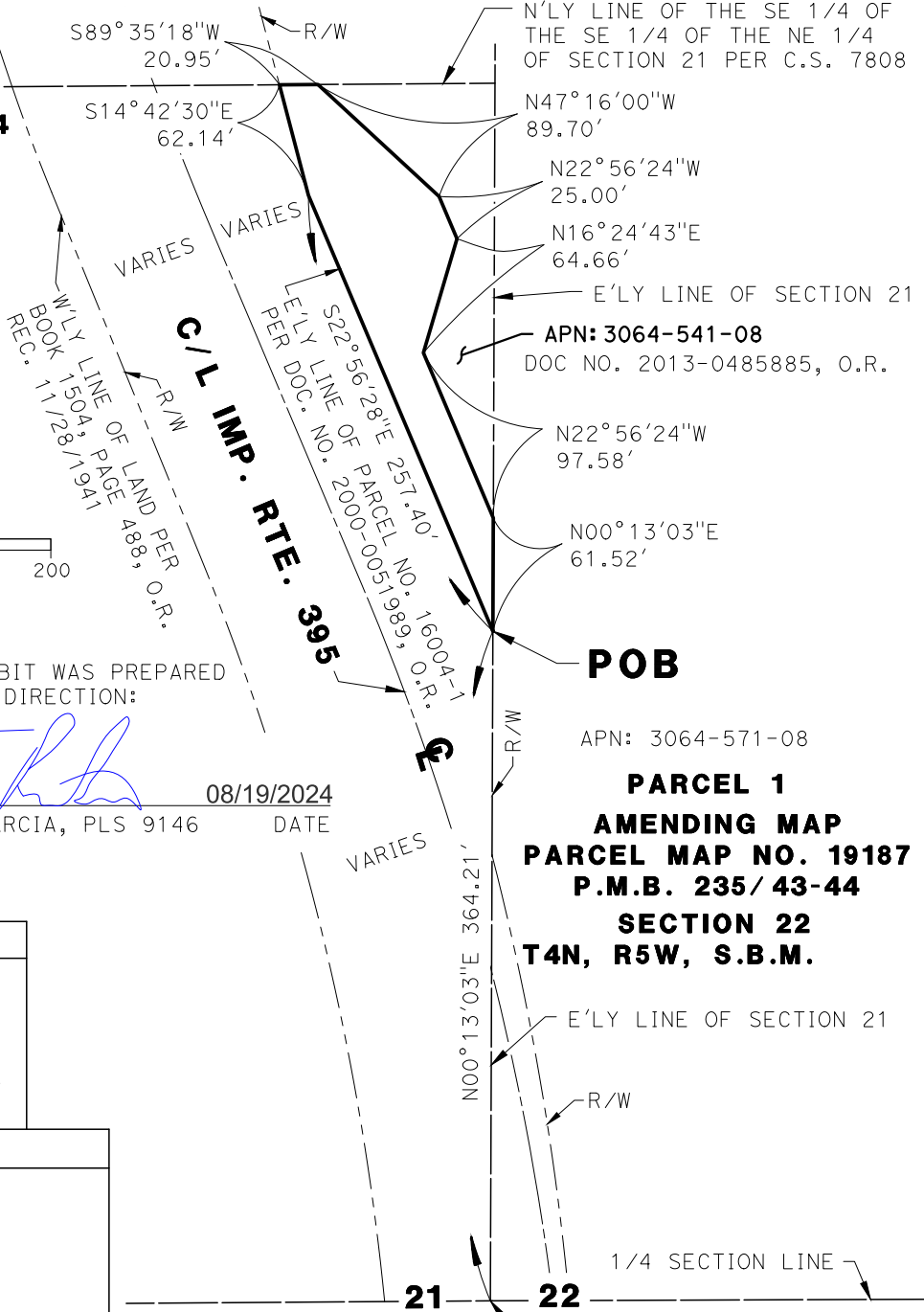
APN: 3064-571-06  
 DOC NO. 2013-0485885, O.R.



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia*  
 TIM R. GARCIA, PLS 9146

08/19/2024  
 DATE



**NOTES**  
 Bearings and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
R/W	RIGHT OF WAY
C.S.	COUNTY SURVEYOR MAP
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET

APN: 3064-541-08  
**PARCEL 1  
 AMENDING MAP  
 PARCEL MAP NO. 19187  
 P.M.B. 235/43-44  
 SECTION 22  
 T4N, R5W, S.B.M.**

**POC**  
 1/4 COR. OF  
 SEC. 21 & SEC. 22  
 T4N, R5W, S.B.M. PER  
 P.M.B. 235/43-44

PREPARED BY: <b>PSOMAS</b>		DATE: 08/19/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.20	1	1

Attachment: C-Jue, Donald - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-036**

**JUE INVESTMENT PARTNERSHIP  
PROPERTY**

**(APN 3064-541-07)**

**RESOLUTION NO. 25-036**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3064-541-07.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located on the east side of US Highway 395, south of Main Street, in the City of Hesperia, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Hesperia as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-541-07\_01**

That portion of land within the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 21, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said portion more particularly described in the Quitclaim Deed recorded June 27, 2007 as Document No. 2007-0382095 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of Section 22, Township 4 North, Range 5 West, San Bernardino Meridian, as shown on Amending Map, Parcel Map No. 19187, filed as Document No. 2009-0547969, in Book 235, Page 43 and 44 of Parcel Maps, in the office of the County Recorder of said County, said corner also being the East one-quarter (1/4) corner of said Section 21;

Thence northerly along the easterly line of said Section 21 North 00° 13' 03" East 364.21 feet to the easterly line of Parcel 16004-1, as described in the Final Order of Condemnation, Case No. VCV 015560, recorded February 15, 2000 as Document No. 2000-0051989 of Official Records, in the office of the County Recorder of said County;

Thence northwesterly along said easterly line North 22° 56' 28" West 257.40 feet;

Thence continuing northwesterly along said easterly line North 14° 42' 30" West 62.14 feet to a point on the northerly line of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of said Section 21, as shown on the County Surveyor Map C.S. 7808, filed in the County Surveyors Office of said County, said point also being the **Point of Beginning**;

Thence continuing northwesterly North 14° 42' 30" West 56.74 feet along the easterly line of Parcel 16006-1, as described in the Final Order of Condemnation, Case No. VCV 015559, recorded February 03, 2000 as Document No. 2000-0037741 of Official Records, in the office of the County Recorder of said County;

Thence easterly leaving said easterly line North 70° 22' 53" East 10.59 feet;

Thence South 23° 31' 57" East 63.57 feet to last said northerly line;

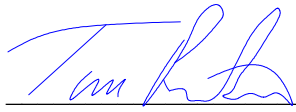
Thence westerly along said northerly line South 89° 35' 18" West 20.95 feet to the **Point of Beginning**.

Containing 912 square feet (0.02 acres) more or less.

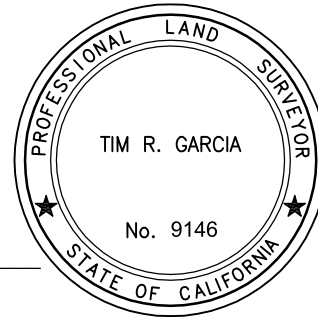
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

06/28/2024  
Date: \_\_\_\_\_



Attachment: D-Jue Investments - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

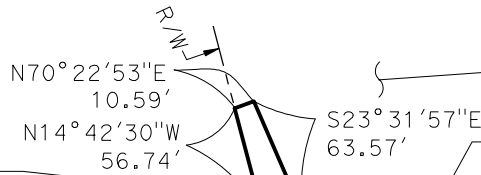
PARCEL	TYPE OF ESTATE	AREA	APN
3064-541-07_01		912 S.F.	3064-541-07

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 21, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE 1/4  
OF THE NE 1/4 OF  
SECTION 21  
T4N, R5W, S.B.M.**

E'LY LINE OF PARCEL 16006-1  
PER DOC. NO. 2000-0037741, O.R.

APN: 3064-541-07  
DOC. NO. 2007-0382095, O.R.



N'LY LINE OF THE SE 1/4 OF  
THE SE 1/4 OF THE NE 1/4  
OF SECTION 21 PER C.S. 7808

**SE 1/4 OF THE SE 1/4  
OF THE NE 1/4 OF  
SECTION 21  
T4N, R5W, S.B.M.**

**COUNTY SURVEYOR  
MAP C.S. 7808**



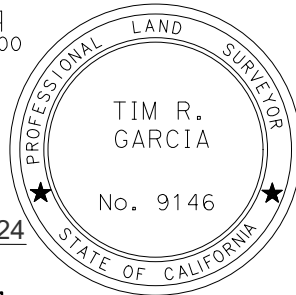
SCALE: 1" = 100'

FEET 0 50 100 200

THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

06/28/2024

TIM R. GARCIA, PLS 9146 DATE



**C/L IMP. RTE. 395**

APN: 3064-571-08  
**PARCEL 1  
AMENDING MAP  
PARCEL MAP NO. 19187  
P.M.B. 235/43-44**

**SECTION 22  
T4N, R5W, S.B.M.**

**NOTES**  
Bearings and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET

**POC**

1/4 COR. OF  
SEC. 21 & SEC. 22  
PER P.M.B.  
235/43-44



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 06/28/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.24	1	1

**RESOLUTION OF NECESSITY No. 25-056**  
**KISS HESPERIA VENTURE, LLC PROPERTY**  
**(APN 3064-401-12)**

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-056**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3064-401-12.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located on the west side of US Highway 395, north of Phelan Road / Main Street, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Hesperia as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.



Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-401-12\_01**

That portion of the land within the Southeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described as Parcel "A" of the Lot Merger, LM23-00003, recorded July 7, 2023 as Document No. 2023-0184736 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 16 as shown on the Record of Survey (97-0128), filed in Book 109, Page 21 of Record of Surveys, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North  $00^{\circ}51'11''$  West 1,765.22 feet to a point on the northerly line of said Parcel "A," said point also being the **Point of Beginning**;

Thence westerly along said northerly line South  $89^{\circ}33'44''$  West 141.38 feet;

Thence southerly leaving said northerly line South  $00^{\circ}04'18''$  East 239.24 feet;

Thence South  $89^{\circ}55'42''$  West 7.00 feet;

Thence South  $00^{\circ}04'18''$  East 107.82 feet;

Thence South  $04^{\circ}38'19''$  West 228.77 feet;

Thence South  $05^{\circ}20'44''$  West 35.81 feet;

Thence South  $09^{\circ}35'09''$  East 31.05 feet;

Thence South  $05^{\circ}20'44''$  West 365.01 feet to the westerly line of Parcel 15999-1 as described in the Final Order of Condemnation, Case No. RCV 048820, recorded December 13, 2002 as Document No. 2002-0679234 of Official Records, in the office of the County Recorder of said County;

Thence northerly along said westerly line of Parcel 15999-1, together with the westerly lines of Parcel 15597-1 and Parcel 15598-1 as described in said Final Order of Condemnation, the following three (3) courses;

1. North  $07^{\circ}15'38''$  East 341.92 feet;

- 2. North 03°42'35" East 341.48 feet;
- 3. North 00°09'05" West 273.10 feet to the northerly line of said Parcel 15997-1;

Thence easterly along said northerly line North 89°50'25" East 134.81 feet to said easterly line of Section 16;

Thence northerly along said easterly line North 00°51'11" West 52.44 feet to the **Point of Beginning**.

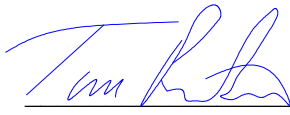
Containing 17,042 square feet (0.39 acres) more or less.

**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

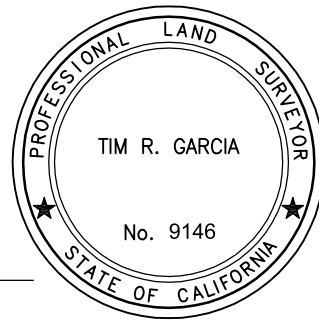
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
 \_\_\_\_\_  
 Tim R. Garcia, PLS 9146

07/03/2024  
 \_\_\_\_\_  
 Date:



Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-401-12_01		17,042 S.F.	3064-401-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 16, T4N, R5W, S.B.M.

RECORD OF SURVEY (97-0128)  
 R.S. 109/21



NOT TO SCALE



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia* 07/03/2024  
 TIM R. GARCIA, PLS 9146 DATE

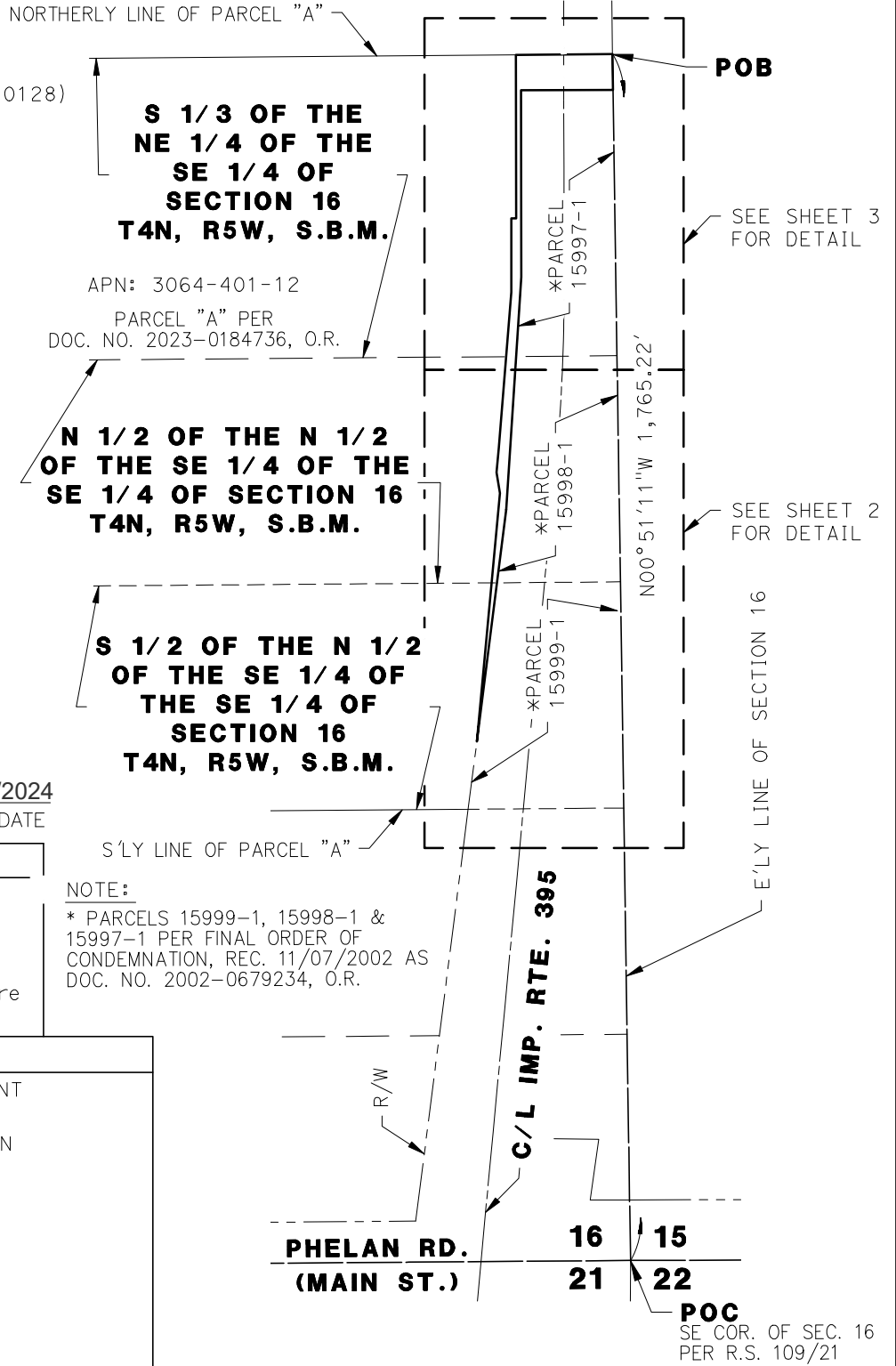
### NOTES

Bearings and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

NOTE:  
 \* PARCELS 15999-1, 15998-1 &  
 15997-1 PER FINAL ORDER OF  
 CONDEMNATION, REC. 11/07/2002 AS  
 DOC. NO. 2002-0679234, O.R.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- CENTERLINE
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/03/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.92	1	3

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-401-12_01		17,042 S.F.	3064-401-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 16, T4N, R5W, S.B.M.

MATCH LINE SEE SHEET 3

RECORD OF SURVEY (97-0128)  
 R.S. 109/21

**N 1/2 OF THE N 1/2  
 OF THE SE 1/4 OF THE  
 SE 1/4 OF SECTION 16,  
 T4N, R5W, S.B.M.**

**NOTE:**

- ③ UNDERLYING FEE INTEREST:  
 THAT PORTION LYING WITHIN THE  
 MAINTAINED AREA OF THE STATE HIGHWAY  
 RTE 395 AS IT NOW EXIST.

\*PARCEL 15999-1, 15998-1 & 15997-1 PER  
 FINAL ORDER OF CONDEMNATION, REC. 11/07/2002  
 AS DOC. NO. 2002-0679234, O.R.

APN: 3064-401-12  
 PARCEL "A" PER  
 DOC. NO. 2023-0184736, O.R.

**S 1/2 OF THE N 1/2 OF  
 THE SE 1/4 OF THE SE  
 1/4 OF SECTION 16  
 T4N, R5W, S.B.M.**



SCALE: 1" = 100'

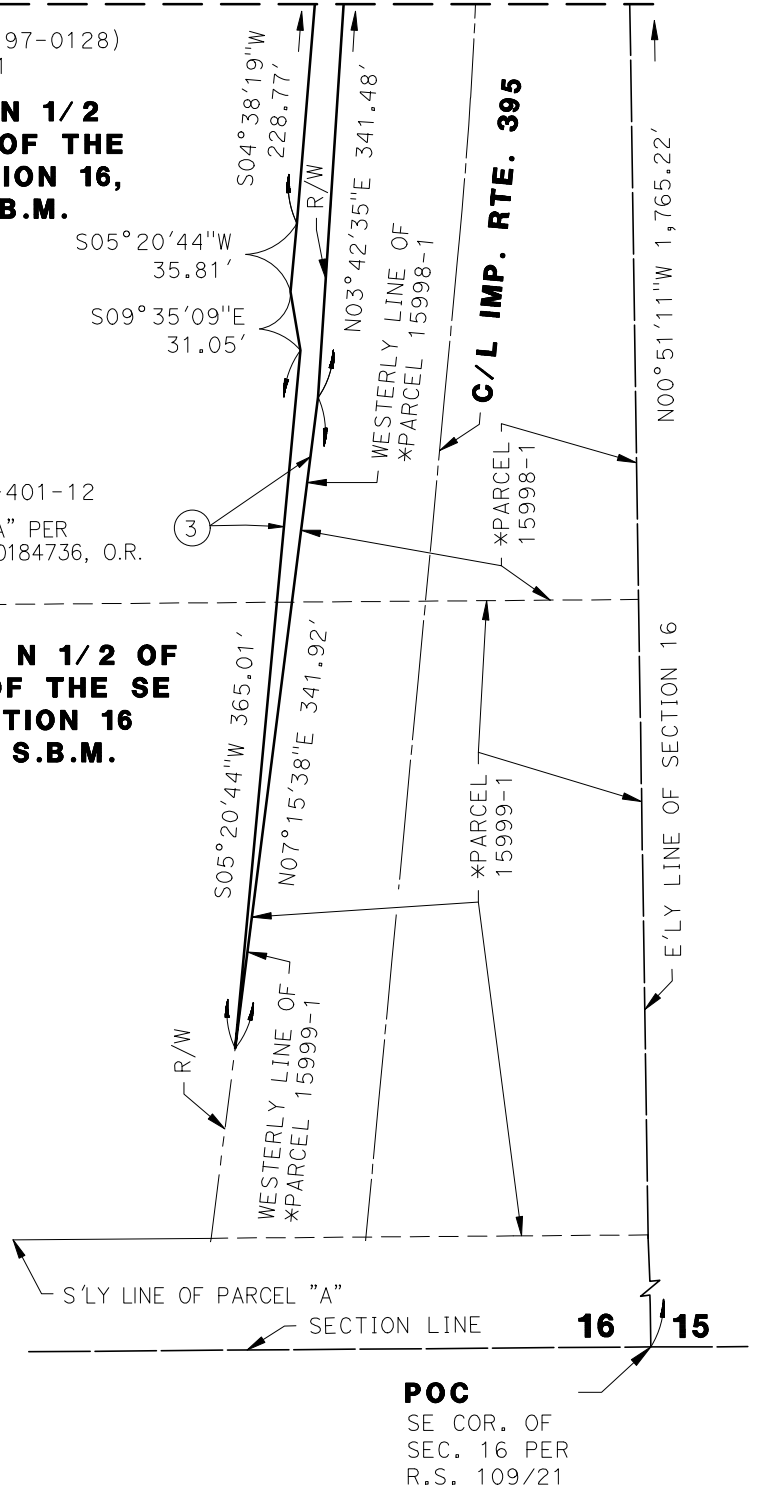
FEET 0 50 100 200

**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/03/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.92	2	3

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-401-12_01		17,042 S.F.	3064-401-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 16, T4N, R5W, S.B.M.

**S 1/3 OF THE NE 1/4  
 OF THE SE 1/4 OF  
 SECTION 16  
 T4N, R5W, S.B.M.**

APN: 3064-401-12  
 PARCEL "A" PER  
 DOC. NO. 2023-0184736, O.R.

**NOTE:**

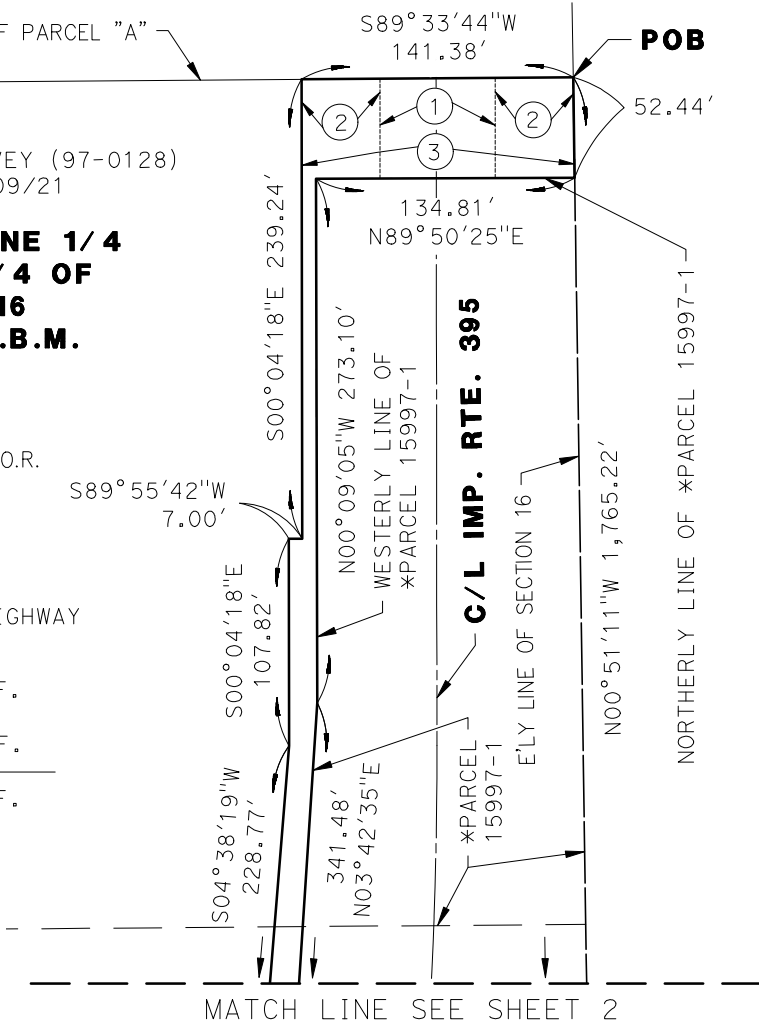
- ③ UNDERLYING FEE INTEREST:  
 THAT PORTION LYING WITHIN THE  
 MAINTAINED AREA OF THE STATE HIGHWAY  
 RTE 395 AS IT NOW EXIST.
- ① UNDERLYING FEE AREA: 3,123 S.F.
- ② REMAINING FEE AREA: 13,919 S.F.
- ③ TOTAL FEE AREA: 17,042 S.F.

**NOTES**

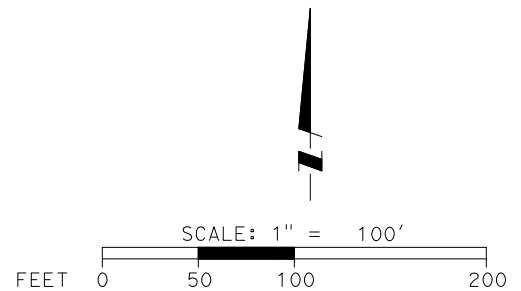
Bearings and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



\* PARCEL 15999-1, 15998-1 & 15997-1 PER  
 FINAL ORDER OF CONDEMNATION  
 REC. 11/07/2002 AS DOC. NO. 2002-0679234, O.R.



PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
 Riverside, Ca 92507  
 (951) 787-8421 www.psomas.com

DATE: 07/03/2024		DRAFTED BY: MN		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.92	3	3



# EXHIBIT "2"

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**PERMANENT EASEMENT (SLOPE)  
ATTACHMENT TO LEGAL DESCRIPTION  
Parcel No. 3064-401-12**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Hesperia, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-401-12\_02**

That portion of the land within the Southeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described as Parcel "A" of the Lot Merger, LM23-00003, recorded July 7, 2023, as Document No. 2023-0184736 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 16 as shown on the Record of Survey (97-0128) filed in Book 109, Page 21 of Record of Surveys, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North 00°51'11" West 1,765.22 feet to the northerly line of Parcel "A";

Thence westerly along said northerly line South 89°33'44" West 141.38 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South 00°04'18" East 239.24 feet;

Thence South 89°55'42" West 7.00 feet

Thence South 00°04'18" East 107.82 feet;

Thence South 04°38'19" West 228.77 feet;

Thence South 05°20'44" West 35.81 feet;

Thence South 09°35'09" East 31.05 feet;

Thence South 05°20'44" West 365.01 feet to the westerly line of Parcel 15999-1 as described in the Final Order of Condemnation, Case No. RCV 048820, recorded December 13, 2002 as Document No. 2002-0679234 of Official Records, in the office of the County Recorder of said County;

Thence southerly along said westerly line South 07°15'38" West 99.75 feet to the southerly line of said Parcel "A";

Thence westerly along said southerly line South 89°33'25" West 6.70 feet;

Thence northerly leaving said southerly line North 05°20'44" East 464.07 feet;

Thence North 09°35'09" West 31.05 feet;

Thence North 05°20'49" East 36.99 feet;

Thence North 04°38'19" East 228.36 feet;

Thence North 00°04'18" West 117.40 feet;

Thence North 89°55'42" East 7.00 feet;

Thence North 00°04'18" West 229.18 feet to said northerly line of Parcel "A";

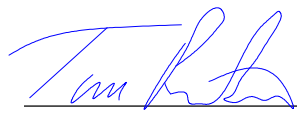
Thence easterly along said northerly line North 89°33'44" East 10.00 feet to the **Point of Beginning**;

Containing 10,975 square feet (0.25 acres) more or less.

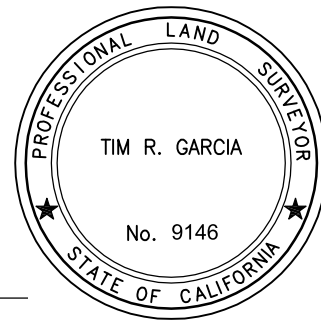
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/03/2024  
Date:



Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-401-12_02		10,975 S.F.	3064-401-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 16, T4N, R5W, S.B.M.

S89°33'44"W  
 141.38'

NORTHERLY LINE OF PARCEL "A"

POB

RECORD OF SURVEY (97-0128)  
 R.S. 109/21

**S 1/3 OF THE  
 NE 1/4 OF THE  
 SE 1/4 OF  
 SECTION 16  
 T4N, R5W, S.B.M.**

APN: 3064-401-12  
 PARCEL "A" PER  
 DOC. NO. 2023-0184736, O.R.

**N 1/2 OF THE N 1/2  
 OF THE SE 1/4 OF THE  
 SE 1/4 OF SECTION 16  
 T4N, R5W, S.B.M.**

**S 1/2 OF THE N 1/2  
 OF THE SE 1/4 OF  
 THE SE 1/4 OF  
 SECTION 16  
 T4N, R5W, S.B.M.**

\*PARCEL  
 15997-1

\*PARCEL  
 15998-1

\*PARCEL  
 15999-1

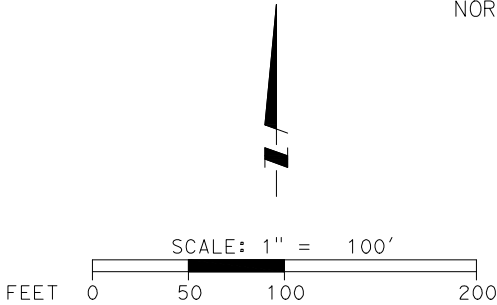
N00°51'11"W 1,765.22'

SEE SHEET 3  
 FOR DETAIL

SEE SHEET 2  
 FOR DETAIL

E'LY LINE OF SECTION 16

S'LY LINE OF PARCEL "A"



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia* 07/03/2024  
 TIM R. GARCIA, PLS 9146 DATE

### NOTES

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- CENTERLINE
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

**PHELAN RD.  
 (MAIN ST.)**

**C/L IMP. RTE. 395**

**16 15  
 21 22**

POC  
 SE COR. OF SEC. 16  
 PER P.M.B. 109/21

PREPARED BY: <b>PSOMAS</b>		DATE: 07/03/2024		DRAFTED BY: MN		REV.:		EA: OF633	
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.		TOTAL SHEETS			
08	SBD	395	5.92	1		3			

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-401-12_02		10,975 S.F.	3064-401-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 16, T4N, R5W, S.B.M.

MATCH LINE SEE SHEET 3

RECORD OF SURVEY (97-0128)  
R.S. 109/21

**N 1/2 OF THE N 1/2  
OF THE SE 1/4 OF THE  
SE 1/4 OF SECTION 16,  
T4N, R5W, S.B.M.**

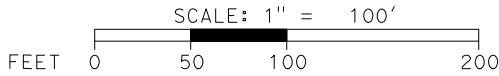
NOTE:

\* PARCEL 15999-1, 15998-1 & 15997-1  
PER FINAL ORDER OF CONDEMNATION  
REC. 11/07/2002 AS DOC. NO. 2002-0679234, O.R.

APN: 3064-401-12

PARCEL "A" PER  
DOC. NO. 2023-0184736, O.R.

**S 1/2 OF THE N 1/2 OF  
THE SE 1/4 OF THE SE  
1/4 OF SECTION 16  
T4N, R5W, S.B.M.**

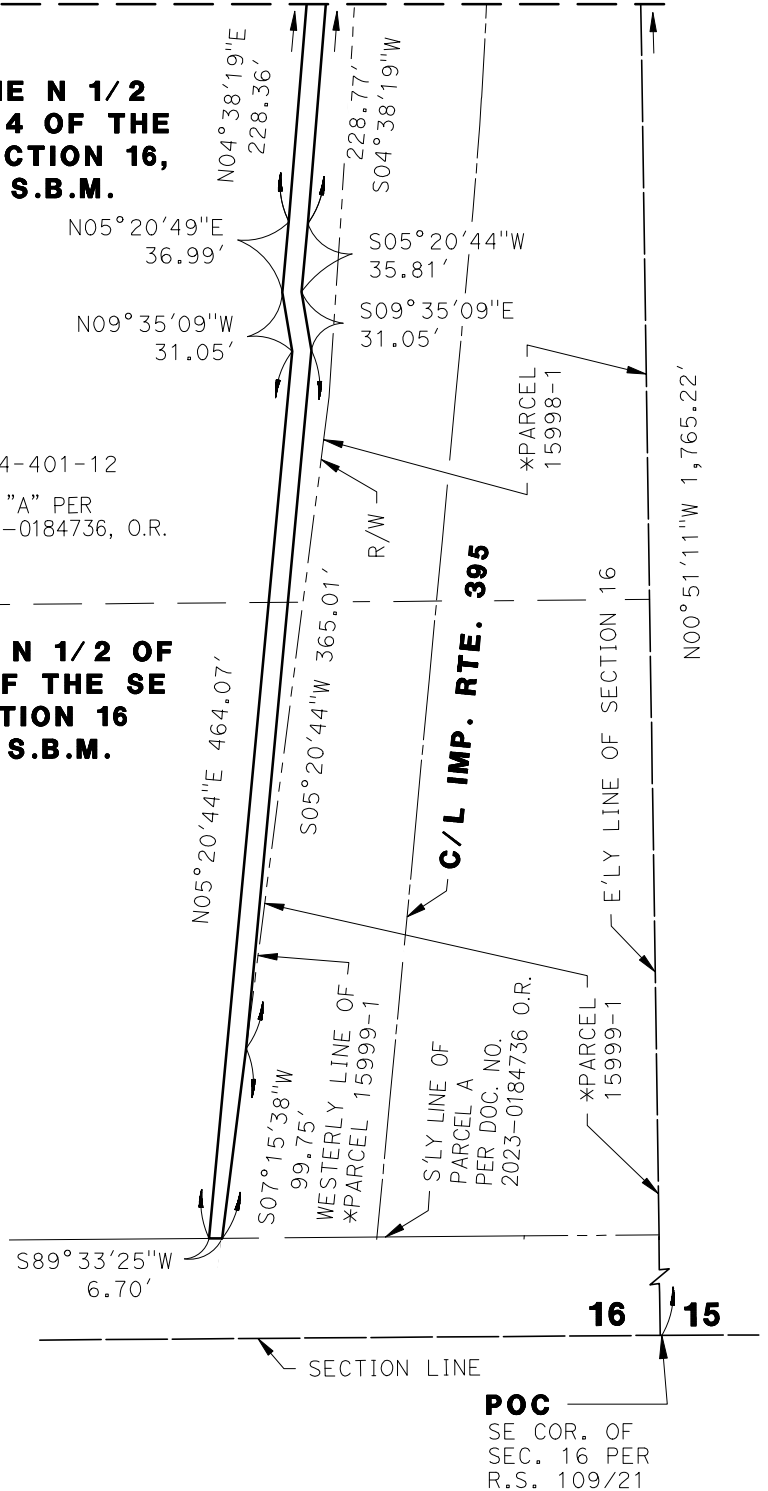


NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/03/2024	DRAFTED BY: MN	REV.:	EA: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	5.92	2	3

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

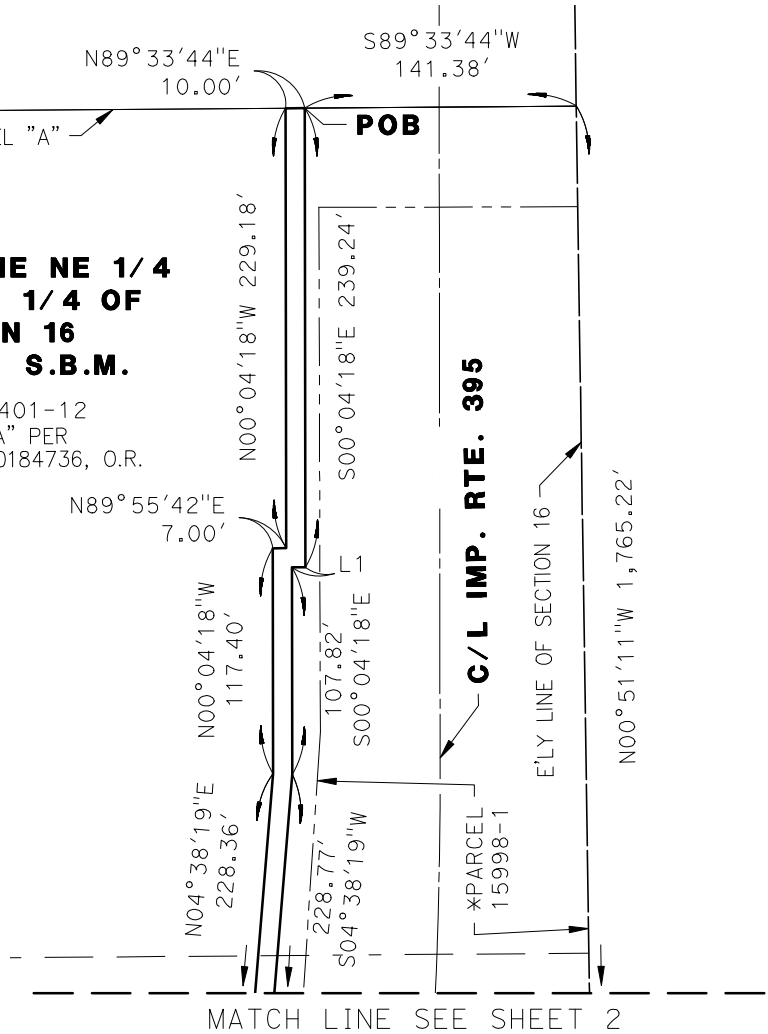
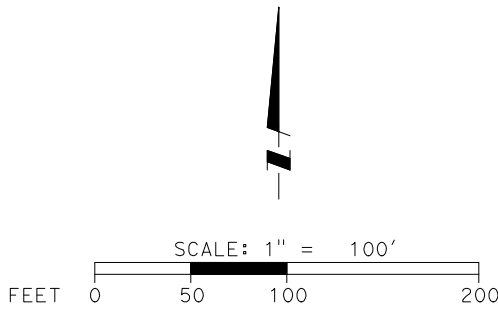
PARCEL	TYPE OF ESTATE	AREA	APN
3064-401-12_02		10,975 S.F.	3064-401-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 16, T4N, R5W, S.B.M.

RECORD OF SURVEY (97-0128)  
R.S. 109/21

**S 1/3 OF THE NE 1/4  
OF THE SE 1/4 OF  
SECTION 16  
T4N, R5W, S.B.M.**

APN: 3064-401-12  
PARCEL "A" PER  
DOC. NO. 2023-0184736, O.R.



### NOTES

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- CENTERLINE
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

### NOTE:

\* PARCEL 15999-1, 15998-1 & 15997-1 PER FINAL ORDER OF CONDEMNATION REC. 11/07/2002 AS DOC. NO. 2002-0679234, O.R.

### LINE TABLE

NO.	BEARINGS	DISTANCE
L1	S89°55'42"W	7.00'

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 07/03/2024

DRAFTED BY: MN

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

5.92

3

3

Attachment: E-Kiss Hesperia - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



**RESOLUTION OF NECESSITY No. 25-023**  
**THE HAZBOON FAMILY TRUST**  
**PROPERTY**  
**(APN 3064-371-11)**

Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-023**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3064-371-11.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at 10368 US Highway 395, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto, a permanent slope easement as legally described and depicted in Exhibit "2" hereto and a temporary construction easement as legally described and depicted in Exhibit "3" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Hesperia as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "3" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-371-11\_01**

That portion of Parcel 3 of Parcel Map No. 7875, in the City of Hesperia, County of San Bernardino, State of California, as shown on map filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County, lying within the South one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the North one-sixteenth (1/16) corner of said Section 16 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 16 North 00°50'14" West 331.33 feet to a point on the easterly prolongation of the southerly line of said Parcel 3;

Thence westerly along said easterly prolongation line South 89°31'48" West 52.00 feet to the easterly line of said Parcel 3 and the **Point of Beginning**;

Thence continuing westerly along said southerly line of Parcel 3 South 89°31'48" West 44.59 feet;

Thence northerly leaving said southerly line North 00°07'20" West 330.58 feet to the northerly line of said Parcel 3;

Thence easterly along said northerly line North 89°31'25" East 40.46 feet to said easterly line of Parcel 3;

Thence southerly along said easterly line South 00°50'14" East 330.58 feet to the **Point of Beginning**.

Containing 14,057 square feet (0.32 acres) more or less.

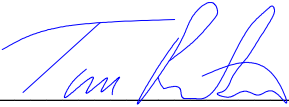
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

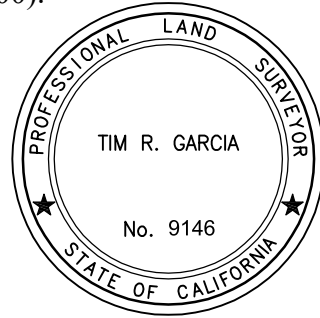
See Exhibit "B" attached hereto and by this reference made a part hereof.



This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

06/28/2024  
\_\_\_\_\_  
Date:



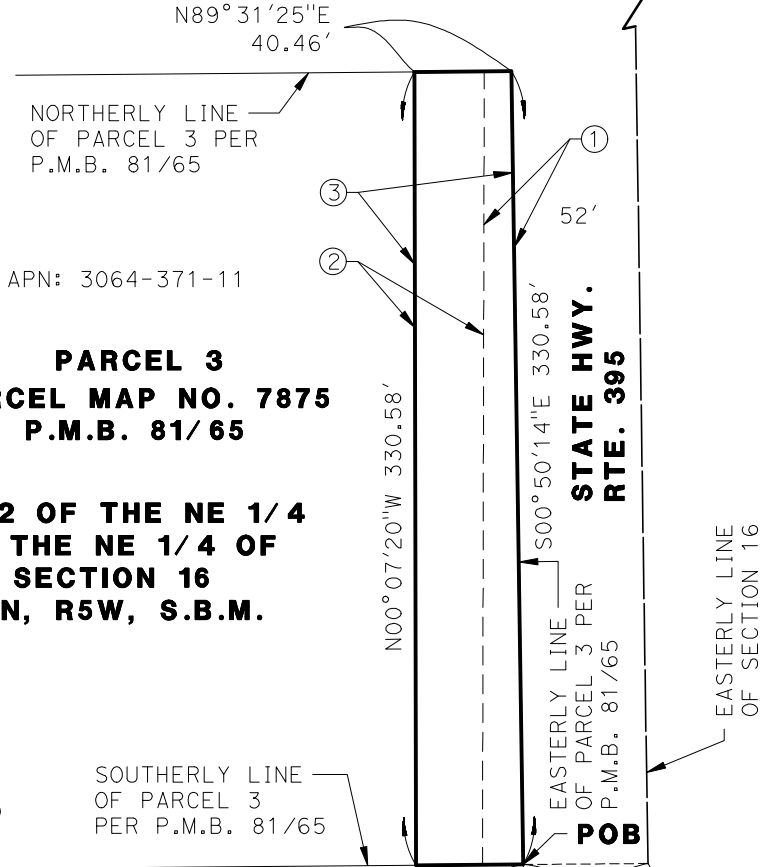
Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-11_01		14,057 S.F.	3064-371-11

CITY OF HESPERIA  
 COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

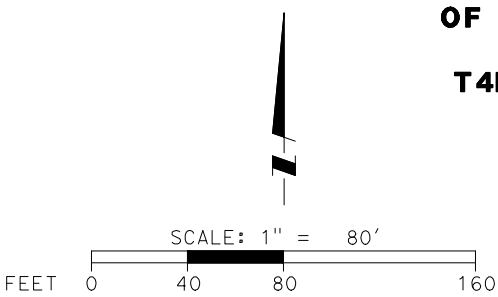
① UNDERLYING FEE INTEREST:  
 THAT PORTION LYING WITHIN  
 THE MAINTAINED AREA OF THE  
 STATE HIGHWAY ROUTE 395  
 AS IT NOW EXIST.



APN: 3064-371-11

**PARCEL 3**  
**PARCEL MAP NO. 7875**  
**P.M.B. 81/65**

**S 1/2 OF THE NE 1/4**  
**OF THE NE 1/4 OF**  
**SECTION 16**  
**T4N, R5W, S.B.M.**



- ① UNDERLYING FEE AREA: 4,671 S.F.
- ② REMAINING FEE AREA: 9,386 S.F.
- ③ TOTAL FEE AREA: 14,057 S.F.

**NOTES**

Bearings and Distances are on  
 CCS 1983 (2007.00) Zone 5.  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY

**PARCEL 4**  
**PARCEL MAP NO. 7875**  
**P.M.B. 81/65**



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:  
  
 TIM R. GARCIA  
 DATE: 06/28/2024

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 06/28/2024		DRAFTED BY: MNS		REV.:	EA: OF633
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	6.48	1	1

Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**PERMANENT EASEMENT (SLOPE)  
ATTACHMENT TO LEGAL DESCRIPTION  
Parcel No. 3064-371-11**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Hesperia, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3064-371-11\_02**

That portion of Parcel 3 of Parcel Map No. 7875, in the City of Hesperia, County of San Bernardino, State of California, as shown on map filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County, lying within the South one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the North one-sixteenth (1/16) corner of said Section 16 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 16 North 00°50'14" West 331.33 feet to a point on the easterly prolongation of the southerly line of said Parcel 3;

Thence westerly along said prolongation line South 89°31'48" West 52.00 feet to the easterly line of said Parcel 3;

Thence continuing westerly along said southerly line of Parcel 3 South 89°31'48" West 44.59 feet to the **Point of Beginning**;

Thence northerly leaving said southerly line North 00°07'20" West 330.58 feet to the northerly line of said Parcel 3;

Thence westerly along said northerly line South 89°31'25" West 14.00 feet;

Thence southerly leaving said northerly line South 00°07'20" East 330.58 feet to said southerly line of Parcel 3;

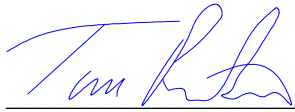
Thence easterly along said southerly line North 89°31'48" East 14.00 feet to the **Point of Beginning**.

Containing 4,628 square feet (0.11 acres) more or less.

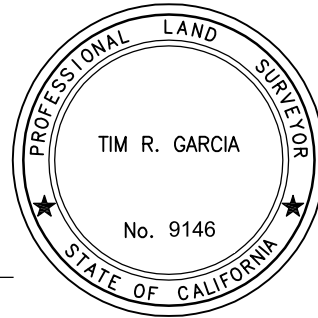
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

06/28/2024  
Date:

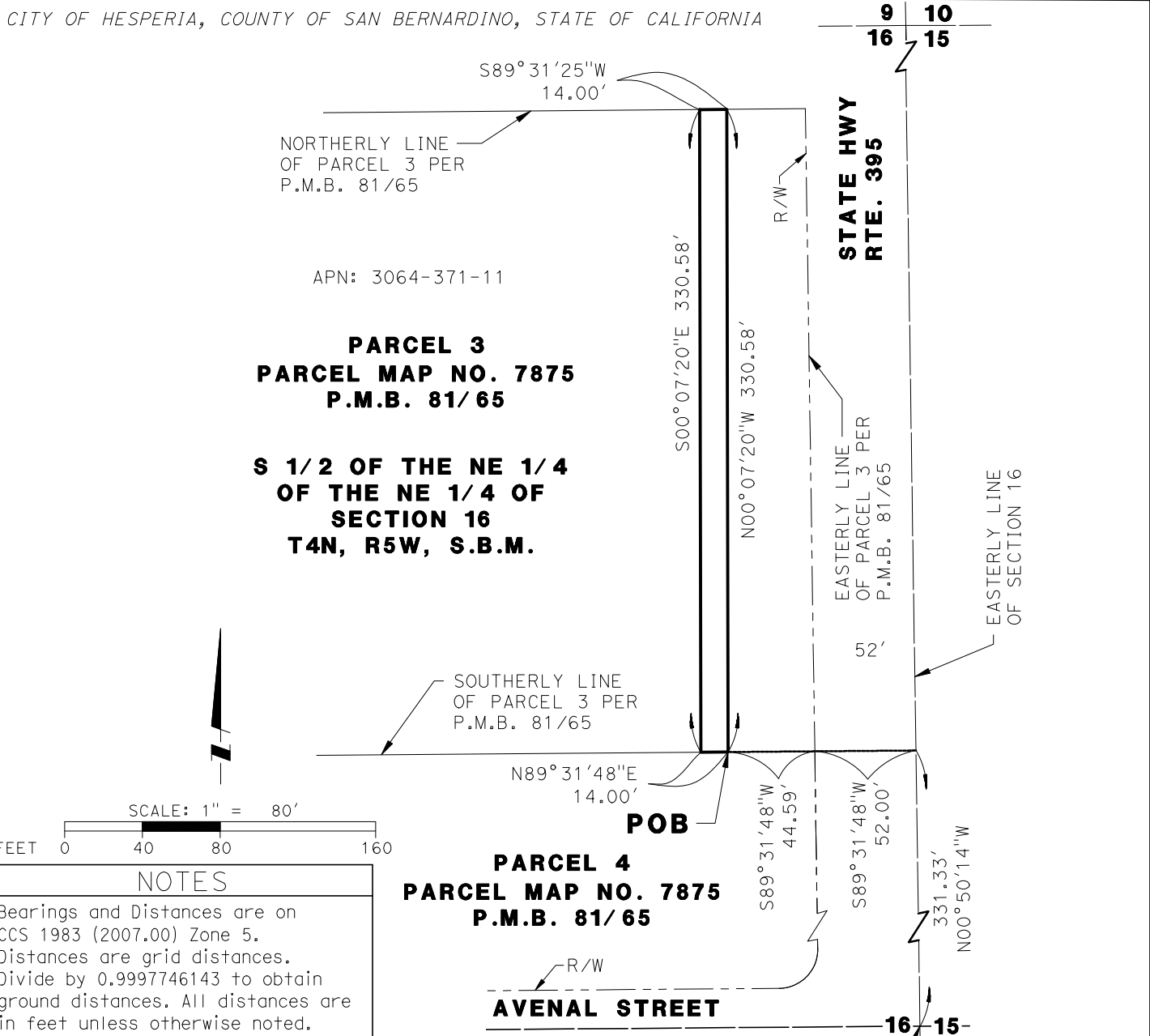


Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-11_02		4,628 S.F.	3064-371-11

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



### NOTES

Bearings and Distances are on  
 CCS 1983 (2007.00) Zone 5.  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia*  
 TIM R. GARCIA 06/28/2024  
 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 06/28/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.48	1	1

Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "3"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3064-371-11**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

**Rights and Limitations of Use and Occupancy of TCE:**

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA may place a temporary fence around the TCE area.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3064-371-11\_03**

That portion of Parcel 3 of Parcel Map No. 7875, in the City of Hesperia, County of San Bernardino, State of California, as shown on map filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County, lying within the South one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the North one-sixteenth (1/16) corner of said Section 16 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 16 North 00°50'14" West 331.33 feet to a point on the easterly prolongation of the southerly line of said Parcel 3;

Thence westerly along said prolongation line South 89°31'48" West 52.00 feet to the easterly line of said Parcel 3;

Thence continuing westerly along said southerly line of Parcel 3 South 89°31'48" West 58.59 feet;

Thence northerly leaving said southerly line North 00°07'20" West 68.20 feet to the **Point of Beginning**;

Thence South 89°52'40" West 9.00 feet;

Thence North 00°07'20" West 33.63 feet;

Thence North 89°52'40" East 9.00 feet;

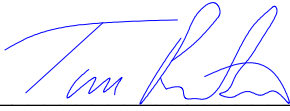
Thence South 00°07'20" East 33.63 feet to the **Point of Beginning**.

Containing 303 square feet (0.01 acres) more or less.

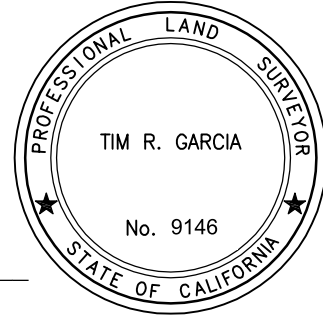
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

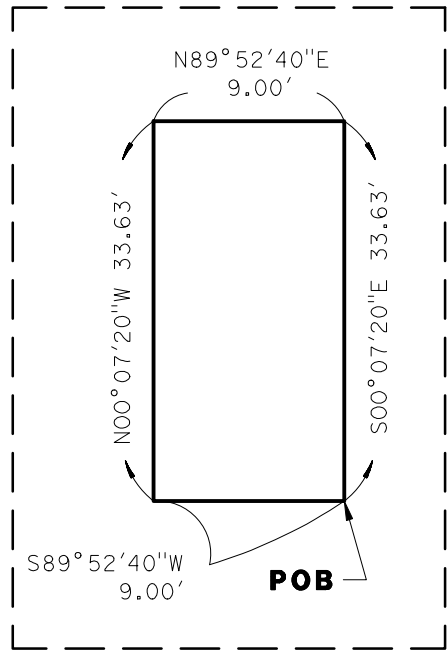
06/28/2024  
Date:



Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-11_03	TEMPORARY CONSTRUCTION EASEMENT	303 S.F.	3064-371-11



**DETAIL "A"**  
N.T.S

CITY OF HESPERIA  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA

NORTHERLY LINE OF PARCEL 3 PER P.M.B. 81/65  
APN: 3064-371-11  
**PARCEL 3**  
**PARCEL MAP NO. 7875**  
**P.M.B. 81/65**  
**S 1/2 OF THE NE 1/4**  
**OF THE NE 1/4 OF**  
**SECTION 16**  
**T4N, R5W, S.B.M.**

**SEE**  
**DETAIL "A"**  
**HEREON**

SOUTHERLY LINE OF PARCEL 3 PER P.M.B. 81/65

N00°07'20"W 68.20'

**PARCEL 4**  
**PARCEL MAP NO. 7875**  
**P.M.B. 81/65**

**STATE HWY**  
**RTE. 395**

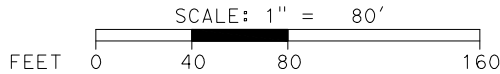
EASTERLY LINE OF PARCEL 3 PER P.M.B. 81/65

EASTERLY LINE OF SECTION 16

S89°31'48"W 58.59'

S89°31'48"W 52.00'

N00°50'14"W 331.33'



**NOTES**

Bearings and Distances are on CCS 1983 (2007.00) Zone 5. Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*

TIM R. GARCIA

06/28/2024  
DATE

**POC**  
N 1/16 CORNER OF SECTION 16 PER P.M.B. 81/65

PREPARED BY:  
**PSOMAS**  
1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 06/28/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT: 08	COUNTY: SBD	ROUTE: 395	POSTMILE: 6.48
SHEET NO.: 1	TOTAL SHEETS: 1		

Attachment: I-Hazboon - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# RESOLUTION OF NECESSITY No. 25-055

## 395 VICTORVILLE, LLC PROPERTY

### (APN 3136-371-02)

**RESOLUTION NO. 25-055**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3136-371-02.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at the southeast corner of US Highway 395 and Mesa Street, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two partial fee acquisitions as legally described and depicted in Exhibits "1" and "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and



**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel: 3136-371-02\_01

That portion of the land within the Southwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 4 in the Grant Deed recorded December 29, 2008 as Document No. 2008-0570371 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at Southwest corner of said Section 10 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the westerly line of said Section 10 North 01°06'24" West 1,017.69 feet to a point on the northerly line of the land described in the Grant Deed recorded November 22, 1967, filed in Book 6928, Page 472 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence continuing northerly along said westerly line North 01°06'24" West 305.58 feet to the southerly line of the land described in the Irrevocable Offer of Dedication recorded April 21, 1999 as Document No. 1999-0167118 of Official Records, in the Office of the County Recorder of said County;

Thence easterly along said southerly line North 89°51'51" East 54.81 feet;

Thence southerly leaving said southerly line South 00°48'24" East 334.96 feet to said northerly line of land described in Book 6928, Page 472 of Official Records;


Thence northwesterly along said northerly line North 61°22'14" West 61.09 feet to the **Point of Beginning**.

Containing 17,283 square feet (0.40 acres) more or less.

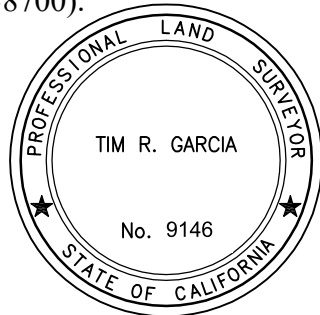
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

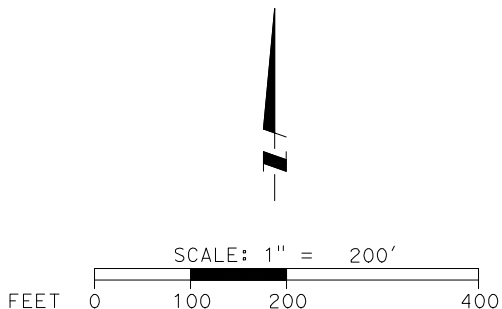
08/12/2024  
\_\_\_\_\_  
Date:



# EXHIBIT "B"

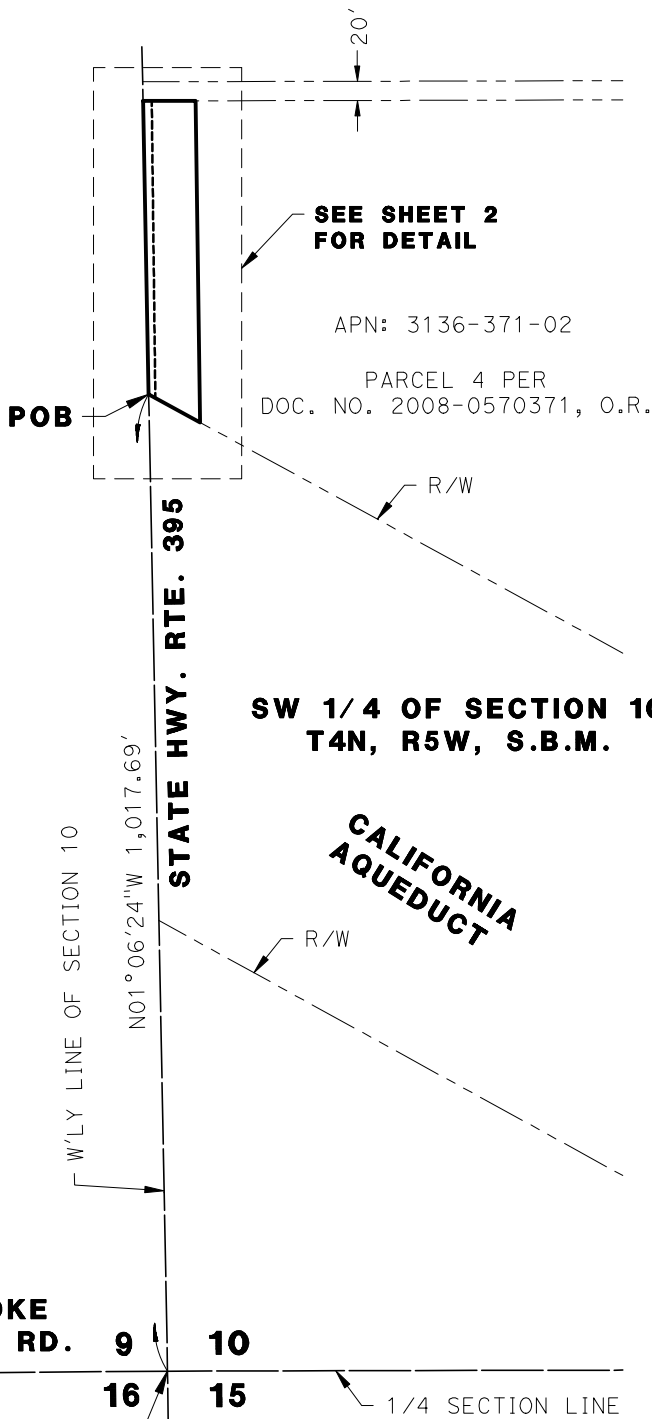
PARCEL	TYPE OF ESTATE	AREA	APN
3136-371-02_01		17,283 S.F.	3136-371-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 10, T4N, R5W, S.B.M.



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia* 08/12/2024  
 TIM R. GARCIA, PLS 9146 DATE



**POC**  
 SW COR. OF SEC. 10  
 PER R.S. 54/39

### NOTES

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

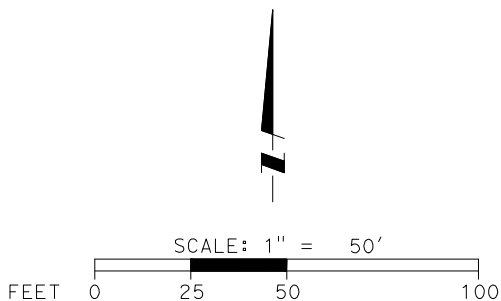
PREPARED BY: <b>PSOMAS</b>		DATE: 08/12/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.00	1	2

Attachment: J-395 Victorville - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-371-02_01		17,283 S.F.	3136-371-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 10, T4N, R5W, S.B.M.

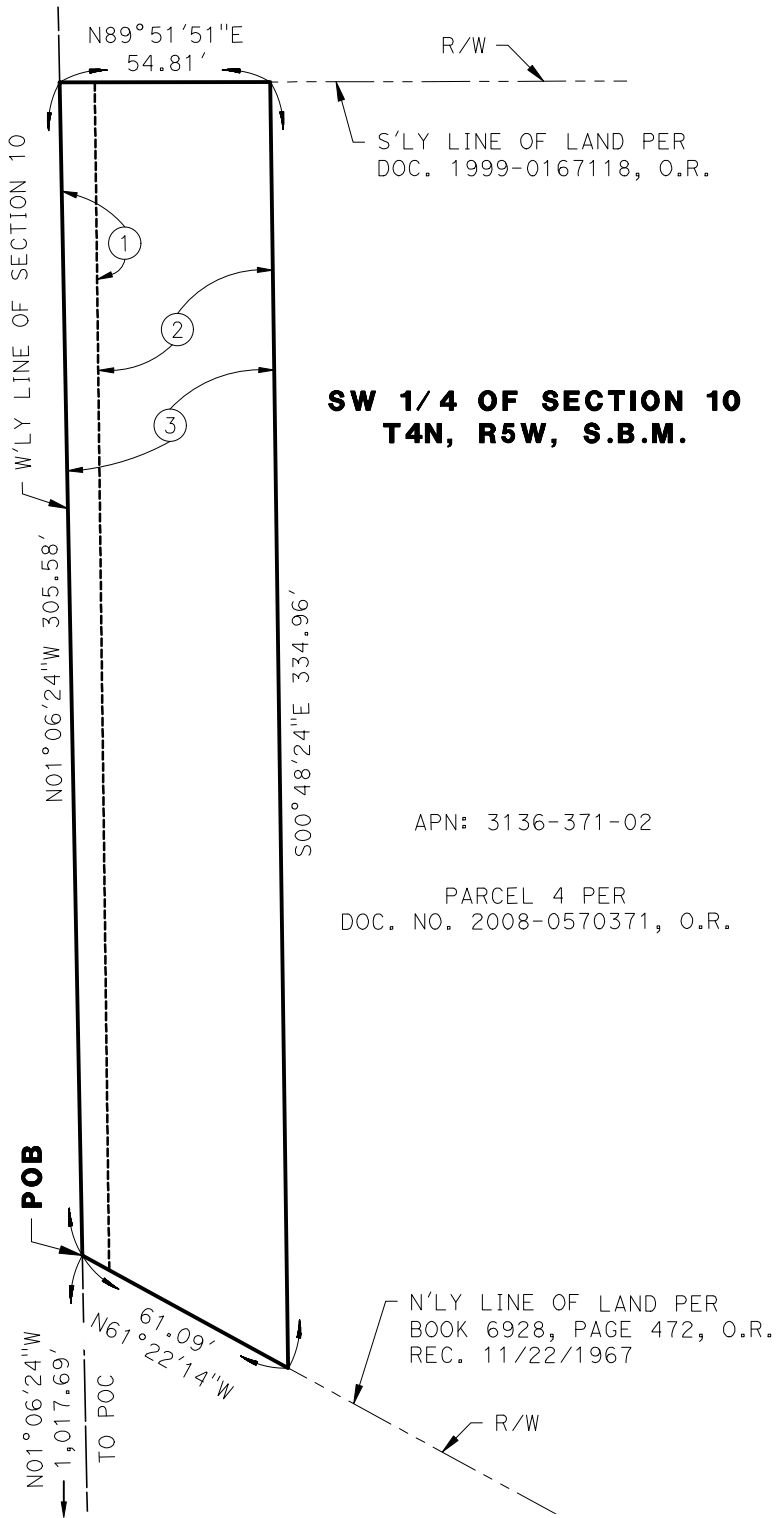


- ① UNDERLYING FEE AREA: 2,468 SQ. FT.
- ② REMAINING FEE AREA: 14,815 SQ. FT.
- ③ TOTAL FEE AREA: 17,283 SQ. FT.

**NOTE:**

- ① UNDERLYING FEE INTEREST: THAT PORTION LYING WITHIN THE MAINTAINED AREA OF THE STATE HIGHWAY ROUTE 395 AS IT NOW EXISTS.

**STATE HWY RTE. 395**



**SW 1/4 OF SECTION 10  
 T4N, R5W, S.B.M.**

APN: 3136-371-02

PARCEL 4 PER  
 DOC. NO. 2008-0570371, O.R.

**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/12/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.00	2	2

**Attachment: J-395 Victorville - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)**



# EXHIBIT "2"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-371-02\_02**

That portion of the land within the Southwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 4 in the Grant Deed recorded December 29, 2008 as Document No. 2008-0570371 of Official Records, in the Office of the County Recorder of said County, described as follows:

**Commencing** at Southwest corner of said Section 10 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the westerly line of said Section North 01°06'24" West 1,343.27 feet to a point on the northerly line of the land described in the Irrevocable Offer of Dedication, recorded April 21, 1999 as Document No. 1999-0167118 of Official Records, in the Office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence continuing northerly along said westerly line North 01°06'24" West 1,271.26 feet to the southerly line of the land described in the Irrevocable Offer of Dedication recorded February 02, 2005 as Document No. 2005-0080918 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said southerly line North 89°51'12" East 46.81 feet;

Thence southerly leaving said southerly line South 00°26'19" East 33.93 feet;

Thence South 00°08'20" West 678.84 feet;

Thence North 89°11'36" East 26.18 feet;

Thence South 00°48'24" East 558.67 feet to said northerly line of the land described in Document No. 1999-0167118 of Official Records;

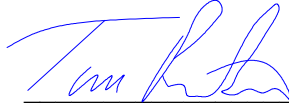
Thence westerly along said northerly line South 89°51'51" West 54.91 feet to the **Point of Beginning**.

Containing 59,561 square feet (1.37 acres) more or less.

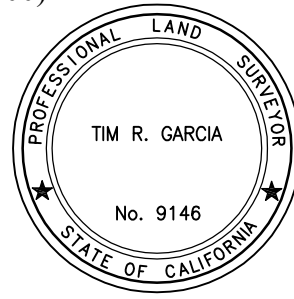
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/12/2024  
\_\_\_\_\_  
Date:

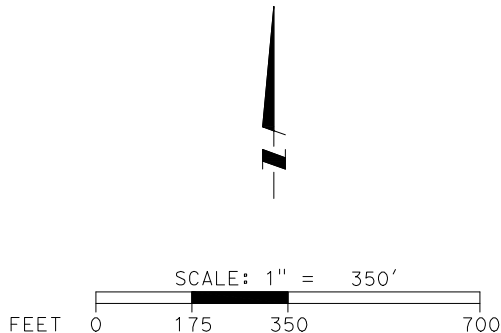


Attachment: J-395 Victorville - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-371-02_02		59,561 S.F.	3136-371-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 10, T4N, R5W, S.B.M.



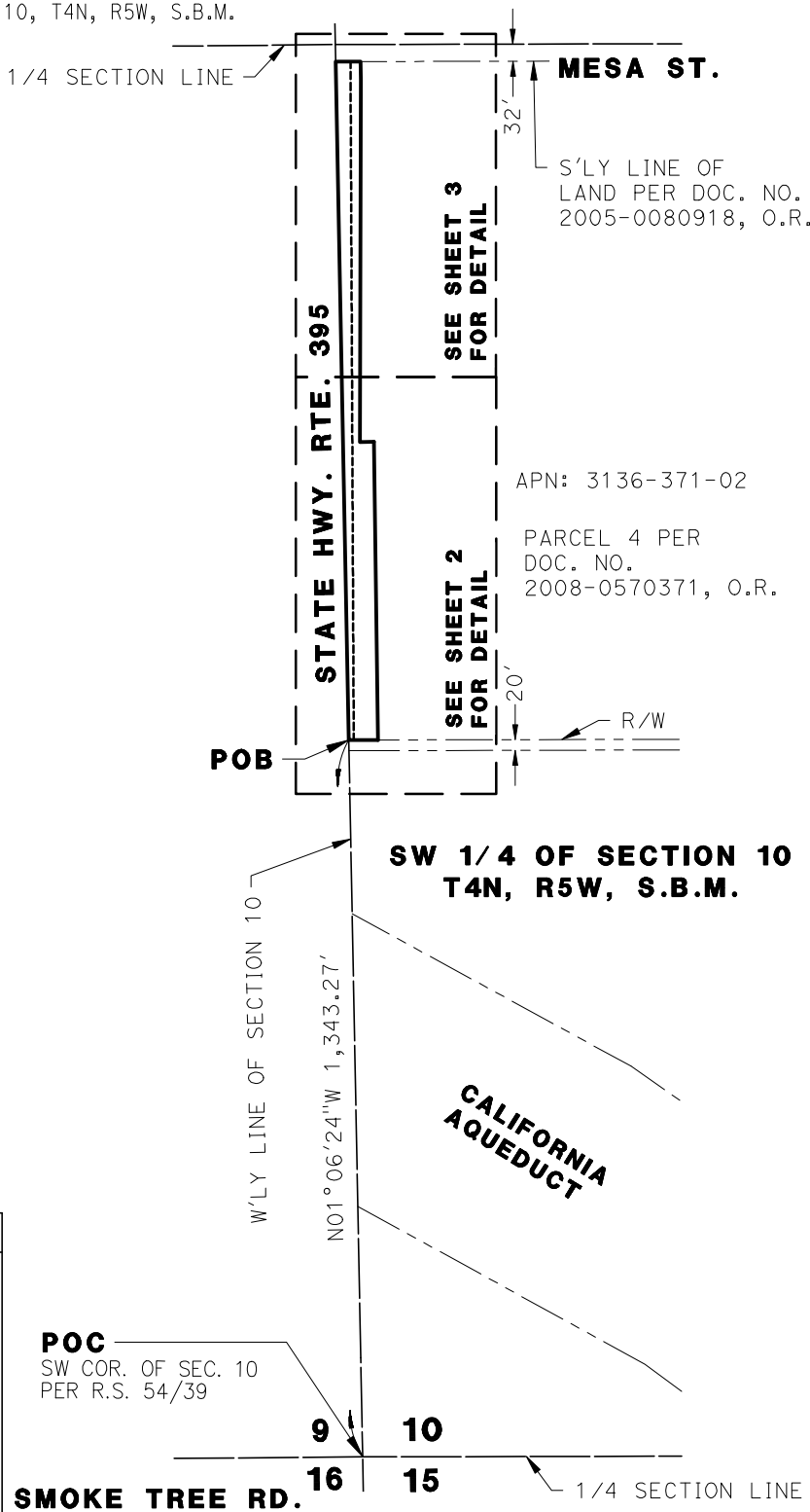
THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia* 08/12/2024  
 TIM R. GARCIA, PLS 9146 DATE

**NOTES**  
 Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/12/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.00	1	3

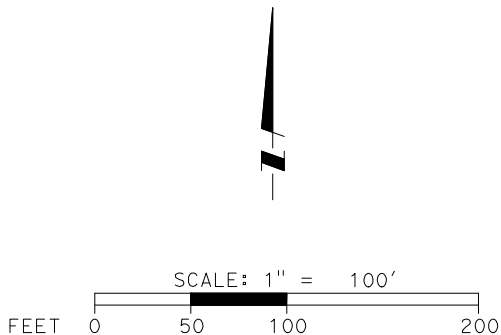
Attachment: J-395 Victorville - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-371-02_02		59,561 S.F.	3136-371-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 10, T4N, R5W, S.B.M.

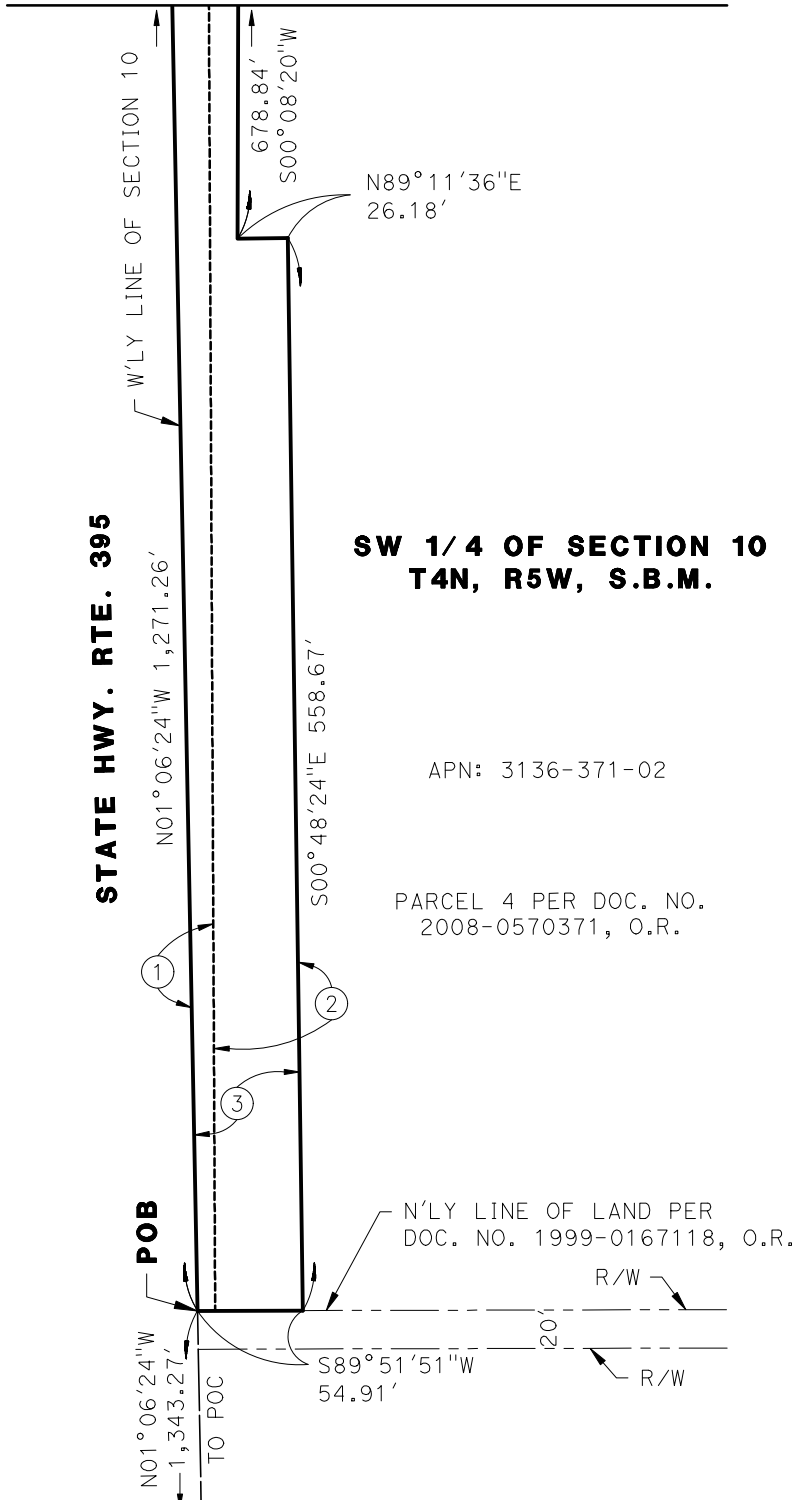
MATCHLINE SEE SHEET 3



- ① UNDERLYING FEE AREA: 23,481 SQ. FT.
- ② REMAINING FEE AREA: 36,080 SQ. FT.
- ③ TOTAL FEE AREA: 59,561 SQ. FT.

**NOTE:**

- ① UNDERLYING FEE INTEREST: THAT PORTION LYING WITHIN THE MAINTAINED AREA OF THE STATE HIGHWAY ROUTE 395 AS IT NOW EXISTS.



**SW 1/4 OF SECTION 10  
 T4N, R5W, S.B.M.**

APN: 3136-371-02

PARCEL 4 PER DOC. NO.  
 2008-0570371, O.R.

**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

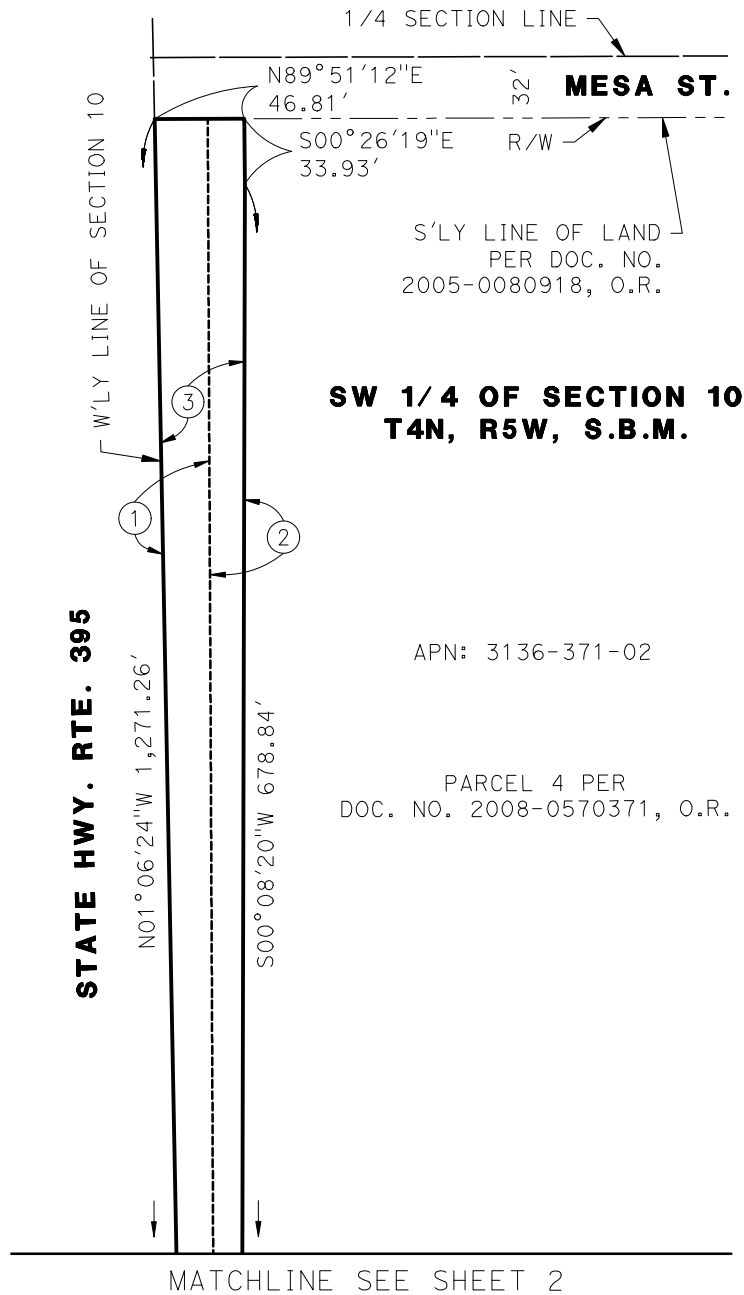
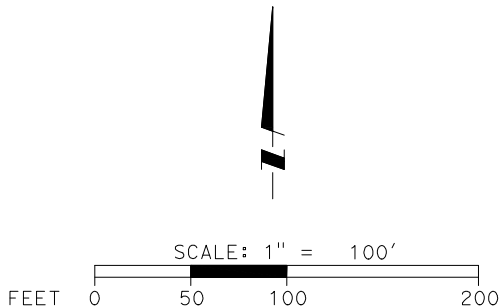
PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/12/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.00	2	3

Attachment: J-395 Victorville - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-371-02_02		59,561 S.F.	3136-371-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 10, T4N, R5W, S.B.M.



**SW 1/4 OF SECTION 10  
T4N, R5W, S.B.M.**

APN: 3136-371-02

PARCEL 4 PER  
DOC. NO. 2008-0570371, O.R.

- ① UNDERLYING FEE AREA: 23,481 SQ. FT.
- ② REMAINING FEE AREA: 36,080 SQ. FT.
- ③ TOTAL FEE AREA: 59,561 SQ. FT.

**NOTE:**

- ① UNDERLYING FEE INTEREST: THAT PORTION LYING WITHIN THE MAINTAINED AREA OF THE STATE HIGHWAY ROUTE 395 AS IT NOW EXISTS.

**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
[ ]	LIMITS OF DESCRIPTION
---	SECTION LINE
- - - -	RIGHT OF WAY LINE
---	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/12/2024		DRAFTED BY: MN		REV.:		EA: OF633	
		DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.		TOTAL SHEETS	
		08	SBD	395	7.00	3			3

Attachment: J-395 Victorville - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# **RESOLUTION OF NECESSITY No. 25-054**

## **BALDY MESA COUNTY WATER DISTRICT PROPERTY**

**(APNs 3136-271-01 and 3136-261-11)**



**RESOLUTION NO. 25-054**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 3136-271-01 and 3136-261-11.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located on the west side of US Highway 395, just north of the California Aqueduct, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two partial fee acquisitions as legally described and depicted in Exhibits "1" and "2" hereto; two permanent slope easements as legally described and depicted in Exhibits "3" and "4" hereto; and two temporary construction easements as legally described and depicted in Exhibits "5" and "6" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "6" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-271-01\_01**

That portion of the land within the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded June 02, 1988 as Document No. 1988-175102 of Official Records in the Office of the County Recorder of said County, also shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 9 as shown on said Record of Survey;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1323.27 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°28'42" West 101.02 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded February 06, 1985 as Document No. 1985-029313 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence southerly along said westerly line South 00°44'50" East 247.97 feet to the northerly line of the California Aqueduct as shown on said Record of Survey;

Thence northwesterly along said northerly line North 61°20'56" West 14.83 feet;

Thence northerly leaving said northerly line North 00°48'24" West 240.74 feet to the northerly line of said land of Document No. 1988-175102 of Official Records;


Thence easterly along said northerly line North 89°28'42" East 13.17 feet to the **Point of Beginning**.

Containing 3,188 square feet (0.07 acres) more or less.

**Together** with the underlying fee interest if any, contiguous to the above-described property in and to the adjoining public right-of-way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/09/2024  
\_\_\_\_\_  
Date:



Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-271-01_01		3,188 S.F.	3136-271-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

APN: 3136-261-11

N89°28'42"E  
13.17'

**POB**

NORTHERLY LINE OF  
LAND PER DOC. NO.  
1988-175102, O.R.

101.02'  
S89°28'42"W

**SE 1/4 OF  
SECTION 9  
T4N, R5W, S.B.M.**

APN: 3136-271-01

DOC. NO. 1988-175102, O.R.

**R.S. 54/39**

NORTHERLY LINE OF THE  
CALIFORNIA AQUEDUCT PER  
R.S. 54/39

**CALIFORNIA AQUEDUCT**

N00°48'24"W 240.74'

S00°44'50"E 247.97'

WESTERLY LINE OF LAND PER  
DOC. NO. 1985-029313, O.R.

**STATE HWY.  
RTE. 395**

N01°06'24"W 1,323.27'

EASTERLY LINE  
OF SECTION 9

N61°20'56"W  
14.83'



SCALE: 1" = 60'

FEET 0 30 60 120

### NOTES

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY

**POC**

SE CORNER OF  
SECTION 9 PER  
R.S. 54/39

**SMOKE TREE ROAD**

9 10  
16 15



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*

08/09/2024

TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 08/09/2024		DRAFTED BY: MNS		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.93	1	1

# EXHIBIT "2"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-271-01\_02**

That portion of the land within the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded November 03, 1988 as Document No. 1988-371564 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 9 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1323.27 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°28'42" West 101.57 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded August 01, 1986 as Document No. 1986-217666 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence continuing westerly along said southerly line South 89°28'42" West 12.63 feet;

Thence northerly leaving said southerly line North 00°48'24" West 50.00 feet to the northerly line of said land of Document No. 1988-371564 of Official Records;

Thence easterly along said northerly line North 89°28'42" East 12.58 feet to the westerly line of said land of Document No. 1986-217666 of Official Records;

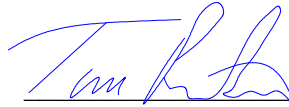
Thence southerly along said westerly line South 00°51'48" East 50.00 feet to the **Point of Beginning**.

Containing 630 square feet (0.01 acres) more or less.

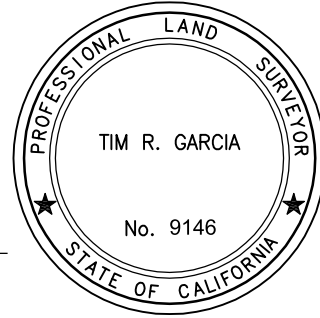
**Together** with the underlying fee interest if any, contiguous to the above-described property in and to the adjoining public right-of-way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/09/2024  
Date: \_\_\_\_\_



Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-271-01_02		630 S.F.	3136-261-11

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

**SE 1/4 OF SECTION 9  
T4N, R5W, S.B.M.**

APN: 3136-261-10

**PORTION OF PARCEL 2  
PARCEL MAP NO. 10056  
P.M.B. 127/18**

N'LY LINE OF LAND PER  
DOC. NO. 1988-371564, O.R.

N89°28'42"E  
12.58'

APN: 3136-261-11

DOC. NO. 1988-371564, O.R.

S'LY LINE OF LAND PER  
DOC. NO. 1988-371564, O.R.

S89°28'42"W  
12.63'

W'LY LINE OF LAND PER  
DOC. NO. 1986-217666, O.R.

N00°48'24"W  
50.00'

S00°51'48"E  
50.00'

S89°28'42"W 101.57'

**POB**

APN: 3136-271-01

**STATE HWY.  
RTE. 395**

EASTERLY LINE  
OF SECTION 9  
N01°06'24"W 1,323.27'

**R.S. 54/39  
R.S. 78/28**

SCALE: 1" = 40'

FEET 0 20 40 80

**NOTES**

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY

**SMOKE TREE ROAD 9 10**

**16 15**

**POC**  
SE CORNER OF  
SECTION 9 PER  
R.S. 54/39



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*

08/09/2024

TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 08/09/2024		DRAFTED BY: MNS		REV.:	EA:OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.93	1	1

Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "3"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-271-01**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-271-01\_03**

That portion of the land within the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded June 02, 1988 as Document No. 1988-175102 of Official Records in the Office of the County Recorder of said County, also shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 9 as shown on said Record of Survey;

Thence northerly along the easterly line of said Section 9 North  $01^{\circ}06'24''$  West 1323.27 feet to the northerly line of said land;

Thence westerly along said northerly line South  $89^{\circ}28'42''$  West 101.02 feet to the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded February 06, 1985 as Document No. 1985-029313 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said northerly line South  $89^{\circ}28'42''$  West 13.17 feet to the **Point of Beginning**;

Thence continuing westerly along said northerly line South  $89^{\circ}28'42''$  West 7.00 feet;

Thence southerly leaving said northerly line South  $00^{\circ}48'24''$  East 236.82 feet to the northerly line of the California Aqueduct as shown on said Record of Survey;

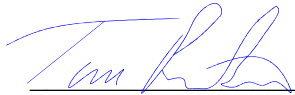
Thence southeasterly along said northerly line South  $61^{\circ}20'56''$  East 8.04 feet;

Thence northerly leaving said northerly line North  $00^{\circ}48'24''$  West 240.74 feet to the **Point of Beginning**.

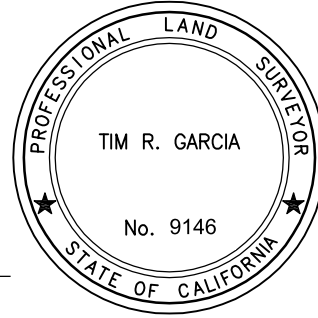
Containing 1,671 square feet (0.04 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/09/2024  
\_\_\_\_\_  
Date:

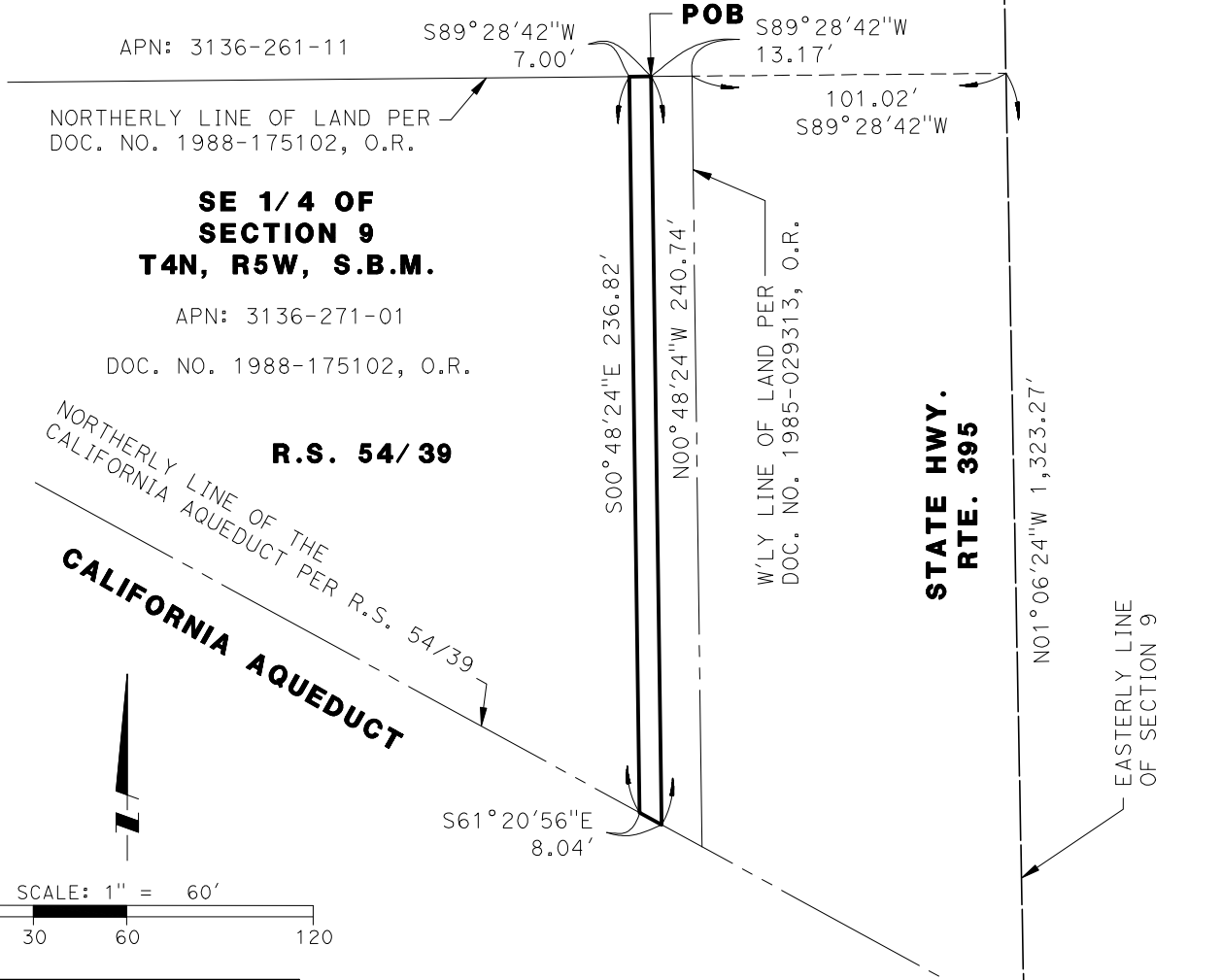


Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-271-01_03		1,671 S.F.	3136-271-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.



**NOTES**

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*

TIM R. GARCIA, PLS 9146      08/09/2024      DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/09/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.93	1	1

Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "4"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-261-11**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-271-01\_04**

That portion of the land within the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded November 03, 1988 as Document No. 1988-371564 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 9 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1323.27 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°28'42" West 101.57 feet to the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded August 01, 1986 as Document No. 1986-217666 of Official Records, in the office of the County Recorder of said County;

Thence continuing westerly along said southerly line South 89°28'42" West 12.63 feet to the **Point of Beginning**;

Thence northerly leaving said southerly line North 00°48'24" West 50.00 feet to the northerly line of said land of Document No. 1988-371564 of Official Records;

Thence westerly along said northerly line South 89°28'42" West 7.00 feet;

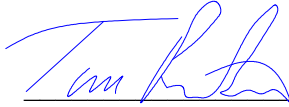
Thence southerly leaving said northerly line South 00°48'24" East 50.00 feet to the southerly line of said land of Document No. 1988-371564 of Official Records;

Thence easterly along said southerly line North 89°28'42" East 7.00 feet to the **Point of Beginning**.

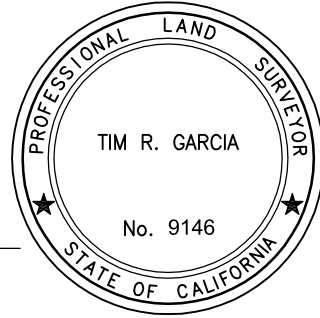
Containing 350 square feet (0.01 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/09/2024  
\_\_\_\_\_  
Date:



Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

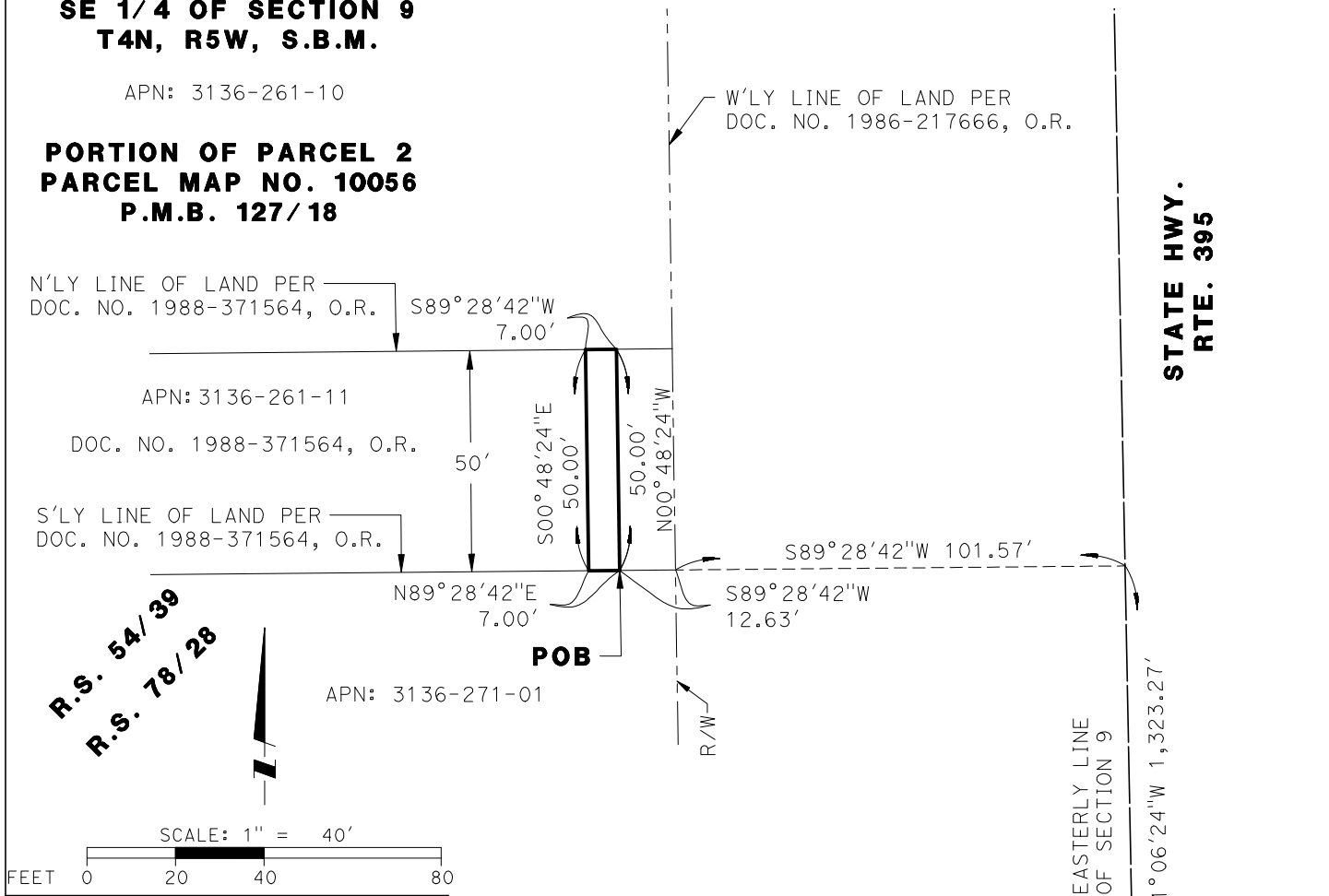
PARCEL	TYPE OF ESTATE	AREA	APN
3136-271-01_04		350 S.F.	3136-261-11

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

**SE 1/4 OF SECTION 9  
T4N, R5W, S.B.M.**

APN: 3136-261-10

**PORTION OF PARCEL 2  
PARCEL MAP NO. 10056  
P.M.B. 127/18**



**NOTES**

Bearings and Distances are on CCS 1983 (2007.00) Zone 5. Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- [Box] LIMITS OF DESCRIPTION
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*

08/09/2024

TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE:		DRAFTED BY: MNS		REV.:	EA:OF633
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	6.93	1	1

Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "5"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3136-271-01**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA may place a temporary fence around the TCE area.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3136-271-01\_05**

That portion of the land within the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded June 02, 1988 as Document No. 1988-175102 of Official Records in the Office of the County Recorder of said County, also shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 9 as shown on said Record of Survey;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1323.27 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°28'42" West 101.02 feet to the westerly line the land described in the Grant of Easement and Offer of Dedication recorded February 06, 1985 as Document No. 1985-029313 of Official Records, in the office of the County Recorder of said County;

Thence continuing westerly along said northerly line South 89°28'42" West 20.17 feet, to the **Point of Beginning**;

Thence southerly leaving said northerly line South 00°48'24" East 236.82 feet to the northerly line of the California Aqueduct as shown on said Record of Survey;

Thence northwesterly along said northerly line North 61°20'56" West 73.50 feet;

Thence northerly leaving said northerly line North 00°48'24" West 45.94 feet;

Thence South 61°20'56" East 62.02 feet;


Thence North 00°48'24" West 185.29 feet to the northerly line of said land of Document No. 1988-175102 of Official Records;

Thence easterly along said northerly line North 89°28'42" East 10.00 feet to the **Point of Beginning**.

Containing 4,821 square feet (0.11 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/09/2024  
\_\_\_\_\_  
Date:

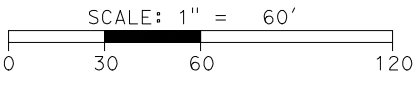
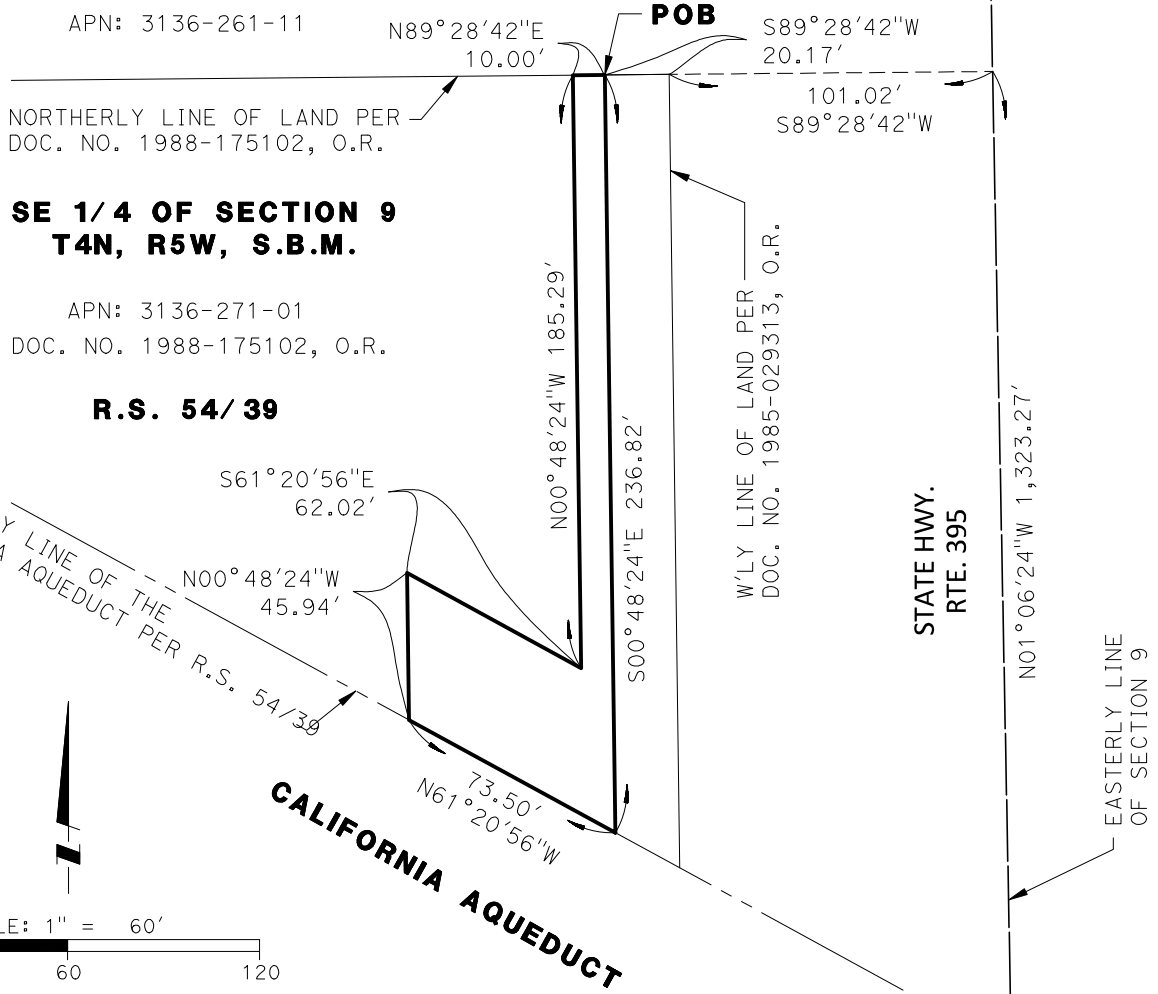


Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-271-01_05	TEMPORARY CONSTRUCTION EASEMENT	4,821 S.F.	3136-271-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.



**NOTES**

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146  
08/09/2024  
DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/09/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.93	1	1

Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "6"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3136-261-11**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

**Rights and Limitations of Use and Occupancy of TCE:**

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA may place a temporary fence around the TCE area.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3136-271-01\_06**

That portion of the land within the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded November 03, 1988 as Document No. 1988-371564 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 9 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1323.27 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°28'42" West 101.57 feet to the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded August 01, 1986 as Document No. 1986-217666 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said southerly line South 89°28'42" West 19.63 feet to the **Point of Beginning**;

Thence continuing westerly along said southerly line South 89°28'42" West 10.00 feet;

Thence northerly leaving said southerly line North 00°48'24" West 50.00 feet to the northerly line of said land of Document No. 1988-371564 of Official Records;

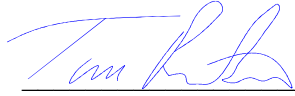
Thence easterly along said northerly line North 89°28'42" East 10.00 feet;

Thence southerly leaving said northerly line South 00°48'24" East 50.00 feet the **Point of Beginning**.

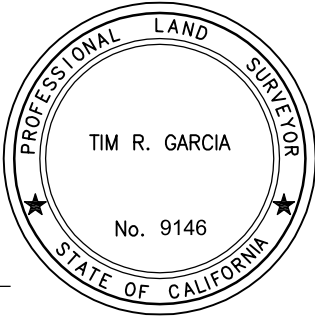
Containing 500 square feet (0.01 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/09/2024  
\_\_\_\_\_  
Date:



Attachment: K-Baldy Mesa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-271-01_06	TEMPORARY CONSTRUCTION EASEMENT	500 S.F.	3136-261-11

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

**SE 1/4 OF SECTION 9  
T4N, R5W, S.B.M.**

APN: 3136-261-10

**PORTION OF PARCEL 2  
PARCEL MAP NO. 10056  
P.M.B. 127/18**

N'LY LINE OF LAND PER  
DOC. NO. 1988-371564, O.R.

N89°28'42"E  
10.00'

APN: 3136-261-11

DOC. NO. 1988-371564, O.R.

50'

N00°48'24"W  
50.00'

S00°48'24"E  
50.00'

S'LY LINE OF LAND PER  
INST. NO. 1988-371564, O.R.

S89°28'42"W  
10.00'

**POB**

W'LY LINE OF LAND PER  
DOC. NO. 1986-217666, O.R.

S89°28'42"W 101.57'

S89°28'42"W  
19.63'

**STATE HWY.  
RTE. 395**

APN: 3136-271-01

EASTERLY LINE  
OF SECTION 9

N01°06'24"W 1,323.27'

**R.S. 54/39  
R.S. 78/28**



SCALE: 1" = 40'

FEET 0 20 40 80

## NOTES

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

## LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY

**SMOKE TREE ROAD 9 10**

**16 15**

**POC**

SE CORNER OF  
SECTION 9 PER  
R.S. 54/39



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*

08/09/2024

TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 08/09/2024

DRAFTED BY: MNS

REV.:

EA:0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.93

1

1

**RESOLUTION OF NECESSITY No. 25-028**  
**WALDEN J. DAHL PROPERTY**  
**(APN 3136-261-10)**

**RESOLUTION NO. 25-028**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3136-261-10.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at 10732 US Highway 395, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto, a permanent slope easement as legally described and depicted in Exhibit "2" hereto, and a temporary construction easement as legally described and depicted in Exhibit "3" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.



Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "3" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-261-10\_01**

That portion of the land within Parcel 2 of Parcel Map No. 10056, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 127, Page 18 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, said land more particularly described in the Grant Deed recorded on August 01, 1994 as Document No. 1994-327962 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at Southeast corner of said Section 9 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1,662.14 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 2;

Thence westerly along said prolongation line South 89°25'56" West 100.13 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded August 1, 1986 as Document No. 1986-217666 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence continuing westerly along the northerly line of said Parcel 2 South 89°25'56" West 12.29 feet;

Thence southerly leaving said northerly line South 00°48'24" East 288.77 feet to the southerly line of said land of Document No. 1994-327962 of Official Records;

Thence easterly along said southerly line North 89°28'42" East 12.58 feet to the westerly line of said land of Document No. 1986-217666 of Official Records;

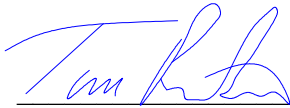
Thence northerly along said westerly line North 00°51'48" West 288.78 feet to the **Point of Beginning**.

Containing 3,591 square feet (0.08 acres) more or less.

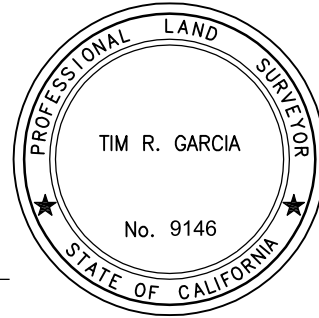
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/06/2024  
Date: \_\_\_\_\_



Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-10_01		3,591 S.F.	3136-261-10

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE 1/4  
 OF SECTION 9  
 T4N, R5W, S.B.M.**

APN: 3136-261-07

**POB**

S89°25'56"W  
 100.13'

APN: 3136-261-10

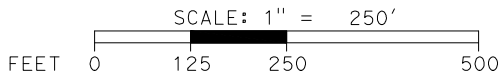
**PORTION OF PARCEL 2  
 PARCEL MAP NO. 10056  
 P.M.B. 127/18**

**SEE SHEET 2  
 FOR DETAIL**

APN: 3136-261-11

R/W

CALIFORNIA  
 AQUEDUCT



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia*  
 TIM R. GARCIA, PLS 9146

08/06/2024  
 DATE

E'LY LINE  
 OF SECTION 9  
 N01°06'24"W 1,662.14'

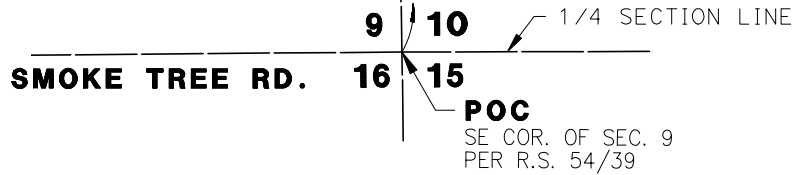
**STATE HWY.  
 RTE. 395**

**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b>		DATE: 08/06/2024		DRAFTED BY: MN		REV.:		EA: OF633	
1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS		
		08	SBD	395	6.98	1	2		

Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-10_01		3,591 S.F.	3136-261-10

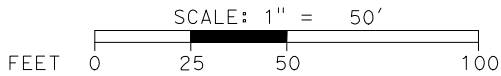
CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE 1/4  
 OF SECTION 9  
 T4N, R5W, S.B.M.**

**PORTION OF PARCEL 2  
 PARCEL MAP NO. 10056  
 P.M.B. 127/18**

APN: 3136-261-10

DOC. NO. 1994-327962, O.R.



### NOTES

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

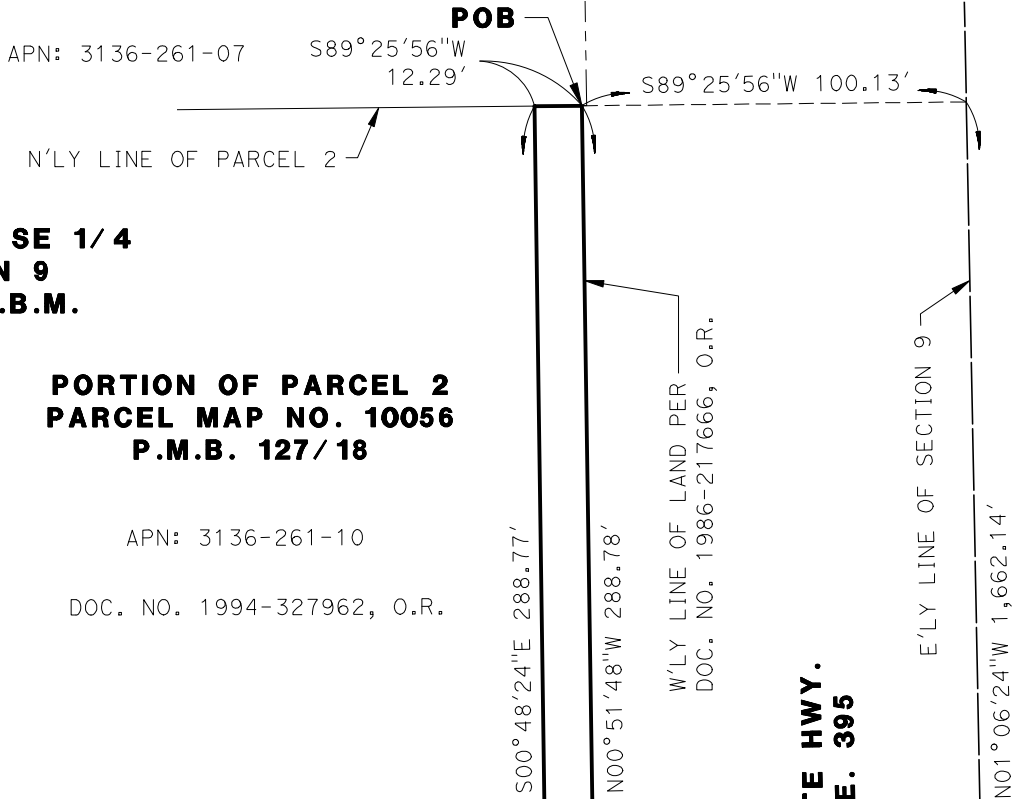
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

N'LY LINE OF  
 THE SOUTH 50'  
 OF PARCEL 2

N89°28'42"E  
 12.58'

S'LY LINE OF LAND PER  
 DOC. NO. 1994-327962, O.R.

APN: 3136-261-11



**STATE HWY.  
 RTE. 395**

TO POC

PREPARED BY: <b>PSOMAS</b>		DATE: 08/06/2024	DRAFTED BY: MN		REV.:	EA: OF633
1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	6.98	2	2

Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "2"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-261-10**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-261-10\_02**

That portion of the land within Parcel 2 of Parcel Map No. 10056, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 127, Page 18 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, said land more particularly described in the Grant Deed recorded on August 01, 1994 as Document No. 1994-327962 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at Southeast corner of said Section 9 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1,662.14 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 2;

Thence westerly along said prolongation line and along the northerly line of said Parcel 2 South 89°25'56" West 112.42 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South 00°48'24" East 288.77 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°28'42" West 7.00 feet;

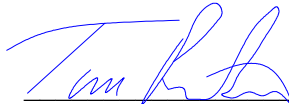
Thence northerly leaving said southerly line North 00°48'24" West 288.76 feet to said northerly line of Parcel 2;

Thence easterly along said northerly line North 89°25'56" East 7.00 feet to the **Point of Beginning**.

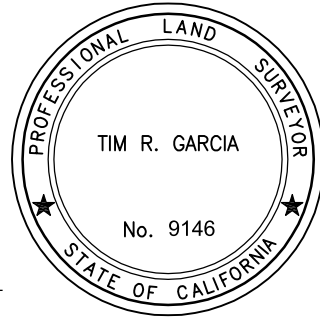
Containing 2,021 square feet (0.05 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/06/2024  
\_\_\_\_\_  
Date:



Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-10_02		2,021 S.F.	3136-261-10

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE 1/4  
OF SECTION 9  
T4N, R5W, S.B.M.**

APN: 3136-261-07

**POB**

S89°25'56"W  
112.42'

APN: 3136-261-10

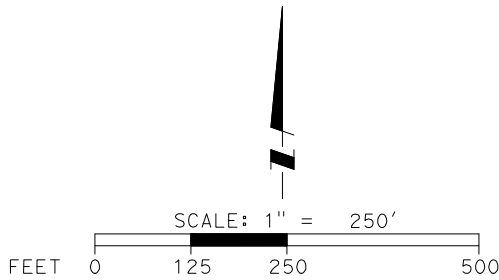
**SEE SHEET 2  
FOR DETAIL**

**PORTION OF PARCEL 2  
PARCEL MAP NO. 10056  
P.M.B. 127/18**

APN: 3136-261-11

R/W

CALIFORNIA  
AQUEDUCT



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*

08/06/2024

TIM R. GARCIA, PLS 9146

DATE

E'LY LINE  
OF SECTION 9  
N01°06'24"W 1,662.14'

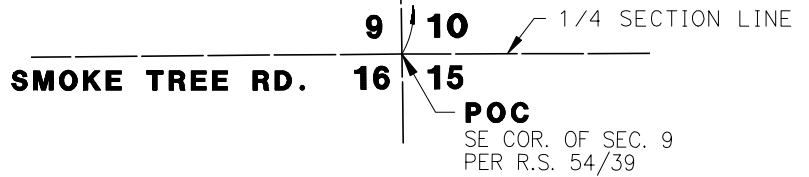
**STATE HWY.  
RTE. 395**

### NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b>		DATE: 08/06/2024		DRAFTED BY: MN		REV.:		EA: OF633	
1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.		TOTAL SHEETS	
		08	SBD	395	6.98	1		2	

Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

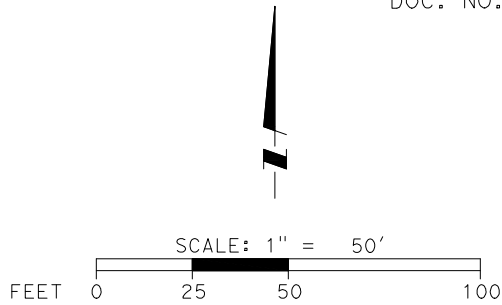
PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-10_02		2,021 S.F.	3136-261-10

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE 1/4  
 OF SECTION 9  
 T4N, R5W, S.B.M.**

**PORTION OF PARCEL 2  
 PARCEL MAP NO. 10056  
 P.M.B. 127/18**

APN: 3136-261-10  
 DOC. NO. 1994-327962, O.R.

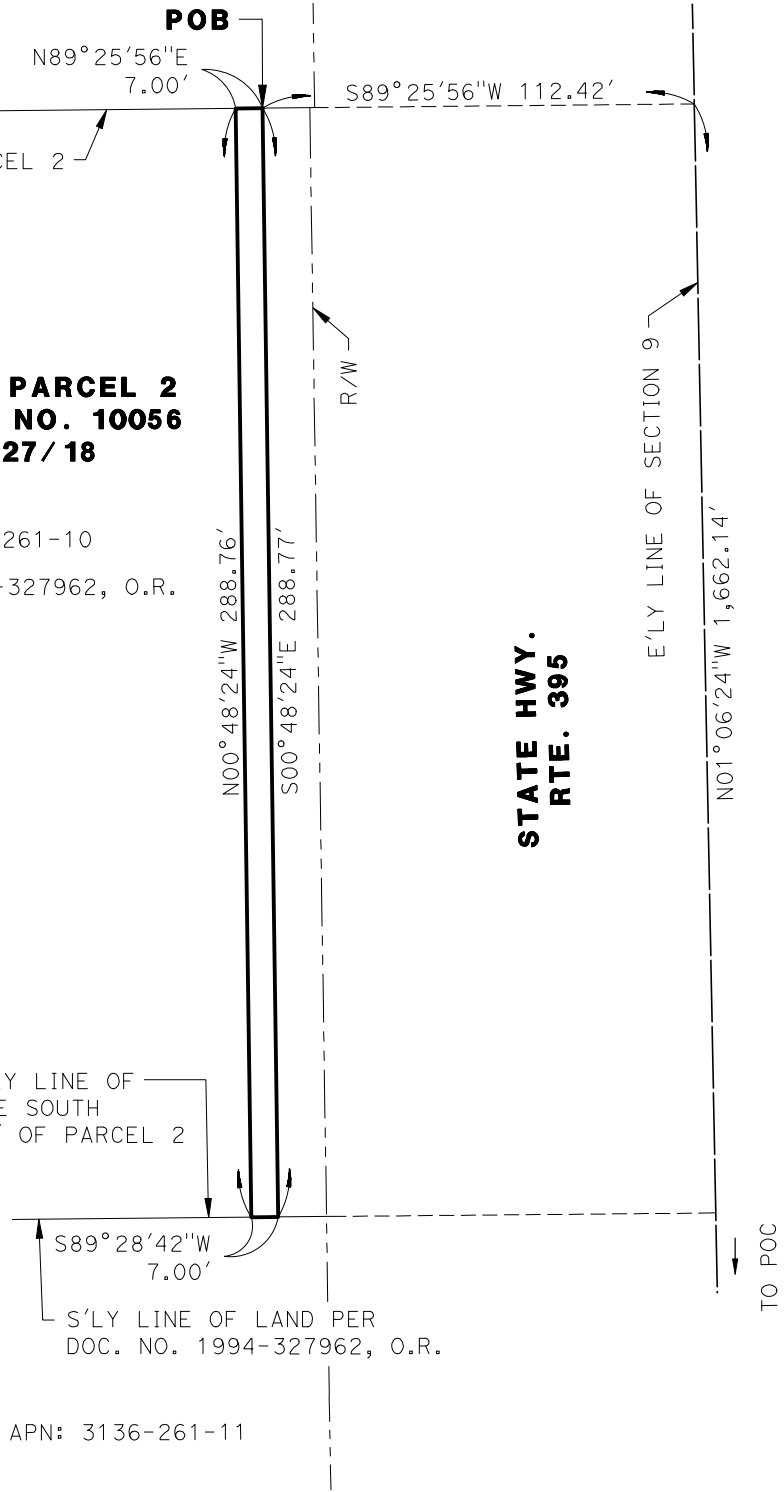


**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
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 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



APN: 3136-261-11

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/06/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.98	2	2

Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "3"



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3136-261-10**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA may place a temporary fence around the TCE area.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3136-261-10\_03**

That portion of the land within Parcel 2 of Parcel Map No. 10056, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 127, Page 18 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, said land more particularly described in the Grant Deed recorded on August 01, 1994 as Document No. 1994-327962 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at Southeast corner of said Section 9 as shown on the Record of Survey, filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 9 North 01°06'24" West 1,662.14 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 2;

Thence westerly along said prolongation line and along the northerly line of said Parcel 2 South 89°25'56" West 119.42 feet to the **Point of Beginning**;

Thence continuing westerly along said northerly line South 89°25'56" West 10.00 feet;

Thence southerly leaving said northerly line South 00°48'24" East 288.76 feet to the southerly line of said land;

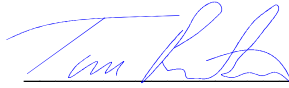
Thence easterly along said southerly line North 89°28'42" East 10.00 feet;

Thence northerly leaving said southerly line North 00°48'24" West 288.76 feet to the **Point of Beginning**.

Containing 2,888 square feet (0.07 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/06/2024  
\_\_\_\_\_  
Date:



Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-10_03	TEMPORARY CONSTRUCTION EASEMENT	2,888 S.F.	3136-261-10

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE 1/4  
OF SECTION 9  
T4N, R5W, S.B.M.**

APN: 3136-261-07

**POB** S89°25' 56"W  
119.42'

APN: 3136-261-10

**SEE SHEET 2  
FOR DETAIL**

**PORTION OF PARCEL 2  
PARCEL MAP NO. 10056  
P.M.B. 127/18**

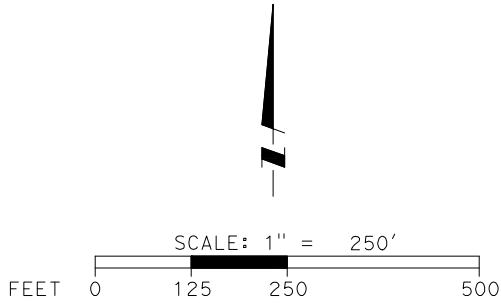
APN: 3136-261-11

R/W

CALIFORNIA  
AQUEDUCT

E'LY LINE  
OF SECTION 9

**STATE HWY.  
RTE. 395**



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

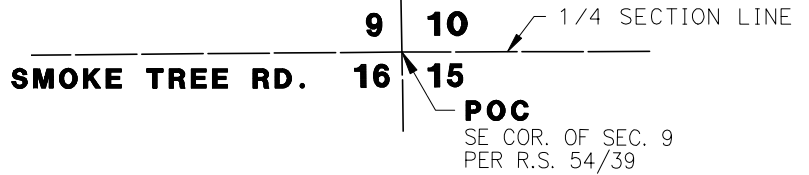
*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146 08/06/2024  
DATE

**NOTES**

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



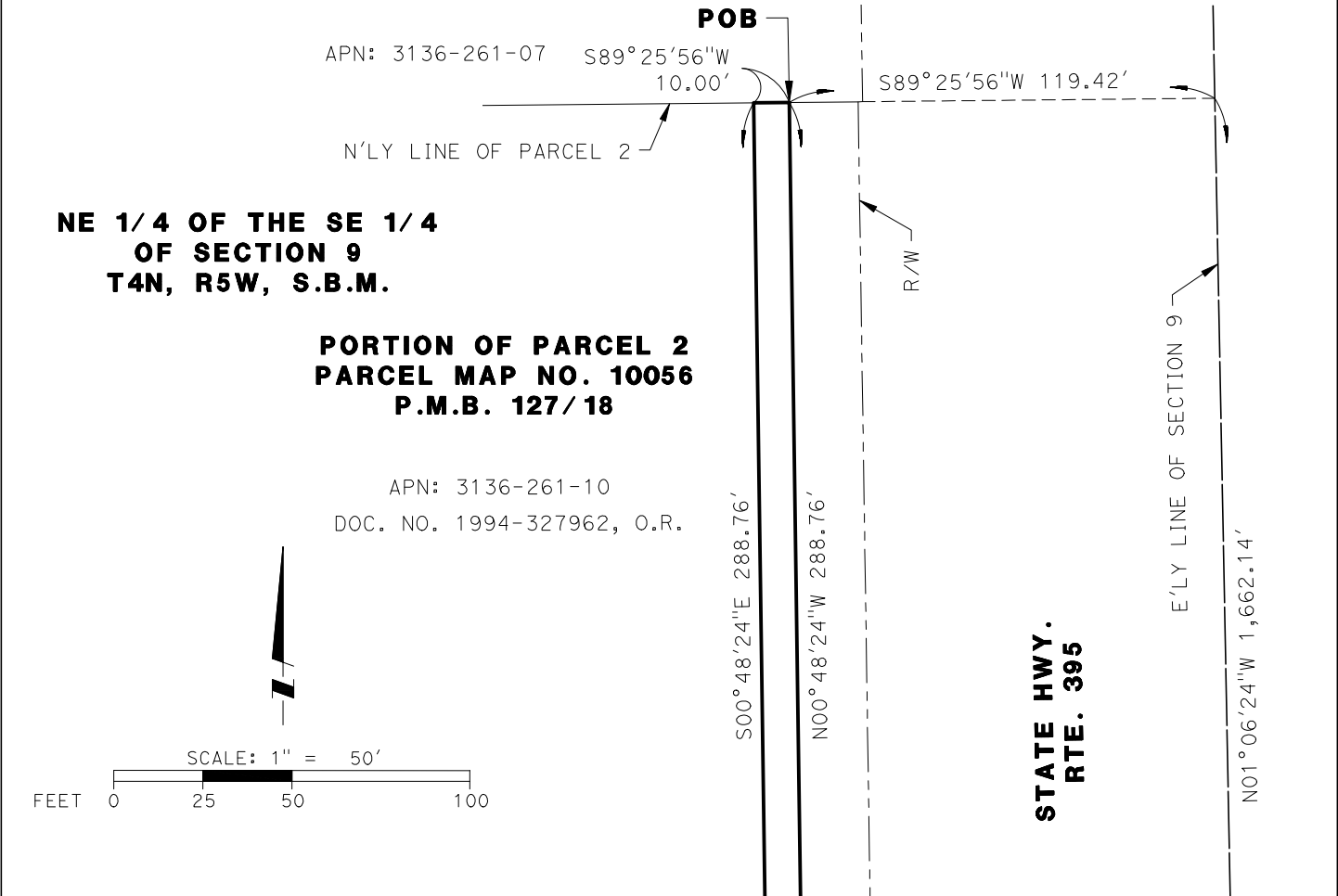
PREPARED BY: <b>PSOMAS</b>		DATE: 08/06/2024	DRAFTED BY: MN	REV.:	EA: OF633	
1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	6.98	1	2

Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-10_03	TEMPORARY CONSTRUCTION EASEMENT	2,888 S.F.	3136-261-10

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.



### NOTES

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/06/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.98	2	2

Attachment: L-Dahl - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-040**  
**RAVNEET KAUR PROPERTY**  
**(APN 3136-261-07)**

Attachment: M-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-040**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3136-261-07.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located along the west side of US Highway 395, between Mesa Street and the California Aqueduct, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and



**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-261-05 & 07\_01**

That portion of the land within the South 10 acres of the North 30 acres of the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded November 23, 2015 as Document No. 2015-0512544 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 9, as shown on the Record of Survey filed in Book 54, Pages 39 of Records of Survey, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9, South 01°06'24" East 656.26 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°26'03" West 96.84 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded December 12, 1985 as Document No. 1985-317398 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence southerly along said westerly line South 00°44'50" East 328.12 feet to the southerly line of said land of Document No. 2015-0512544 of Official Records;

Thence westerly along said southerly line South 89°25'56" West 13.53 feet;

Thence northerly along said southerly line North 00°48'24" West 328.12 feet to the northerly line of said land of Document No. 2015-0512544 of Official Records;

Thence easterly along said northerly line North 89°26'03" East 13.87 feet to the **Point of Beginning**.

Containing 4,494 square feet (0.10 acres) more or less.

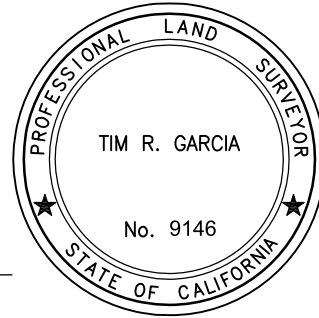
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/14/2024  
\_\_\_\_\_  
Date:

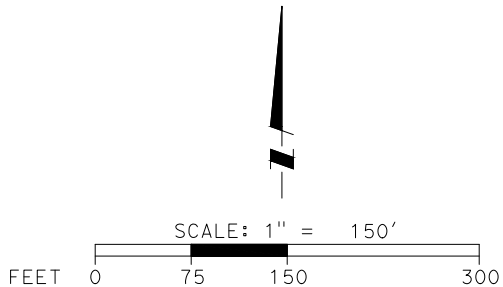


Attachment: M-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-05 & 07_01		4,494 S.F.	3136-261-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.



**MESA STREET**

1/4 SECTION LINE

**POC**  
 E 1/4 COR. OF SEC. 9  
 PER R.S. 54/39

9 10

APN: 3136-261-05

**SE 1/4 OF SECTION 9  
 T4N, R5W, S.B.M.**



APN: 3136-261-06

N'LY LINE OF LAND PER  
 DOC. NO. 2015-0512544, O.R.

THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia* 08/14/2024  
 TIM R. GARCIA, PLS 9146 DATE

S01°06'24"E 656.26'

**STATE HWY. RTE. 395**

**POB**

S89°26'03"W  
 96.84'

APN: 3136-261-07  
 DOC. NO. 2015-0512544, O.R.

**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- — — — PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

**SEE SHEET 2  
 FOR DETAIL**

**R.S. 54/39**

R/W

E'LY LINE OF SECTION 9

PREPARED BY: <b>PSOMAS</b>		DATE: 08/14/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.03	1	2

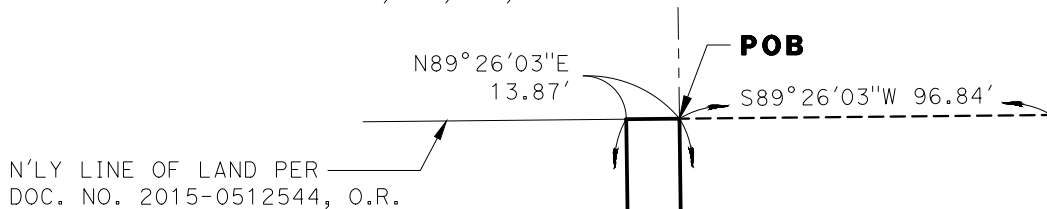
Attachment: M-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-05 & 07_01		4,494 S.F.	3136-261-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.



**THE SOUTH 10 ACRES OF  
 THE NORTH 30 ACRES OF THE  
 NE 1/4 OF THE SE 1/4  
 OF SECTION 9  
 T4N, R5W, S.B.M.**

APN: 3136-261-07

DOC. NO. 2015-0512544, O.R.



SCALE: 1" = 100'

FEET 0 50 100 150

S'LY LINE OF LAND PER  
 DOC. NO. 2015-0512544, O.R.

N00°48'24"W 328.12'

S00°44'50"E 328.12'

W'LY LINE OF LAND PER  
 DOC. NO. 1985-317398, O.R.

E'LY LINE OF SECTION 9

**STATE HWY. RTE. 395**

S89°25'56"W  
 13.53'

R/W

**R.S. 54/39**

### NOTES

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- — — — PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b>		DATE: 08/14/2024	DRAFTED BY: MN		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS	
08	SBD	395	7.03	2	2	

Attachment: M-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-261-07**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-261-05 & 07\_03**

That portion of the land within the South 10 acres of the North 30 acres of the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded November 23, 2015 as Document No. 2015-0512544 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 9, as shown the Record of Survey filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9 South 01°06'24" East 656.26 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°26'03" West 110.70 feet to the **Point of Beginning**;

Thence continuing westerly along said northerly line South 89°26'03" West 7.00 feet;

Thence southerly leaving said northerly line South 00°48'24" East 328.12 feet to the southerly line of said land;

Thence easterly along said southerly line North 89°25'56" East 7.00 feet;

Thence northerly leaving said southerly line North 00°48'24" West 328.12 feet to the **Point of Beginning**.

Containing 2,297 square feet (0.05 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

Tim R. Garcia, PLS 9146

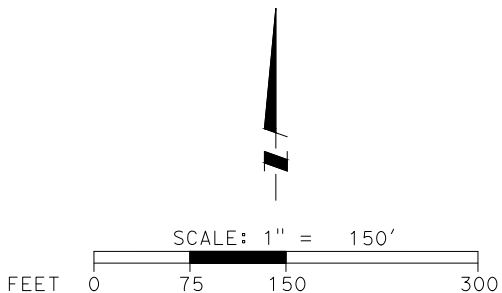
08/14/2024  
Date:



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-05 & 07_03		2,297 S.F.	3136-261-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.



**MESA STREET**

**POC**  
 E 1/4 COR. OF SEC. 9  
 PER R.S. 54/39

**9 10**

**SE 1/4 OF SECTION 9  
 T4N, R5W, S.B.M.**

APN: 3136-261-05

APN: 3136-261-06

N'LY LINE OF LAND PER  
 DOC. NO. 2015-0512544, O.R.

S01°06'24"E 656.26'

**STATE HWY. RTE. 395**

THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

08/14/2024

TIM R. GARCIA, PLS 9146

DATE

**POB**

**SEE SHEET 2  
 FOR DETAIL**

S89°26'03"W  
 110.70'

APN: 3136-261-07  
 DOC. NO. 2015-0512544, O.R.

E'LY LINE OF SECTION 9

**R.S. 54/39**

**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
 Riverside, Ca 92507  
 (951) 787-8421 www.psomas.com

DATE: 08/14/2024

DRAFTED BY: MN

REV.:

EA: OF633

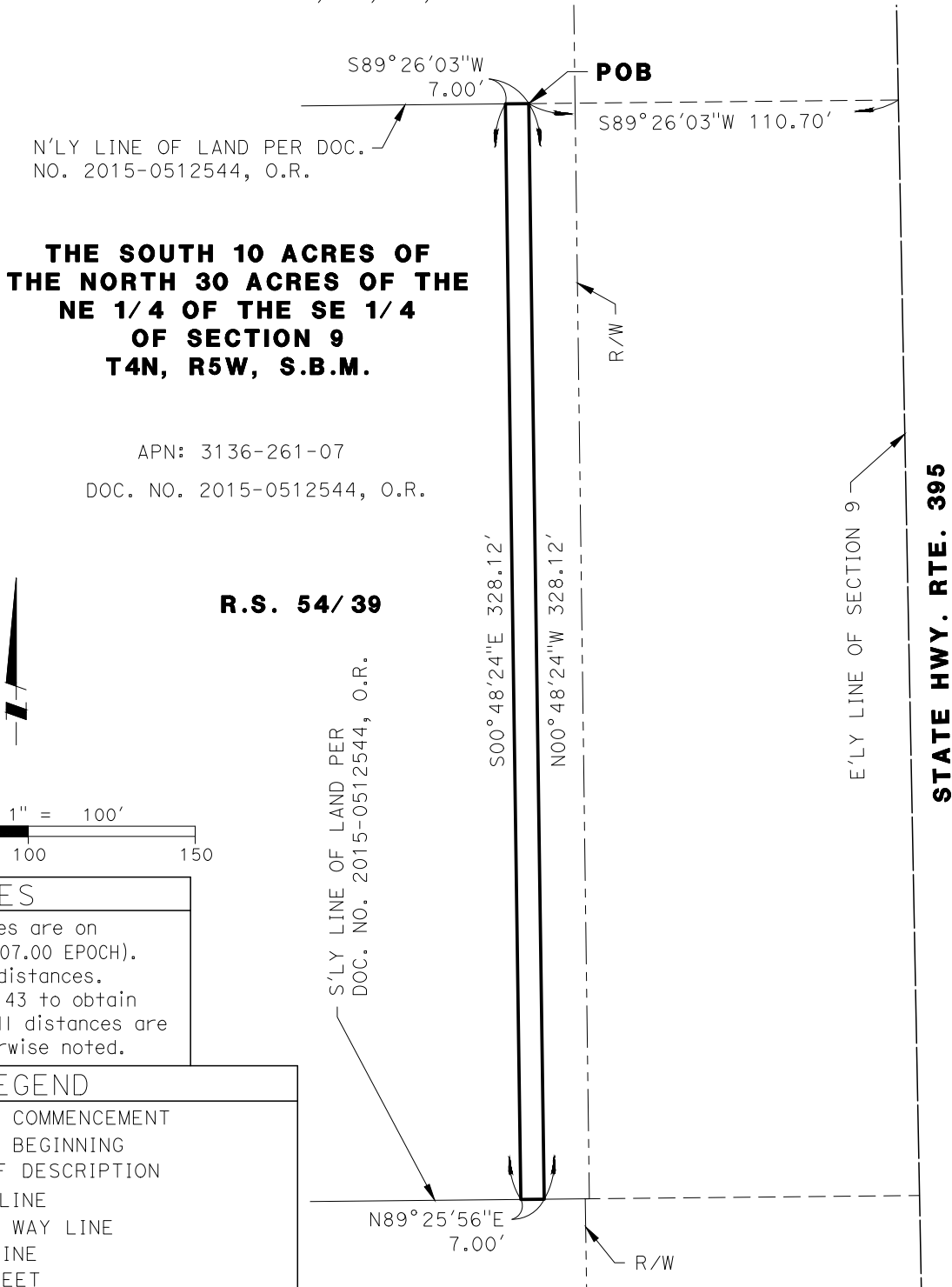
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.03	1	2

Attachment: M-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-05 & 07_03		2,297 S.F.	3136-261-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 9, T4N, R5W, S.B.M.

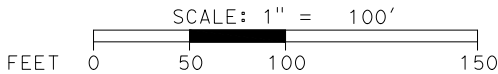


**THE SOUTH 10 ACRES OF  
 THE NORTH 30 ACRES OF THE  
 NE 1/4 OF THE SE 1/4  
 OF SECTION 9  
 T4N, R5W, S.B.M.**

APN: 3136-261-07

DOC. NO. 2015-0512544, O.R.

**R.S. 54/39**



**NOTES**

Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- — — — PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/14/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.03	2	2

Attachment: M-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# RESOLUTION OF NECESSITY No. 25-050

## RAVNEET KAUR PROPERTY

(APN 3136-261-05)

Attachment: N-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



**RESOLUTION NO. 25-050**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3136-261-05.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located on US Highway 395, south of Mesa Street, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-261-05 & 07\_02**

That portion of the land within the North 10 acres of the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded September 30, 2019 as Document No. 2019-0350201 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 9, as shown on the Record of Survey filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9, South 01°06'24" East 328.13 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°26'09" West 30.00 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded January 15, 1986 as Document No. 1986-011150 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence continuing westerly along said southerly line South 89°26'09" West 79.01 feet;  
Thence northerly leaving said southerly line North 00°48'53" West 298.13 feet to the southerly line of said land of Document No. 1986-011150 of Official Records;

Thence easterly along said southerly line North 89°26'15" East 77.49 feet;

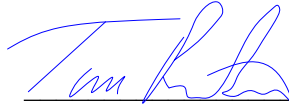
Thence southerly leaving said northerly line South 01°06'24" East 298.13 feet to the **Point of Beginning**.

Containing 23,329 square feet (0.54 acres) more or less.

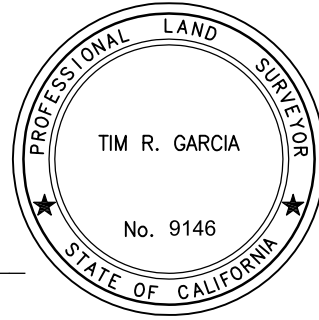
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/14/2024  
Date: \_\_\_\_\_



Attachment: N-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

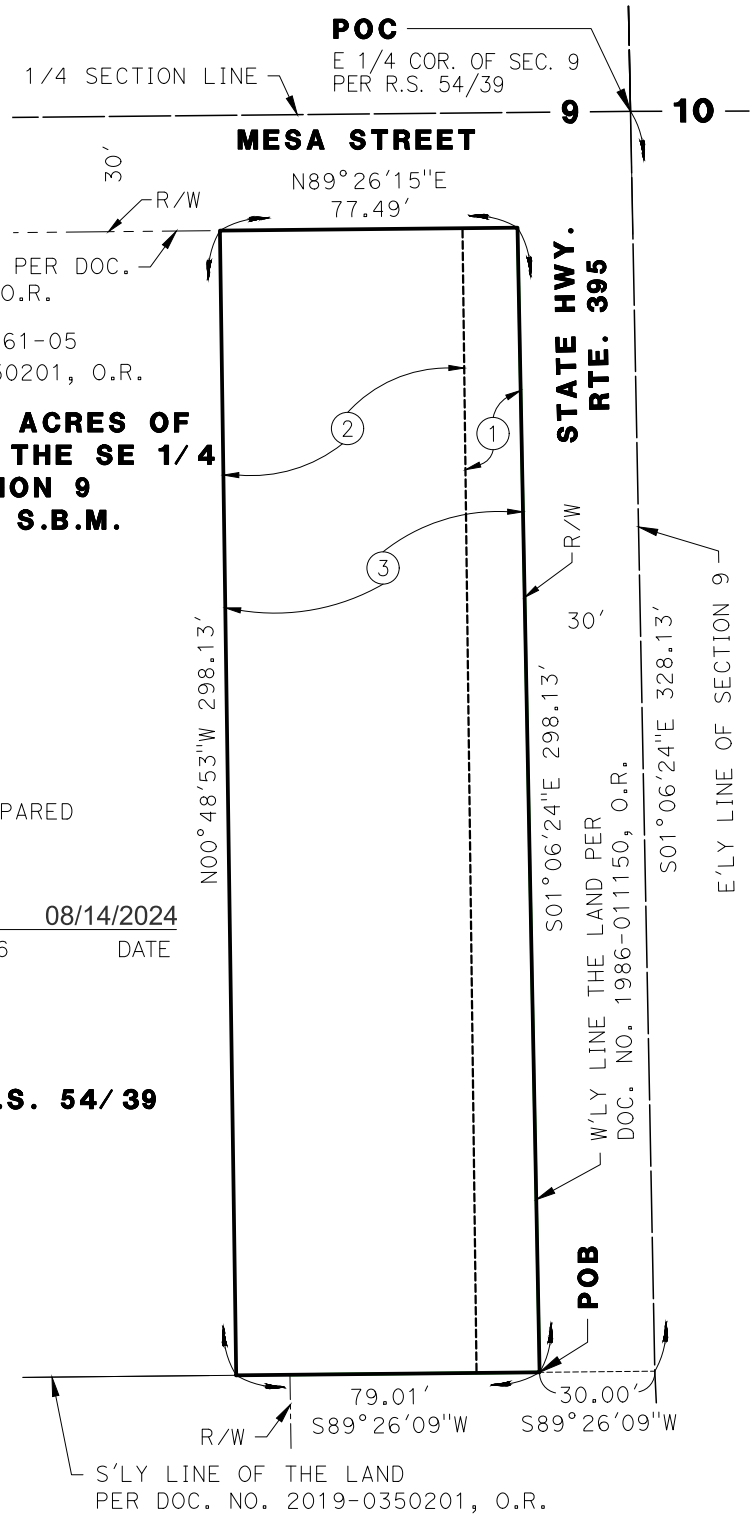
PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-05 & 07_02		23,329 S.F.	3136-261-05

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

- ① UNDERLYING FEE AREA: 4,584 SQ. FT.
- ② REMAINING FEE AREA: 18,745 SQ. FT.
- ③ TOTAL FEE AREA: 23,329 SQ. FT.

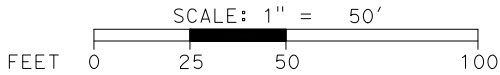
**NOTE:**

- ① UNDERLYING FEE INTEREST: THAT PORTION LYING WITHIN THE MAINTAINED AREA OF THE STATE HIGHWAY ROUTE 395 AS IT NOW EXISTS.



N'LY LINE OF LAND PER DOC. NO. 1986-011150, O.R.  
APN: 3136-261-05  
DOC. NO. 2019-0350201, O.R.

**THE NORTH 10 ACRES OF  
THE NE 1/4 OF THE SE 1/4  
OF SECTION 9  
T4N, R5W, S.B.M.**



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146      08/14/2024  
DATE

**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**R.S. 54/39**

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- SECTION LINE
- - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b>		DATE: 08/14/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.14	1	1

Attachment: N-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-261-05**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-261-05 & 07\_04**

That portion of the land within the North 10 acres of the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded September 30, 2019 as Document No. 2019-0350201 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 9, as shown on the Record of Survey filed in Book 54, Page 39 of Records of Survey, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9, South 01°06'24" East 328.13 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°26'09" West 30.00 feet to the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded January 15, 1986, as Document No. 1986-011150 of Official Records, in the office of the County Recorder of said County;

Thence continuing along said southerly line South 89°26'09" West 79.01 feet to the **Point of Beginning**;

Thence northerly leaving said southerly line North 00°48'53" West 298.13 feet to the southerly line of the land of said Document No. 1986-011150 of Official Records;

Thence westerly along said southerly line South 89°26'15" West 7.00 feet;

Thence southerly leaving said southerly line South 00°48'53" East 298.13 feet to the southerly line of said land of Document No. 2019-0350201 of Official Records;

Thence easterly along said southerly line North 89°26'09" East 7.00 feet to the **Point of Beginning**.

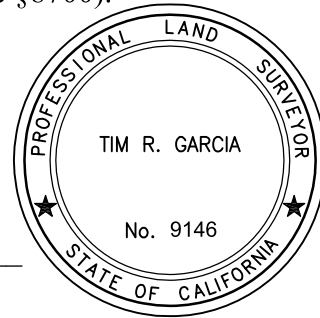
Containing 2,087 square feet (0.05 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

Tim R. Garcia, PLS 9146

08/14/2024  
Date:

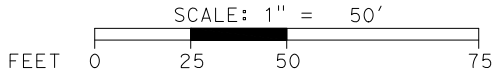
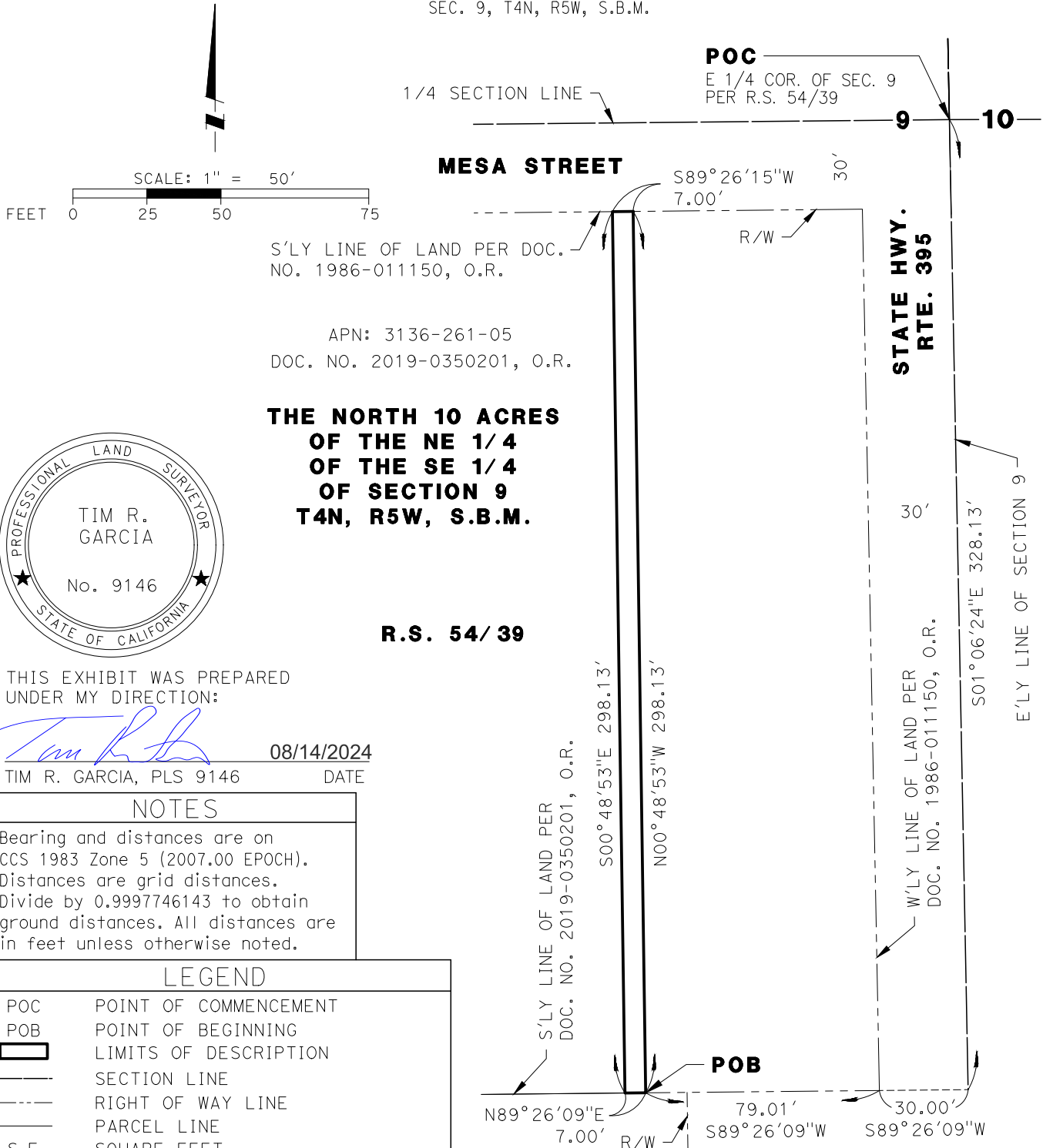


Attachment: N-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-261-05 & 07_04		2,087 S.F.	3136-261-05

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.



S'LY LINE OF LAND PER DOC. NO. 1986-011150, O.R.  
APN: 3136-261-05  
DOC. NO. 2019-0350201, O.R.

**THE NORTH 10 ACRES  
OF THE NE 1/4  
OF THE SE 1/4  
OF SECTION 9  
T4N, R5W, S.B.M.**

**R.S. 54/39**

THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 08/14/2024  
TIM R. GARCIA, PLS 9146 DATE

**NOTES**  
Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/14/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.14	1	1

Attachment: N-Kaur - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-012**  
**TK PROPERTIES, LLC/R J PREMIER**  
**PROPERTIES, LLC PROPERTY**  
**(APN 3136-251-06)**



**RESOLUTION NO. 25-012**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3136-251-06.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located along the southwest corner of US Highway 395 and Appleton Street, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the

continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-251-03 & 06\_01**

That portion of Parcel 4 of Parcel Map No. 6319, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 64, Pages 61 and 62 of Parcel Maps, in the office of the County Recorder of said County, located within the East one-half (1/2) of the Northeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 9 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 9 North  $01^{\circ}06'04''$  West 910.90 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 4;

Thence westerly along said prolongation line South  $89^{\circ}23'57''$  West 71.75 feet to a point on the westerly line of the land as described in the Grant Deed recorded December 09, 1997, as Document No. 1997-0453211 of Official Records, said point also being the **Point of Beginning**;

Thence continuing westerly along the northerly line of said Parcel 4 South  $89^{\circ}23'57''$  West 42.04 feet;

Thence southerly leaving said northerly line South  $00^{\circ}48'53''$  East 107.59 feet;

Thence North  $89^{\circ}11'07''$  East 4.00 feet;

Thence South  $00^{\circ}48'53''$  East 803.23 feet to the southerly line of the Northeast one-quarter (1/4) of said section 9;

Thence easterly along said southerly line North  $89^{\circ}26'15''$  East 38.67 feet to said westerly line of the land of Document No. 1997-0453211 of Official Records;

Thence northerly along said westerly line North  $01^{\circ}12'44''$  West 85.22 feet;

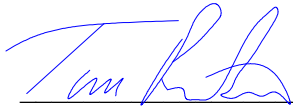
Thence continuing northerly along said westerly line North  $00^{\circ}49'04''$  West 825.61 feet to the **Point of Beginning**.

Containing 35,123 square feet (0.81 acres) more or less.

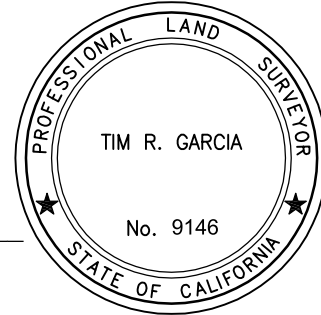
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/16/2024  
\_\_\_\_\_  
Date:



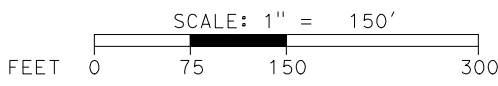
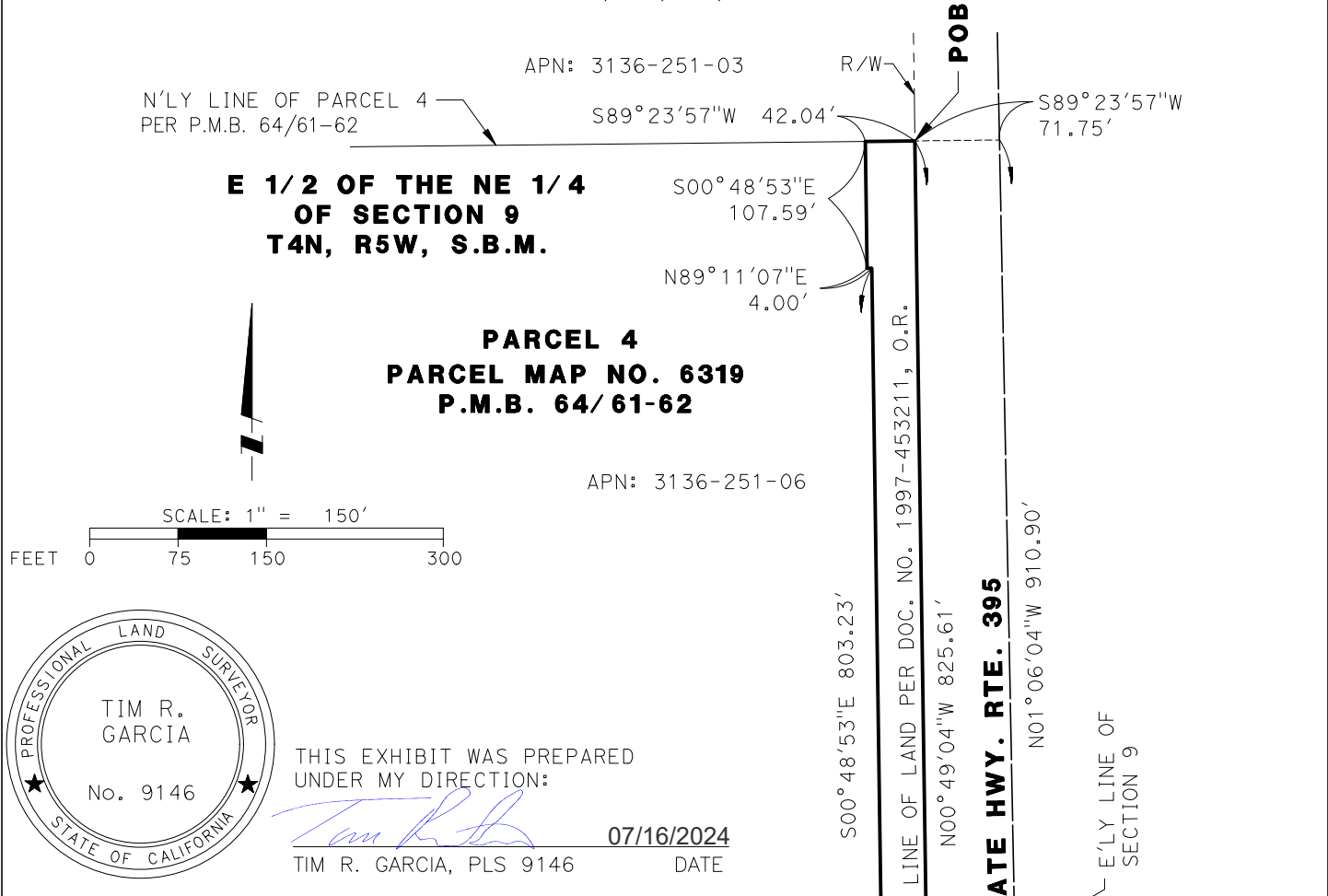
Attachment: O-TK Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-251-03 & 06_01		35,123 S.F.	3136-251-06

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

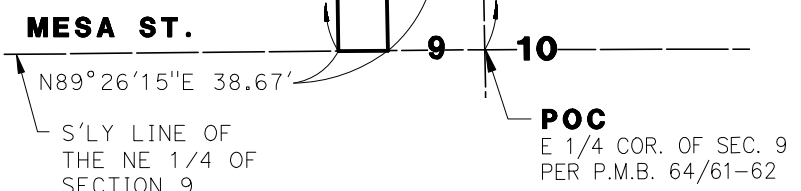


THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:  
*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146      07/16/2024      DATE

**NOTES**  
Bearings and Distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/16/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.33	1	1

Attachment: O-TK Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-011**  
**TK PROPERTIES, LLC/R J PREMIER**  
**PROPERTIES, LLC PROPERTY**  
**(APN 3136-251-03)**

**RESOLUTION NO. 25-011**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3136-251-03.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located at southwest quadrant of Eucalyptus Street and US Highway 395, south of Appleton Street, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

Attachment: P-TK Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "1"



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-251-03 & 06\_02**

That portion of Parcel 1 of Parcel Map No. 6319, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 64, Pages 61 and 62 of Parcel Maps, in the office of the County Recorder of said County, located within the East one-half (1/2) of the Northeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 9 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 9 North 01°06'04" West 910.90 feet to the intersection of the easterly prolongation of the southerly line of said Parcel 1;

Thence westerly along said prolongation line South 89°23'57" West 71.75 feet to a point on the westerly line of the land as described in the Grant Deed recorded January 22, 1997 as Document No. 1997-0022531 of Official Records, said point also being the **Point of Beginning**;

Thence continuing westerly along the southerly line of said Parcel 1 South 89°23'57" West 42.04 feet;

Thence northerly leaving said southerly line North 00°48'53" West 92.41 feet;

Thence North 89°11'07" East 7.83 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 14,768.00 feet, a radial line to said beginning bears North 89°30'37" West;

Thence northerly along said non-tangent curve through a central angle of 01°06'20", an arc length of 284.93 feet to the beginning of a reverse curve, concave westerly, having a radius of 14,632.00 feet;

Thence continuing northerly along said reverse curve through a central angle of 02°05'29", an arc length 534.09 feet to the northerly line of said Parcel 1;

Thence easterly along said northerly line North 89°20'38" East 12.21 feet to said westerly line of the land of Document No. 1997-0022531 of Official Records;

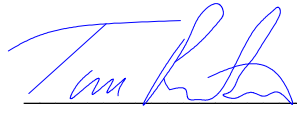
Thence southerly along said westerly line South 00°49'04" East 911.21 feet to the **Point of Beginning**.

Containing 21,497 square feet (0.49 acres) more or less.

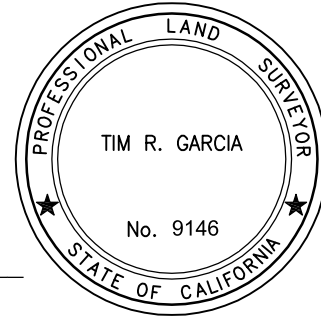
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/16/2024  
\_\_\_\_\_  
Date:



Attachment: P-TK Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-251-03 & 06_02		21,497 S.F.	3136-251-03

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W S.B.M.

N'LY LINE OF PARCEL 1  
PER P.M.B. 64/61-62 N89°20'38"E  
12.21'

**E 1/2 OF NE 1/4  
OF SECTION 9  
T4N, R5W, S.B.M.**

**PARCEL 1  
PARCEL MAP NO. 6319  
P.M.B. 64/61-62**



SCALE: 1" = 150'  
FEET 0 75 150 300

APN: 3136-251-03



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:  
*Tim R. Garcia* 07/16/2024  
TIM R. GARCIA, PLS 9146 DATE

R/W  
R=14,632.00' Δ=02°05'29"  
L=534.09'  
S00°49'04"E 911.21'  
E'LY LINE OF SECTION 9

PRC  
S88°24'18"E (RAD)

R=14,768.00'  
Δ=01°06'20"  
L=284.93'

N89°30'37"W (RAD)

N89°11'07"E  
7.83'

N00°48'53"W  
92.41'

S'LY LINE OF PARCEL 1  
PER P.M.B. 64/61-62

S89°23'57"W  
42.04'

S89°23'57"W  
71.75'

N01°06'04"W  
910.90'

APN: 3136-251-06 **POB**

**MESA ST.**

**9 10**

S'LY LINE OF THE  
NE 1/4 OF SEC. 9

**POC**  
E 1/4 COR. OF SEC. 9  
PER P.M.B. 64/61-62

**STATE HWY. RTE. 395**

**NOTES**

Bearing and Distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER
- PRC POINT OF REVERSED CURVE
- (RAD) RADIAL BEARING

PREPARED BY:  
**PSOMAS**  
1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 07/16/2024		DRAFTED BY: MN		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.33	1	1

**Attachment: P-TK Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)**

**RESOLUTION OF NECESSITY No. 25-030**  
**SLOUGH FAMILY TRUST PROPERTY**  
**(APNs 3136-281-01 and 3136-281-02)**

Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-030**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 3136-281-01 and 3136-281-02.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at the southeast corner of US Highway 395 and Eucalyptus Street, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two partial fee acquisitions as legally described and depicted in Exhibits "1" and "2" hereto, two permanent slope easements as legally described and depicted in Exhibits "3" and "4" hereto, and a permanent drainage easement as legally described and depicted in Exhibit "5" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "5" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.



Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-281-01 & 02\_01**

That portion of Lot 160 of Tract Map No. 16887-1, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 313, Pages 100 through 104, inclusive, of Tract Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 10 as shown on said Tract Map;

Thence southerly along the westerly line of said Section 10 South 01°06'04" East 349.99 feet to the intersection of the westerly prolongation of the southerly line of said Lot 160;

Thence easterly along said prolongation line North 89°57'17" East 60.06 feet to a point on the westerly line of said Lot 160, said point also being the **Point of Beginning**;

Thence continuing easterly along the southerly line of said Lot 160 North 89°57'17" East 15.09 feet;

Thence northerly leaving said southerly line North 00°48'53" West 246.74 feet to the beginning of a tangent curve, concave easterly, having a radius of 15,923.00 feet;

Thence northerly along said tangent curve through a central angle of 00°08'01", an arc length of 37.14 feet;

Thence North 44°26'46" East 21.63 feet to the northwesterly line of said Lot 160 and the beginning of a non-tangent curve, concave southeasterly, having a radius of 36.00 feet, a radial line to said beginning bears North 10°56'03" West;

Thence southwesterly along said northwesterly line and said non-tangent curve through a central angle of 79°42'11", an arc length of 50.08 feet to said westerly line of Lot 160;

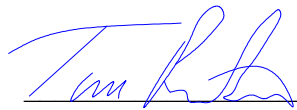
Thence southerly along said westerly line South 00°38'14" East 263.57 feet to the **Point of Beginning**;

Containing 4,232 square feet (0.10 acres) more or less.

**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/13/2024  
\_\_\_\_\_  
Date:

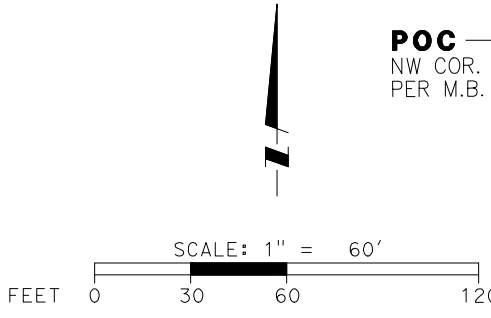


Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

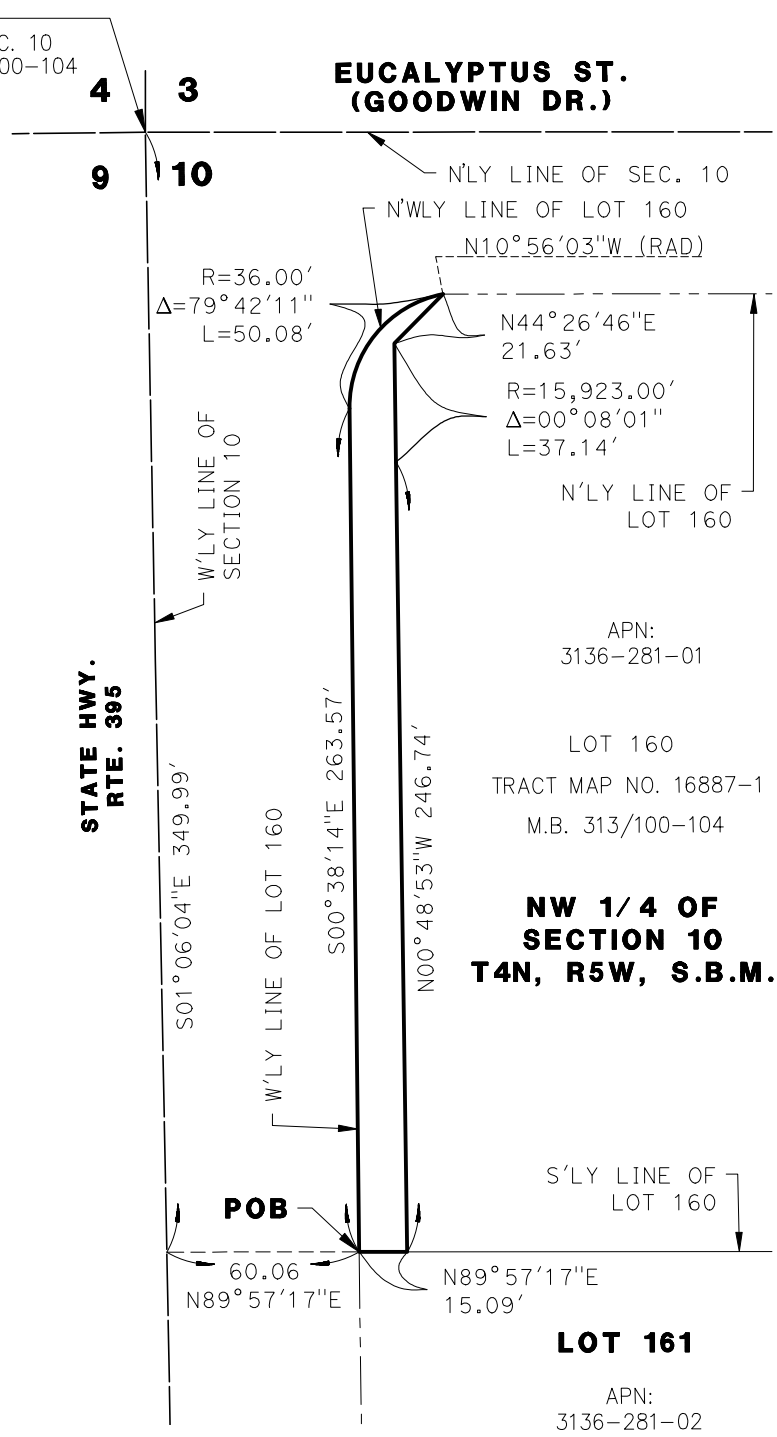
PARCEL	TYPE OF ESTATE	AREA	APN
3136-281-01 & 02_01		4,232 S.F.	3136-281-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 10, T4N, R5W, S.B.M.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

TIM R. GARCIA, PLS 9146      08/13/2024      DATE



### NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- (RAD) RADIAL BEARING
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

**NW 1/4 OF SECTION 10  
T4N, R5W, S.B.M.**

**LOT 161**

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/13/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.59	1	1

Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-281-01 & 02\_02**

That portion of Lot 161 of Tract Map No. 16887-1, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 313, Pages 100 through 104, inclusive, of Tract Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 10 as shown on said Tract Map;

Thence southerly along the westerly line of said Section 10 South 01°06'04" East 349.99 feet to the intersection of the westerly prolongation of the northerly line of said Lot 161;

Thence easterly along said prolongation line North 89°57'17" East 60.06 feet to a point on the westerly line of said Lot 161, said point also being the **Point of Beginning**;

Thence continuing easterly along the northerly line of said Lot 161 North 89°57'17" East 15.09 feet;

Thence southerly leaving said northerly line South 00°48'53" East 585.64 feet;

Thence South 89°11'07" West 16.01 feet to said westerly line of Lot 161;

Thence northerly along said westerly line North 00°49'05" West 284.28 feet;

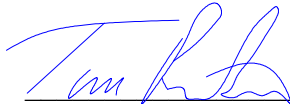
Thence continuing northerly along said westerly line North 00°38'13" West 301.56 feet to the **Point of Beginning**.

Containing 9,241 square feet (0.21 acres) more or less.

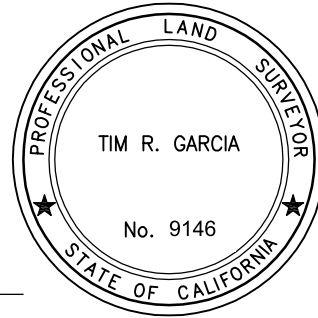
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.



This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/13/2024  
\_\_\_\_\_  
Date:

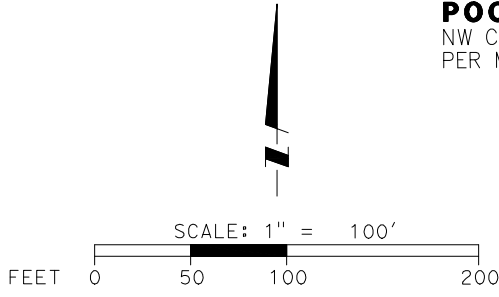


Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

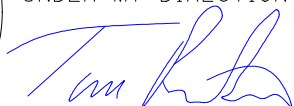
PARCEL	TYPE OF ESTATE	AREA	APN
3136-281-01 & 02_02		9,241 S.F.	3136-281-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 10, T4N, R5W, S.B.M.



NO.	BEARING	DISTANCE
L1	S01°06'04"E	349.99'
L2	N89°57'17"E	60.06'



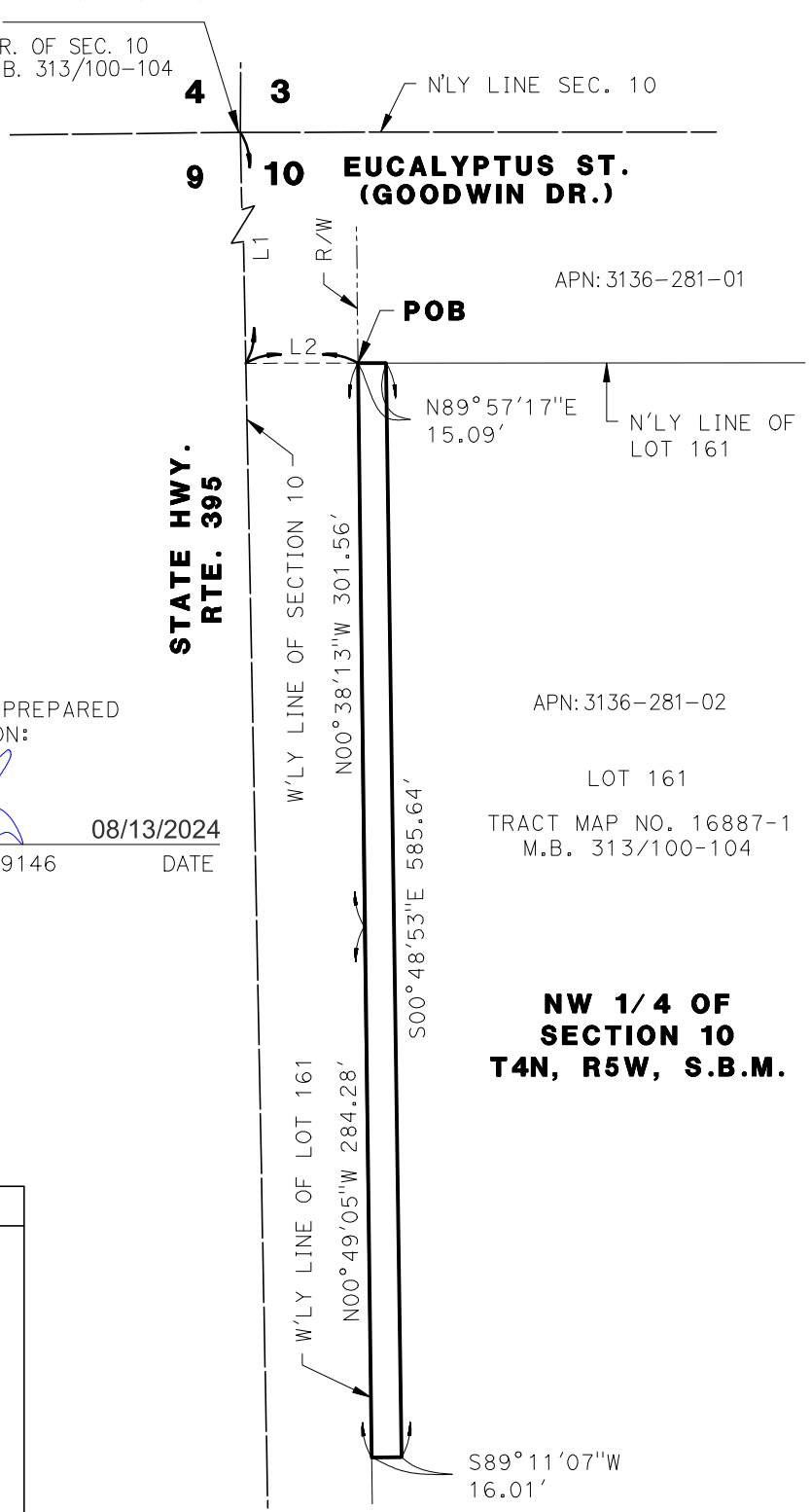
THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:  
  
 TIM R. GARCIA, PLS 9146      08/13/2024      DATE

**NOTES**  
 Bearing and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/13/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.59	1	1



Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "3"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-281-01**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-281-01 & 02\_03**

That portion of Lot 160 of Tract Map No. 16887-1, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 313, Pages 100 through 104, inclusive, of Tract Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 10 as shown on said Tract Map;

Thence southerly along the westerly line of said Section 10 South 01°06'04" East 349.99 feet to the intersection of the westerly prolongation of the southerly line of said Lot 160;

Thence easterly along said prolongation line North 89°57'17" East 60.06 feet to the westerly line of said Lot 160;

Thence continuing easterly along said southerly line North 89°57'17" East 15.09 feet to the **Point of Beginning**;

Thence northerly leaving said southerly line North 00°48'53" West 219.36 feet;

Thence North 89°11'07" East 5.00 feet;


Thence South 00°48'53" East 219.43 feet to said southerly line of Lot 160;

Thence westerly along said southerly line South 89°57'17" West 5.00 feet to the **Point of Beginning**;

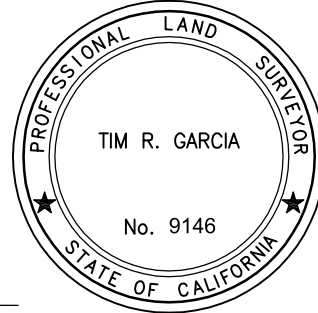
Containing 1,097 square feet (0.02 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/13/2024  
\_\_\_\_\_  
Date:

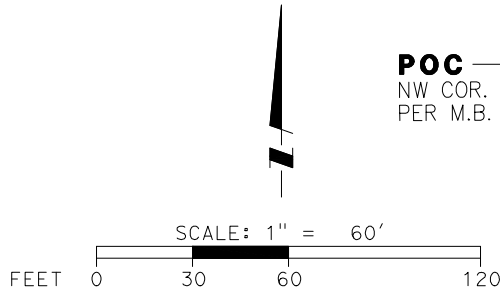


Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-281-01 & 02_03		1,097 S.F.	3136-281-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 10, T4N, R5W, S.B.M.



LINE DATA TABLE		
NO.	BEARING	DISTANCE
L1	N89°57'17"E	15.09'



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

08/13/2024

TIM R. GARCIA, PLS 9146

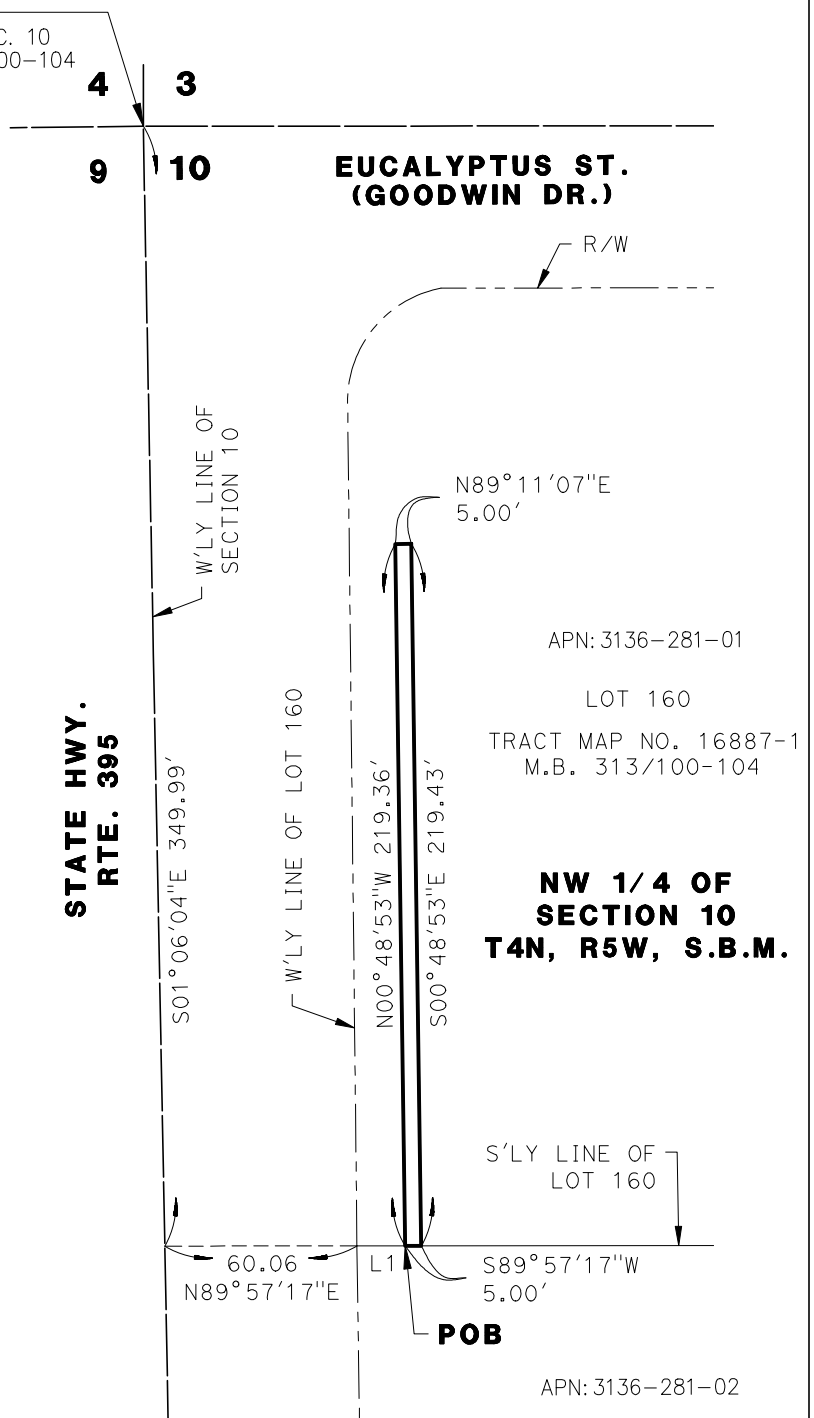
DATE

### NOTES

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 08/13/2024

DRAFTED BY: MNS

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

7.59

1

1



# EXHIBIT "4"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3136-281-02**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-281-01 & 02\_04**

That portion of Lot 161 of Tract Map No. 16887-1, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 313, Pages 100 through 104, inclusive, of Tract Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 10 as shown on said Tract Map;

Thence southerly along the westerly line of said Section 10 South 01°06'04" East 349.99 feet to the intersection of the westerly prolongation of the northerly line of said Lot 161;

Thence easterly along said prolongation line North 89°57'17" East 60.06 feet to the westerly line of said Lot 161;

Thence continuing easterly along the northerly line of said Lot 161 North 89°57'17" East 15.09 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South 00°48'53" East 585.64 feet;

Thence North 89°11'07" East 5.00 feet;

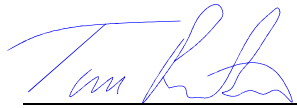
Thence North 00°48'53" West 585.57 feet to said northerly line of Lot 161;

Thence westerly along said northerly line South 89°57'17" West 5.00 feet to the **Point of Beginning**.

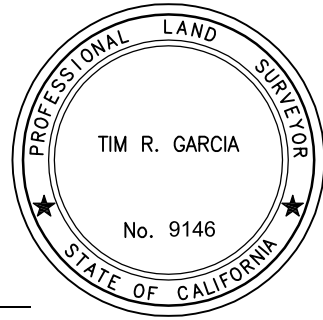
Containing 2,928 square feet (0.07 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/13/2024  
Date: \_\_\_\_\_

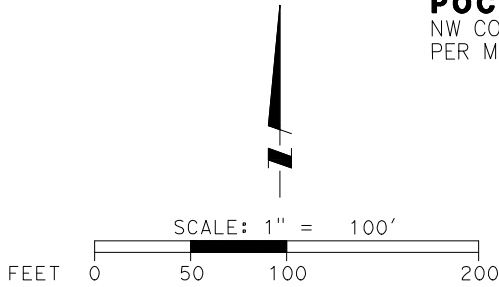


Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-281-01 & 02_04		2,928 S.F.	3136-281-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 10, T4N, R5W, S.B.M.



NO.	BEARING	DISTANCE
L1	S01°06'04"E	349.99'
L2	N89°57'17"E	60.06'
L3	N89°57'17"E	15.09'

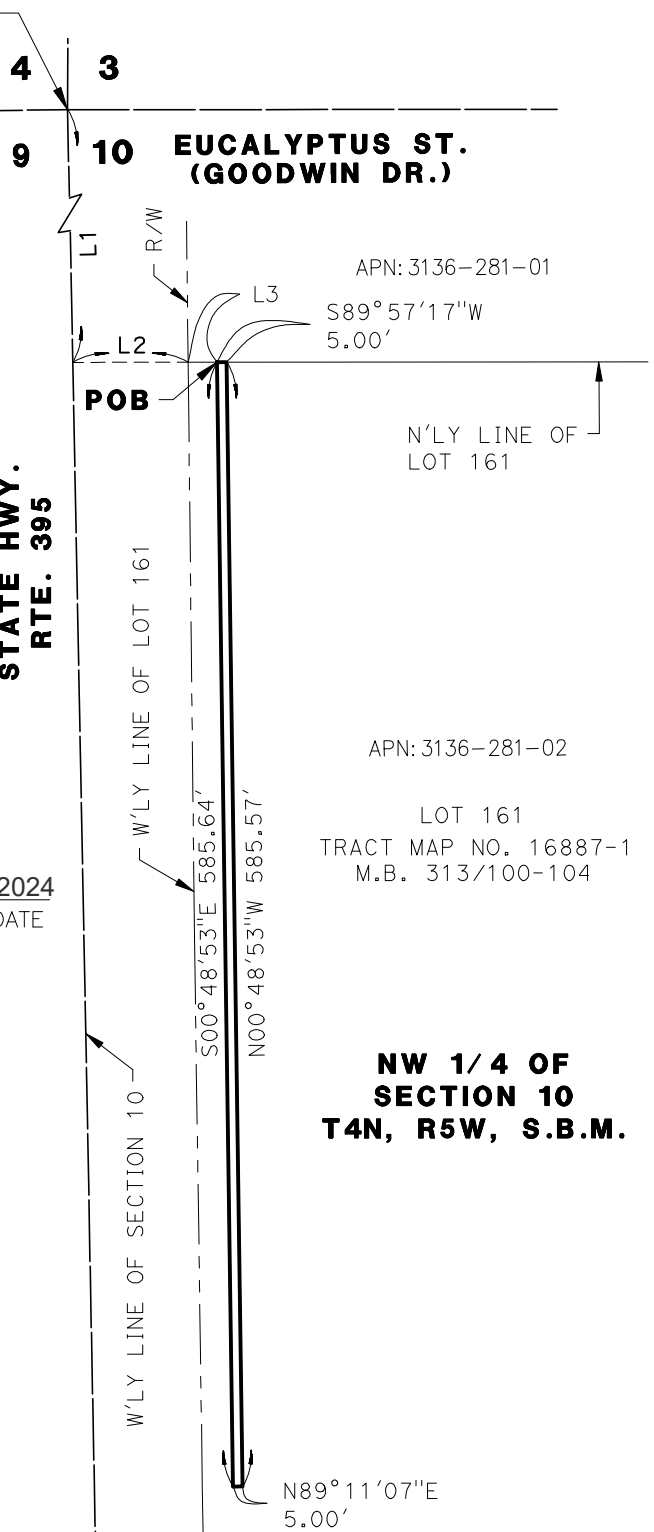


THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146

08/13/2024  
DATE

STATE HWY.  
RTE. 395



### NOTES

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/13/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.59	1	1

Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "5"

PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 3136-281-01

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3136-281-01 & 02\_05**

That portion of Lot 160 of Tract Map No. 16887-1, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 313, Pages 100 through 104, inclusive, of Tract Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 10, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 10 as shown on said Tract Map;

Thence southerly along the westerly line of said Section South  $01^{\circ}06'04''$  East 349.99 feet to the intersection of the westerly prolongation of the southerly line of said Lot 160;

Thence easterly along said prolongation line North  $89^{\circ}57'17''$  East 60.06 feet to the westerly line of said Lot 160;

Thence continuing easterly along the southerly line of said Lot 160 North  $89^{\circ}57'17''$  East 15.09 feet;

Thence northerly leaving said southerly line North  $00^{\circ}48'53''$  West 219.36 feet to the **Point of Beginning**;

Thence continuing northerly North  $00^{\circ}48'53''$  West 27.39 feet to the beginning of a tangent curve, concave easterly, having a radius of 15,923.00 feet;

Thence northerly along said tangent curve through a central angle of  $00^{\circ}08'01''$ , an arc length of 37.14 feet;

Thence North  $44^{\circ}26'46''$  East 21.63 feet to the northwesterly line of said Lot 160 and the beginning of a non-tangent curve, concave southeasterly, having a radius of 36.00 feet, a radial line to said beginning bears North  $10^{\circ}56'03''$  West;

Thence easterly along said non-tangent curve through a central angle of  $10^{\circ}53'20''$ , an arc length of 6.84 feet to the northerly line of said Lot 160;

Thence easterly along said northerly line North  $89^{\circ}57'17''$  East 78.57 feet;

Thence southerly leaving said northerly line South  $00^{\circ}02'43''$  East 59.28 feet;

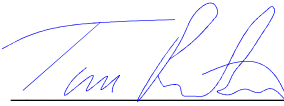
Thence South  $77^{\circ}18'32''$  West 97.06 feet;

Thence South 89°11'07" West 5.00 feet to the **Point of Beginning**.

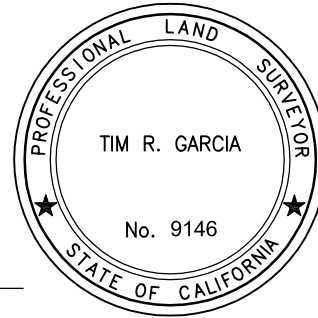
Containing 6,935 square feet (0.16 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/13/2024  
\_\_\_\_\_  
Date:



Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

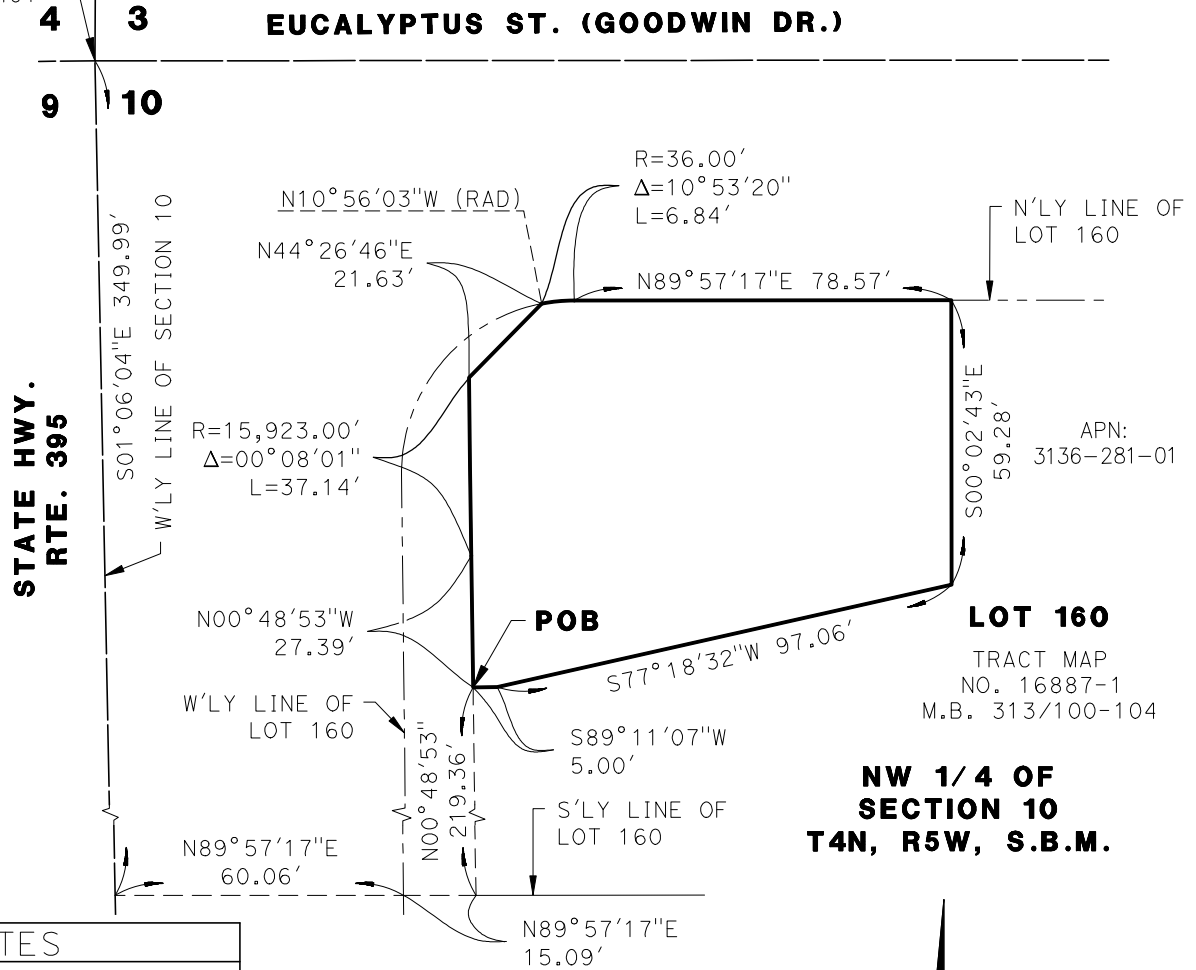
# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-281-01 & 02_05		6,935 S.F.	3136-281-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 10, T4N, R5W, S.B.M.

**POC**

NW COR. OF SEC. 10  
PER M.B. 313/100-104

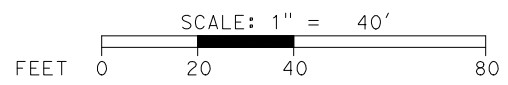


## NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

## LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- (RAD) RADIAL BEARING
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146  
08/13/2024  
DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/13/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.59	1	1

Attachment: Q-Miller (Slough Family Trust) - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# **RESOLUTION OF NECESSITY No. 25-049**

## **SHAYAN CAPITAL, LLC PROPERTY**

**(APN 3136-251-01)**

**RESOLUTION NO. 25-049**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3136-251-01.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at the southwest corner of US Highway 395 and Eucalyptus Road, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two partial fee acquisitions as legally described and depicted in Exhibits "1" and "2" hereto and a permanent drainage easement as legally described and depicted in Exhibit "3" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "3" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.



Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3136-251-01\_01**

That portion of Parcel 2 of Parcel Map No. 10276, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 111, Pages 1 and 2 of Parcel Maps, in the office of the County Recorder of said County, lying within the North one-half (1/2) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the northeast corner of said Section 9 as shown on said Parcel Map;

Thence southerly along the easterly line of said Section 9 South 01°06'04" East 164.97 feet to the intersection of the easterly prolongation of the southerly line of said Parcel 2;

Thence westerly along said prolongation line South 89°21'00" West 62.45 feet to a point on the easterly line of said Parcel 2, said point also being the **Point of Beginning**;

Thence continuing westerly along the southerly line of said Parcel 2 South 89°21'00" West 13.49 feet;

Thence northerly leaving said southerly line North 00°48'53" West 21.92 feet;

Thence South 89°51'23" East 13.56 feet to said easterly line of Parcel 2;

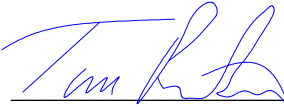
Thence southerly along said easterly line South 00°38'14" East 21.73 feet to the **Point of Beginning**.

Containing 295 square feet (0.01 acres) more or less.

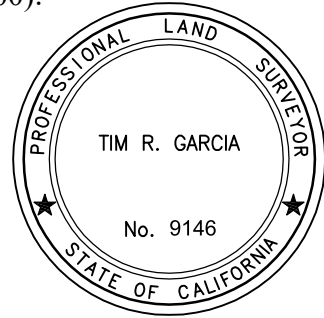
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/09/2024  
\_\_\_\_\_  
Date:

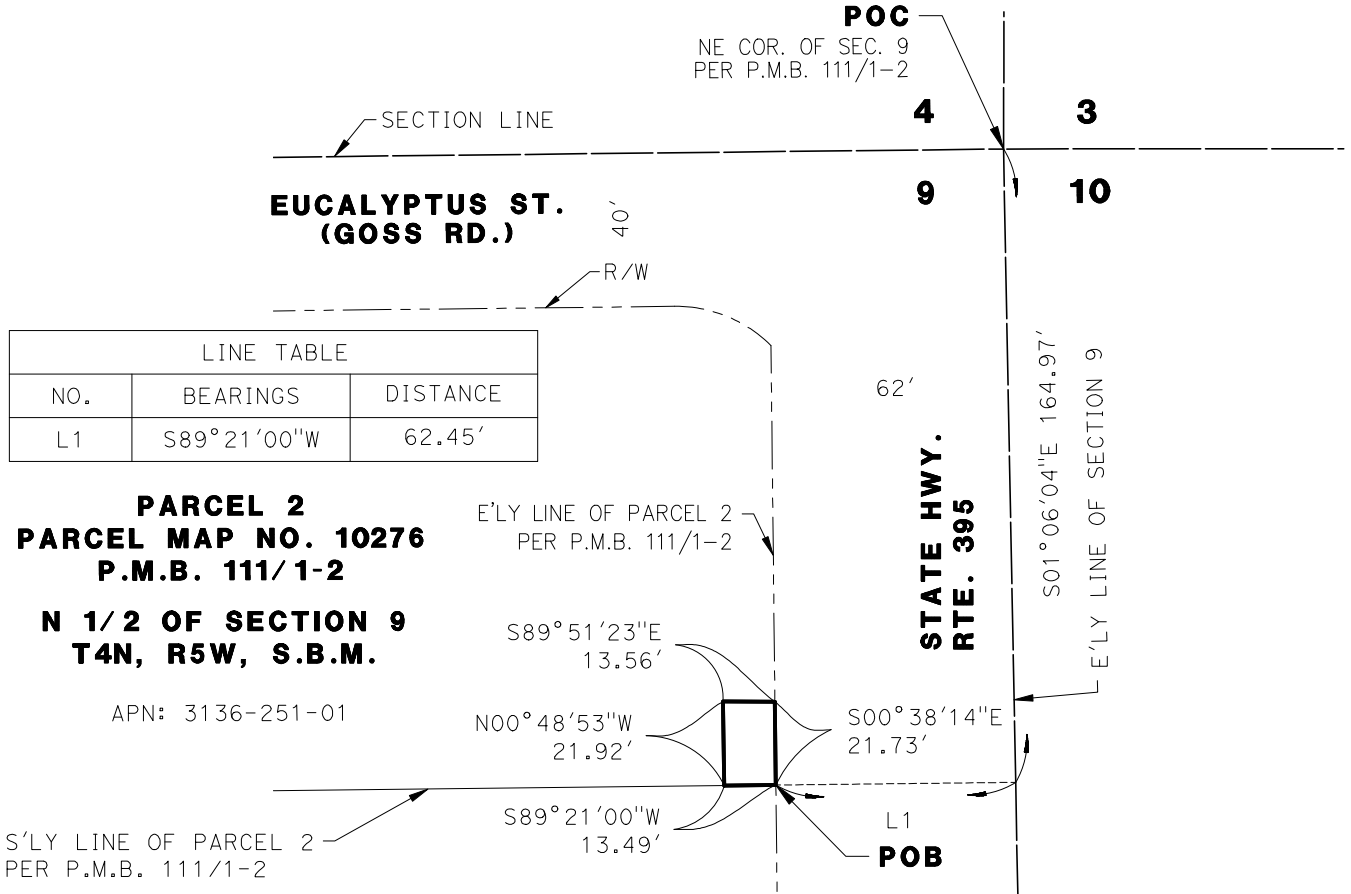


Attachment: R-Shayan Capital - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-251-01_01		295 S.F.	3136-251-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.

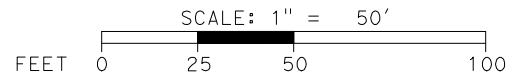


### NOTES

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:  
*Tim R. Garcia* 07/09/2024  
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/09/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.61	1	1

Attachment: R-Shayan Capital - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3136-251-01\_02**

That portion of Parcel 2 of Parcel Map No. 10276, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 111, Pages 1 and 2 of Parcel Maps, in the office of the County Recorder of said County, lying within the North one-half (1/2) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the northeast corner of said Section 9 as shown on said Parcel Map;

Thence southerly along the easterly line of said Section 9 South 01°06'04" East 164.97 feet to the intersection of the easterly prolongation of the southerly line of said Parcel 2;

Thence westerly along said prolongation line South 89°21'00" West 62.45 feet to the easterly line of said Parcel 2;

Thence northerly along said easterly line North 00°38'14" West 87.65 feet to the **Point of Beginning**;

Thence northwesterly leaving said easterly line North 45°13'43" West 40.40 feet;

Thence North 00°14'46" East 8.54 feet to the northerly line of said Parcel 2;

Thence easterly along said northerly line North 89°21'00" East 3.22 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 35.00 feet;

Thence southeasterly along said curve through a central angle of 45°35'51", an arc length of 27.85 feet to said easterly line of Parcel 2;

Thence southerly along said easterly line South 00°38'14" East 26.80 feet to the to the **Point of Beginning**.

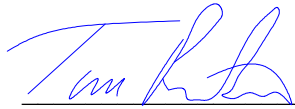
Containing 568 square feet (0.01 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.



This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/09/2024  
Date:

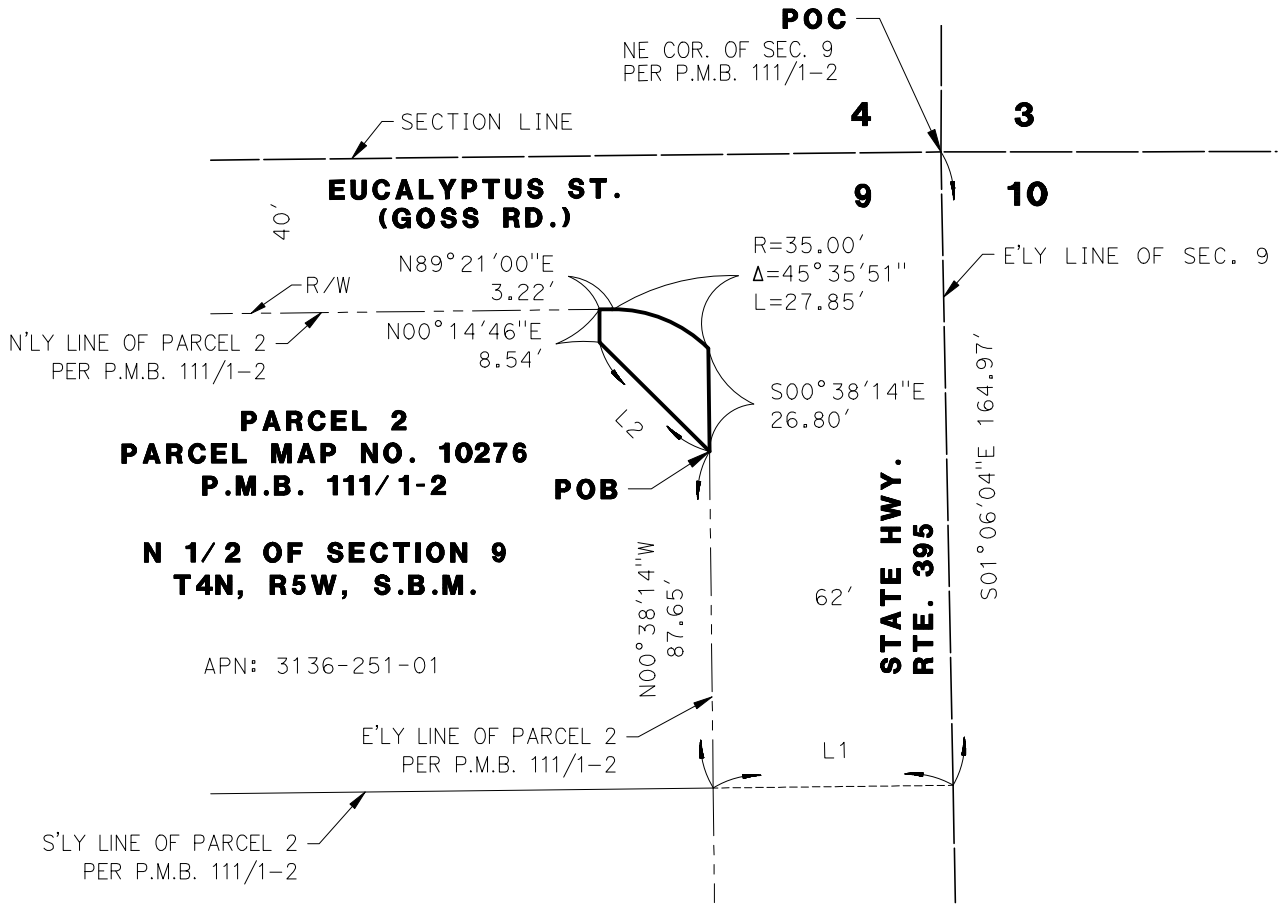


Attachment: R-Shayan Capital - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-251-01_02		568 S.F.	3136-251-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.



### NOTES

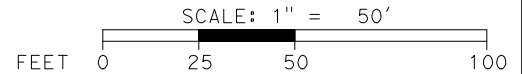
Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LINE TABLE

NO.	BEARINGS	DISTANCE
L1	S89°21'00"W	62.45'
L2	N45°13'43"W	40.40'

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- SECTION LINE
- RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

TIM R. GARCIA, PLS 9146

07/09/2024

DATE

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 07/09/2024

DRAFTED BY: MN

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

7.61

1

1

# EXHIBIT "3"

PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 3136-251-01

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3136-251-01\_03**

That portion of Parcel 2 of Parcel Map No. 10276, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 111, Pages 1 and 2 of Parcel Maps, in the office of the County Recorder of said County, lying within the North one-half (1/2) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the northeast corner of said Section 9 as shown on said Parcel Map;

Thence southerly along the easterly line of said Section 9 South 01°06'04" East 164.97 feet to the intersection of the easterly prolongation of the southerly line of said Parcel 2;

Thence westerly along said prolongation line South 89°21'00" West 62.45 feet to the easterly line of said Parcel 2;

Thence northerly along said easterly line North 00°38'14" West 21.73 feet to the **Point of Beginning**;

Thence continuing northerly along said easterly line North 00°38'14" West 65.92 feet;

Thence northwesterly leaving said easterly line North 45°13'43" West 40.40 feet;

Thence North 00°14'46" East 8.54 feet to the northerly line of said Parcel 2;

Thence westerly along said northerly line South 89°21'00" West 50.21 feet;

Thence southerly leaving said northerly line South 00°39'00" East 26.62 feet;

Thence South 56°42'27" East 55.41 feet;

Thence South 23°12'51" East 49.26 feet;

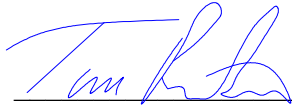
Thence South 89°51'23" East 13.56 feet to the **Point of Beginning**.

Containing 4,202 square feet (0.10 acres) more or less.

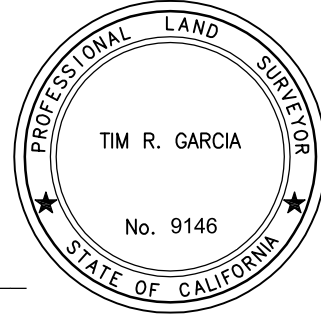
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/09/2024  
\_\_\_\_\_  
Date:

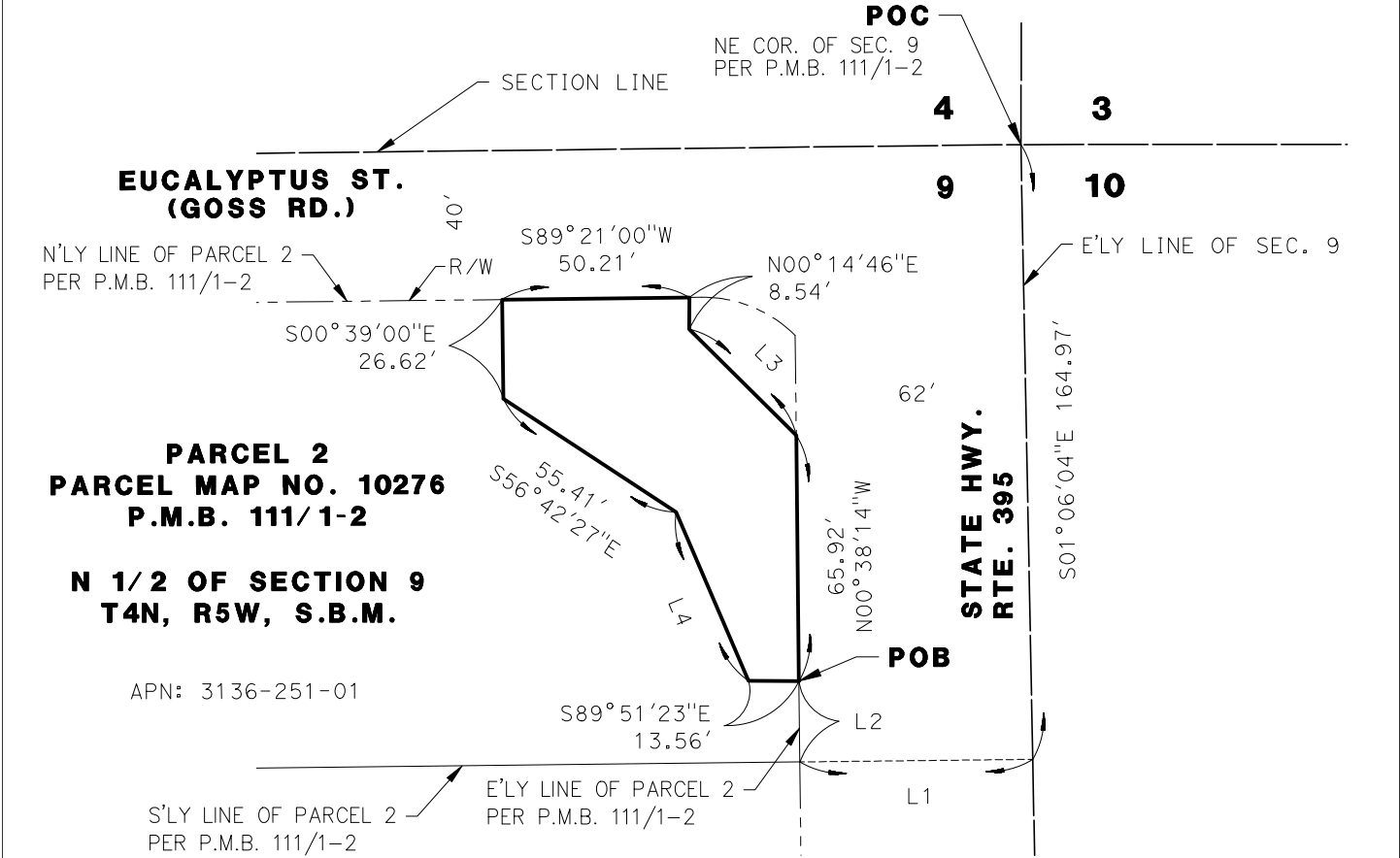


Attachment: R-Shayan Capital - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3136-251-01_03		4,202 S.F.	3136-251-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 9, T4N, R5W, S.B.M.



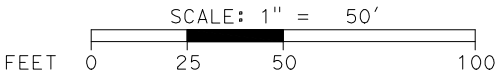
**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LINE TABLE		
NO.	BEARINGS	DISTANCE
L1	S89°21'00"W	62.45'
L2	N00°38'14"W	21.73'
L3	N45°13'43"W	40.40'
L4	S23°12'51"E	49.26'

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 07/09/2024  
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/09/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	7.61	1	1

Attachment: R-Shayan Capital - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



**RESOLUTION OF NECESSITY No. 25-038**

**PRIME A INVESTMENTS, LLC PROPERTY**

**(APNs 3071-381-17 and 3071-381-18)**

**RESOLUTION NO. 25-038**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 3071-381-17 and 3071-381-18.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at the northwest corner of US Highway 395 and Eucalyptus Street, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two partial fee acquisitions as legally described and depicted in Exhibits "1" and "2" hereto, two permanent slope easements as legally described and depicted in Exhibits "3" and "4" hereto, and a permanent drainage easement as legally described and depicted in Exhibit "5" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "5" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-381-17 & 18\_01**

That portion of the land within the Southeast one-quarter (1/4) of Section 4, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 3 in the Quitclaim Deed recorded March 18, 2011 as Document No. 2011-0112032 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 4 as shown on Tract Map No. 15295, filed in Book 316, Pages 40 through 44, inclusive, of Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 4 North 00°14'18" East 496.23 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 3;

Thence westerly along said prolongation line South 89°20'19" West 60.11 feet to a point on the westerly line of the land described in the Grant Deed recorded June 13, 1996 as Document No. 1996-0210997 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence southerly along said westerly line South 00°55'58" West 175.20 feet to beginning of a tangent curve, concave easterly, having a radius of 10,062.00 feet;

Thence southerly along said tangent curve and said westerly line through a central angle of 01°32'37", an arc length of 271.06 feet to the northerly line of the land described in the Irrevocable Offer of Dedication recorded August 25, 2004 as Document No. 2004-0615681 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said northerly line South 89°21'00" West 44.84 feet;

Thence northerly leaving said northerly line North 00°59'21" West 1.91 feet;

Thence North 44°26'48" East 41.90 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 16,076.58 feet, a radial line to said beginning bears South 89°50'53" West;

Thence northerly along said non-tangent curve, through a central angle of 01°05'05", an arc length of 304.40 feet;

Thence North 00°55'58" East 110.37 feet to the northerly line of said Parcel 3;




Thence easterly along said northerly line North 89°20'19" East 15.27 feet to the **Point of Beginning**.

Containing 7,244 square feet (0.17 acres) more or less.

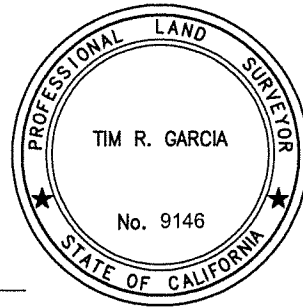
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/19/2024  
\_\_\_\_\_  
Date:

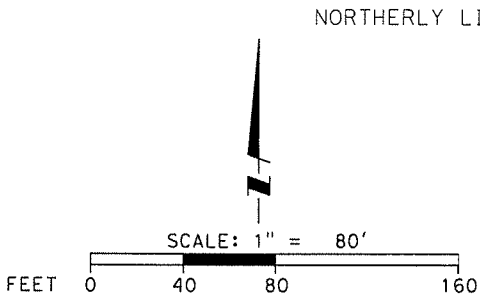


Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3071-381-17 & 18_01		7,244	3071-381-17

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 4, T4N, R5W, S.B.M.



**SE 1/4 OF SECTION 4  
 T4N, R5W, S.B.M.**

**REMAINDER LAND PER TRACT MAP NO. 15295  
 M.B. 316/40-44**

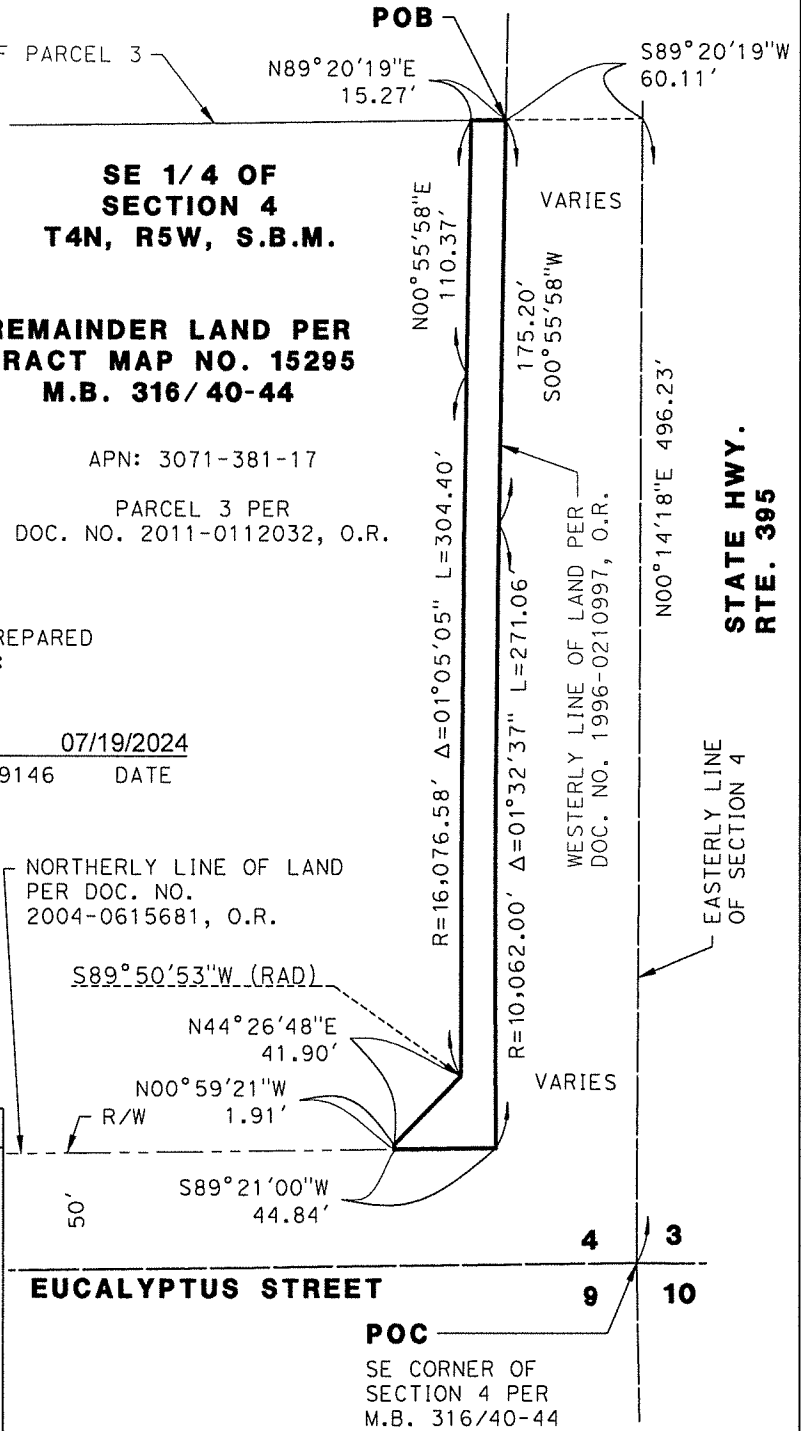
APN: 3071-381-17

PARCEL 3 PER  
 DOC. NO. 2011-0112032, O.R.



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

*Tim R. Garcia* 07/19/2024  
 TIM R. GARCIA, PLS 9146 DATE



### NOTES

Bearings and Distances are on  
 CCS 1983 (2007.00) Zone 5.  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- - - - RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- (RAD) RADIAL BEARING

**EUCALYPTUS STREET**

**POC**  
 SE CORNER OF  
 SECTION 4 PER  
 M.B. 316/40-44

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Co 92507 (951) 787-8421 www.psomas.com	DATE: 07/19/2024	DRAFTED BY: MNS	REV.:	EA: OF633		
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	7.72	1	1

Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-381-17 & 18\_02**

That portion of the land within the Southeast one-quarter (1/4) of Section 4, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 4 in the Quitclaim Deed recorded March 18, 2011 as Document No. 2011-0112032 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 4 as shown on Tract Map No. 15295, filed in Book 316, Pages 40 through 44, inclusive, of Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 4 North 00°14'18" East 496.23 feet to the intersection of the easterly prolongation of the southerly line of said Parcel 4;

Thence westerly along said prolongation line South 89°20'19" West 60.11 feet to a point on the westerly line of the land described in the Grant Deed recorded June 13, 1996 as Document No. 1996-0210997 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence northerly along said westerly line North 00°55'58" East 496.34 feet to the northerly line of said Parcel 4;

Thence westerly along said northerly line South 89°18'55" West 15.27 feet;

Thence southerly leaving said northerly line South 00°55'58" West 496.34 feet to the southerly line of said Parcel 4;

Thence easterly along said southerly line North 89°20'19" East 15.27 feet to the **Point of Beginning**.

Containing 7,578 square feet (0.17 acres) more or less.

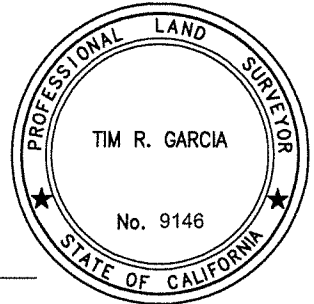
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/19/2024  
Date: \_\_\_\_\_



Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

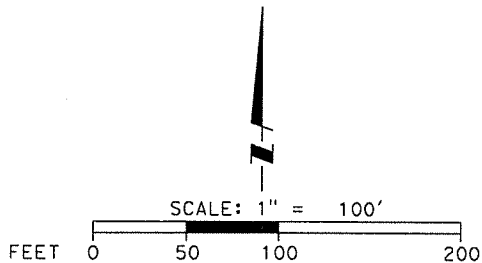
PARCEL	TYPE OF ESTATE	AREA	APN
3071-381-17 & 18_02		7,578 S.F.	3071-381-18

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 4, T4N, R5W, S.B.M.

NORTHERLY LINE OF PARCEL 4 PER  
DOC. NO. 2011-0112032, O.R.

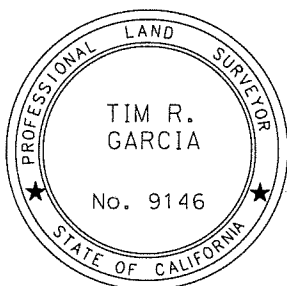
S89°18'55"W  
15.27'

**REMAINDER LAND PER  
TRACT MAP NO. 15295  
M.B. 316/40-44**



APN: 3071-381-18

PARCEL 4 PER  
DOC. NO. 2011-0112032, O.R.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*  
07/19/2024  
TIM R. GARCIA, PLS 9146 DATE

STATE HWY. RTE. 395  
WESTERLY LINE OF LAND PER  
DOC. NO. 1996-0210997, O.R.  
S00°55'58"W 496.34'  
N00°55'58"E 496.34'  
EASTERLY LINE  
OF SECTION 4

SOUTHERLY LINE OF PARCEL 4 PER  
DOC. NO. 2011-0112032, O.R.

N89°20'19"E  
15.27'

S89°20'19"W  
60.11'

**POB**

496.23'  
N00°14'18"E

### NOTES

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET

**EUCALYPTUS ST.**

**POC**  
SE CORNER OF  
SECTION 4 PER  
M.B. 316/40-44

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 07/19/2024	DRAFTED BY: MNS	REV.:	EA: OF633		
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	7.72	1	1

Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "3"



**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel Nos. 3071-381-17**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-381-17 & 18\_03**

That portion of the land within the Southeast one-quarter (1/4) of Section 4, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 3 in the Grant Deed recorded March 18, 2011 as Document No. 2011-0112032 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 4 as shown on Tract Map No. 15295, filed in Book 316, Pages 40 through 44, inclusive, of Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 4 North 00°14'18" East 496.23 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 3;

Thence westerly along said prolongation line South 89°20'19" West 60.11 feet to the westerly line of the land described in the Grant Deed recorded June 13, 1996 as Document No. 1996-0210997 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said northerly line South 89°20'19" West 15.27 feet to the **Point of Beginning**;

Thence continuing westerly along said northerly line South 89°20'19" West 5.00 feet;

Thence southerly leaving said northerly line South 00°55'58" West 110.23 feet to beginning of a tangent curve, concave easterly, having a radius of 16,082.00 feet;

Thence southerly along said tangent curve through a central angle of 00°36'10", an arc length of 169.21 feet;

Thence South 08°38'47" West 169.02 feet to the northerly line of the land described in the Irrevocable Offer of Dedication recorded August 25, 2004 as Document No. 2004-0615681 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said northerly line North 89°21'00" East 0.89 feet;

Thence northerly leaving said northerly line North 00°59'21" West 1.91 feet;

Thence North 44°26'48" East 41.90 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 16,076.58 feet, a radial line to said beginning bears South 89°50'53" West;

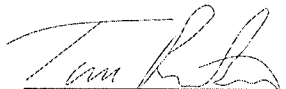
Thence northerly along said non-tangent curve through a central angle of 01°05'05", an arc length of 304.40 feet;

Thence North 00°55'58" East 110.37 feet to the **Point of Beginning**.

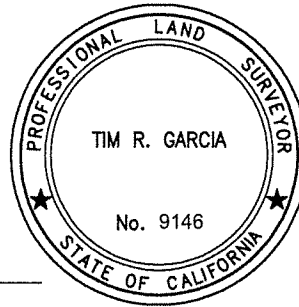
Containing 3,827 square feet (0.09 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/19/2024  
\_\_\_\_\_  
Date:

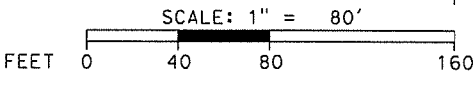
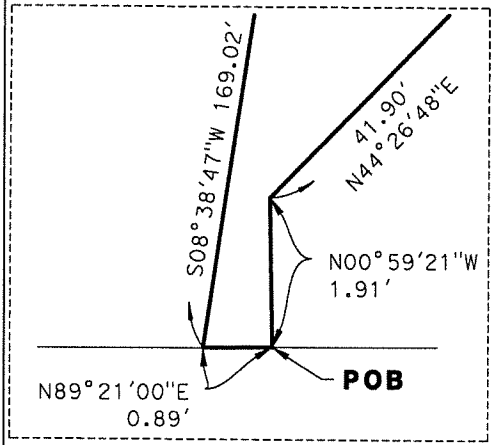
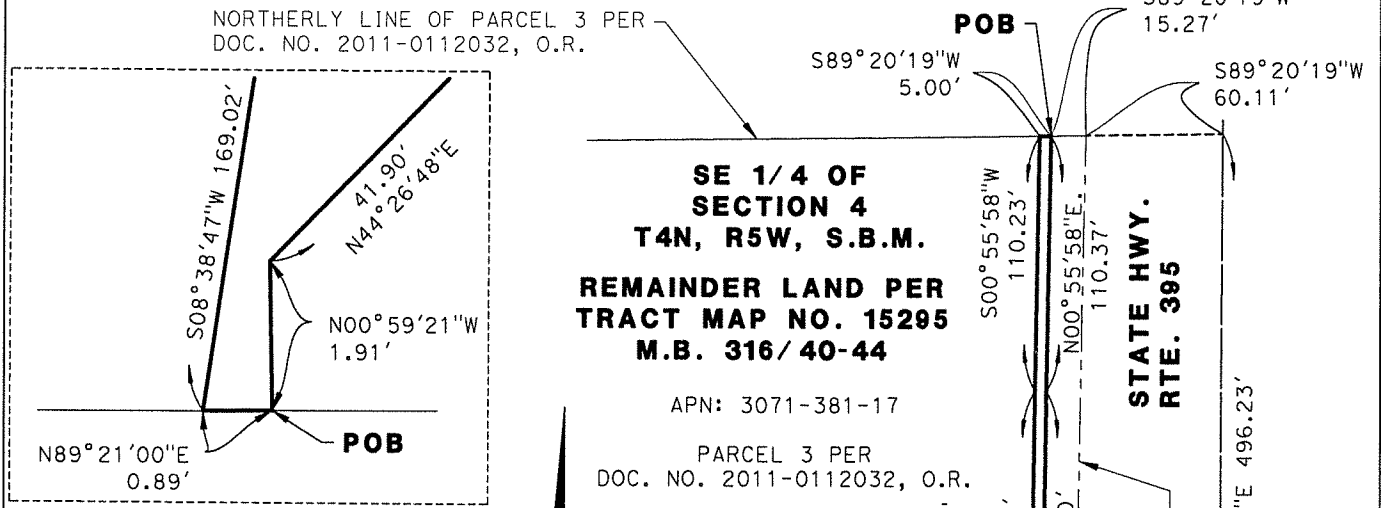


Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3071-381-17 & 18_03		3,827 S.F.	3071-381-17

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 4, T4N, R5W, S.B.M.

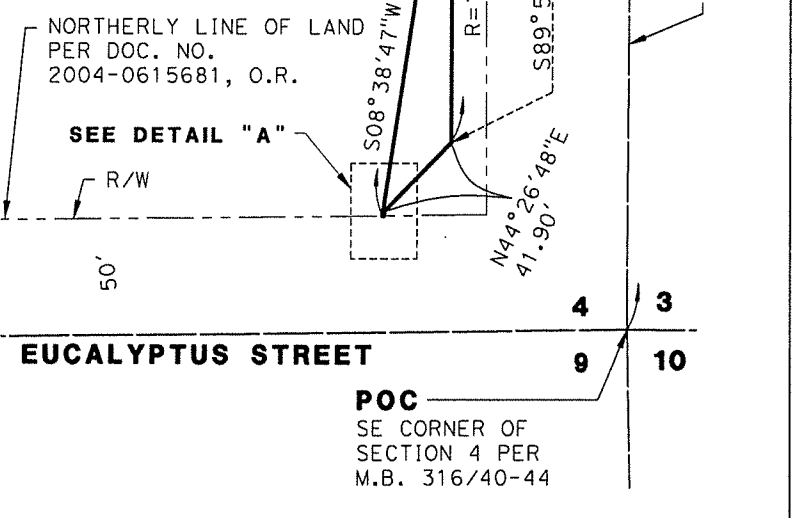


THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:  
*Tim R. Garcia* 07/19/2024  
 TIM R. GARCIA, PLS 9146 DATE

**NOTES**  
 Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
(RAD)	RADIAL BEARING



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 07/19/2024	DRAFTED BY: MNS	REV.:	EA: OF633		
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	7.72	1	1

Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "4"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel Nos. 3071-381-18**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-381-17 & 18\_04**

That portion of the land within the Southeast one-quarter (1/4) of Section 4, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 4 in the Quitclaim Deed recorded March 18, 2011 as Document No. 2011-0112032 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 4 as shown on Tract Map No. 15295, filed in Book 316, Pages 40 through 44, inclusive, of Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 4 North 00°14'18" East 496.23 feet to the intersection of the easterly prolongation of the southerly line of Parcel 4;

Thence westerly along said prolongation line South 89°20'19" West 60.11 feet to the westerly line of the land described in the Grant Deed recorded June 13, 1996 as Document No. 1996-0210997 of Official Records, in the office of the County Recorder of said County;

Thence westerly along the southerly line of said Parcel 4 South 89°20'19" West 15.27 to the **Point of Beginning**;

Thence continuing westerly along said southerly line South 89°20'19" West 5.00 feet;

Thence northerly leaving said southerly line North 00°55'58" East 496.33 feet to the northerly line of said Parcel 4;

Thence easterly along said northerly line North 89°18'55" East 5.00 feet;

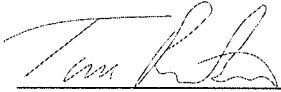
Thence southerly leaving said northerly line South 00°55'58" West 496.34 feet to the **Point of Beginning**.

Containing 2,482 square feet (0.02 acres) more or less.

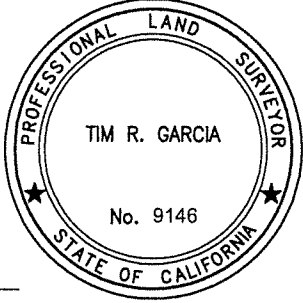
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/19/2024  
\_\_\_\_\_  
Date:



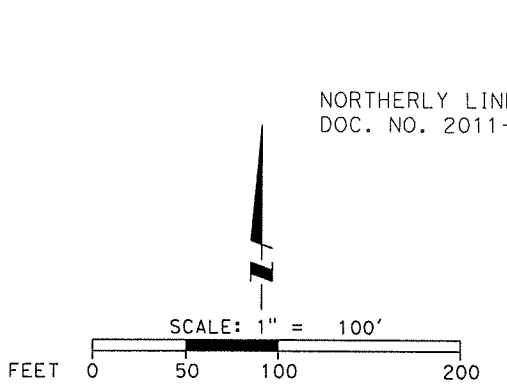
Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3071-381-17 & 18_04		2,482 S.F.	3071-381-18

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 4, T4N, R5W, S.B.M.



**REMAINDER LAND PER  
TRACT MAP NO. 15295  
M.B. 316/40-44**

**SE 1/4 OF  
SECTION 4  
T4N, R5W, S.B.M.**

APN: 3071-381-18

PARCEL 4 PER  
DOC. NO. 2011-0112032, O.R.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*  
07/19/2024  
TIM R. GARCIA, PLS 9146      DATE

SOUTHERLY LINE OF PARCEL 4 PER  
DOC. NO. 2011-0112032, O.R.

**EUCALYPTUS STREET**

**STATE HWY.  
RTE. 395**

WESTERLY LINE OF LAND PER  
DOC. NO. 1996-0210997, O.R.

EASTERLY LINE  
OF SECTION 4

N89°18'55"E  
5.00'

N00°55'58"E 496.33'

S00°55'58"W 496.34'

S89°20'19"W 5.00'

**POB**

S89°20'19"W 15.27'

S89°20'19"W  
60.11'

496.23  
N00°14'18"W

4 3  
9 10

**POC**  
SE CORNER OF  
SECTION 4 PER  
M.B. 316/40-44

**NOTES**

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 07/19/2024	DRAFTED BY: MNS	REV.:	EA: OF633		
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	7.72	1	1

Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "5"

**PERMANENT EASEMENT (DRAINAGE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**

**Parcel No.: 3071-381-17**

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-381-17 & 18\_05**

That portion of the land within the Southeast one-quarter (1/4) of Section 4, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described as Parcel 3 in the Grant Deed recorded March 18, 2011 as Document No. 2011-0112032 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 4 as shown on Tract Map No. 15295, filed in Book 316, Pages 40 through 44, inclusive, of Maps, in the office of the County Recorder of said County;

Thence westerly along the southerly line of said Section 4 South 89°21'00" West 106.83 feet;

Thence northerly leaving said southerly line North 00°39'00" West 50.00 feet to a point on the northerly line of the land described in the Irrevocable Offer of Dedication recorded August 25, 2004 as Document No. 2004-0615681 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence westerly along said northerly line South 89°21'00" West 15.20 feet;

Thence northerly leaving said northerly line North 08°38'47" East 276.51 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 16,082.00 feet, a radial line to said beginning bears North 89°17'31" West;

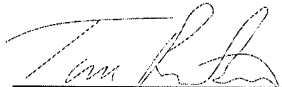
Thence southerly along said non-tangent curve through a central angle of 00°22'41", an arc length of 106.10 feet;

Thence South 08°38'47" West 169.02 feet to the **Point of Beginning**.

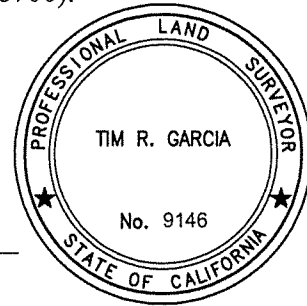
Containing 3,335 square feet (0.08 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/19/2024  
Date:



Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3071-381-17 & 18_05		3,335 S.F.	3071-381-17

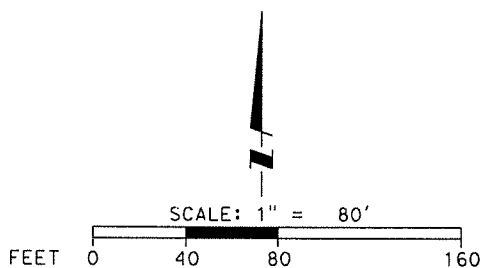
CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 4, T4N, R5W, S.B.M.

**SE 1/4 OF SECTION 4  
 T4N, R5W, S.B.M.**

**REMAINDER LAND PER TRACT MAP NO. 15295  
 M.B. 316/40-44**

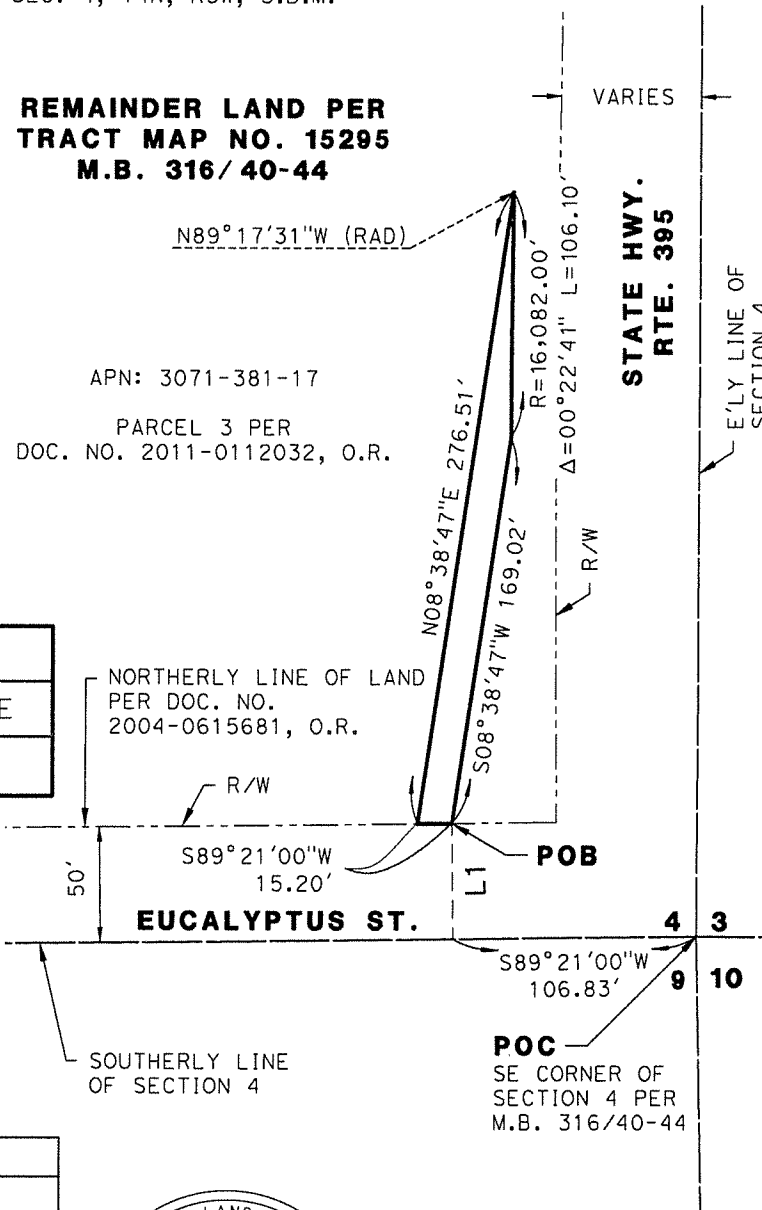
APN: 3071-381-17

PARCEL 3 PER  
 DOC. NO. 2011-0112032, O.R.



LINE DATA TABLE		
NO.	BEARING	DISTANCE
L1	N00° 39' 00" W	50.00'

NORTHERLY LINE OF LAND PER DOC. NO. 2004-0615681, O.R.



**NOTES**  
 Bearings and Distances are on CCS 1983 (2007.00) Zone 5. Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND	
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
(RAD)	RADIAL BEARING



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia*  
 07/19/2024  
 TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 07/19/2024	DRAFTED BY: MNS	REV.:	EA: OF633	
	DISTRICT: 08	COUNTY: SBD	ROUTE: 395	POSTMILE: 7.72	SHEET NO.: 1

Attachment: S-Prime A - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-052**

**SYCAMORE PROPERTIES PROPERTY**

**(APN 3071-551-02)**

Attachment: T-Sycamore Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-052**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3071-551-02.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located at the southeast corner of US Highway 395 and Sycamore Street, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a permanent drainage easement as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and



**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 3071-551-02

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-551-02\_01**

That portion of the land within the North one-half (1/2) of the West one-quarter (1/4) of the North 40 acres of the Southwest one-quarter (1/4) of Section 3, Township 4 North, Range 5 West, San Bernardino Meridian, together with the West one-half (1/2) of the East one-half (1/2) of the West one-half (1/2) of the North 40 acres of the Southwest one-quarter (1/4) of Section 3, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded July 10, 2003 as Document No. 2003-0504028 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 3, as shown on Parcel Map No. 6214, filed in Book 61, Pages 59 and 60 of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 3 South 00°14'18" West 100.11 feet;

Thence easterly leaving said westerly line South 89°45'42" East 85.52 feet to a point on the easterly line of the land described in the Grant Deed recorded August 02, 1996, as Document No. 1996-0280850 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence northerly along said easterly line North 00°37'13" East 60.83 feet to the southerly line of the land described in the Grant of Easement recorded August 30, 1971 as Instrument No. 171, filed in Book 7742, Page 119 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said southerly line North 89°45'31" East 73.29 feet;

Thence southerly leaving said southerly line South 00°00'00" East 27.19 feet;

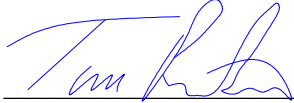
Thence South 65°20'46" West 81.36 feet to the **Point of Beginning**.

Containing 3,234 square feet (0.07 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/06/2024  
\_\_\_\_\_  
Date:

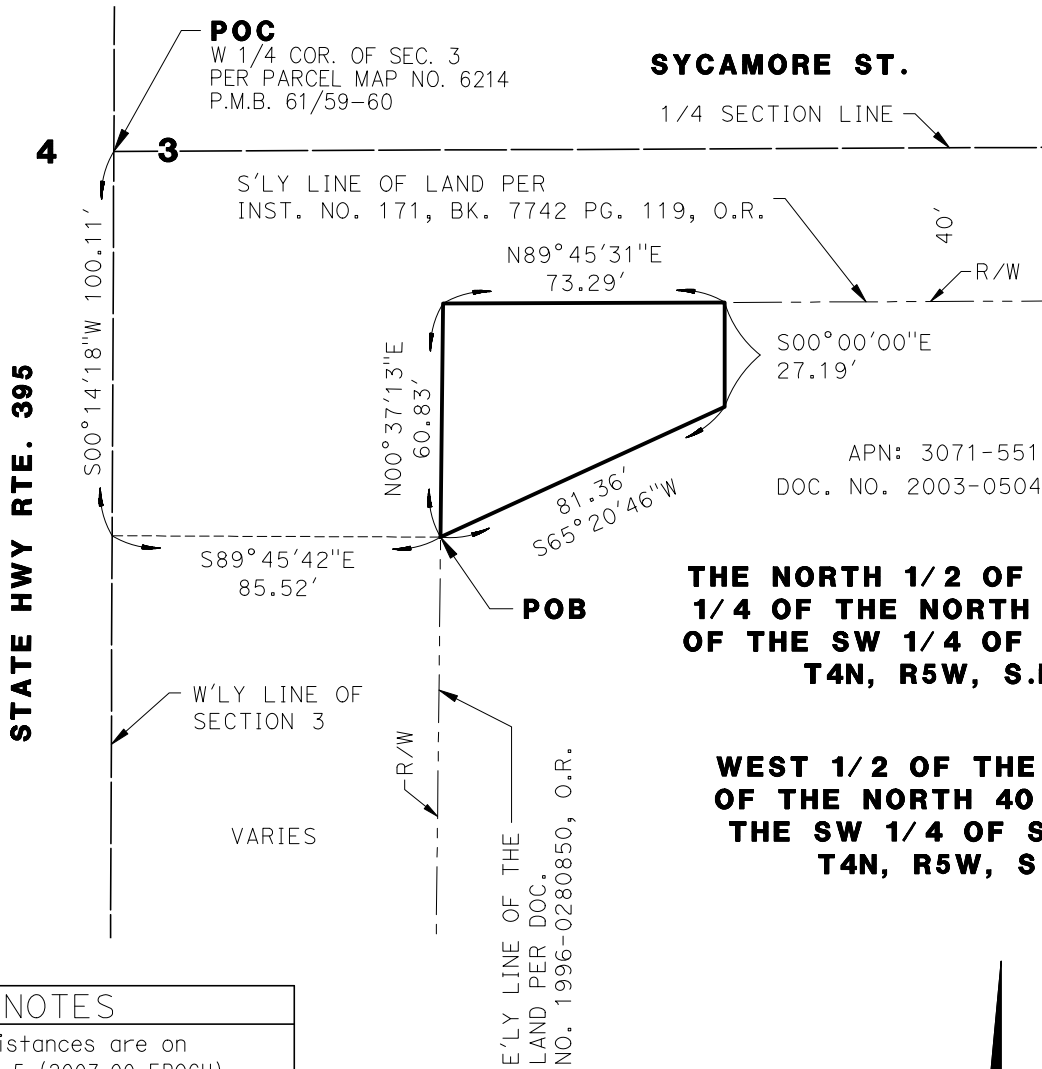


Attachment: T-Sycamore Properties - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3071-551-02-01		3,234 S.F.	3071-551-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 3, T4N, R5W, S.B.M.



APN: 3071-551-02  
DOC. NO. 2003-0504028, O.R.

**THE NORTH 1/2 OF THE WEST  
1/4 OF THE NORTH 40 ACRES  
OF THE SW 1/4 OF SECTION 3  
T4N, R5W, S.B.M.**

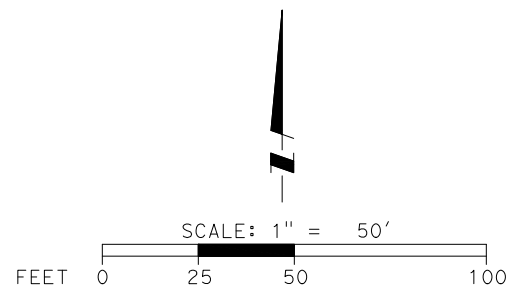
**WEST 1/2 OF THE EAST 1/2  
OF THE NORTH 40 ACRES OF  
THE SW 1/4 OF SECTION 3  
T4N, R5W, S.B.M.**

### NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia* 08/06/2024  
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 08/06/2024		DRAFTED BY: MN		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	8.12	1	1



**RESOLUTION OF NECESSITY No. 25-016**  
**LIGHTHOUSE PETROLEUM-**  
**VICTORVILLE, LLC PROPERTY**  
**(APN 3071-331-11)**

**RESOLUTION NO. 25-016**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3071-331-11.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portion of the real property located at southwest corner of US Highway 395 and Bear Valley Road, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a permanent drainage easement as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION  
Parcel No.: 3071-331-11**

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3071-331-11\_01**

That portion of Parcel 3 of Parcel Map No. 15431, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 195, Page 47 and 48 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of Section 4, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northeast corner of said Section 4, as shown on said Parcel Map;

Thence southerly along the easterly line of said Section 4 South 00°14'31" West, 137.40 feet;

Thence westerly leaving said easterly line North 89°45'29" West, 66.39 feet to a point on the easterly line of said Parcel 3, said point also being the **Point of Beginning**;

Thence northerly along said easterly line North 00°32'59" West, 33.62 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 35.00 feet;

Thence northwesterly along said tangent curve through a central angle of 89°54'55", an arc length of 54.93 feet to the northerly line of said Parcel 3;

Thence westerly along said northerly line South 89°32'06" West, 46.28 feet;

Thence southerly leaving said northerly line South 02°50'04" East, 15.00 feet;

Thence South 70°21'27" East, 68.45 feet;

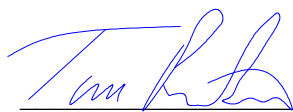
Thence South 29°08'38" East, 34.25 feet to the **Point of Beginning**.

Containing 2,339 square feet (0.05 acres) more or less.

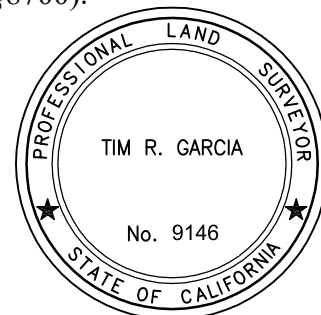
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/16/2024  
\_\_\_\_\_  
Date:



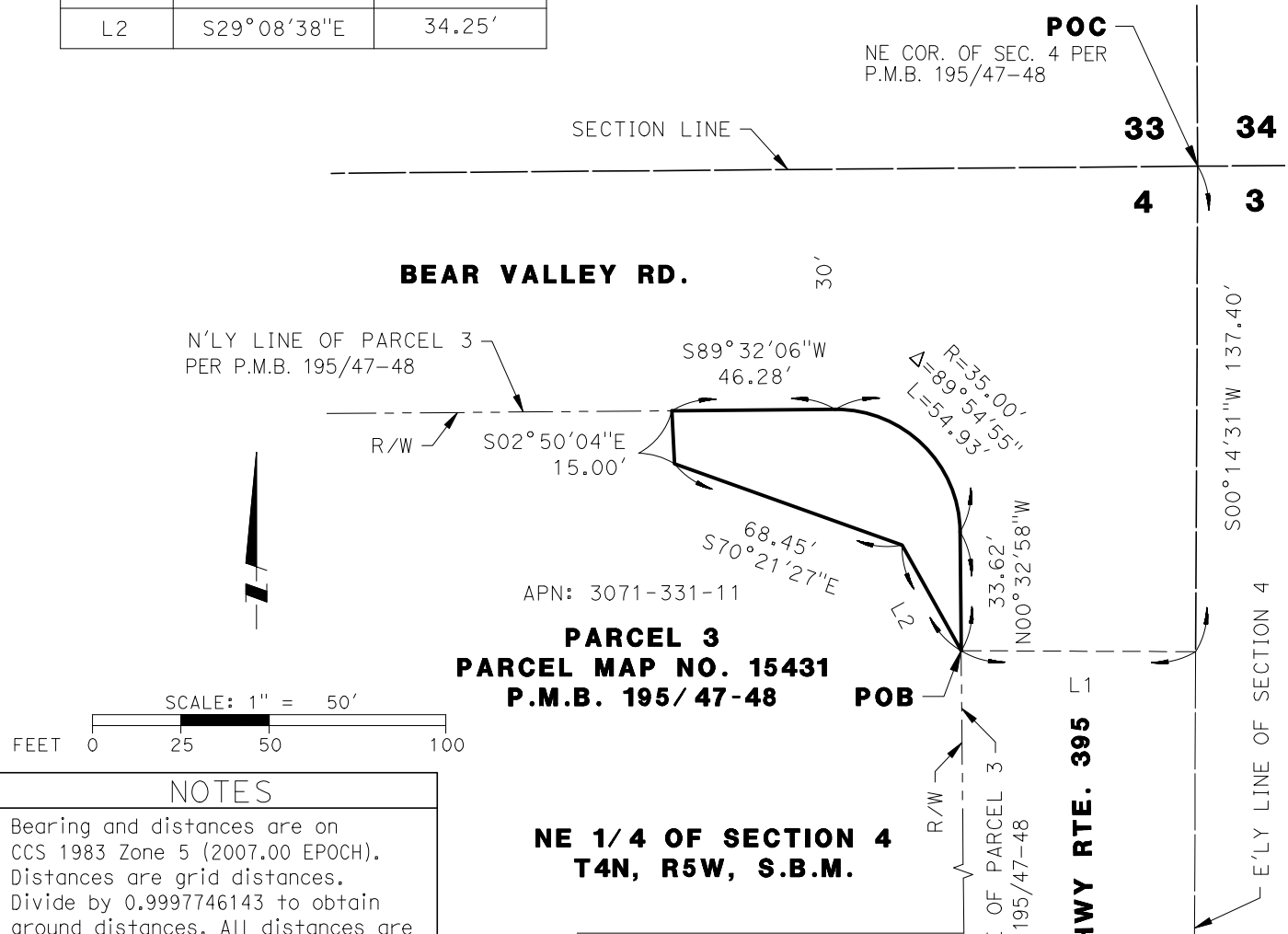


# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3071-331-11_01		2,339 S.F.	3071-331-11

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 4, T4N, R5W, S.B.M.

LINE TABLE		
NO.	BEARINGS	DISTANCE
L1	N89°45'29"W	66.39'
L2	S29°08'38"E	34.25'



**NOTES**  
Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND	
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:  
*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146      07/16/2024      DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/16/2024	DRAFTED BY: MN	REV.:	EA:
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	8.58	1	1

Attachment: U-Lighthouse Petroleum - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-045**  
**JIM V. GUTHREL PROPERTY**  
**(APN 3134-121-38)**

Attachment: REMOVED-V-Guthrel - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-045**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF ASSESSOR PARCEL NO. 3134-121-38.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, the real property located at the northwest corner of US Highway 395 and Bear Valley Road, in the City of Victorville, California as legally described and depicted in Exhibit "1" (the "Property") is required for the Project; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1.     Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2.     Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3.     Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property.

Section 5. Description of the Property. The Property sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

Attachment: REMOVED-V-Guthrel - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**EXHIBIT "A"**  
**Legal Description of Property**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

EASTERLY 30 FEET OF THE SOUTHERLY 615 FEET OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 33 TOWNSHIP 5 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN.

Assessor's Parcel Number: **3134-121-38**





# RESOLUTION OF NECESSITY No. 25-039

## S.W. IRVING PROPERTY

### (APN 3134-121-22)

Attachment: W-S.W. Irving - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-039**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3134-121-22.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located near the northwest corner of US Highway 395 and Bear Valley Road, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3134-121-22\_01**

That portion of the land within the South one-half (1/2) of the Southeast one-quarter (1/4) of Section 33, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, more particularly described in the Grant Deed recorded August 04, 1931 in Book 738, Page 113 of Official Records in the office of the County Recorder of said County, described as follows:

**Commencing** at the Southeast corner of said Section 33 as shown on the Record of Survey, filed in Book 50, Page 7 of Record of Surveys, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 33 North 00°18'47" West 614.87 feet to a point of the intersection of the easterly prolongation line of the northerly line of Parcel 2 as described in the Grant Deed recorded December 31, 1992 as Document No. 1992-541146 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence westerly along said prolongation line South 89°32'04" West 62.00 feet to the westerly line of said Parcel 2;

Thence continuing westerly South 89°32'04" West 3.36 feet along the northerly line of Parcel "A" as described in said Grant Deed of Document No. 1992-541146 of Official Records;

Thence northerly leaving said northerly line North 01°08'06" West 49.37 feet to the southerly line of Parcel 1 of Parcel Map No. 17587, filed in Book 227, Pages 62 through 66, inclusive, of Parcel Maps, in the office of the County Recorder of said County;

Thence easterly along said southerly line North 89°30'46" East 66.06 feet to said easterly line of said Section 33;

Thence southerly along said easterly line South 00°18'47" East 49.39 feet to the **Point of Beginning**.

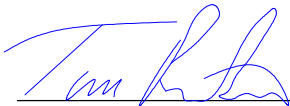
Containing 3,244 square feet (0.07 acres) more or less.

**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

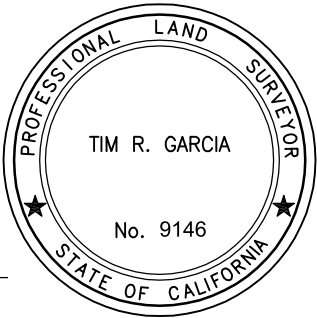
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.



This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/12/2024  
\_\_\_\_\_  
Date:

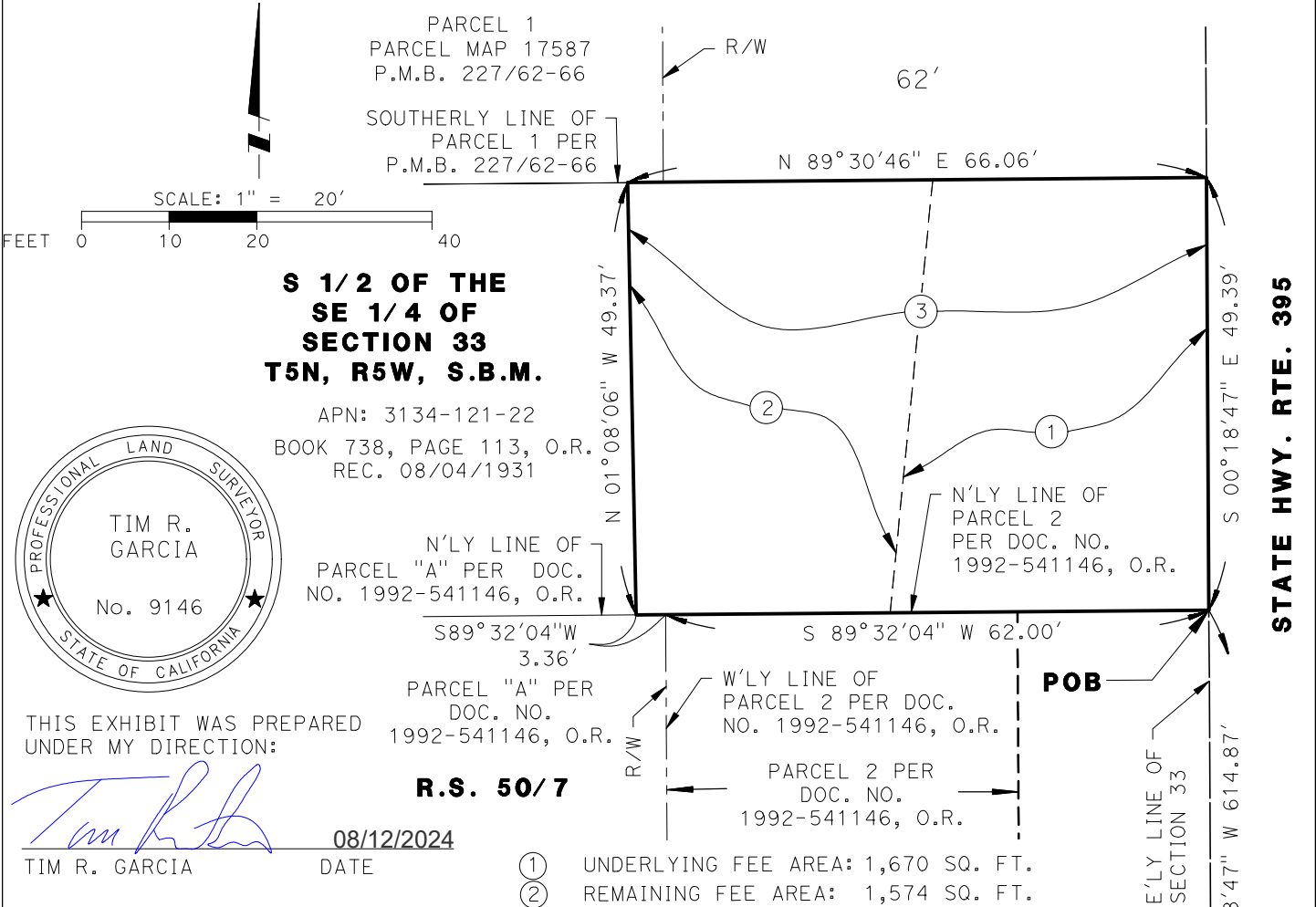


Attachment: W-S.W. Irving - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-121-22_01		3,244 S.F.	3134-121-22

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 33, T5N, R5W, S.B.M.



**NOTES**

Bearings and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- CENTERLINE
- SECTION LINE
- PARCEL LINE
- APN ASSESSOR PARCEL NUMBER
- R/W RIGHT OF WAY
- S.F. SQUARE FEET

PREPARED BY: <b>PSOMAS</b>		DATE: 08/12/2024		DRAFTED BY: BP		REV.:		EA:	
1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.		TOTAL SHEETS	
		08	SBD	395	8.7	1		1	

Attachment: W-S.W. Irving - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# **RESOLUTION OF NECESSITY No. 25-035**

**VERTIGO INVESTMENTS GROUP, LLC  
PROPERTY**

**(APNs 3134-101-02 and 3134-101-05)**

**RESOLUTION NO. 25-035**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 3134-101-02 and 3134-101-05.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portion of the real property located at US Highway 395, between Nyack Road and Olivine Road, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two partial fee acquisitions as legally described and depicted in Exhibits "1" and "2" hereto and two permanent slope easements as legally described and depicted in Exhibits "3" and "4" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "4" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3134-101-02 & 05\_01**

That portion of Parcel "A", in the City of Victorville, County of San Bernardino, State of California as shown on the Grant Deed recorded March 10, 2016 as Document No. 2016-0092666 of Official Records, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of Section 33, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 33 as shown on Parcel Map No. 16328, filed in Book 201, Pages 26 and 27 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 33 North 00°18'56" West 664.27 feet to the intersection of the easterly prolongation of the southerly line of said Parcel "A";

Thence westerly along said easterly prolongation line South 89°25'55" West 52.00 feet to a point on the easterly line of said Parcel "A", said point also being the **Point of Beginning**;

Thence continuing westerly along the southerly line of said Parcel "A" South 89°25'55" West 30.92 feet;

Thence northerly leaving said southerly line North 00°18'30" West 93.60 feet;

Thence North 00°48'30" West 540.64 feet to the northerly line of said Parcel "A";

Thence easterly along said northerly line North 89°24'47" East 15.46 feet to the northeasterly line of said Parcel "A" and the beginning of a tangent curve, concave southwesterly, having a radius of 20.00 feet;

Thence southeasterly along said northeasterly line and said tangent curve through a central angle of 90°16'18", an arc length of 31.51 feet to said easterly line of Parcel "A",


Thence southerly along said easterly line South 00°18'56" East 614.16 feet to the **Point of Beginning**.

Containing 20,772 square feet (0.48 acres) more or less.

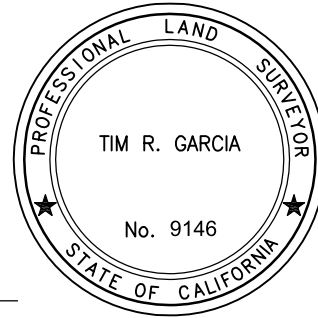
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The Bearings and distances for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 Epoch. Distances are grid. Divide by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/15/2024  
\_\_\_\_\_  
Date:

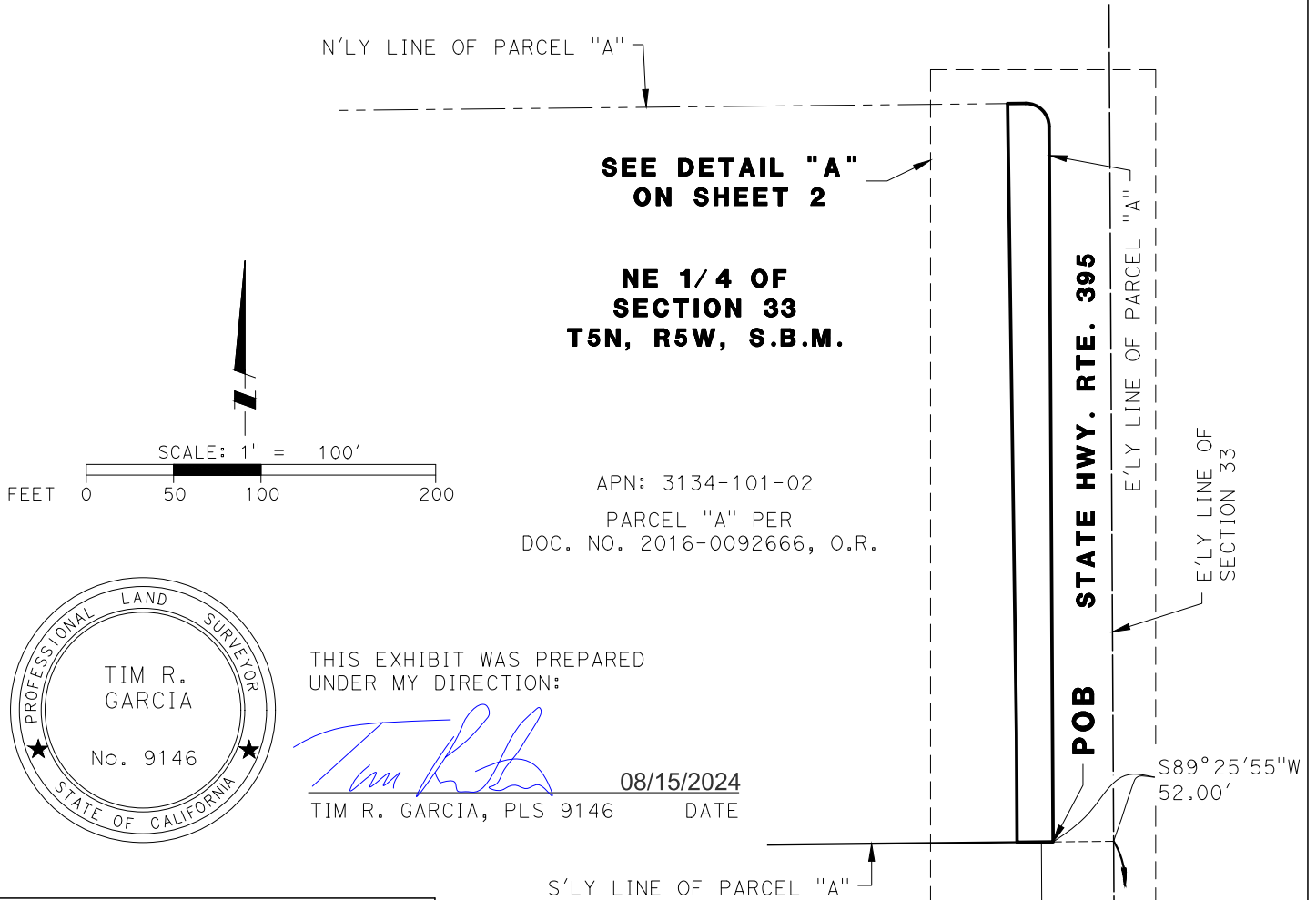


Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-101-02 & 05_01		20,772 S.F.	3134-101-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 33, T5N, R5W, S.B.M.



APN: 3134-101-02  
PARCEL "A" PER  
DOC. NO. 2016-0092666, O.R.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:  
*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146      08/15/2024      DATE

**NOTES**  
Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY

**PARCEL MAP NO. 16328**  
**P.M.B. 201/26-27**

**OLIVINE ROAD**

**POC**  
E 1/4 COR. OF SECTION 33  
PER P.M.B. 201/26-27

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/15/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.25	1	2

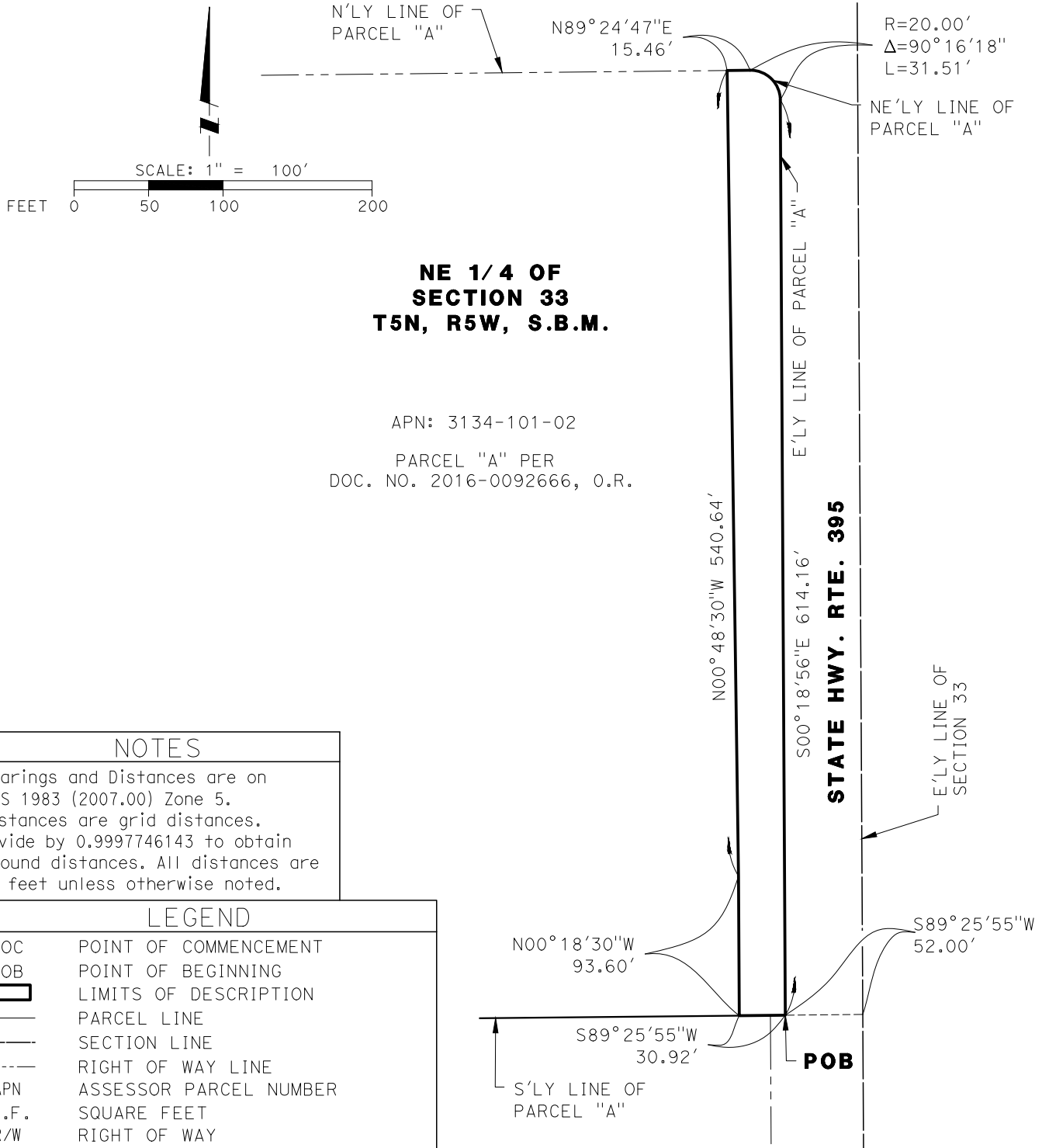
Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-101-02 & 05_01		20,772 S.F.	3134-101-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 33, T5N, R5W, S.B.M.

## DETAIL "A"



### NOTES

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/15/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.25	2	2

Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3134-101-02 & 05\_02**

That portion of Parcel 2 of Parcel Map No. 16328, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 201, Pages 26 and 27 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of Section 33, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 33 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 33 North  $00^{\circ}18'56''$  West 664.27 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 2;

Thence westerly along said prolongation line South  $89^{\circ}25'55''$  West 62.00 feet to a point on the easterly line of said Parcel 2, said point also being the **Point of Beginning**;

Thence continuing westerly along the northerly line of said Parcel 2 South  $89^{\circ}25'55''$  West 20.91 feet;

Thence southerly leaving said northerly line South  $00^{\circ}18'30''$  East 624.25 feet to the southerly line of said Parcel 2;

Thence easterly along said southerly line North  $89^{\circ}26'45''$  East 8.46 feet to the southeasterly line of said Parcel 2 and the beginning of a non-tangent curve, concave northwesterly, having a radius of 35.00 feet, a radial line to said beginning bears South  $40^{\circ}15'27''$  East;

Thence northeasterly along said southeasterly line and said non-tangent curve through a central angle of  $50^{\circ}03'30''$ , an arc length of 30.58 feet to the easterly line of said Parcel 2;

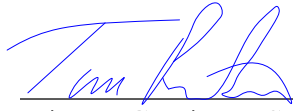
Thence northerly along said easterly line North  $00^{\circ}18'56''$  West 597.48 feet to the **Point of Beginning**.

Containing 12,978 square feet (0.30 acres) more or less.

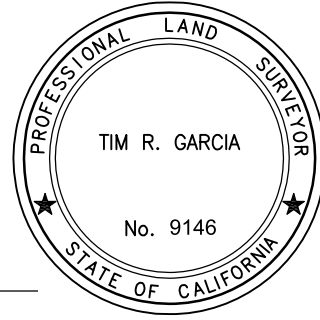
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The Bearings and distances for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 Epoch. Distances are grid. Divide by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/15/2024  
\_\_\_\_\_  
Date:

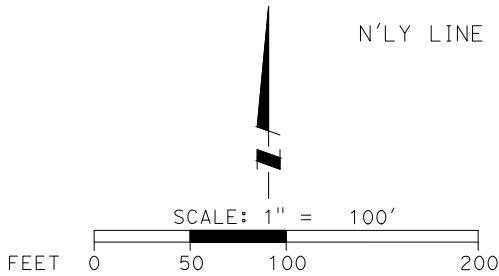


Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-101-02 & 05_02		12,978 S.F.	3134-101-05

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 33, T5N, R5W, S.B.M.



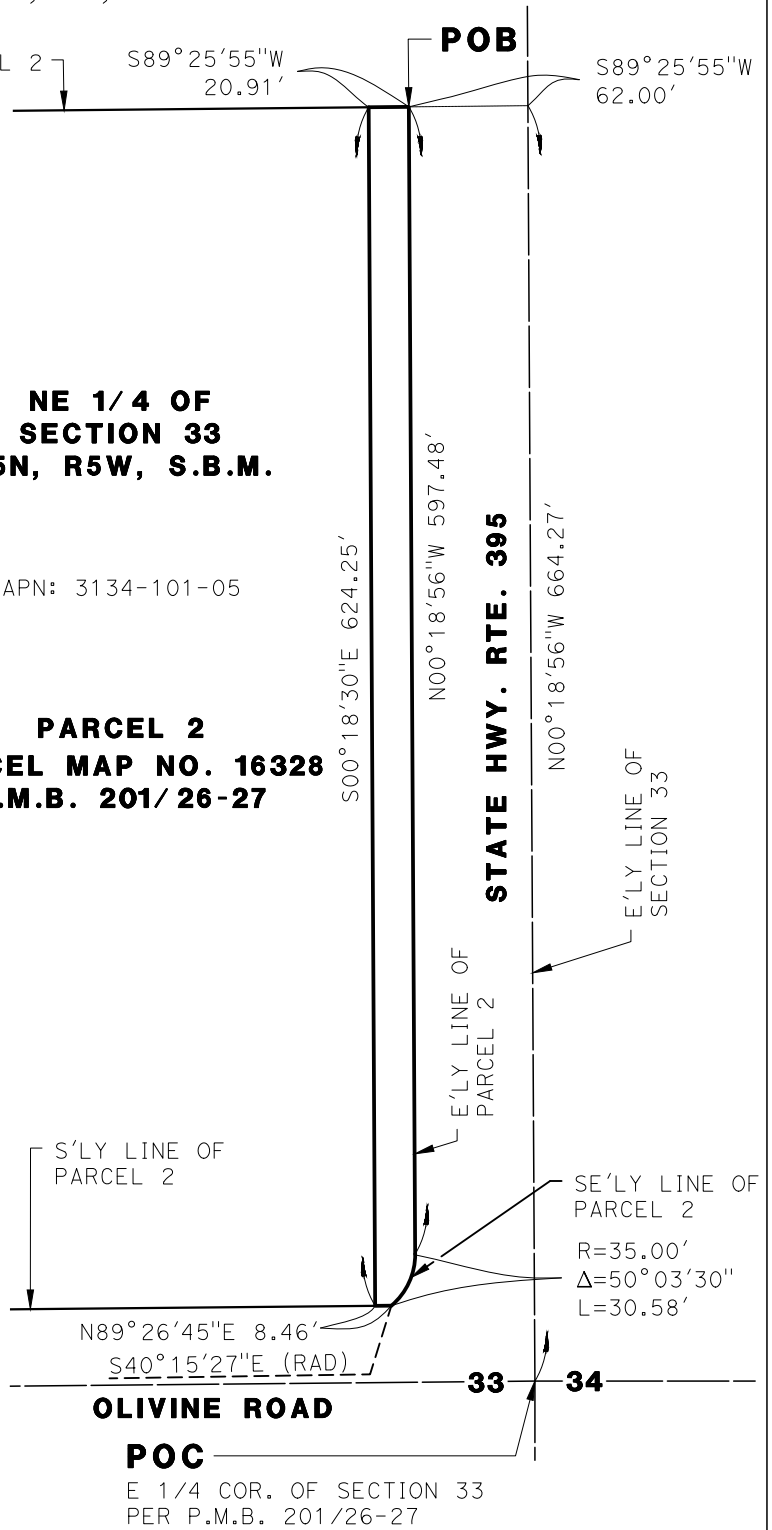
THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 08/15/2024  
TIM R. GARCIA, PLS 9146 DATE

**NE 1/4 OF SECTION 33  
T5N, R5W, S.B.M.**

APN: 3134-101-05

**PARCEL 2  
PARCEL MAP NO. 16328  
P.M.B. 201/26-27**



**NOTES**

Bearings and Distances are on CCS 1983 (2007.00) Zone 5. Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
(RAD)	RADIAL BEARINGS

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/15/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.25	1	1

Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "3"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3134-101-02**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3134-101-02 & 05\_03**

That portion of Parcel "A", in the City of Victorville, County of San Bernardino, State of California as shown on the Grant Deed recorded March 10, 2016 as Document No. 2016-0092666 of Official Records, in the office of the County Recorder of said County, lying within the Northeast one-quarter (1/4) of Section 33, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 33 as shown on Parcel Map No. 16328, filed in Book 201, Pages 26 and 27 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 33 North 00°18'56" West 664.27 feet to the intersection of the easterly prolongation of the southerly line of said Parcel "A";

Thence westerly along said easterly prolongation line South 89°25'55" West 52.00 feet to the easterly line of said Parcel "A";

Thence westerly along the southerly line of said Parcel "A" South 89°25'55" West 30.92 feet to the **Point of Beginning**;

Thence northerly leaving said southerly line North 00°18'30" West 93.60 feet;

Thence North 00°48'30" West 540.64 feet to the northerly line of said Parcel "A";

Thence westerly along said northerly line South 89°24'47" West 10.00 feet;

Thence southerly leaving said northerly line South 00°48'30" East 540.64 feet;

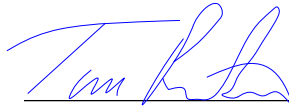
Thence South 00°18'30" East 93.61 feet to said southerly line of Parcel "A";

Thence easterly along said southerly line North 89°25'55" East 10.00 feet to the **Point of Beginning**;

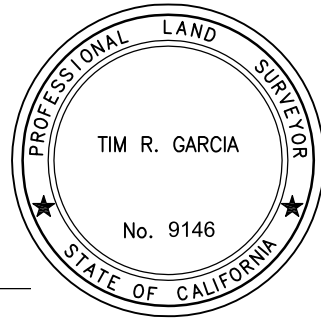
Containing 6,342 square feet (0.15 acres) more or less.

The Bearings and distances for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 Epoch. Distances are grid. Divide by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/15/2024  
Date: \_\_\_\_\_

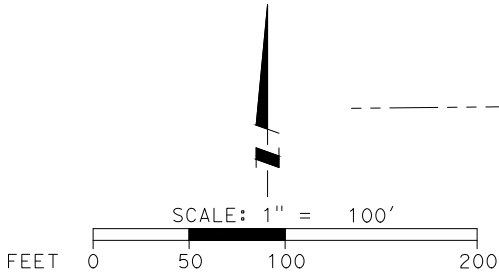


Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-101-02 & 05_03		6,342 S.F.	3134-101-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 33, T5N, R5W, S.B.M.



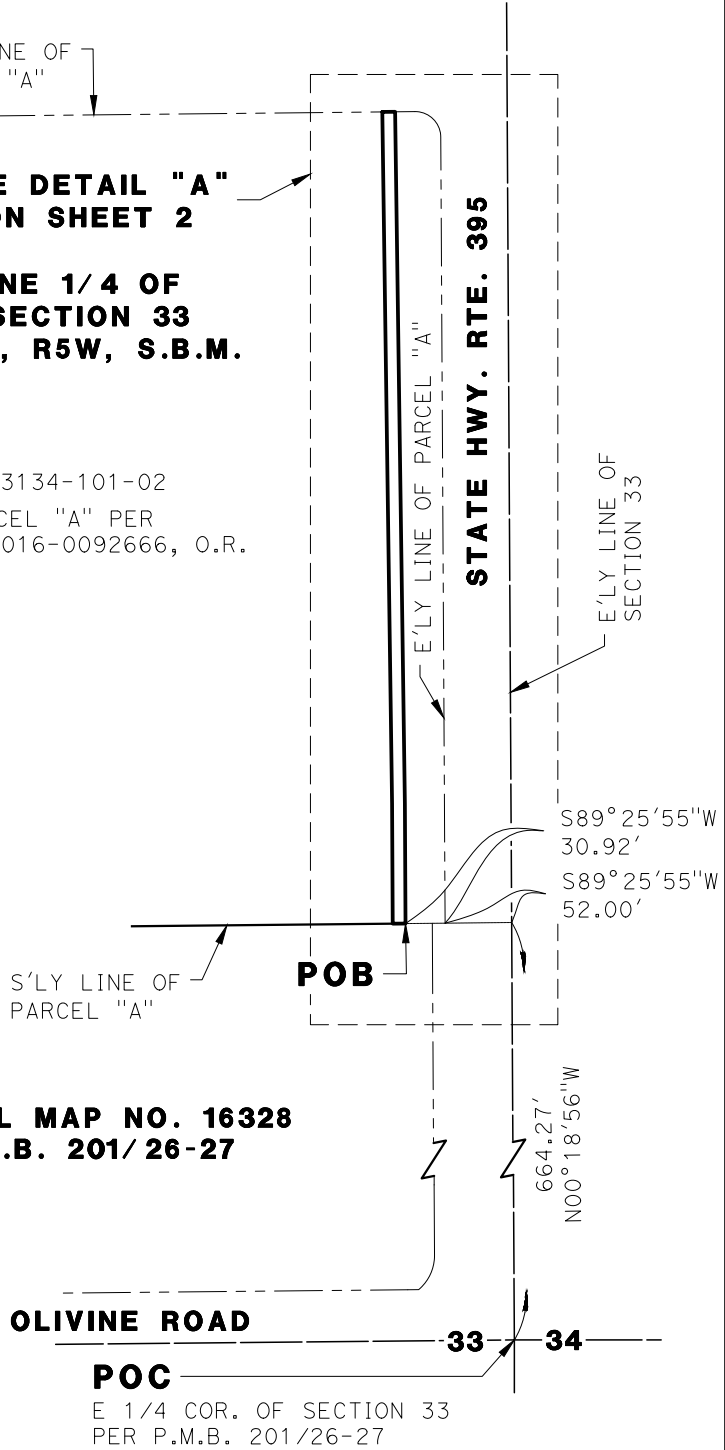
APN: 3134-101-02  
PARCEL "A" PER  
DOC. NO. 2016-0092666, O.R.

THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146      08/15/2024      DATE

**SEE DETAIL "A"  
ON SHEET 2**

**NE 1/4 OF  
SECTION 33  
T5N, R5W, S.B.M.**



**PARCEL MAP NO. 16328  
P.M.B. 201/26-27**

**NOTES**

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- - - RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/15/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.25	1	2

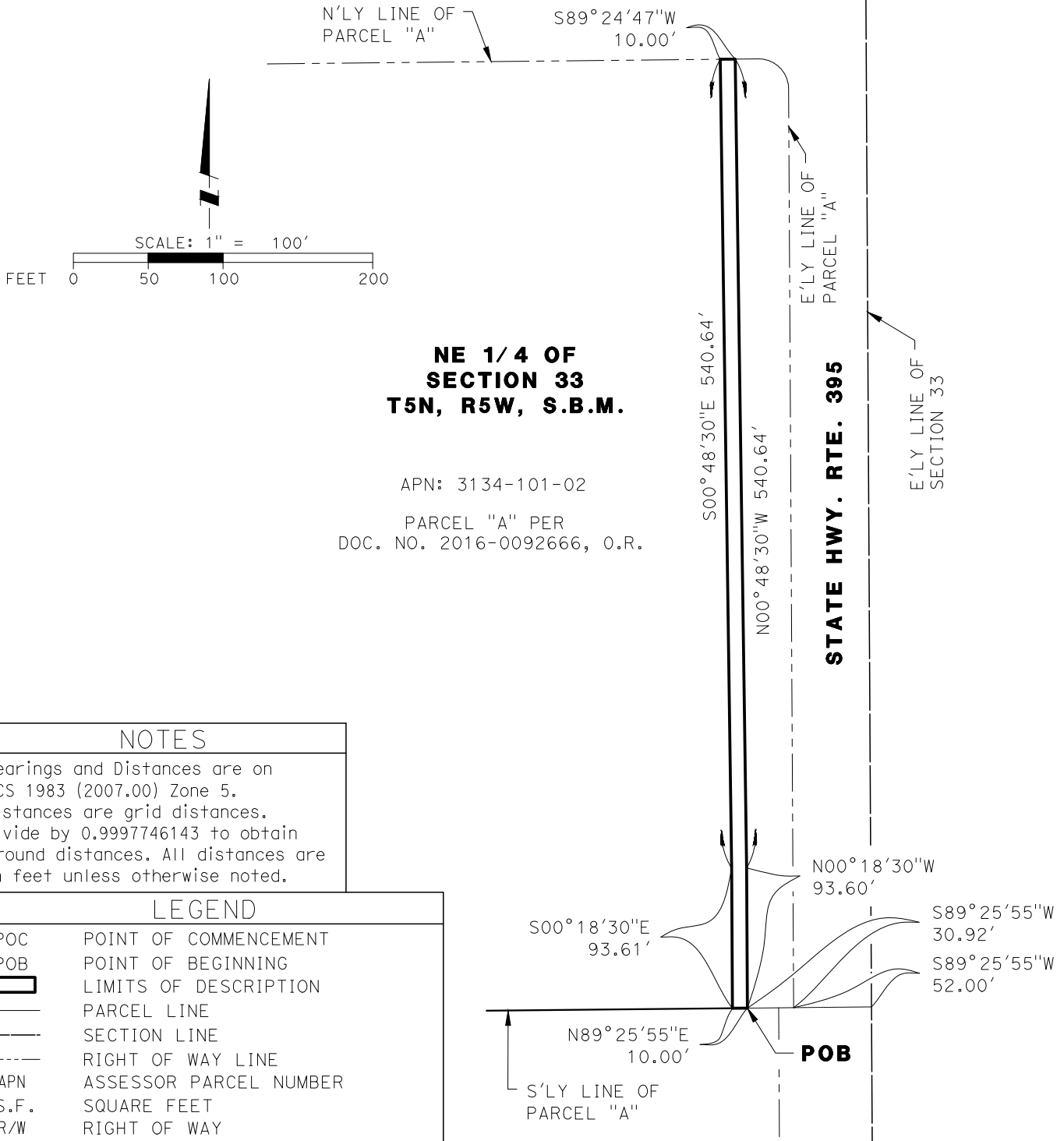
Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-101-02 & 05_03		6,342 S.F.	3134-101-02

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 33, T5N, R5W, S.B.M.

## DETAIL "A"



### NOTES

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/15/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.25	2	2

Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "4"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3134-101-05**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3134-101-02 & 05\_04**

That portion of Parcel 2 of Parcel Map No. 16328, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 201, Pages 26 and 27 of Parcel Maps, in the office of the County Recorder of said county, lying within the Northeast one-quarter (1/4) of Section 33, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the East one-quarter (1/4) corner of said Section 33 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 33 North  $00^{\circ}18'56''$  West 664.27 feet to the intersection of the easterly prolongation of the northerly line of said Parcel 2;

Thence westerly along said prolongation line South  $89^{\circ}25'55''$  West 62.00 feet to a point on the easterly line of said Parcel 2;

Thence continuing westerly along the northerly line of said Parcel 2 South  $89^{\circ}25'55''$  West 20.91 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South  $00^{\circ}18'30''$  East 624.25 feet to the southerly line of said Parcel 2;

Thence westerly along said southerly line South  $89^{\circ}26'45''$  West 10.00 feet;


Thence northerly leaving said southerly line North  $00^{\circ}18'30''$  West 624.25 feet to said northerly line;

Thence easterly along said northerly line North  $89^{\circ}25'55''$  East 10.00 feet to the **Point of Beginning**.

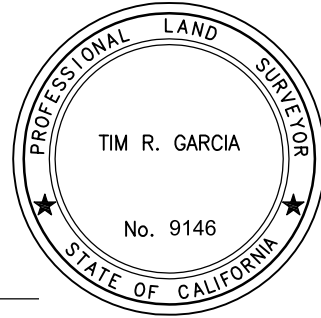
Containing 6,243 square feet (0.14 acres) more or less.

The Bearings and distances for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 Epoch. Distances are grid. Divide by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/15/2024  
\_\_\_\_\_  
Date:

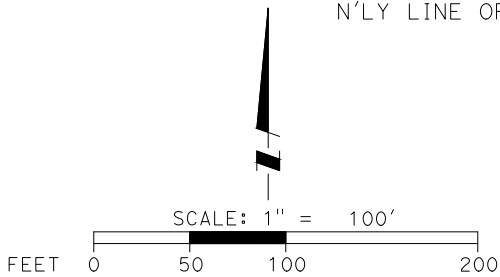


Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-101-02 & 05_04		6,243 S.F.	3134-101-05

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 33, T5N, R5W, S.B.M.



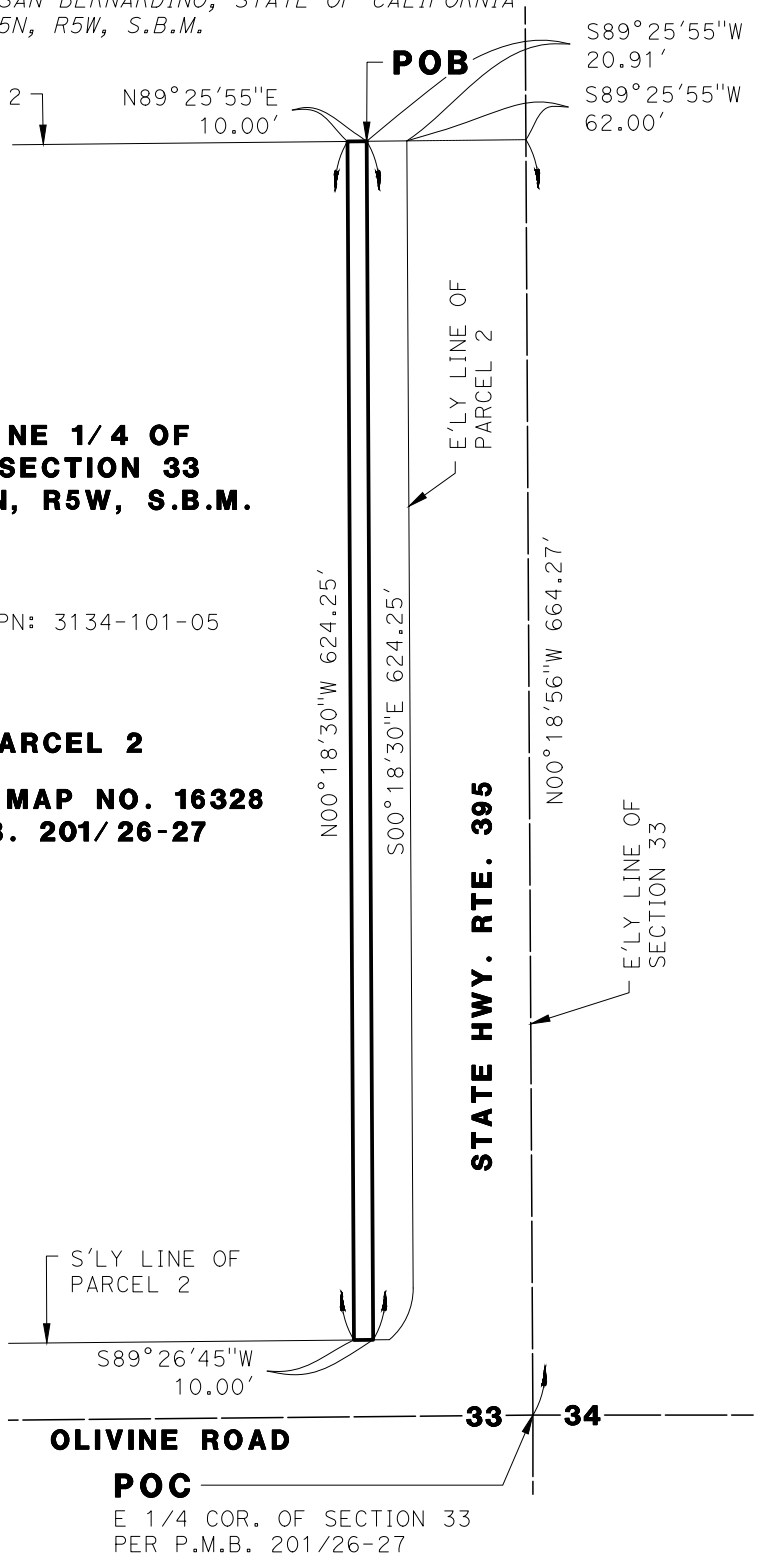
THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia* 08/15/2024  
TIM R. GARCIA, PLS 9146 DATE

**NE 1/4 OF  
SECTION 33  
T5N, R5W, S.B.M.**

APN: 3134-101-05

**PARCEL 2  
PARCEL MAP NO. 16328  
P.M.B. 201/26-27**



**NOTES**

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ▭ LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/15/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.25	1	1

Attachment: Y-Vertigo - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-034**  
**PARADISE LAKE, LLC PROPERTY**  
**(APN 3096-371-04)**

Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-034**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3096-371-04.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at the northwest corner of US Highway 395 and La Mesa Road, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent drainage easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority



# EXHIBIT "1"

Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3096-371-04\_01**

That portion of Parcel 2 of Parcel Map No. 15152, in the City of Victorville, County of San Bernardino, State of California as shown on the map filed in Book 185, Pages 18 through 20, inclusive, of Parcel Maps, in the office of the County Recorder of said County, lying within Southeast one-quarter (1/4) of Section 28, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Southeast corner of said Section 28 as shown on said Parcel Map;

Thence westerly along the southerly line of said Section 28 South 89°21'25" West 96.48 feet;

Thence northerly leaving said southerly line North 00°38'35" West 50.00 feet to a point on the southerly line of said Parcel 2, said point also being the **Point of Beginning**;

Thence northeasterly leaving said southerly line North 44°31'55" East 49.35 feet to a point on the easterly line of said Parcel 2, said point also being the beginning of a non-tangent curve, concave northwesterly, having a radius of 35.00 feet, a radial line to said beginning bears North 89°42'25" East;


Thence southwesterly along said non-tangent curve through a central angle of 89°39'00", an arc length of 54.76 feet to the **Point of Beginning**.

Containing 346 square feet (0.01 acres) more or less.

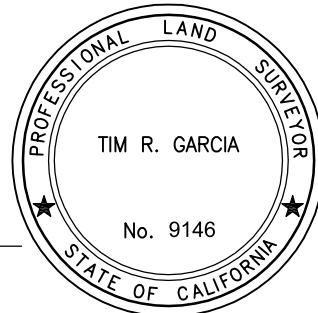
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The Bearings and distances for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 Epoch. Distances are grid. Divide by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/22/2024  
\_\_\_\_\_  
Date:



Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

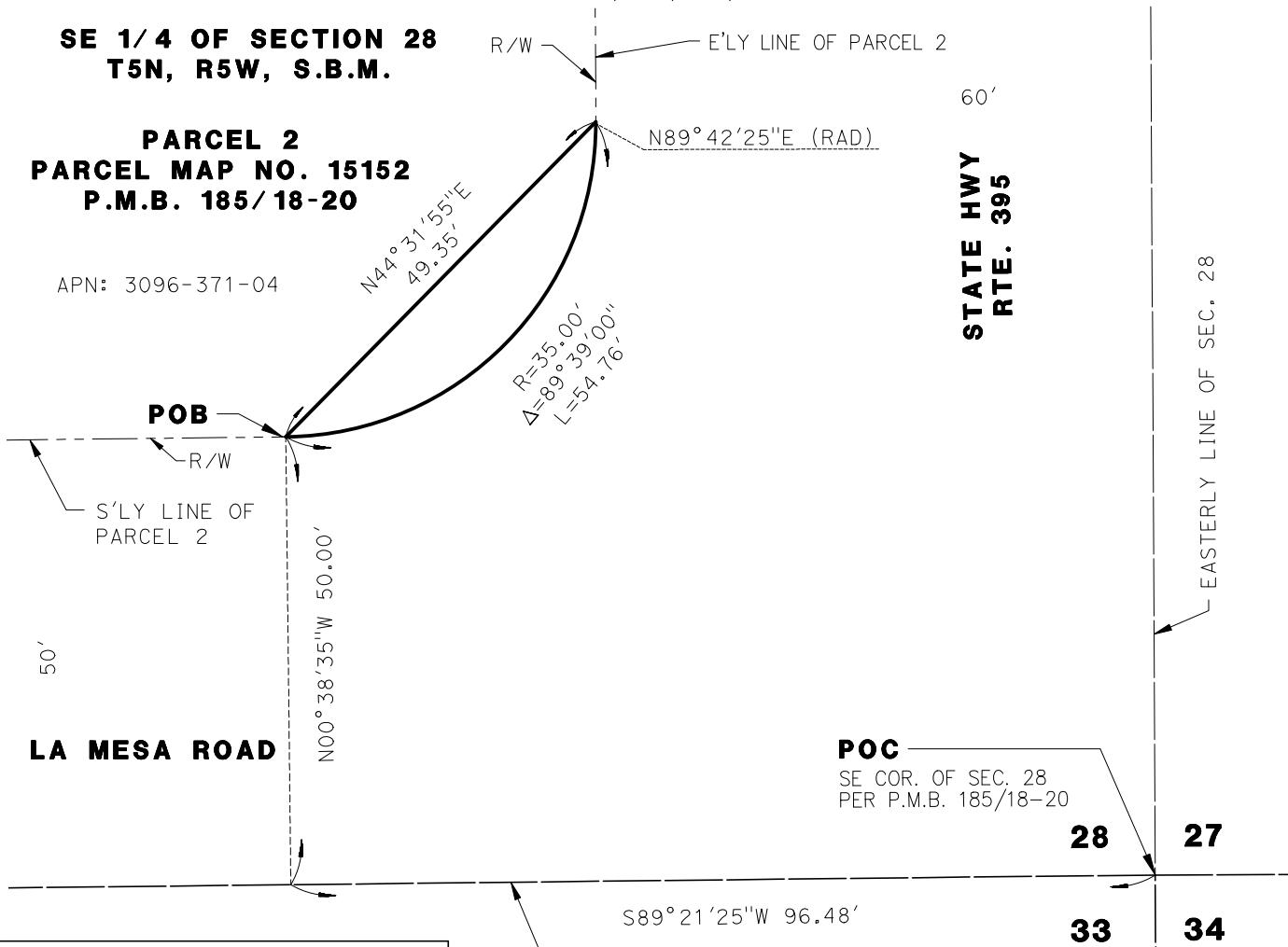
PARCEL	TYPE OF ESTATE	AREA	APN
3096-371-04_01		346 S.F.	3096-371-04

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 28, T5N, R5W, S.B.M.

**SE 1/4 OF SECTION 28  
 T5N, R5W, S.B.M.**

**PARCEL 2  
 PARCEL MAP NO. 15152  
 P.M.B. 185/18-20**

APN: 3096-371-04

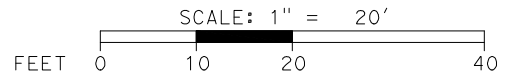


**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 07/22/2024  
 TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/22/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	9.63	1	1

Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 3096-371-04

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL: 3096-371-04\_02**

That portion of Parcel 2 of Parcel Map No. 15152, in the City of Victorville, County of San Bernardino, State of California, as shown on the map filed in Book 185, Pages 18 through 20, inclusive, of Parcel Maps, in the office of the County Recorder of said County, lying within Southeast one-quarter (1/4) of Section 28, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Southeast corner of said Section 28 as shown on said Parcel Map;

Thence westerly along the southerly line of said Section 28 South 89°21'25" West 96.48 feet;

Thence northerly leaving said southerly line North 00°38'35" West 50.00 feet to a point on the southerly line of said Parcel 2, said point also being the **Point of Beginning**;

Thence northeasterly leaving said southerly line North 44°31'55" East 49.35 feet to the easterly line of said Parcel 2;

Thence northerly along said easterly line North 00°17'35" West 785.75 feet to the northerly line of said Parcel 2;

Thence westerly along said northerly line South 89°21'22" West 15.75 feet;

Thence southerly leaving said northerly line South 00°11'04" West 125.43 feet;

Thence North 89°48'56" West 30.00 feet;

Thence South 00°11'04" West 695.61 feet to said southerly line of Parcel 2;

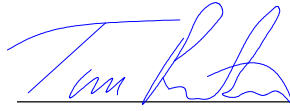
Thence easterly along said southerly line North 89°21'25" East 17.81 feet to the **Point of Beginning**.

Containing 35,988 square feet (0.83 acres) more or less.

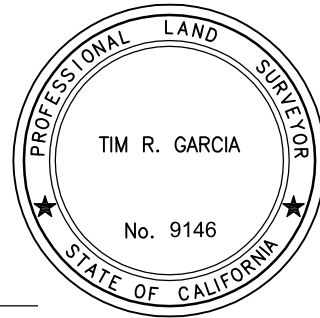
The Bearings and distances for this survey are based upon the North American Datum of 1983 (NAD83) of the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 Epoch. Distances are grid. Divide by 0.9997746143 to obtain ground distances.

Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/22/2024  
\_\_\_\_\_  
Date:



Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

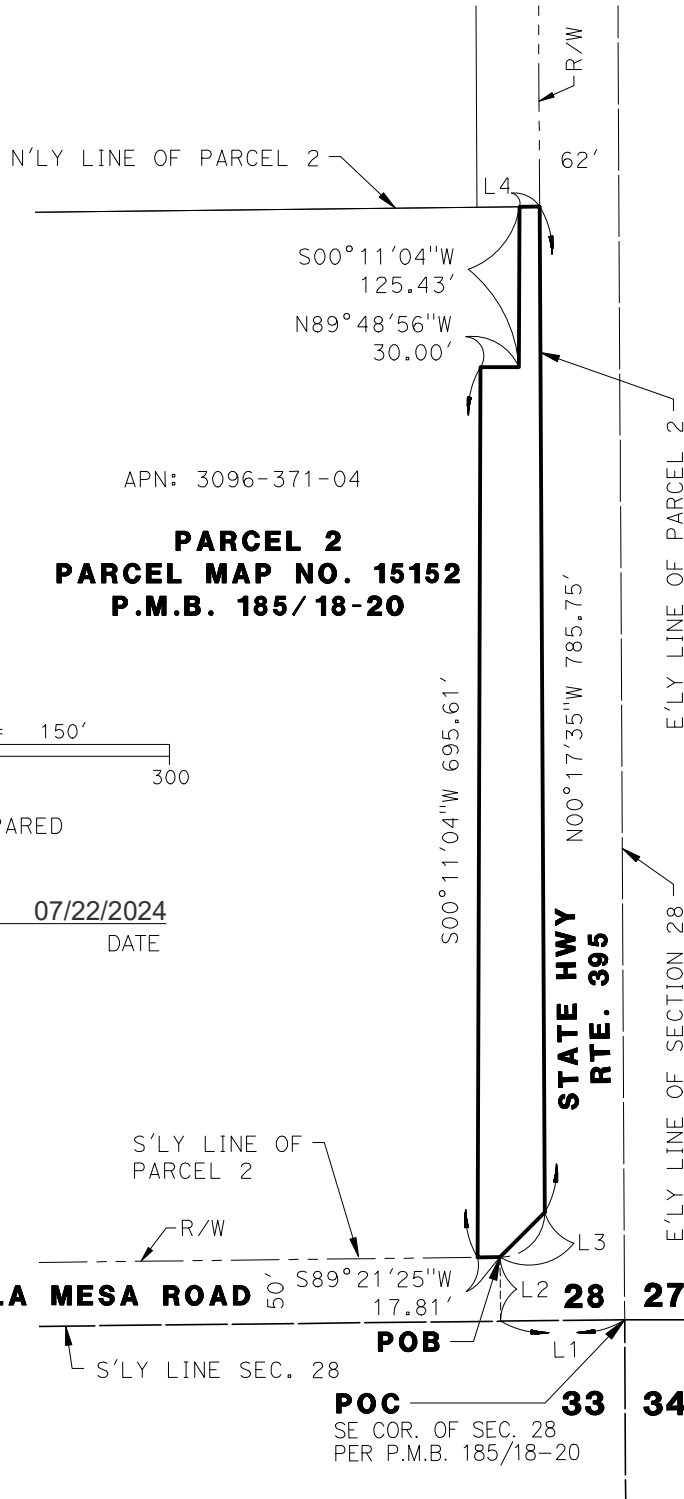
# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-371-04_02		35,988 S.F.	3096-371-04

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 28, T5N, R5W, S.B.M.

LINE TABLE		
NO.	BEARINGS	DISTANCE
L1	S89°21'25"W	96.48'
L2	N00°38'35"W	50.00'
L3	N44°31'55"E	49.35'
L4	S89°21'22"W	15.75'

**SE 1/4 OF SECTION 28  
T5N, R5W, S.B.M.**



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:  
*Tim R. Garcia* 07/22/2024  
TIM R. GARCIA, PLS 9146 DATE

### NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b>		DATE: 07/22/2024	DRAFTED BY: MN	REV.:	EA: OF633	
1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	9.63	1	1

Attachment: AA-Paradise Lake - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# **RESOLUTION OF NECESSITY No. 25-048**

## **395 LUNA PROPERTY, LLC PROPERTY**

### **(APN 3096-431-07)**

**RESOLUTION NO. 25-048**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 3096-431-07.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located at the southeast corner of US Highway 395 and Luna Road, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto, a permanent drainage easement as legally described and depicted in Exhibit "2" hereto, and two temporary construction easements as legally described and depicted in Exhibits "3" and "4" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "4" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3096-431-07\_01**

That portion of the land within the Southwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded December 12, 2019 as Document No. 2019-0460370 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 27 as shown on Parcel Map No. 12605, filed in Book 143, pages 77 through 79, inclusive, of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 27 South 00°17'35" East 341.72 feet;

Thence easterly leaving said westerly line North 89°42'25" East 62.00 feet to a point on the westerly line of said land, said point also being the **Point of Beginning**;

Thence easterly leaving said westerly line North 89°42'25" East 20.00 feet;

Thence South 00°17'35" East 885.00 feet;

Thence South 89°42'25" West 20.00 feet to said westerly line of land;


Thence northerly along said westerly line North 00°17'35" West 885.00 to the **Point of Beginning**.

Containing 17,700 square feet (0.41 acres) more or less.

**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

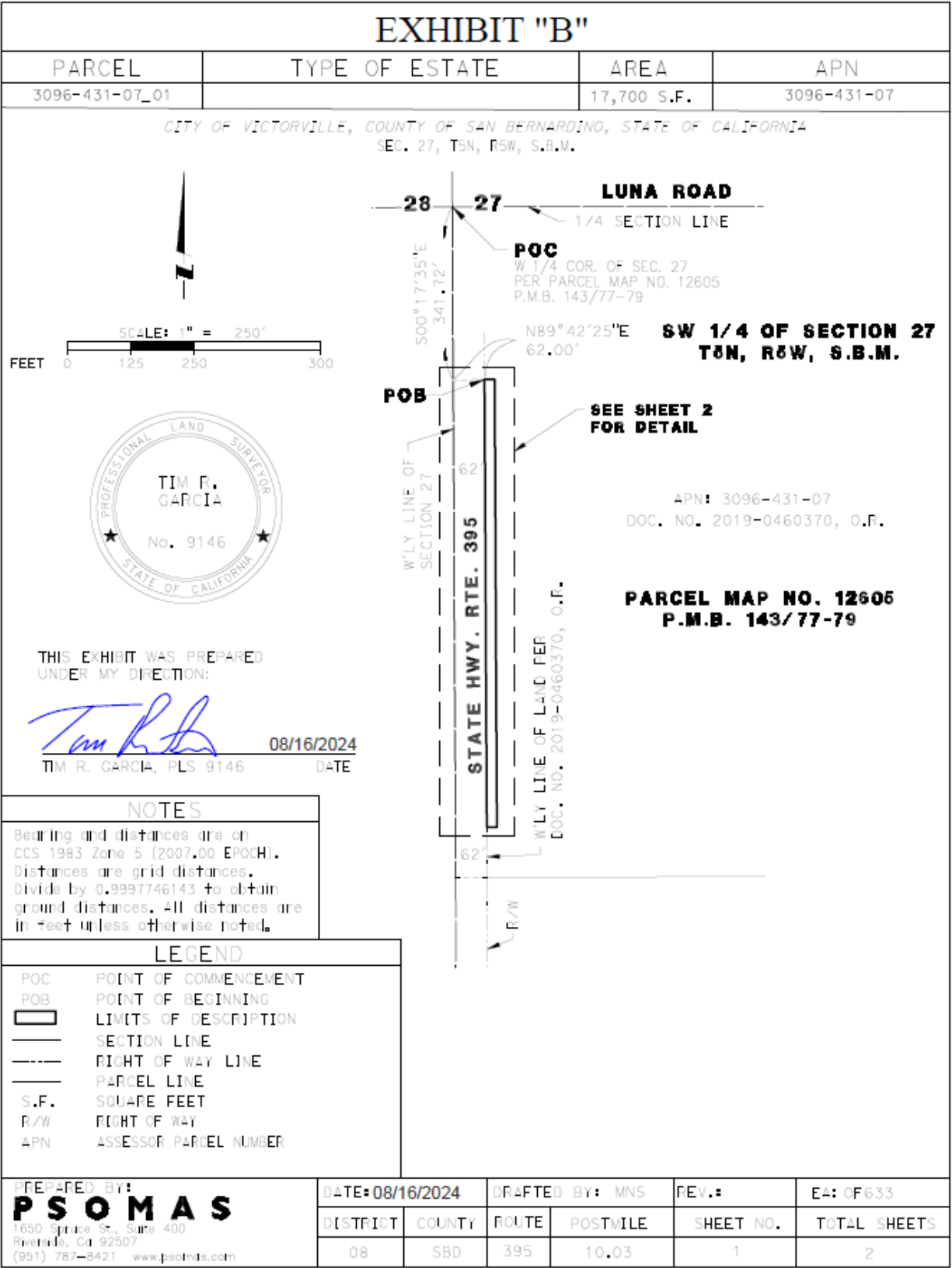
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/16/2024  
\_\_\_\_\_  
Date:



Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



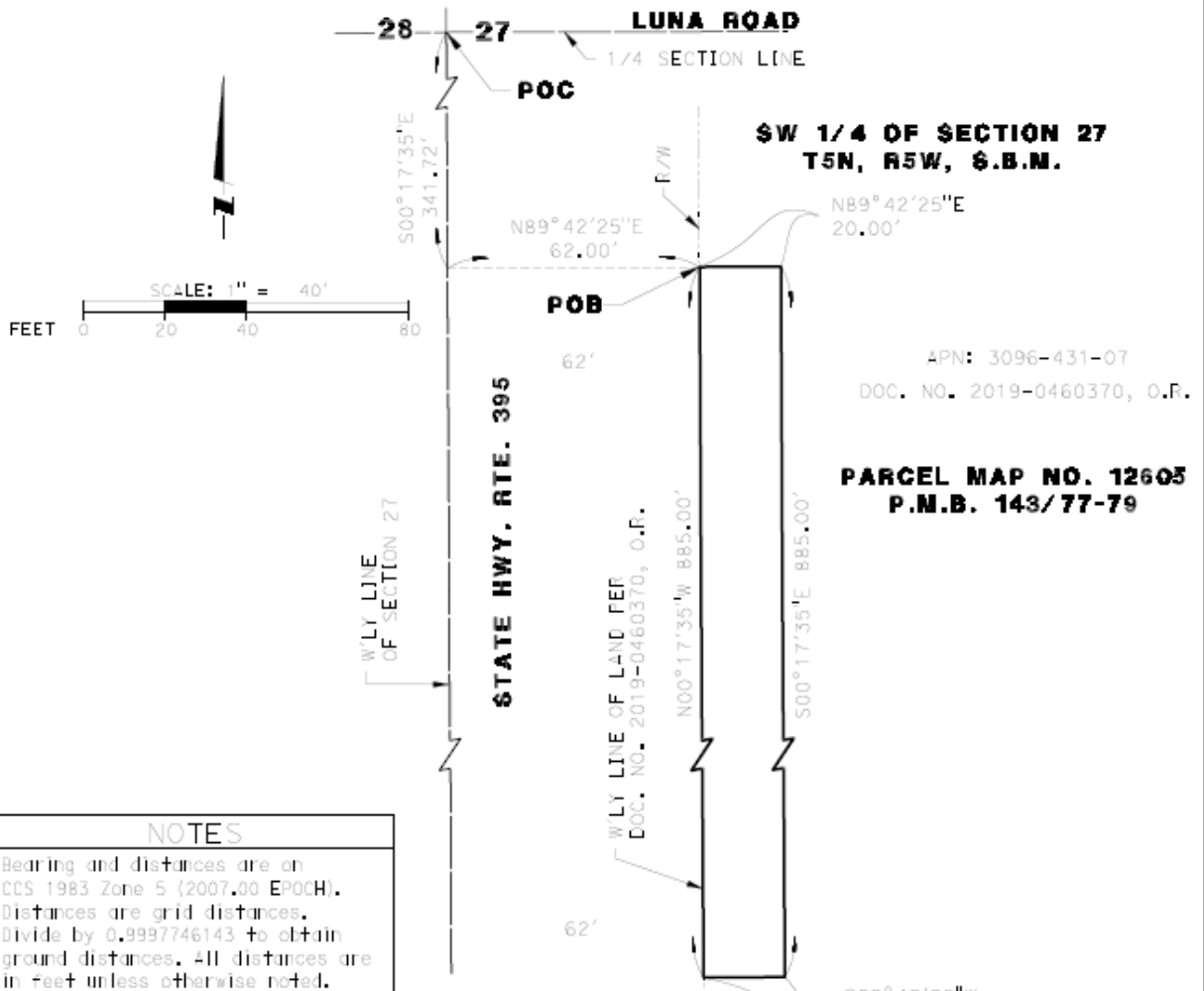
Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-431-07_01		17,700 S.F.	3096-431-07

CITY OF VICTORYVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 27, T5N, R5W, S.B.M.



**NOTES**

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
<span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span>	LIMITS OF DESCRIPTION
---	SECTION LINE
----	RIGHT OF WAY LINE
—	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1850 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 08/16/2024	DRAFTED BY: MNS	REV.:	EA: 0F633
	DISTRICT: 08	COUNTY: SBD	ROUTE: 395	POSTMILE: 10.03
				TOTAL SHEETS: 2

Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 3096-431-07

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Parcel: 3096-431-07\_02

That portion of the land within the Southwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded December 12, 2019 as Document No. 2019-0460370 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 27 as shown on Parcel Map No. 12605, filed in Book 143, pages 77 through 79, inclusive, of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 27 South 00°17'35" East 341.72 feet;

Thence easterly leaving said westerly line North 89°42'25" East 62.00 feet to the westerly line of said land;

Thence easterly leaving said westerly line North 89°42'25" East 20.00 feet;

Thence South 00°17'35" East 234.31 feet to the **Point of Beginning**;

Thence continuing southerly South 00°17'35" East 200.00 feet;

Thence North 89°42'25" East 30.00 feet;


Thence North 09°38'00" East 203.04 feet;

Thence South 89°42'25" West 65.00 feet to the **Point of Beginning**.

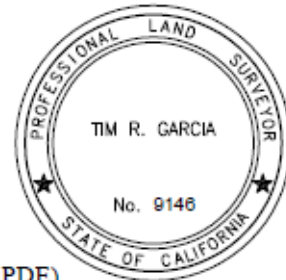
Containing 9,500 square feet (0.22 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

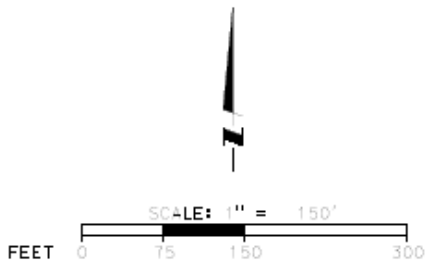
08/16/2024  
\_\_\_\_\_  
Date:



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-431-07_02		9,500 S.F.	3096-431-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 27, T5N, R5W, S.B.M.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

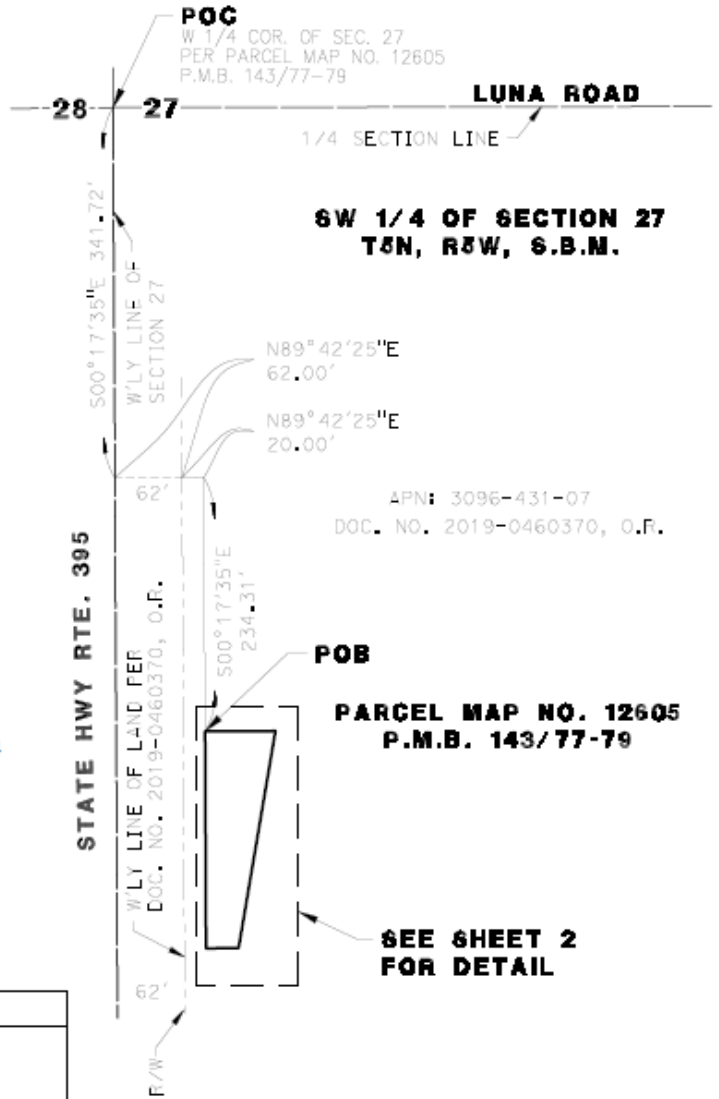
*Tim R. Garcia*      08/16/2024  
TIM R. GARCIA, PLS 9146      DATE

**NOTES**

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
<span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span>	LIMITS OF DESCRIPTION
—	SECTION LINE
- - - -	RIGHT OF WAY LINE
—	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY:  
**PSOMAS**  
1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomads.com

DATE: 08/16/2024		DRAFTED BY: MN		REV.:	E4: CF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	10.03	1	2

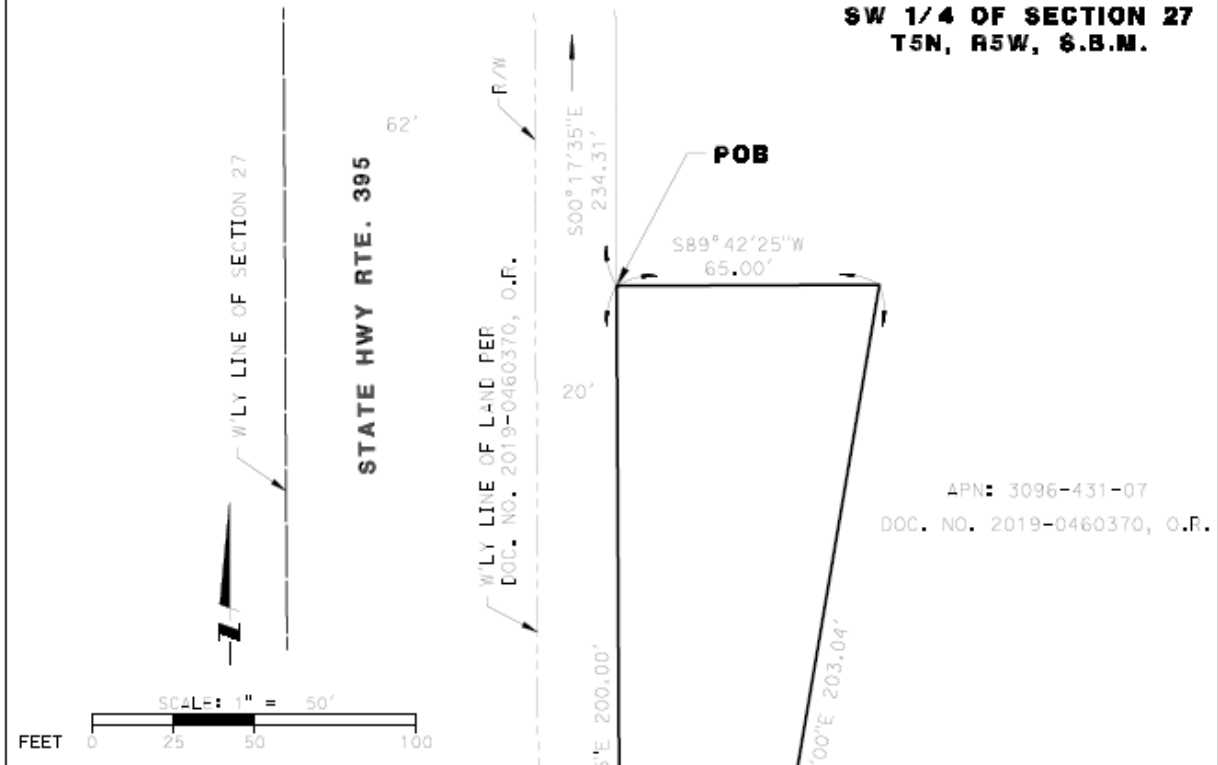
Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-431-07_02		9,500 S.F.	3096-431-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 27, T5N, R5W, S.B.M.

**SW 1/4 OF SECTION 27  
T5N, R5W, S.B.M.**



**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

APN: 3096-431-07  
DOC. NO. 2019-0460370, O.R.

**PARCEL MAP NO. 12605  
P.M.B. 143/77-79**

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 08/16/2024	DRAFTED BY: MNS	REV.:	EA: 0F633
	DISTRICT: 08	COUNTY: SBD	ROUTE: 395	POSTMILE: 10.03
				TOTAL SHEETS: 2

Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "3"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3096-431-07**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

**Rights and Limitations of Use and Occupancy of TCE:**

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3096-431-07\_03**

That portion of the land within the Southwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, more particularly described in the Grant Deed recorded December 12, 2019 as Document No. 2019-0460370 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 27 as shown on Parcel Map No. 12605, filed in Book 143, pages 77 through 79, inclusive, of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 27 South 00°17'35" East 341.72 feet;

Thence easterly leaving said westerly line North 89°42'25" East 62.00 feet to the westerly line of said land;

Thence easterly leaving said westerly line North 89°42'25" East 20.00 feet;

Thence South 00°17'35" East 434.31 feet to the **Point of Beginning**;

Thence South 00°17'35" East 450.69 feet;

Thence North 89°42'25" East 5.00 feet;

Thence North 00°17'35" West 450.69 feet;


Thence South 89°42'25" West 5.00 feet to the **Point of Beginning**.

Containing 2,253 square feet (0.05 acres) more or less.

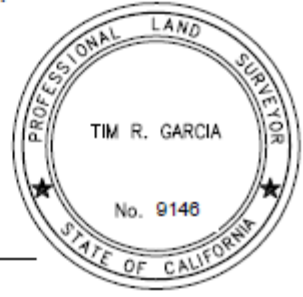
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/16/2024  
\_\_\_\_\_  
Date:

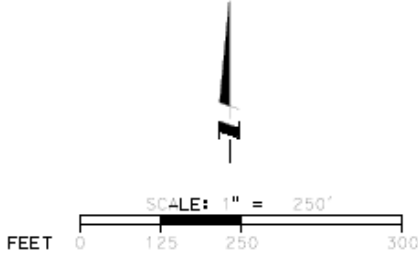


Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

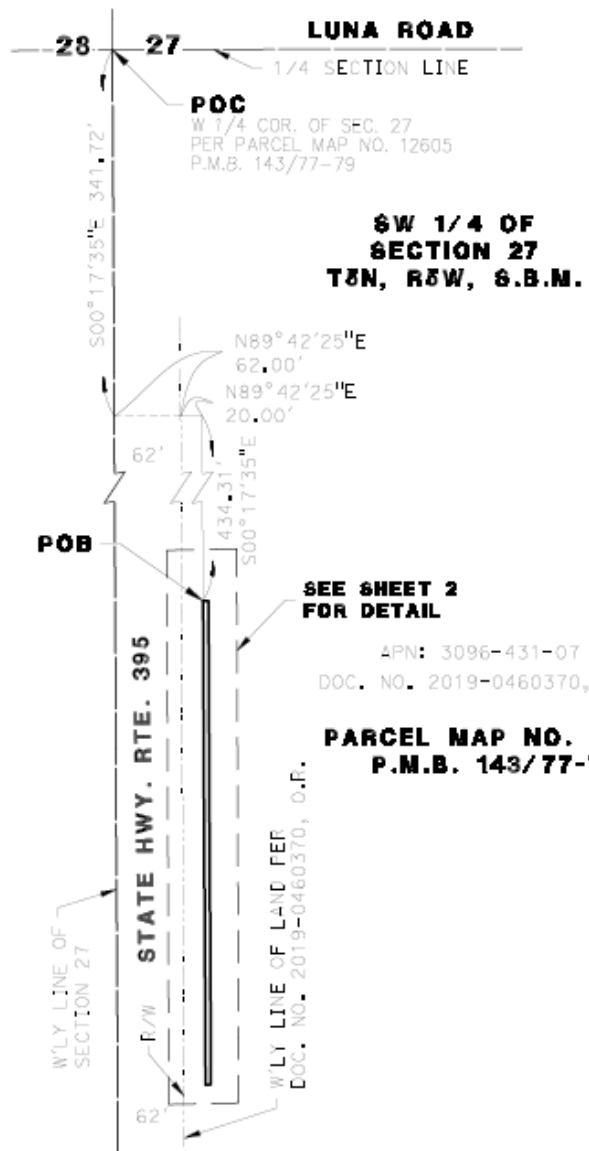
PARCEL	TYPE OF ESTATE	AREA	APN
3096-431-07_03	TEMPORARY CONSTRUCTION EASEMENT	2,253 S.F.	3096-431-07

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 27, T5N, R5W, S.B.M.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia*  
TIM R. GARCIA, PLS 9146      08/16/2024      DATE



**NOTES**

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

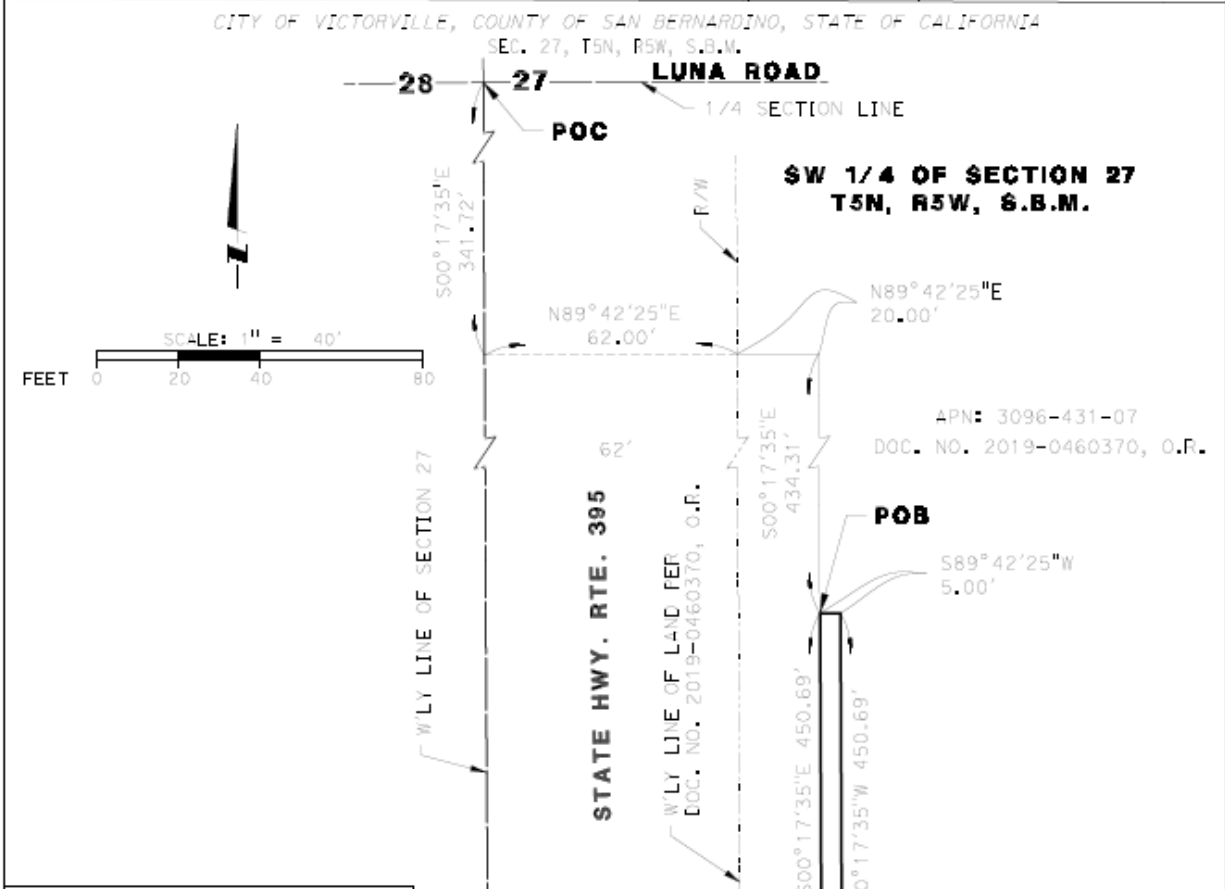
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421    www.psolands.com	DATE: 08/16/2024	DRAFTED BY: MNS	REV.:	E4: 0F633		
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	10.03	1	2

Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-431-07_03	TEMPORARY CONSTRUCTION EASEMENT	2,253 S.F.	3096-431-07



**NOTES**

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/16/2024	DRAFTED BY: MNS	REV.:	E#: 0F633		
		DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
		08	SBD	395	10.03	2	2

Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "4"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3096-431-07**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

**Rights and Limitations of Use and Occupancy of TCE:**

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3096-431-07\_04**

That portion of the land within the Southwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded December 12, 2019 as Document No. 2019-0460370 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 27 as shown on Parcel Map No. 12605, filed in Book 143, pages 77 through 79, inclusive, of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 27 South 00°17'35" East 341.72 feet;

Thence easterly leaving said westerly line North 89°42'25" East 62.00 feet to the westerly line of said land;

Thence easterly leaving said westerly line North 89°42'25" East 20.00 feet to the **Point of Beginning**;

Thence South 00°17'35" East 234.31 feet;

Thence North 89°42'25" East 5.00 feet;


Thence North 00°17'35" West 234.31 feet;

Thence South 89°42'25" West 5.00 feet to the **Point of Beginning**.

Containing 1,172 square feet (0.03 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/16/2024  
\_\_\_\_\_  
Date:

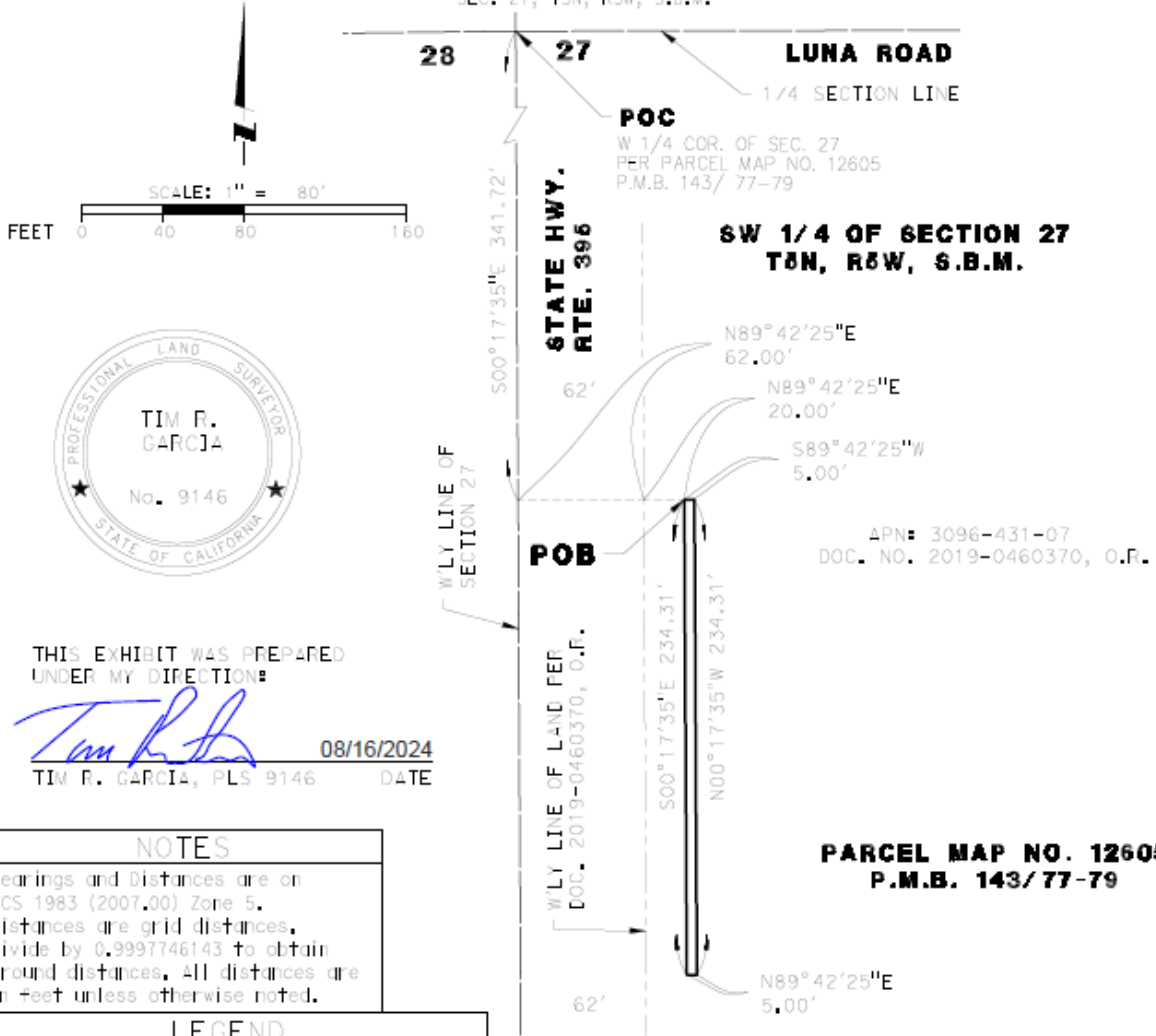


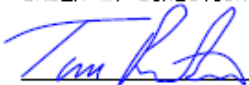
Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-431-07_04	TEMPORARY CONSTRUCTION EASEMENT	1,172 S.F.	3096-431-07





CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 27, T5N, R5W, S.B.M.



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:  
  
 08/16/2024  
 TIM R. GARCIA, PLS 9146 DATE

**NOTES**  
 Bearings and Distances are on  
 CCS 1983 (2007.00) Zone 5.  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomads.com		DATE: 08/16/2024	DRAFTED BY: MNS	REV.:	E4: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	10.03	1	1

Attachment: BB-395 Luna Property - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# RESOLUTION OF NECESSITY No. 25-029

## TAFA INVESTMENT PARTNERSHIP PROPERTY

(APN 3096-391-03)

**RESOLUTION NO. 25-029**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO 3096-391-03.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located at the northeast corner of US Highway 395 and Luna Road, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

AYES:

NOES:

ABSENT:

---

Ray Marquez, Board President  
San Bernardino County Transportation Authority

---

Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

# EXHIBIT "1"

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3096-391-03\_01**

That portion of the land being a portion of Parcel 3 of Parcel Map No. 6400, in the City of Victorville, County of San Bernardino, State of California as shown on map filed in Book 67, Page 29, of Parcel of Maps, in the office of the County Recorder of said County, said land more particularly described in the Certificate of Compliance, No. DN0008-88 recorded June 30, 1988 as Document No. 1988-211916 of Official Records, in the Office of the County Recorder of Said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 27 as shown on said Parcel Map;

Thence along the westerly line of said Section 27 North 00°17'40" West 662.64 feet to the intersection of the westerly prolongation of the northerly line of said land;

Thence easterly along said prolongation line North 89°54'42" East 52.00 feet to a point on the westerly line of said land, said point also being the **Point of Beginning**;

Thence continuing easterly along said northerly line North 89°54'42" East 11.09 feet;

Thence southerly leaving said northerly line South 01°14'17" East 54.51 feet;

Thence South 00°16'59" East 276.81 feet to the southerly line of said land;

Thence westerly along said southerly line South 89°54'23" West 11.93 feet to said westerly line of land;


Thence northerly along said westerly line North 00°17'40" West 331.31 feet to the **Point of Beginning**;

Containing 3,939 square feet (0.01 acres) more or less.

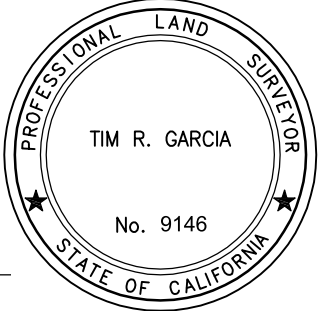
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/27/2024  
\_\_\_\_\_  
Date:



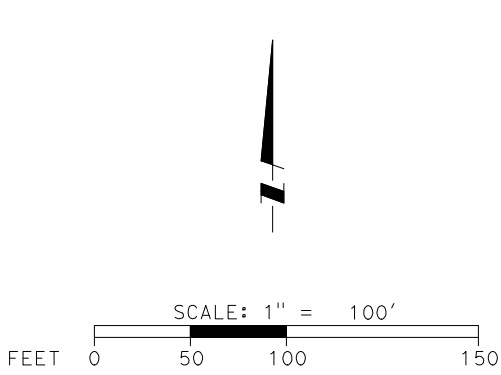
Attachment: CC-Tafa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-391-03_01		3,939 S.F.	3096-391-03

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 27, T5N, R5W, S.B.M.



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

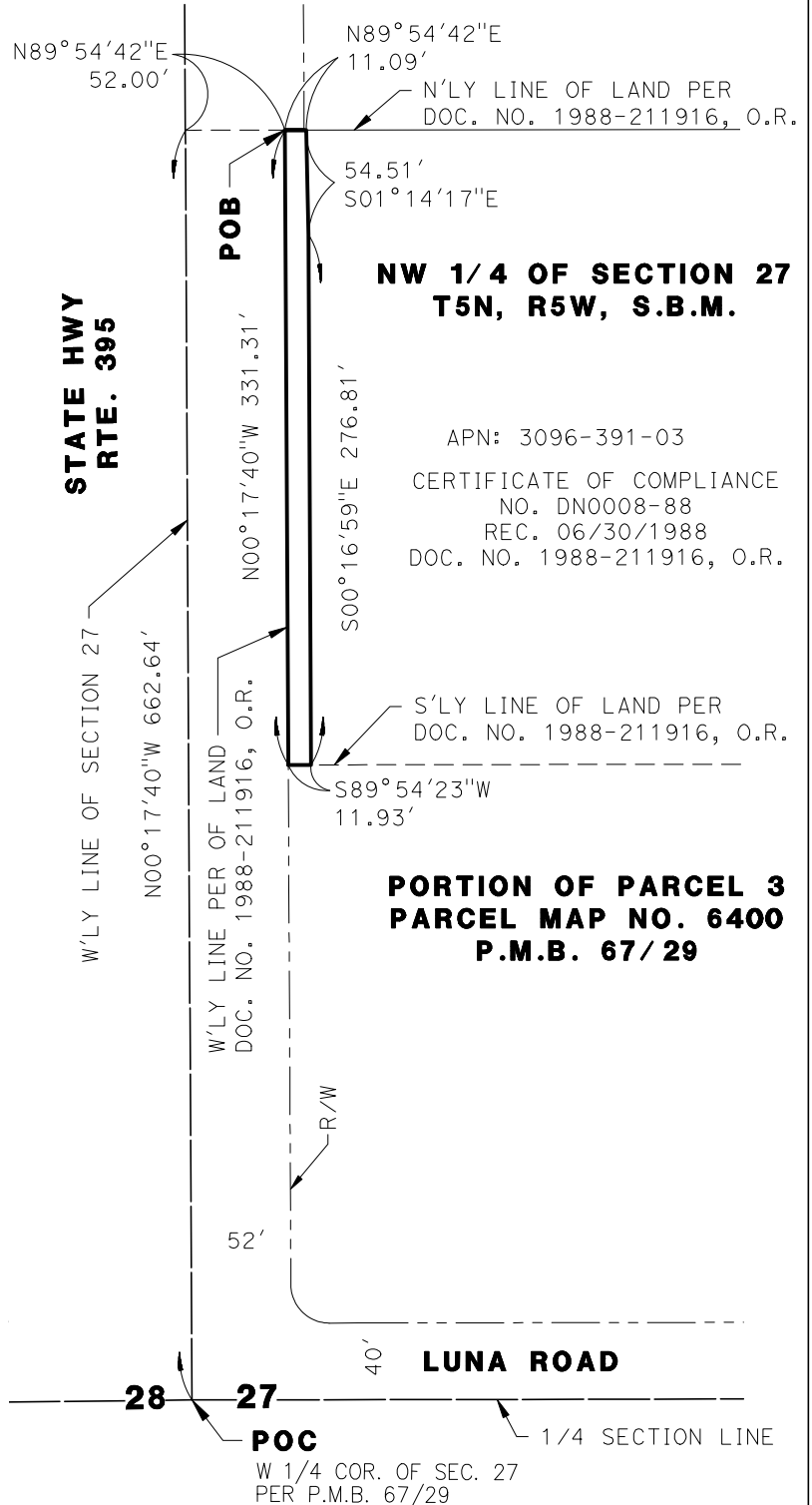
*Tim R. Garcia* 07/27/2024  
TIM R. GARCIA, PLS 9146 DATE

### NOTES

Bearing and distances are on  
CCS 1983 Zone 5 (2007.00 EPOCH).  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

### LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/27/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	10.26	1	1

Attachment: CC-Tafa - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# **RESOLUTION OF NECESSITY No. 25-042**

## **DOS3SRK INVESTMENTS, LLC PROPERTY**

**(APNs 3096-381-01 and 3096-381-09)**

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION NO. 25-042**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 3096-381-01 and 3096-381-09.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, portions of the real property located on the southeast corner of Dos Palmas Road and US Highway 395, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto, a permanent drainage easement as legally described and depicted in Exhibit "2" hereto, and two temporary construction easements as legally described and depicted in Exhibits "3" and "4" hereto (collectively, the "Property Interests"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "4" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "1"

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3096-381-01 & 09\_01**

That portion of the land within the North one-half (1/2) of the North one-half (1/2) of the North one-half (1/2) of the Northwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded January 12, 2022 as Document No. 2022-0015531 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Northwest corner of said Section 27, as shown on Parcel Map No. 17589, filed in Book 213, Pages 22 and 23 of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 27 South 00°17'40" East 71.29 feet;

Thence easterly leaving said westerly line North 89°42'20" East 62.00 feet to a point on the easterly line of the land described in the Irrevocable Offer of Dedication recorded December 16, 2011, as Document No. 2011-0535069 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence northeasterly leaving said easterly line North 44°54'58" East 55.16 feet to the southerly line of the land described in the Irrevocable Offer of Dedication recorded August 24, 2005, as Document No. 2005-0626551 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said southerly line South 89°56'49" West 39.15 feet to said easterly line of the land described in Document No. 2011-0535069 of Official Records;

Thence southerly along said easterly line South 00°17'40" East 39.02 feet to the **Point of Beginning**.

Containing 764 square feet (0.02 acres) more or less.

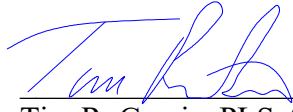
**Together** with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

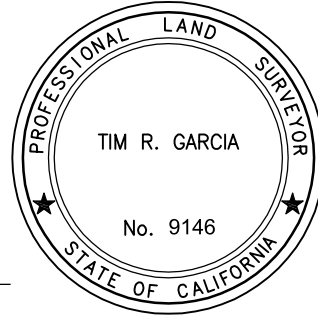
Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/27/2024  
Date: \_\_\_\_\_

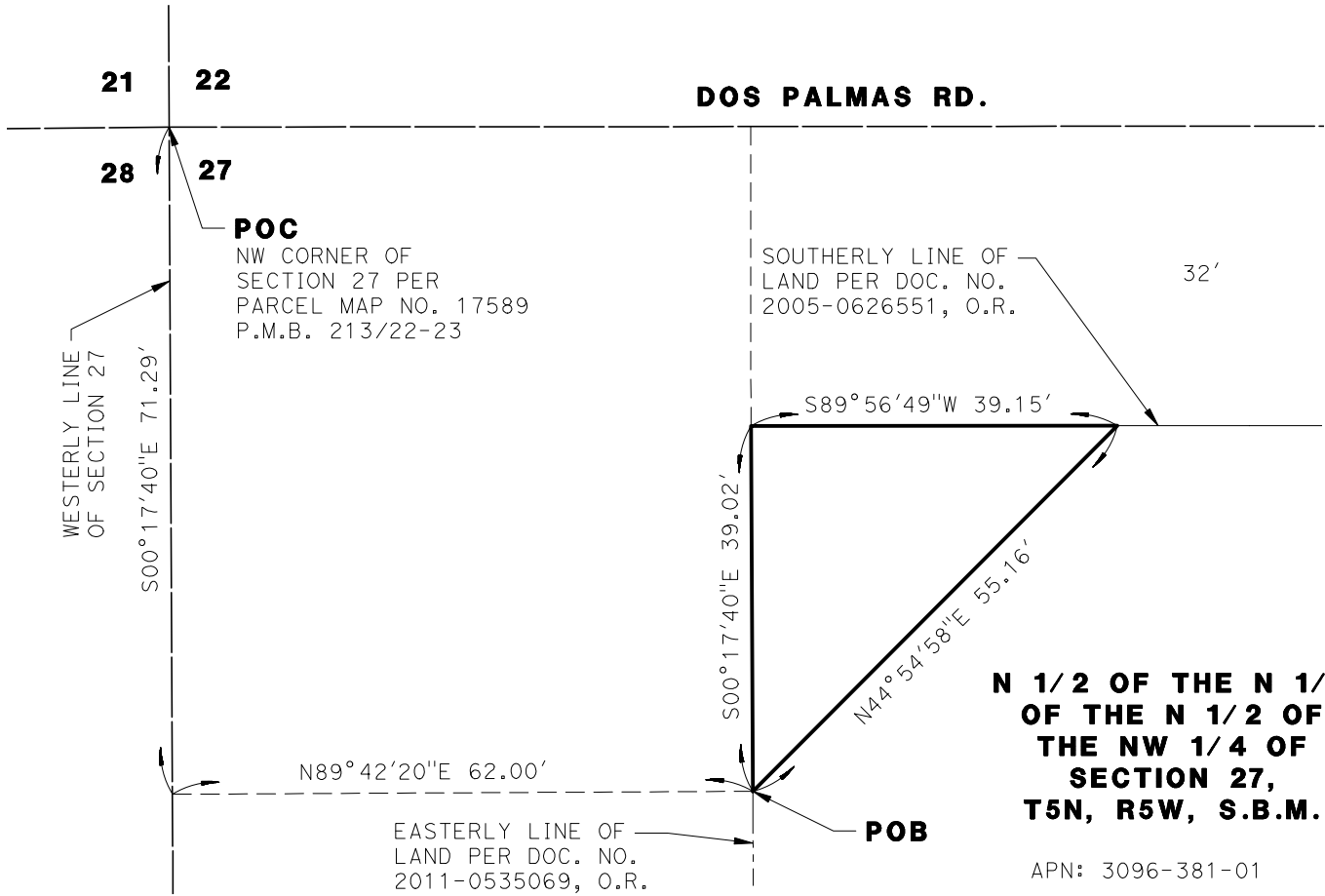


Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-381-01 & 09_01		764 S.F.	3096-381-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC.27, T5N, R5W, S.B.M.



**N 1/2 OF THE N 1/2  
OF THE N 1/2 OF  
THE NW 1/4 OF  
SECTION 27,  
T5N, R5W, S.B.M.**

APN: 3096-381-01

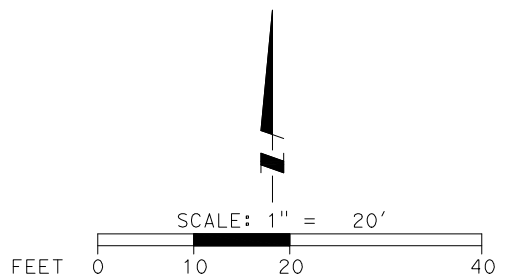
DOC. NO. 2022-0015531, O.R.

**NOTES**

Bearings and Distances are on  
CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain  
ground distances. All distances are  
in feet unless otherwise noted.

**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED  
UNDER MY DIRECTION:

*Tim R. Garcia* 07/27/2024  
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 07/27/2024		DRAFTED BY: MNS		REV.:	EA: OF633
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	10.65	1	1

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "2"

PERMANENT EASEMENT (DRAINAGE)  
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 3096-381-09

This Permanent Easement (Drainage) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations described herein ("Drainage Easement"). The Drainage Easement shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for purposes of constructing, replacing, removing, maintaining, repairing, relocating, and adjusting, as applicable, surface and subsurface drainage, elements, structures and appurtenances thereto.

The owner(s) and occupant(s) of the real property subject to the Drainage Easement shall not construct any permanent improvements within the area described and depicted in the attached Exhibits "A" and "B" that would impede SBCTA's rights as defined herein, or otherwise modify, block, and/or divert surface drainage flow patterns and/or capacity along or near the US Highway 395 or arterial cross-street to US Highway 395. The affected portion of the easement area will be restored to grade and any existing pavement material that is removed will be replaced with functionally equivalent pavement material.

The rights and obligations of SBCTA and the owner(s) of the real property subject to the Drainage Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the property owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Drainage Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Drainage Easement subject to the same rights and limitations described herein.

EXHIBIT "A"  
LEGAL DESCRIPTION

Parcel: 3096-381-01 & 09\_02

That portion of Parcel 2 of Parcel Map No. 17589, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 213, Pages 22 and 23 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 27, as shown on said Parcel Map;

Thence southerly along the westerly line of said Section 27, South 00°17'40" East 331.31 feet to the westerly prolongation of the northerly line of said Parcel 2;

Thence easterly along said westerly prolongation line North 89°56'28" East 62.00 feet to the westerly line of said Parcel 2;

Thence southerly along said westerly line South 00°17'40" East 86.17 feet and the **Point of Beginning**;

Thence easterly leaving said westerly line North 89°53'35" East 20.47 feet;

Thence South 00°06'25" East 40.00 feet;


Thence South 89°53'35" West 20.34 feet to said westerly line of Parcel 2;

Thence northerly along said westerly line North 00°17'40" West 40.00 feet to the **Point of Beginning**.

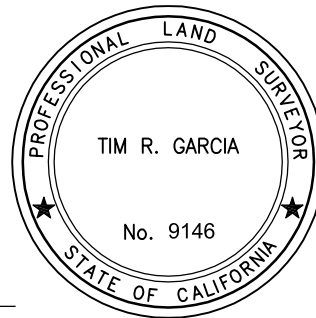
Containing 816 square feet (0.02 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/27/2024  
\_\_\_\_\_  
Date:

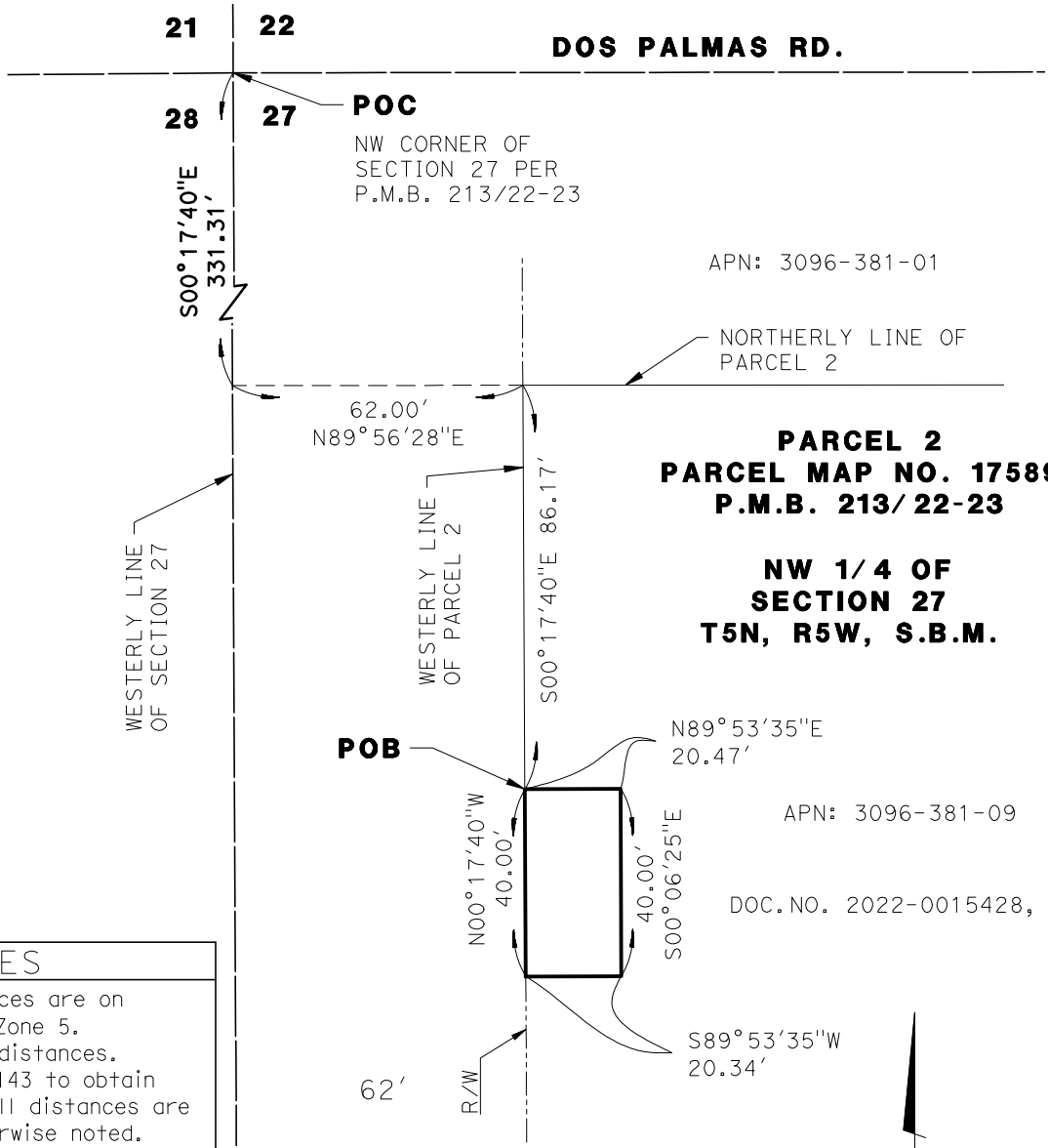


Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-381-01 & 09_02		816 S.F.	3096-381-09

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC.27, T5N, R5W, S.B.M.

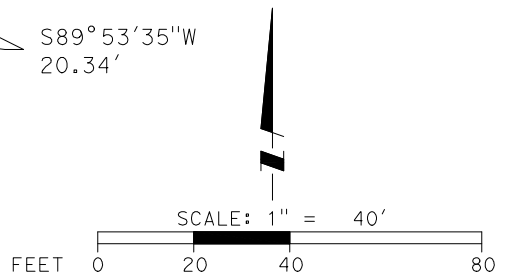


### NOTES

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 07/27/2024  
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:  
**PSOMAS**  
1650 Spruce St., Suite 400  
Riverside, Ca 92507  
(951) 787-8421 www.psomas.com

DATE: 07/27/2024		DRAFTED BY: MNS		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	10.59	1	1

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "3"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3096-381-01**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be non-exclusive and for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3096-381-01 & 09\_03**

That portion of Parcel 2 of Parcel Map No. 17589, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 213, Pages 22 and 23 of Parcel Maps, in the office of the County Recorder of said County, lying within the Northwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

**Commencing** at the Northwest corner of said Section 27, as shown on said Parcel Map;

Thence southerly along the westerly line of said Section 27, South 00°17'40" East 331.31 feet to the westerly prolongation of the northerly line of said Parcel 2;

Thence easterly along said westerly prolongation line North 89°56'28" East 62.00 feet to the westerly line of said Parcel 2 and the **Point of Beginning**;

Thence southerly along said westerly line South 00°17'40" East 86.17 feet;

Thence easterly leaving said westerly line North 89°53'35" East 5.47 feet;


Thence North 00°06'25" West 86.17 feet to the northerly line of said Parcel 2;

Thence westerly along said northerly line South 89°56'28" West 5.75 feet to the **Point of Beginning**.

Containing 483 square feet (0.01 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

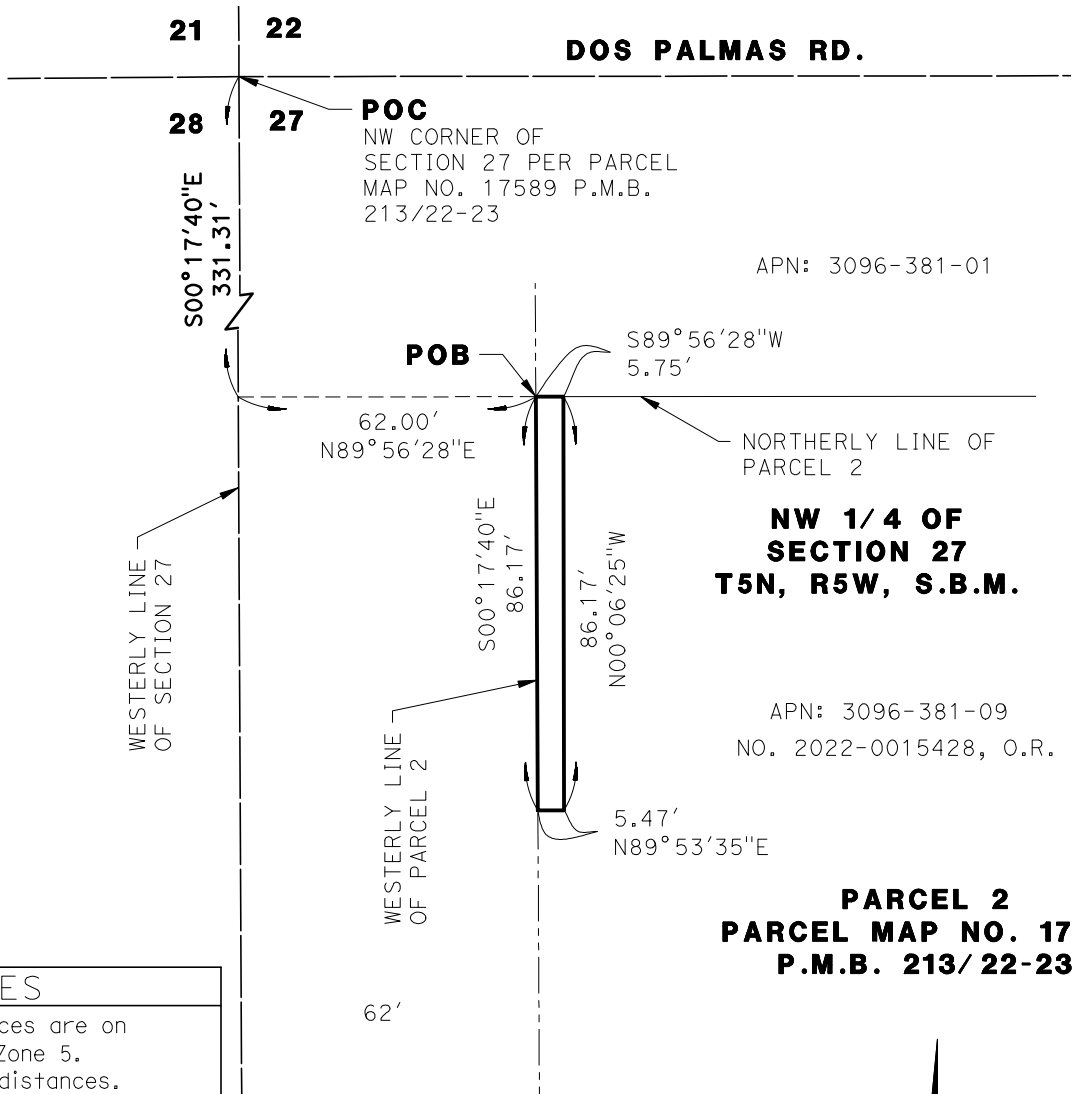
07/27/2024  
\_\_\_\_\_  
Date:



Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-381-01 & 09_03	TEMPORARY CONSTRUCTION EASEMENT	483 S.F.	3096-381-09



APN: 3096-381-01

**NW 1/4 OF SECTION 27  
T5N, R5W, S.B.M.**

APN: 3096-381-09  
NO. 2022-0015428, O.R.

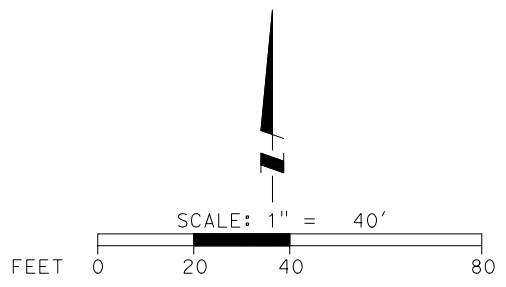
**PARCEL 2  
PARCEL MAP NO. 17589  
P.M.B. 213/22-23**


### NOTES

Bearings and Distances are on CCS 1983 (2007.00) Zone 5. Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- PARCEL LINE
- SECTION LINE
- RIGHT OF WAY LINE
- APN ASSESSOR PARCEL NUMBER
- S.F. SQUARE FEET
- R/W RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:  
  
 07/27/2024  
 TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/27/2024	DRAFTED BY: MNS	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	10.59	1	1

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "4"

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No. 3096-381-09**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be non-exclusive and for a period of sixty (60) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities and shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**Parcel: 3096-381-01 & 09\_04**

That portion of the land within the North one-half (1/2) of the North one-half (1/2) of the North one-half (1/2) of the Northwest one-quarter (1/4) of Section 27, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded January 12, 2022, as Document No. 2022-0015531 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the Northwest corner of said Section 27, as shown on Parcel Map No. 17589, filed in Book 213, Pages 22 and 23 of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 27 South 00°17'40" East 331.31 feet to the intersection of the westerly prolongation of the northerly line of Parcel 2 of said Parcel Map;

Thence easterly along said prolongation line North 89°56'28" East 62.00 feet to the easterly line of the land described in the Irrevocable Offer of Dedication recorded December 16, 2011 as Document No. 2011-0535069 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence northerly along said easterly line North 00°17'40" West 260.28 feet;

Thence northeasterly leaving said easterly line North 44°54'58" East 55.16 feet to the southerly line of the land described in the Irrevocable Offer of Dedication recorded August 24, 2005, as Document No. 2005-0626551 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said southerly line North 89°56'49" East 14.13 feet;

Thence southwesterly leaving said southerly line South 44°54'58" West 65.81 feet;


Thence South 00°06'25" East 252.74 feet to said northerly line of Parcel 2;

Thence westerly along said northerly line South 89°56'28" West 5.75 feet to the **Point of Beginning**.

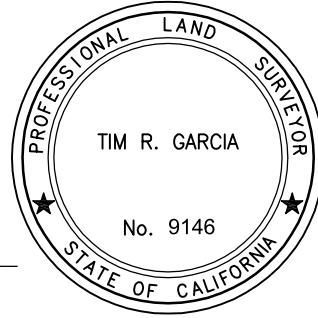
Containing 2,188 square feet (0.05 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

07/27/2024  
\_\_\_\_\_  
Date:

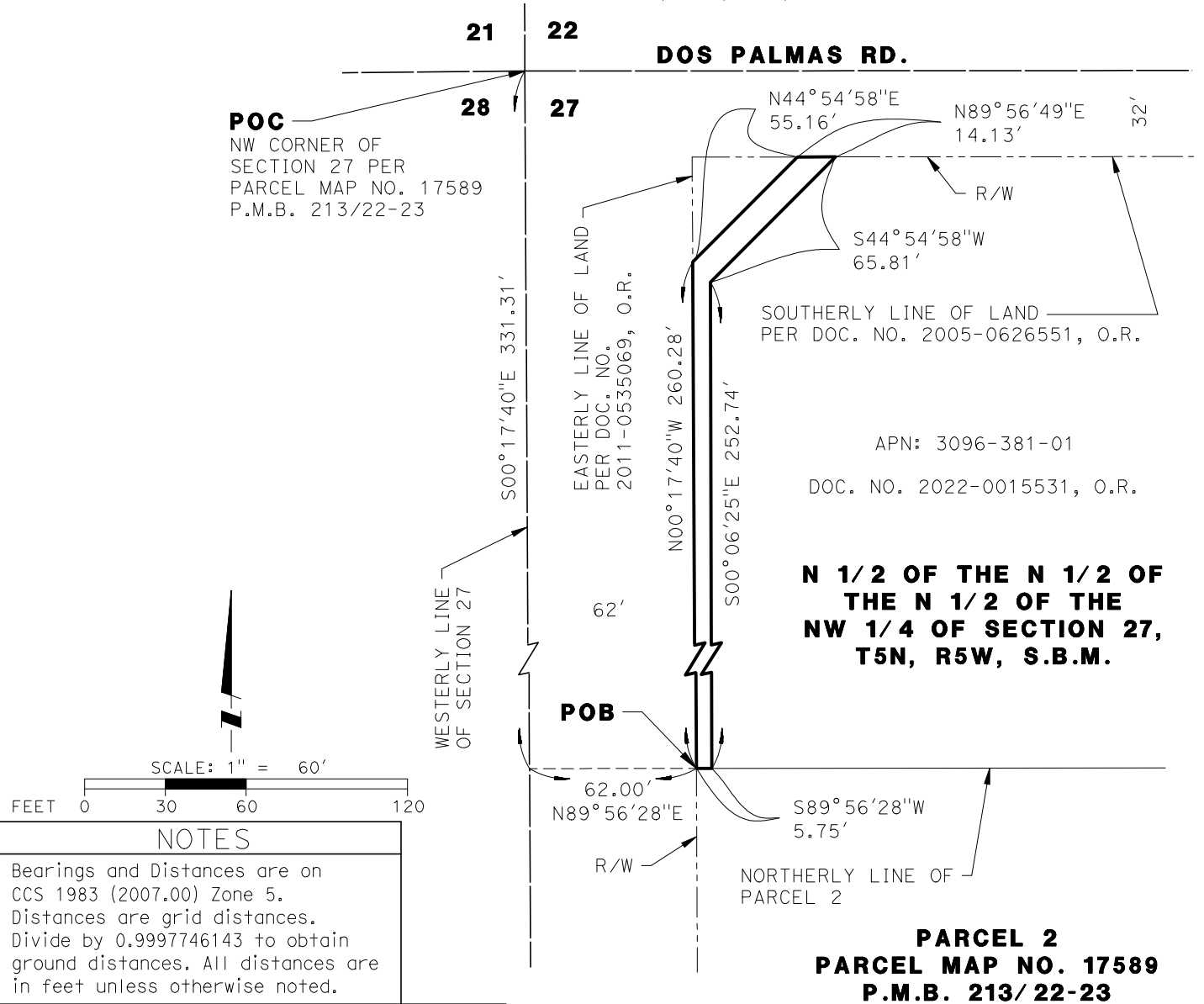


Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-381-01 & 09_04	TEMPORARY CONSTRUCTION EASEMENT	2,188	3096-381-01

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC.27, T5N, R5W, S.B.M.



**NOTES**

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.  
Distances are grid distances.  
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

*Tim R. Garcia* 07/27/2024  
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 07/27/2024		DRAFTED BY: MNS		REV.:	EA: OF633
	DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
	08	SBD	395	10.65	1	1

Attachment: DD-DOS3SRK - Final RON (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

**RESOLUTION OF NECESSITY No. 25-033**  
**DR. PREM REDDY FAMILY FOUNDATION**  
**PROPERTY**  
**(APN 3103-571-03)**

Attachment: FF\_Reddy - Final RON (removing 2nd take) (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)



**RESOLUTION NO. 25-033**

**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3103-571-03.**

**WHEREAS**, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

**WHEREAS**, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; and

**WHEREAS**, the Project requires the acquisition of property or property interests from public and private parties; and

**WHEREAS**, the Project will be a transportation improvement project serving the public interest; and

**WHEREAS**, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

**WHEREAS**, a portion of the real property located on the southeast quadrant of US Highway 395 and Palmdale Road, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a permanent slope easement as legally described and depicted in Exhibit "1" hereto ( the "Property Interest"); and

**WHEREAS**, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

**WHEREAS**, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

**WHEREAS**, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

**WHEREAS**, SBCTA provided written notice to the City of Victorville as required by subsection (c) of California Public Utilities Code section 130220.5; and

**WHEREAS**, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for November 6, 2024 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1<sup>st</sup> Floor, 1170 W. 3<sup>rd</sup> Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interest is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent the Property Interest, or any portion thereof, is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interest, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on November 6, 2024 by the following votes:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Ray Marquez, Board President  
San Bernardino County Transportation Authority

\_\_\_\_\_  
Marleana Roman, Clerk of the Board  
San Bernardino County Transportation Authority

Attachment: FF\_Reddy - Final RON (removing 2nd take) (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "1"

**PERMANENT EASEMENT (SLOPE)**  
**ATTACHMENT TO LEGAL DESCRIPTION**  
**Parcel No. 3103-571-03**

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel: 3103-571-03\_01**

That portion of the land within the Southwest one-quarter (1/4) of Section 22, Township 5 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded December 15, 2009 as Document No. 2009-0556094 of Official Records, in the office of the County Recorder of said County, described as follows:

**Commencing** at the West one-quarter (1/4) corner of said Section 22, as shown on Parcel Map No. 17494, filed in Book 235, Pages 45 through 48, inclusive, of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the westerly line of said Section 22 South 00°13'19" East 627.72 feet to the intersection of the westerly prolongation of the southerly line of the land described in the Trust Transfer Deed recorded December 29, 1989 as Document No. 1989-807711 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said prolongation line North 89°53'39" East 37.11 feet to a point on the easterly line of the land described as Parcel 8933-1 of the Amended Final Order of Condemnation, Case No. VCV020406, recorded November 28, 1994 as Document No. 1994-471270 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence southerly along said easterly line South 01°13'58" East 282.04 feet;

Thence westerly continuing along said easterly line South 88°45'49" West 2.93 feet;

Thence southerly continuing along said easterly line South 00°49'54" East 312.23 feet to the northerly line of the Remainder parcel as shown on said Parcel Map No. 17494;

Thence easterly along said northerly line North 89°55'16" East 14.35 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 20,065.00 feet, a radial line from said beginning bears North 89°44'00" East;

Thence northerly along said non-tangent curve through a central angle of 00°57'40", an arc length of 336.56 feet;


Thence North 01°13'40" West 257.77 feet to the southerly line of said land of Document No. 1989-807711 of Official Records;

Thence westerly along said southerly line South 89°53'39" West 12.10 feet to the **Point of Beginning**.

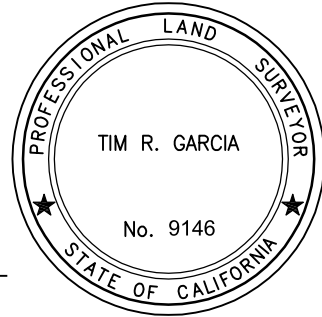
Containing 8,116 square feet (0.19 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).

  
\_\_\_\_\_  
Tim R. Garcia, PLS 9146

08/07/2024  
\_\_\_\_\_  
Date:



Attachment: FF\_Reddy - Final RON (removing 2nd take) (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

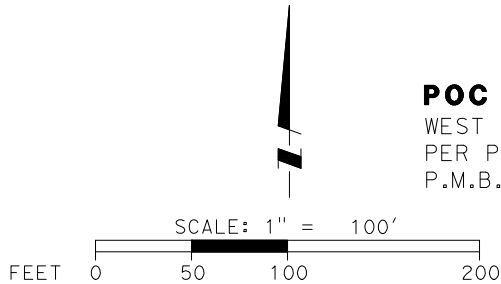


# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3103-571-03_01		8,116 S.F.	3103-571-03

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 SEC. 22, T5N, R5W, S.B.M.

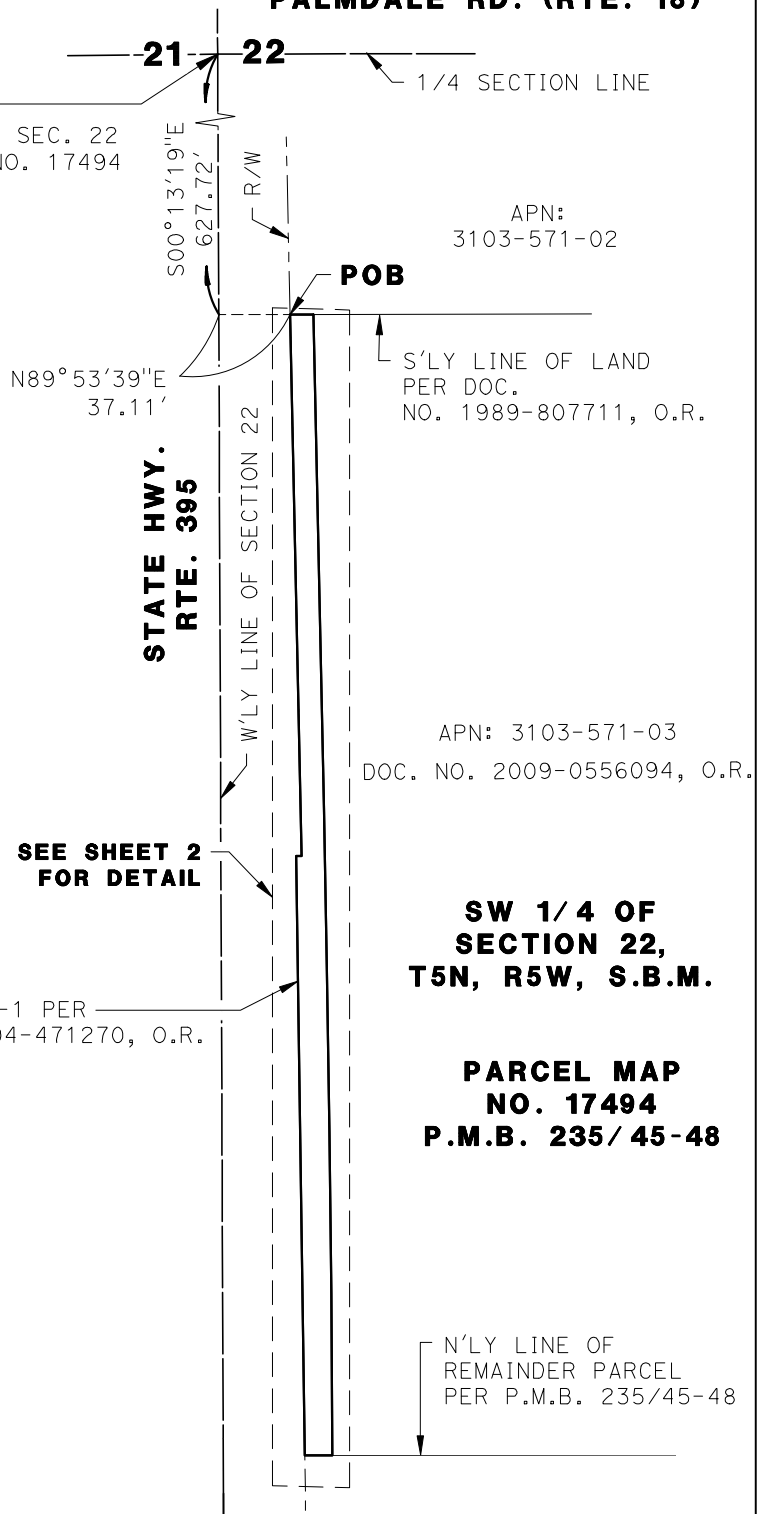
**PALMDALE RD. (RTE. 18)**



THIS EXHIBIT WAS PREPARED  
 UNDER MY DIRECTION:

TIM R. GARCIA, PLS 9146

08/07/2024  
 DATE



**SEE SHEET 2  
 FOR DETAIL**

**SW 1/4 OF  
 SECTION 22,  
 T5N, R5W, S.B.M.**

**PARCEL MAP  
 NO. 17494  
 P.M.B. 235/ 45-48**

### NOTES

Bearings and distances are on  
 CCS 1983 Zone 5 (2007.00 EPOCH).  
 Distances are grid distances.  
 Divide by 0.9997746143 to obtain  
 ground distances. All distances are  
 in feet unless otherwise noted.

### LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- LIMITS OF DESCRIPTION
- SECTION LINE
- - - - RIGHT OF WAY LINE
- PARCEL LINE
- S.F. SQUARE FEET
- R/W RIGHT OF WAY
- APN ASSESSOR PARCEL NUMBER

PREPARED BY:

**PSOMAS**

1650 Spruce St., Suite 400  
 Riverside, Ca 92507  
 (951) 787-8421 www.psomas.com

DATE: 08/07/2024

DRAFTED BY: MS

REV.:

EA: 0F633

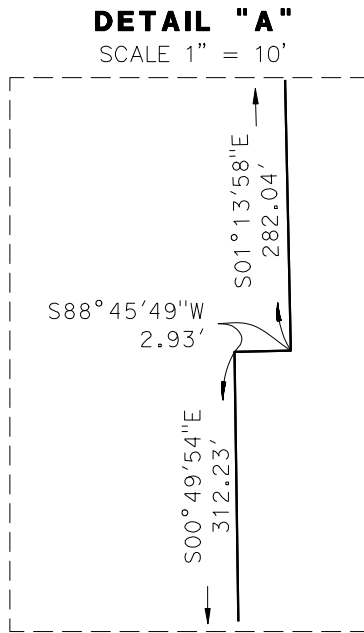
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	11.03	1	2

Attachment: FF\_Reddy - Final RON (removing 2nd take) (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

# EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3103-571-03_01		8,116 S.F.	3103-571-03

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
SEC. 22, T5N, R5W, S.B.M.

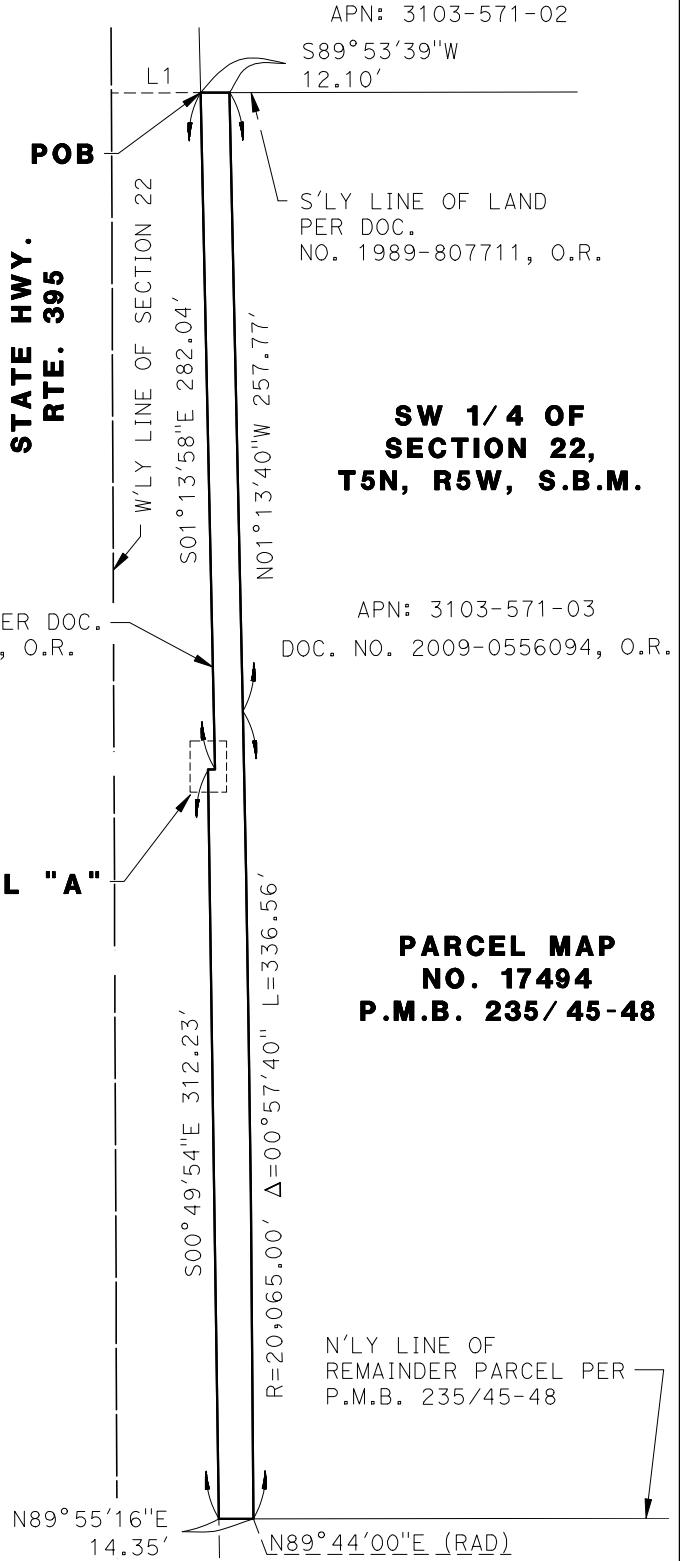


NO.	BEARING	DISTANCE
L1	N89°53'39"E	37.11'

**NOTES**  
Bearings and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
(RAD)	RADIAL BEARING
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY: <b>PSOMAS</b> 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 08/07/2024	DRAFTED BY: MS	REV.:	EA: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	11.03	2	2



**SW 1/4 OF SECTION 22, T5N, R5W, S.B.M.**

**PARCEL MAP NO. 17494 P.M.B. 235/45-48**

Attachment: FF\_Reddy - Final RON (removing 2nd take) (10986 : US 395 Phase 2 Resolutions of Necessity Hearing)

## *Minute Action*

AGENDA ITEM: 30

***Date:*** November 6, 2024

***Subject:***

Use of Upland Surplus Sale Proceeds Update

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority:

~~A. Consider options for allocation of the \$1,595,305.10 revenue from the sale of the properties located at 201 299 East Stowell Street, Assessor's Parcel Number (APN) 1046 605 01; and 120 South Euclid Avenue, APN 1046 605 02 and APN 1046 605 03, in the City of Upland across from the Upland Metrolink Station (Upland Surplus Properties) and choose an option.~~

~~B. Direct staff to effect the chosen option for allocation of said revenue.~~

**A. Approve the Transit Committee's recommendation as follows:**

- i. Allocate \$500,000 of revenue from the sale of Upland Surplus Properties to the City of Upland to develop construction documents for a mixed-use parking structure located at the southeast corner of North 1<sup>st</sup> Avenue and East C Street.**
- ii. Approve the remaining \$1,059,305.10 sales proceeds for use on other projects, which in this case is management of rail assets.**
- iii. Allow the City of Upland to request allocation of \$1,059,305.10, equivalent to the remaining sales proceeds, for construction of the mixed-use parking structure within the next twelve months.**

**B. Authorize the Executive Director or his designee, to negotiate and return to the Board for approval, a funding agreement with the City of Upland with the minimum terms and conditions outlined in Exhibit B, subject to approval of Recommendation A.**

**C. Direct staff to prepare a policy establishing parameters by which discretionary transit and rail funding is used by local jurisdictions for transit and rail parking and station improvements for presentation to the Transit Committee no later than April 2025.**

**D. Approve an exception to Policy No. 10400, Surplus Real Property, Section III (5), for the allocation described in Recommendation A(i).**

***Background:***

At the April 2023 Transit Committee meeting, the committee considered options for the allocation of the sale proceeds of the Upland Surplus Properties. At that time, the Transit Committee recommended that the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) direct staff to hold sale proceeds for the City of Upland (City) project for parking improvements at the Upland Metrolink Station (Station) for one year and report back to the Board the City's plan for the allocation of the sale proceeds, at which time the Board would re-evaluate the allocation of the sale proceeds. **During the public comments, the Mayor of the City of Upland shared that the City of Upland was in the process of conducting a study and the Transit Committee expressed interest in giving the City time to complete the study with an expectation that the results would be brought back in one year.** In April 2024,

*Entity: San Bernardino County Transportation Authority*

staff returned to the Transit Committee to re-evaluate the allocation of the sale proceeds of the Upland Surplus Properties, where the Committee had recommended that the Board further grant another six months for evaluation. **The outcome of the study which was in progress in 2023 was not discussed at the April 2024 Transit Committee meeting, however the City has since provided clarification concerning the referenced study.**

When the Board declared 201-299 East Stowell Street, Assessor's Parcel Number (APN) 1046-605-01; and 120 South Euclid Avenue, APN 1046-605-02 and APN 1046-605-03, known as the Upland Surplus Properties, to be surplus in April 2016, the Board directed that the revenue generated from the sale be allocated toward additional parking for the Station. The Board also directed staff to work with the (City) on an agreement, which was to be approved prior to the sale of the properties, for additional parking to be constructed on City-owned land in the vicinity of the Station. At the time, parking demand at the Station was close to full capacity, **and the understanding was that the additional parking be provided as close as possible to the Metrolink station, either at the City-owned parking lot on the southwest corner of Stowell Street and 2<sup>nd</sup> Avenue on the south side of the tracks or just across A Street, at the northwest corner of A Street and 3<sup>rd</sup> Avenue.**

The Upland Surplus Properties were not sold in 2016 for lack of any offers close to the then appraised value of \$3,290,000. In 2020, an updated appraisal of the Upland Surplus Properties placed the collective value at \$1,470,000, approximately 45% of what it was appraised five years earlier. At the November 10, 2021, Transit Committee meeting, it was recommended that the Board approve the purchase and sale agreements for the Upland Surplus Properties as SBCTA Contract No. 22-1002709 and Contract No. 22-1002710. Additionally, at the November 2021 meeting, the prior Board action regarding the allocation of the proceeds from the sales towards additional parking for the Station came up in discussion and the need for such additional parking was in question. Consequently, the Committee requested that staff return to the Transit Committee with alternatives for the use of the proceeds from the sales.

### **Boarding, Alighting, and Parking Utilization**

#### Update in the last six months:

At the time of the April 2024 Transit Committee, Southern California Regional Rail Authority (SCRRA) only had boarding data through December of 2023, the six-month average of daily weekday boardings at the Station was approximately 233, which was 4.8% greater than the prior six-month average. SCRRA currently has boarding data through June of 2024 and the six-month running average is approximately 229, which is roughly the same as the prior six-month average with only a 1.4% decrease. Generally, the number of boardings at the Station continues to trend upward, with the 12-month average daily boardings increasing roughly 5% from 219 for Fiscal Year (FY) 2022/2023 to 231 for FY 2023/2024.

#### Previously reported Boarding, Alighting, and Parking Utilization:

To demonstrate the need for additional parking, staff collected boarding, alighting, and parking utilization data. The 12-month moving average of daily boardings and daily alightings at the Station for 2016 and 2017 was 527. During this time period, the parking lots were regularly at around 95% occupancy, based upon aerial photography, with roughly a 40% ratio between the average of daily boardings and daily alightings and the number of parking spaces occupied at the Station.

The 12-month moving average of daily boardings and daily alightings at the Station for 2018 and 2019 was 455. During this time period, the parking lots were observed to be at peak occupancy of 75% and 50% respectively, based upon aerial photography, with ratios between the average of daily boardings and daily alightings and the number of parking spaces occupied at the Station of 40% and 25%, respectively. The decrease in the occupancy of the parking lots and the 12-month moving average of daily boardings and daily alightings at the Station have been attributed to the implementation of a paid parking program at the Station parking lots.

The 12-month moving average of daily boardings and daily alightings at the Station for the month of February 2020 was 467, pre-COVID-19 (COVID), and for the months of February 2023 and January 2024, this moving average was 209 and 225, respectively. The further decrease in the 12-month moving average of daily boardings and daily alightings at the Station is attributed to the system wide decreases observed in the wake of COVID.

The scenario which generates the greatest demand for parking, from the latest ridership forecast commissioned by SCRRA, assumes a recovery of steady state occupancy rates for office spaces to reach 95% by 2027 and forecasts a 92% recovery of pre-COVID ridership numbers by 2027. The system wide 12-month moving average number of daily boardings and daily alightings was (43,178) from February 2019 through February 2020, just before COVID. In February 2023, this system wide metric had recovered to 38.5% of the pre-COVID number, and as of January 2024, the system wide metric is at 44.1% of the pre-COVID numbers. The Station has had, comparatively, a faster recovery at 44.9% in February 2023 and 48.2% in January 2024, which may be attributed to the discontinuation of the imposition of parking fees during and post COVID.

If the boardings and alightings at the Station were to recover to 92% of what they were before the paid parking program was implemented and the ratio between boardings, alightings, and peak parking demand remained at 40%, then the Metrolink rider demand for the Station parking lot spaces is projected to be 85% of existing capacity. In any Metrolink ridership scenario with less than a 92% recovery, the Metrolink rider demand for Station parking lot spaces can reasonably be expected to be less than 85% of the existing capacity.

On February 24, 2023, the SCRRA Board unanimously adopted the use of the Low Growth Scenario for SCRRA's FY 2024 Budget. This is in light of a system wide boardings shortfall of 28% from the forecasted 58% recovery used for their FY 2023 Budget to an actual recovery of 42% as of February 2023. In the Low Growth Scenario, the projected recovery by FY 2027 is only 61%, which would further indicate that the parking demand recovery discussed above is an unlikely scenario and Metrolink ridership metrics indicate we should reasonably expect lower demand than the theoretical levels discussed above.

### **City Efforts**

#### **Update in the last six months:**

Since the April 2024 Transit Committee meeting, the City of Upland engaged the services of Watry Design, Inc. (Watry) to complete a schematic design and preliminary engineering for a multi-story parking structure at the southeast corner of C Street and 1st Avenue in Downtown Upland. Four workshops have been held with Downtown stakeholders, Planning Commission, and City Council. The conceptual parking structure design has been completed and Watry Design is currently working on schematic design and preliminary engineering. The final design and

supplementary plans and exhibits will be completed in November 2024 and will be presented to the City Council in December 2024.

City staff will begin the entitlement and California Environmental Quality Act (CEQA) process in January 2025 and prepare an Addendum to the Program Environmental Impact Report for the Downtown Upland Specific Plan and a Development Plan Review for the parking structure, which will be reviewed by the Planning Commission and City Council. The project will be fully entitled no later than May 2025.

The City has also been pursuing funding to construct the project through the City's lobbyist in Washington D.C. and through contacts in Sacramento and will continue with the goal of securing funding by the time the construction documents have been completed and the project is shovel ready. Watry Design can complete the construction documents by September 2025, or approximately four months after the project is entitled, at an estimated cost of roughly \$500,000. In summary, the City plans to have construction documents ready for the multi-story parking structure project within 12 months.

City staff requested that the Transit Committee consider forwarding the following recommendations to SBCTA's Board:

- To provide the City a 12-month extension on the roughly \$1.6 million in proceeds from the sale of SBCTA's Upland Surplus Properties. In 12 months, the City anticipates that it will have construction ready documents and will be prepared to request allocation of the sale proceeds towards construction of the multi-story parking structure project.
- To allocate \$500,000 from the \$1.6 million proceeds for the sale of the Upland Surplus Properties to the City for the preparation of construction documents for the multi-story parking structure project.

Previously reported City updates:

The City released a Request for Proposals on March 19, 2024, to obtain a parking structure consultant to provide conceptual and schematic design and preliminary engineering services for a multi-story parking structure in Historic Downtown Upland. The scope of work requires the City's consultant to evaluate two site alternatives in Downtown to determine the optimal site for a multi-story parking structure. Both sites being evaluated are located at the southeast corner of C Street and 1<sup>st</sup> Avenue, or alternatively at both the southeast and northeast corners of C Street and 1<sup>st</sup> Avenue and are less than a one-quarter mile from the Station, or about a 1,095-foot linear walking distance to the station platforms from the southerly portions of the site alternatives. **(Note: The 1,095-foot linear walking distance (0.21 miles) is inaccurate, see Exhibit A.)** City staff anticipates presentation of the award of the parking structure consultant contract to the City Council on May 27, 2024. Once the preliminary engineering and design scope of work has been completed, the City's consultant will provide the City a complete set of drawings showing concepts, schematics, and design alternatives, including required site and layout drawings, elevations, off-site improvements, general details, and preliminary cost estimates for the parking structure. The City intends to use these plans, and the City consultant will assist the City in their efforts to obtain entitlements for the parking structure in preparation of CEQA clearance. City staff acknowledges that the approximately \$1.6 million of sale proceeds would only cover a fraction of the costs to deliver a parking structure in the area of Historic Downtown Upland; consequently, the City is aggressively pursuing additional funding sources to fully fund and deliver the project. The City anticipates they will have both an approved project and completed

CEQA clearance by 2025 and requests an additional year to present its plan for the allocation of the sale proceeds.

**Additional Background Updates:**

**At the October 2024 Transit Committee Meeting, the Committee again expressed interest in seeing a parking study that evaluates the nexus of the parking needs of the Upland Downtown District and the Upland Metrolink Station and how the proposed parking structure and location would service each.**

**Staff reached out to the City of Upland to request a copy of the study which the City stated they were in the process of conducting in April of 2023, as well as for additional information concerning topics raised by the City in discussion at the October 2024 Transit Committee. The study which the Mayor referenced in his April 2023 public comments was in reference to the scope of work in the Request for Proposals (RFP) that was in the process of being prepared, which the City was going to provide to the parking structure consultants on their distribution list. The original RFP scope of work included the evaluation of seven City owned parking lots in the Downtown area to find the optimal location of the available alternatives. Ultimately, this evaluation was deleted from the scope of work as the City determined that there were only two sites of sufficient size to provide the parking capacity the City desired, and of the two sites the selected 1<sup>st</sup> Avenue & C Street site had the superior proximity to development density, in conjunction with proximity to the Upland Station. The parking lot at 2<sup>nd</sup> Avenue & Stowell Street was never considered due to the inferior proximity to Downtown Upland development and low utilization in comparison to the seven other city owned parking sties that were included in the original RFP scope of work. Although sites such as the parking lot at 3rd Avenue & A Street might not be considered sufficient for the City's desired structure size, a smaller structure could be built there, or supplemental parking could be provided there in its current state as a surface parking lot.**

**In response to requests for sources demonstrating that a parking structure at the proposed location on C Street and 1<sup>st</sup> Avenue provides a benefit to the Upland Metrolink Station, the City relies upon the 2011 Downtown Specific Plan (DSP), and an analysis prepared by Fehr & Peers in 2010. The DSP analysis concluded that at ultimate buildout of the DSP, the Upland Metrolink Station would require an estimated 363 additional parking spaces, as a consequence of increased ridership projected to follow from the economic development of the Downtown Specific Plan area; however, the DSP also projected that at full build out there would exist a parking surplus of 164 parking spaces based upon private developments being required to provide an estimated 650 additional parking spaces. The City has three residential projects in various stages of the development process going on within the Downtown area which will bring a combined total of over 300 new residential units, and the City intends to sell three other parking lots owned by the City to make way for additional residential development in the Downtown area. The 2011 analysis does not take, and could not have taken, into account the behavioral changes brought about by the 2020 COVID lockdowns and shifts in how and when people travel, and may not be a viable document to rely on for planning for Metrolink parking demands. Furthermore, changes in state laws concerning development within a half mile of a major transit stop violate 2011 assumptions around the amount of parking spaces private development could be required to build. Although the DSP quantitative analysis may no longer be reliable, it should be noted that the DSP identified the preferred location for a Metrolink Parking Structure back**

in 2011 as being Stowell Street from 2<sup>nd</sup> Avenue to 1<sup>st</sup> Avenue, which is consistent with language found in the DSP that states, “It is necessary to locate the Metrolink parking facilities adjacent to the station to ensure convenient access for Metrolink riders” which is not something which COVID would have changed.

The City proposed parking structure is currently designed to supply 409 parking spaces at a cost of \$22 million dollars. The estimated cost per parking space is \$53,789.73 each space so \$500,000 of SBCTA funding can be expected to ensure nine parking spaces for the Metrolink Station, or 29 to 30 parking spaces if the Board ultimately provided \$1.6 million towards the parking structure if the Metrolink dedicated parking spaces were apportioned based only on project costs and only in accordance with SBCTA’s contribution. To be consistent with prior SBCTA actions, any new Metrolink parking spaces should be incorporated into the station cooperative agreement, which is how additional parking constructed by the Rialto Metrolink Parking Expansion Project was treated. Under the station cooperative agreement, the parking spaces would be jointly owned 50/50 and consequently any apportionment of spaces to the Metrolink station should not be based solely upon SBCTA’s contribution towards the project but should be matched by the City, in which case 19 or 59 parking spaces, respectively, would be dedicated to the Metrolink station; however, it must be noted that no parking space on the City selected site would be within a quarter mile of the station platforms along Americans with Disabilities Act (ADA) compliant paths of travel.

The location the City has selected for the parking structure is less than a quarter mile from the station ticket kiosk if the path of travel is measured from the southwesterly most corner of the site and takes an alleyway shared with vehicular traffic. SBCTA staff believe that the path of travel must only consider ADA compliant paths of travel, which would exclude consideration of vehicular alleyways and, furthermore, that all actual parking spaces should be located less than a quarter-mile from the station they are intended for, in contrast to only requiring that any portion of the structure property be located within a quarter-mile. The distances shown on the Upland Station Vicinity, Exhibit A, measure from the center of the parking lots located at 3<sup>rd</sup> Avenue and A Street (0.06 miles), 2<sup>nd</sup> Avenue and Stowell Street (0.15 miles), and 1<sup>st</sup> Avenue and C Street (0.28 miles), and from the easterly most parking space on the existing Upland Metrolink Station parking lots (0.23 miles).

During the October Transit Committee, it was suggested that the City of Upland’s downtown parking structure addresses a regional issue because the Brightline Project is coming and when Brightline service arrives, there will be a need to have capacity for people to go to various stations and be able to park. The demand impacts that the Brightline project will have on parking at the stations along the San Bernardino Line beyond the Cucamonga Station are unknown at this time; however, overnight parking and the understanding that Brightline patrons will be traveling with luggage will be key considerations to satisfy parking demand generated by the Brightline service.

#### **Options to consider for allocation of the sale proceeds:**

At the April 10, 2024, Transit Committee meeting, the committee opted to recommend that the Board direct staff to defer the allocation of the approximately \$1.6 million in proceeds from the sale of the Upland Surplus Properties to the General Fund - Rail Assets for six more months, to allow the City time to formalize and present a plan. At the **October 2024 Transit Committee Meeting**, the committee considered the following options: 1.) to allocate the sale proceeds to the



General Fund - Rail Assets to fund railroad property management activities; 2.) to hold the sale proceeds for an additional time frame as determined by the committee and report back after that additional time frame for the Board to re-evaluate allocation of the sale proceeds; 3.) allocate a portion of the sale proceeds to the City for design costs for the multi-story parking structure project on terms and conditions, set forth by the Board or negotiated by SBCTA staff on behalf of the Board, memorialized in a funding agreement; or 4.) other options as the Transit Committee deems appropriate. **The recommendation coming out of Transit Committee was to allocate \$500,000 of the surplus property sales proceeds to the City of Upland to develop construction documents, to free up the remaining sales proceeds, roughly \$1,100,000, for other SBCTA projects, and another one-year extension for the City of Upland to return to SBCTA to request the roughly \$1,100,000 not currently allocated to Upland.**

**If the Board elects to move forward with allocating \$500,000 to the City of Upland to pay for the development of construction documents for a parking structure located at 1<sup>st</sup> Avenue and C Street, Staff recommends that the Board adopt minimum terms and conditions for the funding and require that SBCTA enter into a funding agreement with the City upon such terms and conditions at a minimum.**

**As a fiduciary agent of transportation funded assets, such as portions of the San Gabriel Subdivision which the Board deemed to be surplus and ultimately sold as the Upland Surplus Properties, Exhibit B, Terms Sheet require the following:**

- **SBCTA's contribution to be capped except as otherwise approved by SBCTA's Board.**
- **Metrolink Station parking spaces to be located within a quarter mile walking distance of the station along an ADA certified path of travel.**
- **City to invoice SBCTA for reimbursement with supporting documentation validating the money was spent for the purpose identified by the Board.**
- **SBCTA to reimburse the City within 45 days of receipt of an acceptable invoice.**
- **SBCTA to have the right to audit.**
- **Metrolink parking spaces to remain in operation for their useful life.**
- **Metrolink parking spaces to be incorporated into the Station Cooperative Agreement.**
- **City and SBCTA to indemnify each other for acts or omissions related to the funding agreement or the parking structure project.**
- **City to obtain SBCTA Board approval prior to selling or disposing of the parking structure, and SBCTA to receive a proportionate share of the Fair Market Value of sales proceeds.**
- **City to return SBCTA funds if project is not completed within ten years.**

**In 2016, SBCTA did not have a written policy concerning the proximity of station host provided parking supply for stations or the allocation of surplus property sale proceeds. Concerning station host amenities benefiting a station, the cooperative agreements with the City of Redlands for future rail stations required that the City provide parking spaces for any future stations and that the parking spaces be located within a quarter mile of those San Bernardino County Transportation Authority**

stations. With the construction of the Arrow Service, SBCTA required that the City of Redlands honor this commitment and the City provided parking supply immediately adjacent to the Downtown Redlands and University Stations, one with parking spaces located in a parking structure constructed adjacent to the tracks immediately across from and adjacent to the platforms and the other with a parking lot constructed within the inoperative right of way immediately adjacent to the end of the line station. Permitting the parking spaces within the Upland parking structure to be located within a quarter mile of the station platforms would represent a deviation from how SBCTA has dealt with other station hosts, such as the City of Redlands.

To ensure consistency in SBCTA actions with station hosts providing amenities for the benefit of transit or rail stations, staff recommends that the Board direct staff to develop a policy to be presented to the Board for consideration in the new future. The policy should address basic minimum terms/requirements for the location/benefit of station host provided amenities, which should not be dissimilar to the minimum terms staff is recommending for a funding agreement with the City of Upland should the Board allocate transportation funding to the City of Upland to provide a benefit to the Upland Metrolink Station. Such a policy would communicate a clear and consistent standard for station host amenities, such as requiring that they be located within a quarter mile walking distance along pedestrian designated facilities or ADA compliant paths of travel, i.e., sidewalks, crosswalks.

Concerning the allocation of real property sale proceeds, SBCTA Policy No. 10400, Surplus Real Property, states that “Proceeds from the sale or disposition of the surplus real property shall be returned to the appropriate fund or as otherwise required by law, and by applicable grant, funding or cooperative agreement.” Policy No. 10400, was adopted by the Board in November 2017, subsequent to the Board’s original action which declared the Upland Surplus Properties to be surplus. The portion of the recommendation coming out of Transit Committee freeing up the remaining sale proceeds for other projects will have the effect of allocating the remaining proceeds to the Rail Assets Fund 1080, and is consistent with Policy No. 10400; however, the portion of the recommendation allocating \$500,000 to the city for development of the parking structure construction documents would require an exception to Policy No. 10400.

If the Board finds that the expense of transportation funds for construction of parking spaces located greater than a quarter mile from the Metrolink station at a cost of roughly \$53,800 per parking space if funded solely by SBCTA transportation funds, or \$26,900 a space if the City matches 50% of the costs for the Metrolink spaces, does not comport with SBCTA’s fiduciary responsibility over said funds, and the Board still desires to partner with the City of Upland in the development of a parking structure which will greatly benefit the Upland Downtown area and allow the City to dispose of other parking lots to support higher density development, then funding derived from grants at the State or Federal level would be appropriate. Whether or not SBCTA invests \$1.6 million in the development of the parking structure, there is funding uncertainty concerning where the City will find the estimated additional \$20.4 million to construct the project. The State disfavors parking structures as facilities which only encourage more vehicle miles traveled, and in particular disfavors parking in the vicinity of a major transit stop. City staff has confirmed that no alternatives analysis was performed in selecting the 1<sup>st</sup> Avenue and

**C Street site for the parking structure which may result in environmental challenges for the project’s eligibility for federal funding.**

***Financial Impact:***

Passthrough Upland Surplus Rail Property sale proceeds were not budgeted in FY2024/2025 in Program 30, Transit. Recommendation A(i) & (ii) would be funded with the sale proceeds from Fund 1080 (Rail Assets). A budget amendment recommendation would be presented to the Board concurrently with the funding agreement at a future date.

***Reviewed By:***

This item was reviewed and recommended for approval (7-4-0; Opposed Navarro, McCallon, Dutrey, and Wapner) by the Transit Committee on October 10, 2024.

***Responsible Staff:***

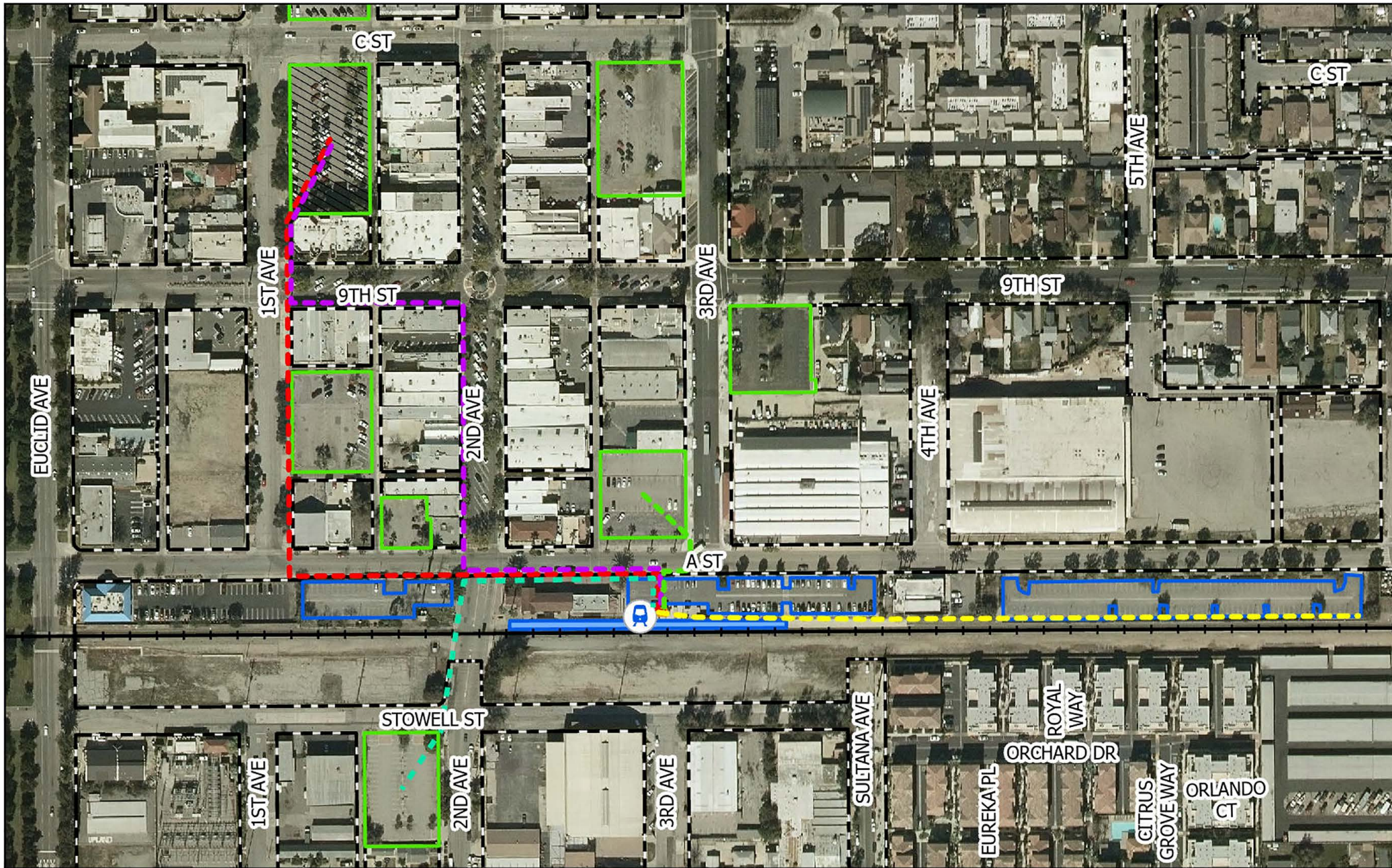
Ryan Aschenbrenner, Right of Way Manager

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:





San Gabriel Subdivision

### Pathing

- - - 1st Ave Path (0.28 mi)
- - - 2nd Ave Path (0.28 mi)
- - - A Street Path (0.06 mi)
- - - Stowell St Path (0.15 mi)
- - - East Station (0.23 mi)

### Areas of Interest

- City Proposed Metrolink Parking
- Existing Station Parking
- Station Platforms
- City Owned Parking Lots
- Station Ticket Kiosk



## Exhibit A - Upland Station Vicinity Map

Attachment: Exhibit A - Upland Vicinity ver11 (11010 : Use of Upland Surplus Sale Proceeds Update)



**Exhibit B**  
**Terms Sheet**

City Project means the design and construction of a parking structure servicing the Upland Metrolink Station with no less than X parking spaces reserved exclusively for Metrolink rail service patrons.

1. SBCTA's allocation towards the City Project shall not exceed \$500,000 unless terms are amended and approved by the SBCTA Board of Directors.
2. All parking spaces within the City Project which are reserved for Metrolink rail service patrons shall be less than 1,320 foot (quarter mile) walking distance from the Metrolink Station platform boarding area, along pedestrian dedicated paths of travel which are ADA compliant pathways.
3. There are 409 anticipated parking spaces of which XXX will be dedicated to the Metrolink station.
4. City will design and construct, or cause to be designed and constructed, the City Project.
5. City certifies that all goods and services associated with the City Project have been procured in a manner consistent with all local, state and federal laws which may be applicable to the City Project.
6. City will submit invoices to SBCTA on a monthly basis for allowable City Project costs incurred.
7. SBCTA shall reimburse the City within forty-five (45) days after receipt of acceptable invoices and documentation from City for allowable City Project costs for final design and/or construction.
8. City certifies that the City Project will be completed and remain in operation for its useful life.
9. City will not dispose of, or otherwise deprive Metrolink rail service patrons of, the reserved parking spaces without SBCTA's prior approval. In the instance of a sale or surplus of real property impacting the Metrolink rail service patron reserved parking spaces, said approval shall be from SBCTA's Board of Directors and conditioned upon SBCTA receiving a proportional share of the then Fair Market Value of the City Project based upon SBCTA's total financial contribution to the City Project and the City's estimated total City Project cost of \$22 million, or other such final total City Project cost later memorialized in an agreement between the City and SBCTA.
10. The portion of the City Project dedicated for the Upland Metrolink Station shall be added to the Station Cooperative Agreement as non-operating property.
11. City agrees to reimburse SBCTA, without interest, the full amount of any and all allocations made to the City of Upland for the City Project if it is not completed before or within the tenth calendar year following the initial allocation. For example, if SBCTA makes an initial allocation in the 2024 calendar year, then the City must reimburse SBCTA if construction of the project is not completed on or before December 31, 2034.
12. SBCTA may perform an audit and/or request detailed project information of the City of Upland at SBCTA's discretion at any time up to December 31 of the calendar year following completion of the project.
13. City and SBCTA shall indemnify one another for any injury, damage, claim, cost, or liability occurring or arising by reason of any act or omission by the indemnifying party in connection with any work, authority or jurisdiction the indemnifying party has under the Agreement.

## *Minute Action*

AGENDA ITEM: 31

***Date:*** November 6, 2024

***Subject:***

Update on the proposed revisions to the 2024 Climate Action Plan for Transportation Infrastructure

***Recommendation:***

Receive an update on the proposed 2024 revisions to the Climate Action Plan for Transportation Infrastructure.

***Background:***

In 2021, the California State Transportation Agency (CalSTA) adopted the Climate Action Plan for Transportation Infrastructure (CAPTI). The program, which followed Governor Newsom's Executive Orders N 19-19 and N 79-20, outlines the state's strategy to recommend the investment of billions of discretionary transportation funds to address the state's climate goal of reducing greenhouse gas emissions. CAPTI was developed just a few short years after the passage of the historic transportation funding package, Senate Bill 1 (SB 1) which generated substantial funding to address the state's long list of transportation infrastructure needs. While SB 1 contains provisions that specify where those resources can be spent, CAPTI's objective is *"where feasible, and within existing funding program structures, the state will invest discretionary transportation funds in sustainable infrastructure projects that align with its climate, health and social equity goals."* The adopted 2021 CAPTI document (Attachment A) has the following guiding principles:

- Building toward an integrated, statewide rail, and transit network.
- Investing in networks of safe and accessible bicycle and pedestrian infrastructure.
- Advancing investments in light, medium, and heavy-duty zero-emission vehicle infrastructure.
- Strengthening the commitment to social and racial equity by reducing public health and economic harms and maximizing community benefits.
- Making safety improvements to reduce fatalities and severe injuries of all users toward zero.
- Assessing physical climate risk for transportation infrastructure projects.
- Promoting projects that do not substantially increase passenger vehicle travel.
- Promoting compact infill development while protecting residents and businesses from displacement.
- Developing a zero-emission freight transportation system.
- Protecting natural and working lands.

During the 2021 CAPTI public review period, San Bernardino County Transportation Authority (SBCTA) submitted comments (Attachment B) expressing our concerns that:

- The state needs to acknowledge and understand the importance of and need for transit operating costs and the current limitations of those funds. Transitioning commuters traveling from the Inland Empire to job centers in the coastal communities will require a substantial increase in both capital and operational transit dollars, which are not readily available at the levels needed to achieve that goal.
- CAPTI's goal of supporting the California Transportation Plan 2050, which is a largely aspirational document, should acknowledge that many of its goals, including the goal to

*Entity: San Bernardino County Transportation Authority*

reduce vehicle miles traveled (VMT) by 30%, are not feasible given the current level of investments. Additionally, before the state sets any VMT reduction goal, it should be led with the technical basis and demonstration of feasibility in a transparent, defensible analysis.

- One size does not fit all, and the state should recognize the wide range of needs and varying degrees of ability to achieve VMT reduction and transit/land use objectives. What may be possible as a strategy in the San Bernardino Valley may not be possible in the Victor Valley or Morongo Basin.
- The land use strategy to reduce vehicle travel must consider that the market ultimately determines what is feasible and that infill or redevelopment sites are more expensive to develop.
- CAPTI must acknowledge that Self-Help Counties, like SBCTA, have a fiduciary responsibility to San Bernardino County residents, who overwhelmingly voted to tax themselves to improve mobility, safety, and congestion. These voters rightfully expect to see the promises made in Measure I fulfilled.

During the first part of this year, CalSTA began a series of CAPTI listening sessions in conjunction with its annual reporting requirement to provide stakeholders with an opportunity to comment on new action ideas for the program. Although the proposed update to CAPTI, captured in the presentation (Attachment C), includes several concepts that SBCTA supports, such as the VMT Mitigation Bank and recognition of new guidelines for rural projects, other proposals create additional challenges for delivering transportation projects in our region:

- Update the Trade Corridor Enhancement Program guidelines to state that projects that mitigate their passenger VMT impacts are more competitive for funding.
- Update the Solutions for Congested Corridors Program guidelines to require that all while continuing existing practice in guidelines to prioritize projects that reduce VMT.
- Codify CAPTI Guiding Principles in statute to ensure the continuation of CAPTI in future administrations.
- Set multi-modal spending goals for the overall CAPTI portfolio of investments.

A draft of the revised CAPTI program is anticipated to be released in early November 2024 for a 45-day comment period. Once the document is formally released, staff will bring an item to the appropriate committees for review. The impact of these revisions on SBCTA's Measure I projects that were not environmentally cleared prior to CAPTI could be significant, such as:

- It could make any of our projects involving lane additions less competitive for SB 1 funding. The Trade Corridor Enhancement Program funds have been particularly critical for SBCTA on our highway projects.
- The cost to mitigate the VMT could be very large. Other counties going through that process have seen estimates of VMT mitigation that are more than the cost of the actual project. A good current example is the Interstate 5 express lanes in Orange County, in which the draft environmental document shows over \$400 million in VMT mitigation on a project that costs less than \$300 million to construct.

***Financial Impact:***

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

***Reviewed By:***

This item has not received prior policy committee or technical advisory committee review. This item is going straight to Board to coincide with the start of the CAPTI public comment period.

Board of Directors Agenda Item  
November 6, 2024  
Page 3

***Responsible Staff:***

Otis Greer, Director of Legislative and Public Affairs

---

Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

San Bernardino County Transportation Authority



# CAPTI

## Climate Action Plan for Transportation Infrastructure

Attachment: CAPTI-July-2021-a11y (11037 : CAPTI Update)



# CAPTI

## Climate Action Plan for Transportation Infrastructure



July 2021 • Final Draft

# Message from David S. Kim

California State Transportation Agency Secretary

Dear Transportation Partners:



We are in the middle of a climate crisis. Climate change is exacerbating natural disasters, with California facing extreme heat and increasingly devastating wildfires. The Administration has been focused on the need to act intentionally and through collaboration among state agencies, local and regional governments, and other interested stakeholders to combat and prepare for climate change.

Because the transportation sector is the largest contributor to California's greenhouse gas emissions (GHG), reducing emissions from transportation is urgently needed. To underscore the state's commitment to aggressively addressing the climate crisis, Governor Gavin Newsom issued a series of Executive Orders focused on the transportation sector:

- **Executive Order (EO) N-19-19** empowers the California State Transportation Agency (CalSTA) to leverage discretionary state transportation funds to help meet the state's climate goals.
- **Executive Order N-79-20** moves the transportation sector toward a zero-emission future by requiring all new cars sold in the state to be zero-emission by 2035 and all commercial trucks sold to be zero-emission by 2045. EO N-79-20 also reiterates the message of EO N-19-19 and emphasizes the urgency of CalSTA's implementation efforts.

Collectively, these Executive Orders laid the groundwork for the Climate Action Plan for Transportation Infrastructure (CAPTI). The Action Plan is the product of a collaborative effort involving many state agencies with the engagement of local and regional stakeholders. By integrating a wide and diverse array of perspectives, this Action Plan is designed to be a holistic framework for aligning state transportation investments with the state's climate, health, and social equity goals. The framework includes overarching guiding principles as well as investment strategies to guide the corresponding actions.

These actions include ongoing initiatives as well as new efforts to modernize transportation planning, programming, and mitigation to achieve the state's climate goals. This includes promoting walking, biking, transit, and other modes of active transportation that improve the health of Californians and reduce our dependence on driving and the overall number of vehicle miles traveled (VMT).

We must encourage mobility options that are sustainable, convenient, seamless, and affordable while also connecting our communities throughout the state. These actions also confront longstanding inequities and focus on reducing harms and increasing benefits to disadvantaged, low-income, and Black, Indigenous, and People of Color (BIPOC) communities. CAPTI provides a durable framework that can evaluate actions for effectiveness over time and where actions can be adapted and modified when necessary.

# Acknowledgments

The Action Plan was produced over 18 months through the efforts of dozens of representatives across 10 state agencies and countless local and regional agencies, advocacy groups, and community-based organizations.

In particular, CalSTA extends our sincere appreciation to the dedicated public servants who participated in our Interagency Working Group and provided meaningful contributions to the final Action Plan.

Additionally, we express deep gratitude to all our local and regional partners and stakeholders whose thoughtful comments, feedback, and expertise helped to shape and ultimately improve this Action Plan.

## Interagency Working Group Members

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Darwin Moosavi, Avital Barnea, Lori Pepper, Natalie Fowler

*California Transportation Commission*  
Laura Pennebaker, Matthew Yosgott

*California Department of Transportation*  
Jeanie Ward-Waller, Tony Dang

*California Air Resources Board*  
Jennifer Gress, Monique Davis

*California Department Housing and Community Development*  
Josh Rosa, Kevan Rolfness, Jess Negrete

*California Strategic Growth Council*  
Louise Bedsworth, Egon Terplan

*Governor's Office of Planning and Research*  
Nuin-Tara Key, Natalie Kuffel

*Governor's Office of Business and Economic Development*  
Tyson Eckerle

*California Department of Finance*  
Mark Monroe, Steve Wells, Benjamin Pollack

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# Introduction

## Why a Climate Action Plan for Transportation Infrastructure?

As the largest contributor of California's greenhouse gas emissions — accounting for more than half of all emissions — the transportation sector must do more to tackle climate change head-on. The climate crisis directly impacts the health and safety of all Californians and disproportionately affects our low-income, and Black, Indigenous, and People of Color (BIPOC) communities, and other populations facing inequities. With climate change exacerbating the frequency and severity of natural disasters — from extreme heat and drought to unprecedented storms and wildfires — we need to prepare and adapt our transportation system to withstand, respond to, and recover quickly from these extreme events. These events not only have direct economic implications but also take a significant toll on the physical, mental, and emotional health and well-being of Californians.

Governor Newsom has established an aggressive but necessary goal for 100 percent of in-state sales of new passenger cars and trucks to be zero-emission by 2035. However, internal combustion engine (ICE) vehicles sold prior to 2035 will remain on California roads in high numbers for decades to come. As identified in the California Air Resource Board's (CARB) 2020 Mobile Source Strategy, even under the most aggressive scenarios for zero-emission vehicle adoption and a transition to cleaner fuels, the state simply cannot meet its climate goals relying solely on a shift in transportation technologies. Even with all new cars sold being zero-emission by 2035, CARB estimates 30 percent of passenger vehicles will still be gas-powered in 2045 — the state's target date to achieve carbon neutrality to help prevent the worst impacts of climate change. Moreover, overall increases in driving and vehicle miles traveled will continue to cause impacts on the road network and state highway system, which has significant costs to the state. Additionally, the historic focus of expanding driving over other modes has created decentralized growth patterns that lead to more urbanization of our natural and working landscapes, and reduces their carbon sequestration benefit. Furthermore, such growth

patterns shift much needed investment away from infill areas and existing communities.

To realize a truly low-carbon, sustainable, resilient, and economically competitive future for the state, we must use all the tools available to meet our emission reduction targets. Consequently, CAPTI responds to the Governor's call to action in EO N-19-19 by outlining strategies and actions that will advance more sustainable, equitable, and healthy modes of transportation, such as walking, biking, transit, and rail, as well as accelerate the transition to zero-emission vehicle technology.

Since the release of Executive Order N-19-19, much has changed in California and around the world. California found itself in an economic downturn

caused by the COVID-19 pandemic — both of which have significantly transformed people's mobility needs and impacted transportation funding at all levels. Public transit ridership has significantly declined as the COVID-19 pandemic has adversely and severely impacted these systems and the most vulnerable communities who rely on them throughout the state.

Given that transportation investments can play a key role in economic recovery and stimulus, this Action Plan leads with a vision for how we can prioritize future state and federal transportation dollars — whether it be through existing programs or future funding opportunities — to create good jobs and employment pathways for economic and community resilience and recovery.



## Executive Order N-19-19

On September 20, 2019, Governor Newsom issued Executive Order (EO) N-19-19, which calls for actions from multiple state agencies to reduce greenhouse gas (GHG) emissions and mitigate the impacts of climate change. This includes a direct acknowledgment of the role the transportation sector must play in tackling climate change. The order states:

*“California has ambitious and essential climate goals to transition to a healthier, more sustainable and more inclusive economy, including reducing GHGs 40% below 1990 levels by 2030 ... California has made substantial, measurable progress on our goals, but in recent years, direct tailpipe emissions from cars, ships, diesel trains, airplanes, and other transportation sources have remained a stubborn driver of greenhouse gas emissions, totaling 40.1 percent of all greenhouse gas emissions statewide.”*

To further the state's climate goals, EO N-19-19 empowers the California State Transportation Agency (CalSTA) to leverage more than \$5 billion in discretionary state transportation funds to reduce GHG emissions in the transportation sector and adapt to climate change. Accordingly, CalSTA will work to align transportation spending with the state's Climate Change Scoping Plan where feasible; direct investments to strategically support smart growth to increase infill housing production; reduce congestion through strategies that encourage a reduction in driving and invest further in walking, biking, and transit; and ensure that overall transportation costs for low-income Californians do not increase as a result of these policies.

Additionally, it appears increasingly likely that Congress will create new multi-year federal transportation funding streams for climate-related projects in the upcoming federal Surface Transportation Reauthorization cycle. The Biden Administration and the 117th Congress U.S. Senate and House leadership have expressed the desire to advance climate-friendly infrastructure legislation to stimulate the economy. Additionally,

the Biden Administration is already changing the criteria for existing programs to emphasize new climate change and racial equity objectives.

CAPTI helps California plan for how to best administer such potential new sources of federal climate-related transportation funding, as well as position the state to be competitive for federally-administered funding opportunities.



## Executive Order N-79-20

On September 23, 2020, Governor Newsom issued Executive Order (EO) N-79-20 to accelerate the transition away from fossil fuels by requiring all new cars sold in California to be zero-emission by 2035, all new commercial trucks sold in the state to be zero-emission by 2045 for all operations where feasible, and all new off-road vehicles and equipment sold to be zero-emission by 2035 where feasible. EO N-79-20 reaffirms the state's commitment to implementing EO N-19-19. The order states:

*"The State Transportation Agency ... shall by July 15, 2021, identify near term actions, and investment strategies, to improve clean transportation, sustainable freight and transit options, while continuing a "fix-it-first" approach to our transportation system, including where feasible:*

- a. Building towards an integrated, statewide rail and transit network, consistent with the California State Rail Plan, to provide seamless, affordable multimodal travel options for all.*
- b. Supporting bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure into projects where appropriate.*
- c. Supporting light, medium, and heavy duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate."*

Executive Order N-79-20 reiterates the message of EO N-19-19 by highlighting three strategies to expand clean transportation options from the Climate Action Plan for Transportation Infrastructure, while also emphasizing the importance of CAPTI and the urgency of climate change. Executive Order N-79-20 furthers the state's climate goals by explicitly pointing to the critical role of transit, passenger rail, active transportation, Complete Streets, and micromobility as tools to expand mobility options, encourage mode shift, and reduce overall vehicle miles traveled (VMT).



## Rebuilding a Stronger, More Resilient Economy

The twin crises of the COVID-19 pandemic and the subsequent economic downturn will require the State of California to be even more strategic about which investments to pursue in order to tackle economic recovery in a way that helps confront inequities in our state. The pandemic has also further exacerbated the state's racial and economic disparities, with many low-income workers and workers of color unable to work from home. These employees continue to travel to work to provide the essential services necessary to maintain our society. Consequently, leveraging transportation investments for equitable economic and workforce development are critical to ensure a just and fair recovery. As with any investment strategy, job creation and quality are key components to the longevity, viability, and economic prosperity of an industry. The transition to a carbon-neutral economy requires prioritizing job access and quality in the transportation sector as a key pathway to both social equity and industry competitiveness.

Historically, the transportation sector and its workers have relied heavily on petroleum and other fossil fuel industries. Putting California on the “high road” — where those who work and depend on the transportation sector thrive in the transition to a carbon-neutral economy — means more than simply transitioning workers from “traditional” transportation industries to “emergent” ones. To ensure economic opportunity for the state's transportation workforce, the potential job displacement and job creation opportunities across transportation-related industries — from vehicle manufacturing to fuel production to road construction to transit operations — must be comprehensively evaluated. A just transition for transportation workers is not a one-size-fits-all approach

and requires specific and intentional policy interventions and investments to ensure that displaced jobs are replaced by stable, protected, family-supporting jobs that reduce emissions, spur economic growth, grow a skilled workforce, and minimize wage disparities. The state's transportation investments today will determine job quantity, quality, and access in the transportation sector for decades to come.

Accordingly, CalSTA is committed to continued partnership with the California Workforce Development Board (CWDB), Labor and Workforce Development Agency (LWDA), and the Governor's Office of Planning and Research (OPR) in supporting the broader shift towards a carbon-neutral transportation sector through strategies that are just and equitable for workers, communities, and the planet.

Additionally, the outcomes of CAPTI investments themselves will also contribute to a stronger, more equitable, and resilient economy. The benefits of transitioning to a cleaner transportation system must reach the most vulnerable Californians. Car ownership has become an expensive necessity for many low-income Californians to access jobs, education, and other opportunities — a transition to a zero-emission transportation system cannot leave these Californians behind. Improving access to transportation choices beyond driving — and in turn improving access to essential destinations, as well as economic, social, and educational opportunities — is key to improving economic benefits to our most disadvantaged communities from the climate transition. The CAPTI framework, strategies, and actions will help shift the focus of transportation infrastructure investments from a mobility-oriented paradigm — historically predicated on solely addressing vehicle traffic congestion — to one focused on increasing accessibility to economic and social

opportunities at essential and desired community destinations. Researchers have found that in metropolitan Los Angeles and the San Francisco Bay Area, the ability to travel quickly by itself is not associated with the ability to access economic opportunities within regional economies.<sup>1</sup> It is important to note that to increase access to destinations — and ultimately improve economic access — land use solutions that allow for people to live closer to the jobs and services they need will also be a critical part of the equation and will require coordinated investment strategies from sectors beyond the scope of CAPTI.

<sup>1</sup> [https://www.its.ucla.edu/wp-content/uploads/sites/6/2015/11/Haynes\\_Congested-Development\\_1-Oct-2015\\_final.pdf](https://www.its.ucla.edu/wp-content/uploads/sites/6/2015/11/Haynes_Congested-Development_1-Oct-2015_final.pdf)



# Developing the Climate Action Plan for Transportation Infrastructure (CAPTI)

## Process

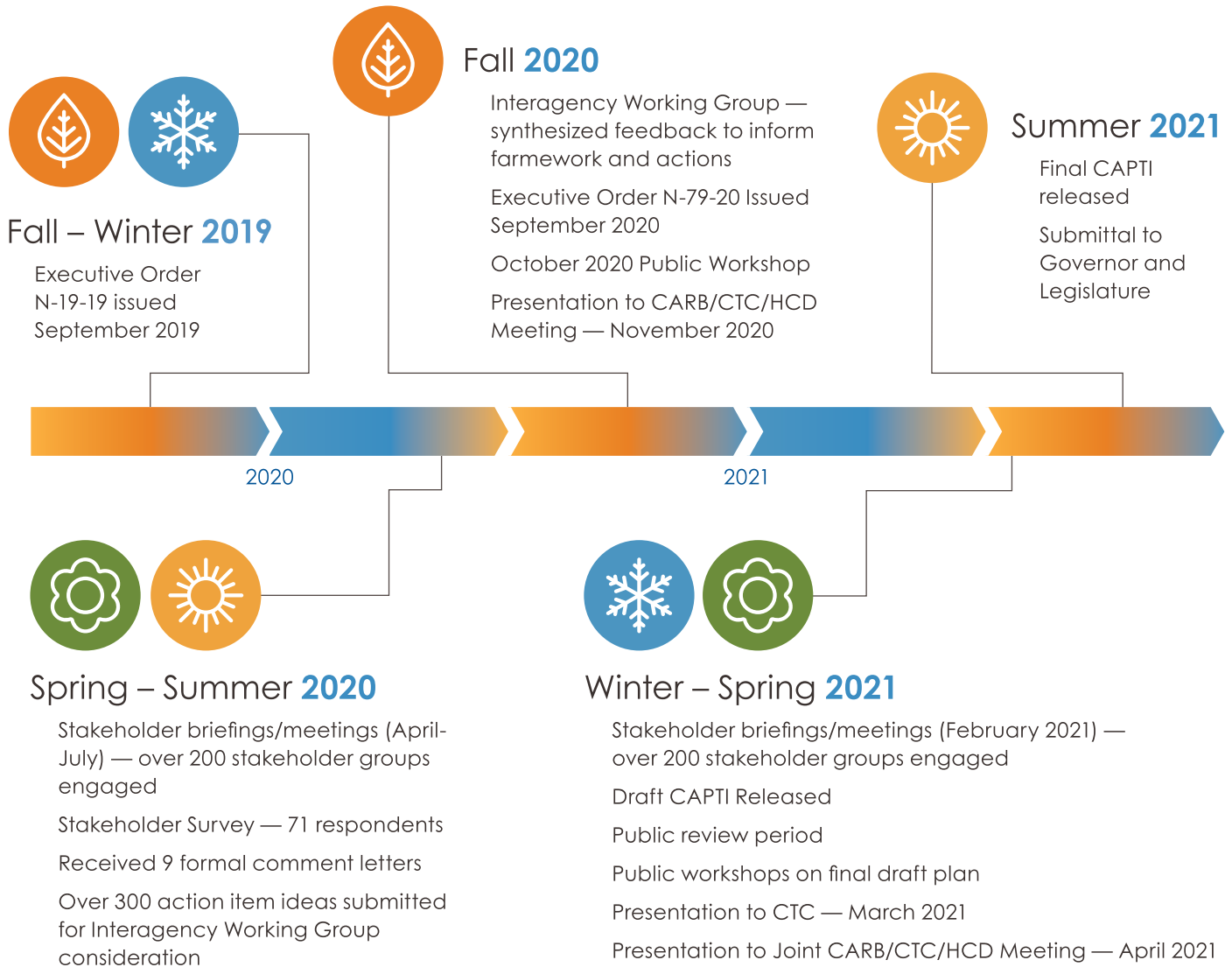
Following the release of EO N-19-19 on September 20, 2019, CalSTA convened an Interagency Working Group to coordinate throughout the Administration. The Working Group included staff from the California Department of Transportation (Caltrans), the California Transportation Commission (CTC), the California Environmental Protection Agency (CalEPA), the California Air Resources Board (CARB), the Department of Finance (DOF), the Department of Housing and Community Development (HCD), the Governor's Office of Planning and Research (OPR), the Strategic Growth Council (SGC), and the Governor's Office of Business and Economic Development (GO-Biz). The Working Group collaborated to draft the guiding principles of the CAPTI Investment Framework aimed at reducing GHG emissions from the transportation sector and

mitigating the impacts of climate change on our transportation system. During the first half of 2020, CalSTA held individual meetings with more than 200 public and advocacy stakeholders to get their input on the draft Investment Framework. Stakeholders were asked for their feedback via an online survey, which yielded 71 direct responses and 9 formal comment letters. The survey responses and letters included more than 300 action item ideas and 150 additional comments and suggestions regarding the Investment Framework and approach.

The Interagency Working Group continued to refine the Investment Framework, as well as integrate stakeholder suggestions for strategies and action items from a public workshop held in October 2020. Additionally, CalSTA presented the

draft Investment Framework to the joint CARB-CTC-HCD meeting in November 2020 for review, feedback, and guidance on the direction of the CAPTI effort. In early 2021, CalSTA continued to meet with a range of transportation stakeholders — from local and regional government agencies to climate, health, and equity advocates — to solicit feedback to help further refine CAPTI's strategies and actions. Following the public draft release, CalSTA hosted a public workshop open to all stakeholders; co-hosted additional stakeholder workshops with the CTC, CARB, and California Department of Public Health (CDPH); and presented the draft CAPTI strategies and

actions to the CTC and at the April 8, 2021 joint CARB-CTC-HCD meeting. Over a 10-week public review period from March through May 2021, 109 governmental, private, and non-governmental organizations and 15 individuals submitted nearly 800 comments for CalSTA's consideration, including 64 formal comment letters. CalSTA also received additional comments at public workshops during that 10-week period. CalSTA systematically and comprehensively reviewed and responded to all stakeholder feedback received during the public review period, and the revised CAPTI reflects changes made to address these stakeholder concerns and feedback.



Attachment: CAPTI-July-2021-a11y (11037 : CAPTI Update)



## CAPTI is ...

- A holistic framework and statement of intent for aligning state transportation infrastructure investments with state climate, health, and social equity goals, built on the foundation of the “fix-it-first” approach established in SB1.
- A suite of ongoing and needed changes to state transportation planning, project scoping, programming, and mitigation activities to align with the CAPTI Investment Framework.
- A living document that can adapt, pivot, and modify approaches and actions, as needed.
- A structure to monitor and evaluate progress of the transportation sector's efforts to align with state climate, health, and equity goals.

## CAPTI Vision & Scope

The vision for the Action Plan is to outline a holistic framework that aligns the state's transportation infrastructure investments with the state's climate, health, and social equity goals, while also maintaining the commitment made in Senate Bill (SB) 1 to a fix-it-first approach to transportation.

A continued commitment to a “fix-it-first” approach to our transportation system is fundamental to the Action Plan. This ensures the continued maintenance and repair of transportation infrastructure necessary to serve communities and support the goals of the Road Repair and Accountability Act of 2017, also known as SB 1. The state must be strategic and thoughtful when expanding the existing system as we cannot afford to invest in projects that ultimately run up our long-term maintenance costs without bringing an outsized benefit to climate, health, and equity goals.

CalSTA will implement the Executive Orders within the existing framework and goals set forward in the California Transportation Plan (CTP) 2050. The California Transportation Plan is the state's broad vision for the future of the transportation system in California, with a focus on advancing equity and climate priorities by expanding travel options for all Californians.

The CAPTI efforts will support the CTP goals in a manner that works to meet state climate change mandates, targets, and policies through the direction outlined in Executive Orders N-19-19 and N-79-20. The CTP goals are further detailed in the graphic on the next page.

Additionally, the CAPTI will be closely coordinated with the 2020-24 Caltrans Strategic Plan (CSP), which signals a fundamental shift for the department to lead on climate action as a strategic priority for the first time.

## California Transportation Plan 2050 Goals



Attachment: CAPTI-July-2021-a11y (11037 : CAPTI Update)

Another important contextual document for CAPTI is California's Climate Change Scoping Plan, which contains the state's strategy for achieving the 2030 greenhouse gas target and other long-term climate goals. CARB is responsible for developing and updating the Scoping Plan, in coordination with the Governor's Office, many state agencies, and stakeholders that include the public and the Environmental Justice Advisory Committee.

To reduce emissions from transportation, the Scoping Plan calls for significant reductions in VMT. A recent report CARB completed, pursuant to SB 150, evaluated the state's primary measure to reduce VMT — the Sustainable Communities and Climate Protection Program (also known as SB 375) — revealed that VMT is going up, not down as expected. The report recommends better aligning transportation funding programs to support implementation of projects consistent with the Sustainable Communities Strategies adopted pursuant to SB 375. The strategies identified in CAPTI are intended to align with the objectives of the Scoping Plan, as directed within EO N-19-19.

As previously mentioned, EO N-19-19 specifically calls on CalSTA to leverage \$5 billion in annual discretionary transportation infrastructure funding. The funding identified in EO N-19-19 includes the following programs:

### Active Transportation Program (ATP)

*Annual Funding Amount:* \$223 million

*Statutory Intent:* To encourage increased use of active modes of transportation through investments in walking, biking, Safe Routes to Schools, and trail infrastructure projects and non-infrastructure programs.

### Interregional Transportation Improvement Program (ITIP)

*Annual Funding Amount:* Variable (2022 ITIP anticipated to be \$175 million)

*Statutory Intent:* To improve interregional movement for people and goods across California on the State Highway System (SHS) and develop Intercity Passenger Rail corridors of strategic importance.

### Local Partnership Program (LPP)

*Annual Funding Amount:* \$200 million

*Statutory Intent:* To provide funding to local and regional agencies with voter approved fees/taxes dedicated solely to transportation improvements in order to improve aging infrastructure; road conditions; active transportation; transit and rail; or health and safety benefits.

### Solutions for Congested Corridors (SCCP)

*Annual Funding Amount:* \$250 million

*Statutory Intent:* To achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state.

### State Highway Operations & Protection Program (SHOPP)

*Annual Funding Amount:* \$4.2 billion

*Statutory Intent:* To preserve and protect the state highway system through improvements relative to the maintenance, safety, operation, and rehabilitation of state highways and bridges that do not add a new traffic lane to the system.

### Trade Corridor Enhancement Program (TCEP)

*Annual Funding Amount:* \$300 million

*Statutory Intent:* To improve infrastructure on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement.

### Transit & Intercity Rail Capital Program (TIRCP)

*Annual Funding Amount:* approximately \$275 million

*Statutory Intent:* To fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion.

While many of these programs already have statutorily established parameters and goals that align with EO N-19-19, opportunities still exist to further ensure funding applicants consider climate change through changes to planning, project scoping, programming, and mitigation. This Action Plan will work within the established funding programs created under SB 1 to bolster the outcomes of the projects funded under these programs and their alignment with California's climate goals. It is important to note that while EO N-19-19, EO N-79-20, and the CAPTI focus on these existing funding programs, these funds alone cannot fully meet the investment needs to achieve our state's climate change goals.

In addition to supporting our climate goals, the Investment Framework and action items also focus on reducing harms to disadvantaged, low-income, and BIPOC communities. The State of California must think pragmatically, creatively, and comprehensively about making transportation investments that provide clean, safe, and equitable multimodal options to all Californians.

## One Piece of the Puzzle

In outlining a holistic framework, this Action Plan acknowledges that transportation infrastructure and transportation funding are just one piece of much larger puzzle to meet the state's overall goals for climate, health, and social equity. As discussed previously, CAPTI tackles the narrow issue of how existing state transportation infrastructure investments should be leveraged to meet our goals.

The CTP 2050 describes the even broader role transportation planning can play in meeting our state goals. It will take advances in vehicle and fuel technology, as well as a reduction in overall driving to meet our climate targets while creating a healthier and more equitable California. As mentioned in the CTP 2050, reducing our dependence on driving will take better coordination of land use decisions in addition to the transportation decisions discussed in this document. This requires coordinated investments to further economic development and jobs in housing rich areas, support additional compact development and housing density in low VMT/high opportunity neighborhoods, prioritize disadvantaged communities while implementing protections against displacement, and preserve land at risk of conversion to urbanized uses. Meeting our goals will also require existing and emerging technologies — such as connected and automated vehicles, shared mobility, micromobility, and increased digital substitution (such as telework, telemedicine, etc.) — to be strategically deployed in a way that encourages reduction in dependence on single occupant vehicles and increases access to destinations and opportunities.

Initiatives in many of these areas are already underway throughout the Newsom Administration, and the CAPTI is only one piece of a much larger effort.






# CAPTI Investment Framework


Although California's statewide transportation funding programs have different statutory direction and invest in various types of infrastructure, collectively they can help us work toward our transportation vision. Understanding that there is not a one-size-fits-all approach to achieving the needs of the state's diverse communities, realizing the outcomes outlined in the CTP 2050 requires a range of investment strategies. These guiding principles for investment will work to reduce Californians' dependence on driving, increase multimodal options for all communities, and equitably meet the state's climate goals. These programs should collectively focus on prioritizing projects that align with the following guiding principles, as applicable within their existing structure.

## Guiding Principles

Within the "fix-it-first" approach and through existing funding frameworks, the State's transportation infrastructure investments should be deployed to do the following, where feasible:

Per EO N-79-20, invest to create new clean transportation options in urban, suburban, and rural settings for all Californians as well as for goods movement by:

 **Building toward an integrated, statewide rail and transit network**, centered around the existing California State Rail Plan that leverages the California Integrated Travel Project to provide seamless, affordable, multimodal travel options in all context, including suburban and rural settings, to all users.

 **Investing in networks of safe and accessible bicycle and pedestrian infrastructure**, particularly by closing gaps on portions of the State Highway System that intersect local active transportation and transit networks or serve as small town or rural main streets, with a focus on investments in low-income and disadvantaged communities throughout the state.



**Including investments in light, medium, and heavy-duty zero-emission vehicle (ZEV) infrastructure** as part of larger transportation projects. Support the innovation in and development of the ZEV market and help ensure ZEVs are accessible to all, particularly to those in more rural or remote communities.

Additionally, per EO N-19-19, invest in ways that encourage further adoption and use of these clean modes of transportation mentioned above by:



**Strengthening our commitment to social and racial equity by reducing public health and economic harms and maximizing community benefits** to disproportionately impacted disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities, in urbanized and rural regions, and involve these communities early in decision-making. Investments should also avoid placing new or exacerbating existing burdens on these communities, even if unintentional.



**Making safety improvements to reduce fatalities and severe injuries of all users towards zero** on our roadways, railways and transit systems by focusing on context-appropriate speeds, prioritizing vulnerable user safety to support mode shift, designing roadways to accommodate for potential human error and injury tolerances, and ultimately implementing a safe systems approach.



**Assessing physical climate risk** as standard practice for transportation infrastructure projects to enable informed decision-making, especially in communities that are most vulnerable to climate-related health and safety risks.



**Promoting projects that do not significantly increase passenger vehicle travel,** particularly in congested urbanized settings where other mobility options can be provided and where projects are shown to induce significant auto travel. These projects should generally aim to reduce VMT and not induce significant VMT growth. When addressing congestion, consider alternatives to highway capacity expansion, such as providing multimodal options in the corridor, employing pricing strategies, and using technology to optimize operations.



**Promoting compact infill development while protecting residents and businesses from displacement** by funding transportation projects that support housing for low-income residents near job centers, provide walkable communities, and address affordability to reduce the housing-transportation cost burden and auto trips.



**Developing a zero-emission freight transportation system** that avoids and mitigates environmental justice impacts, reduces criteria and toxic air pollutants, improves freight's economic competitiveness and efficiency, and integrates multimodal design and planning into infrastructure development on freight corridors.



**Protecting natural and working lands** from conversion to more intensified uses and enhance biodiversity by supporting local and regional conservation planning that focuses development where it already exists and align transportation investments with conservation priorities to reduce transportation's impact on the natural environment.

## CAPTI Approach to Highway Expansion Projects

Over many decades, transportation agencies throughout California have relied on building and expanding highways to address many community needs. Highway capacity expansion projects that add vehicular lanes have been used to address both congestion and increased movement of people and goods as well as to improve safety and access to rural communities. Highway investments have also shaped the state's pattern of development by, for example, spurring development of land at the edges of urbanized areas. These projects achieved their intended purpose of increasing vehicle travel and mobility as California's communities and economy grew rapidly.

However, highway investments over many years have contributed to a dependence on automobiles, supporting development patterns that have made walking, cycling and transit use inefficient, challenging, and sometimes dangerous in many parts of the state. Highway investments have also contributed to the displacement and division of some neighborhoods, and imposed noise, emissions and safety hazards on many others.

Further, research over the past several decades<sup>1,2,3</sup> has demonstrated that highway capacity expansion has not resulted in long-term congestion relief and in some cases has worsened congestion, particularly in urbanized regions. Projects in urbanized areas that add travel lanes result in changes in travel behavior due to a short-term reduction in travel time and improved reliability. This phenomenon, known as "induced travel," explains why adding capacity has rarely succeeded in reducing congestion over the long term or supported alternatives to driving and more transportation-efficient land uses.

Finally, highway expansions are costly. Expansion of the existing highway system means less available funding for other transportation needs and priorities, as well as continued increases to long-term maintenance costs of the existing system.

As a result, we cannot continue the same pattern of highway expansion investment in California and expect different results. Rethinking our approach to highway expansion projects will be a critical part of ensuring we are working towards equitably meeting our climate change goals.

### **That is why CAPTI includes the following guiding principle:**

*"Promoting projects that do not significantly increase passenger vehicle travel, particularly in congested urbanized settings where other mobility options can be provided and where projects are shown to induce significant auto travel. These projects should generally aim to reduce VMT and not induce significant VMT growth. When addressing congestion, consider alternatives to highway capacity expansion, such as providing multimodal options in the corridor, employing pricing strategies, and using technology to optimize operations."*



It is important to acknowledge that not all highway expansion projects serve the same purpose or have the same results. There isn't a "one-size-fits-all" approach to this issue. Context, and specific project analysis and attributes, are key to determining a project's impacts. That is why this CAPTI guiding principle focuses on whether a project induces significant travel as the key attribute of concern, rather than whether it is simply a highway expansion project. As the guiding principle notes, research shows that highway capacity expansion projects in congested urbanized settings have a particularly high tendency to result in inducing additional travel.

In less congested rural areas, highway capacity expansion is much less likely to induce travel. Nevertheless, the benefits and drawbacks of widening roadways in this context must be weighed carefully. Although the CAPTI principle focuses primarily on induced travel impacts, it is important to note that there are other ways highway capacity expansion projects may adversely impact equity and climate goals. For example, consider the potential impacts of highway expansion on active transportation. Rural highway widening projects may lead to higher vehicle speeds and longer crossing distances that may make an environment less conducive to walking or biking. Context and project design should be ongoing considerations in evaluating multi-modal safety and access implications of highway widenings.

Even with contextual differences, when considering the health, equity, and climate impacts from highway capacity expansion projects, we know that highway capacity expansion will oftentimes not be the best solution to solve the transportation issues of the present and future. This does not mean Californians' safe access to destinations must suffer, as there are other strategies — from demand management to providing multimodal options to more walkable land uses — that can provide vital connectivity and increased safety.

For new transportation projects where highway expansion may have previously been identified as the default solution, it is important to ask fundamentally different questions during the project scoping phase. We need to ask, "what outcomes are we trying to achieve for the traveling public?" and "how do we do it in a way that minimizes climate impacts and improves equity?" If projects are scoped with these considerations in mind, highway capacity expansion will oftentimes not represent the best long-term solution to address the issue at hand.

For projects that are already well underway, Caltrans is committed to working with stakeholders to find pathways, where feasible, to evolve projects to meet the state's current and future transportation, climate, health, and equity needs, while maintaining the broader commitment to the public to improve travel and address issues in certain corridors. Re-evaluation, mitigation, or re-scoping projects, however, may not be feasible everywhere, which is why CAPTI focuses on promoting the solutions that best align with the outcomes we seek to achieve as a state, rather than prohibiting solutions that may have been conceived of in the past.

<sup>1</sup> Caltrans, 2020. "Transportation Analysis Framework." Page 28-29. <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-09-10-1st-edition-taf-fnl-a11y.pdf>

<sup>2</sup> Handy, S., & M. G. Boarnet (2014a). *Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions Policy Brief*. Sacramento, CA: California Air Resources Board. [https://ww2.arb.ca.gov/sites/default/files/2020-06/Impact\\_of\\_Highway\\_Capacity\\_and\\_Induced\\_Travel\\_on\\_Passenger\\_Vehicle\\_Use\\_and\\_Greenhouse\\_Gas\\_Emissions\\_Policy\\_Brief.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/Impact_of_Highway_Capacity_and_Induced_Travel_on_Passenger_Vehicle_Use_and_Greenhouse_Gas_Emissions_Policy_Brief.pdf)

<sup>3</sup> Handy, S., & Boarnet, M. G. (2014b). *Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions Technical Background Document*. Sacramento, CA: California Air Resources Board. [https://ww2.arb.ca.gov/sites/default/files/2020-06/Impact\\_of\\_Highway\\_Capacity\\_and\\_Induced\\_Travel\\_on\\_Passenger\\_Vehicle\\_Use\\_and\\_Greenhouse\\_Gas\\_Emissions\\_Technical\\_Background\\_Document.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/Impact_of_Highway_Capacity_and_Induced_Travel_on_Passenger_Vehicle_Use_and_Greenhouse_Gas_Emissions_Technical_Background_Document.pdf)

## The CAPTI Framework in a Rural Context

Rural areas of California provide critical food, water, and natural resources to all of California and play a vital role in California's economy. Rural communities are often also the gateway to the state's preserved majestic landscapes that are central to supporting California's tourism industry. Yet, rural communities are already experiencing the impacts of a changing climate—from unprecedented storms to devastating wildfires. The CAPTI guiding principles apply in every context—including rural communities—to support the resilience and vibrancy of all communities as we improve equity, public health, and tackle climate change. While transportation goals are inherently and fundamentally the same no matter the context—to provide safe access to destinations for people and goods—CalSTA recognizes that unique local and regional conditions require tailored solutions to advance these goals, and that therefore solutions may look different in varying local contexts.

Below are just a few examples of the various sustainable transportation solutions that CAPTI supports that could be applied in rural settings. Action S6.3 will facilitate further discussion about these and many other rural transportation solutions, with the goal of ensuring better state support for their deployment:

- Increasing transit and passenger rail service in a corridor through investments in bus service, vanpools, micro-transit or mobility on demand services, park-and-ride facilities, and adjacent passenger rail improvements;
- Improving freight rail lines in major goods movement corridors to support mode shift from truck to zero-emission rail, increase passenger rail service, and promote zero emission locomotives;
- Addressing safety through the multidisciplinary Safe System Approach that employ tools for speed management, such as road diets, conversion of intersections to roundabouts, and signal coordination to slow speeds;
- Eliminating project components that contribute additional risk and stress to bicyclists, pedestrians, and other vulnerable road users;
- Improving multimodal connectivity in local street networks (including overcrossing opportunities of Caltrans facilities) in order to enable more direct routing and efficient access to destinations for short trips, thereby removing trips from the state highway system;
- Adding and improving connected facilities for walking and bicycling in the corridor and for first/last-mile connections to local, interregional, and regional transit routes;

- Facilitating emergency evacuations through efficient traffic management strategies, such as the use of contra flow, use of two-way left turn lanes as through travel lanes, construction of full structural sections of shoulders and installation of transportation management systems (TMS) elements, such as closed circuit television (CCTV) cameras, changeable message signs (CMS), and traffic detection equipment;
- Converting to truck-only lanes in major goods movement corridors, utilizing the Caltrans right-of-way or other lands to provide safe truck parking opportunities, and installation of charging facilities that support zero-emission trucks, especially in neighborhoods burdened by poor air quality.
- Deploying zero-emission vehicle charging or fueling infrastructure—including for battery electric, fuel cell (hydrogen) electric, and other zero-emission vehicle technologies.

While the portion of VMT and GHG contributed from rural communities may only be a small portion of the statewide total, there are still reasons to prioritize these and many other sustainable transportation solutions in rural areas. If rural communities develop in unsustainable ways that look more like exurban or suburban communities, for example, then their VMT contribution will increase greatly. This phenomenon is already occurring in various parts of the state. Regardless of rural VMT growth, providing sustainable transportation options to rural areas is a key transportation equity tool. Given the long travel distances in rural communities, lack of access to a vehicle can be a huge barrier to economic access and opportunity if other travel options do not exist in rural settings. Accordingly, the CAPTI framework supports providing multi-modal transportation options to ensure all members of rural communities have the transportation access they need.

# Implementation Strategies & Actions

To ensure state transportation investments are aligned with the Investment Framework's guiding principles, changes may be necessary to current transportation planning, programming, project delivery, maintenance, and operations activities. Such changes will help advance a slate of projects that meet climate goals, ensure that these projects are prioritized for state funding, and promote project construction and operations that minimize emissions and impacts from climate change.

Many changes are underway, but additional efforts may be required. This Action Plan identifies over two dozen initial key actions necessary for implementation of the CalSTA sections of EO N-19-19 and EO N-79-20. Additionally, in order to recognize the rapidly changing nature of combatting the climate crisis, CAPTI actions will be evaluated for effectiveness over time and specific actions may be adapted or modified as needed, to be meaningfully implemented. In addition to quarterly progress monitoring by the CAPTI Interagency Working Group, CalSTA will issue an annual evaluation report of CAPTI's implementation activities and make modifications as needed. The matrix provided in Appendix A details the actions, lead state agency, supporting state agencies, and timeframe for completion.

## S1. Cultivate and Accelerate Sustainable Transportation Innovation by Leading with State Investments

Due to the long lead time for project development, many competitive transportation programs continue to fund transportation projects that were conceived well before the transportation needs of today were well understood. As we grapple with the realities of the climate crisis, the unintended consequences of this approach are that newer more innovative, often multimodal, sustainable transportation solutions may have a harder pathway to finding funding.

This strategy's actions are intended to find opportunities where the state can begin to clearly signal its commitment to funding innovative, sustainable transportation projects, while being mindful of commitments to projects that are well underway.

### Key Actions

#### S1.1 Prioritize Solutions for Congested Corridors Program (SCCP) Projects that Enable Travelers to Opt Out of Congestion

Through its public guidelines development process, the CTC will work towards updating the SCCP Guidelines and scoring criteria to better prioritize projects that provide travelers with options to opt out of congestion. These innovative sustainable transportation solutions should focus on reducing vehicle miles traveled (VMT) and could include investments in bus and rail transit, active transportation, and highway solutions that improve transit travel times and reliability (such as priced managed lanes with transit service, dedicated transit lanes, and transit signal priority) or generate revenue for VMT reducing projects through employing vehicle demand management strategies.

### **S1.2 Promote Innovative Sustainable Transportation Solutions in SCCP by Requiring Multimodal Corridor Plans**

To foster and develop a strong pipeline of innovative sustainable transportation solutions that support the goals of the Investment Framework, the CTC will — through the public guidelines development process — work towards updating the SCCP Guidelines to require that all projects be a part of a multimodal corridor plan consistent with the CTC's Comprehensive Multimodal Corridor Plan Guidelines, which was not required in earlier program cycles. All SCCP projects must be a part of a multimodal corridor plan that is designed to provide more transportation choices in highly congested corridors. To be competitive for SCCP funds, applicant projects and their respective Corridor Plans must demonstrate synchronization with the CAPTI Framework, California Transportation Plan 2050, and other statewide modal plans in addition to Regional Transportation Plans.

### **S1.3 Fast Track New CAPTI-Aligned Projects in Early Planning Phases by Adding Them to the Interregional Transportation Improvement Program (ITIP)**

To foster and develop a strong pipeline of innovative sustainable transportation solutions, Caltrans will fast track the development of new ITIP projects in early planning phases that are in alignment with the Investment Framework, the revised Interregional Transportation Strategic Plan (ITSP), and supported by the revised Caltrans corridor planning process and Regions Rise Together effort. The expedited project development process will be completed in collaboration with local and regional partners and be in addition to existing ITIP commitments. These projects will be prioritized for a portion of

new and future funding capacity in the ITIP when such funds are available while balancing the need to complete currently programmed ITIP projects.

### **S1.4 Mainstream Zero-Emission Vehicle Infrastructure within the Trade Corridor Enhancement Program (TCEP)**

To support the transition of medium and heavy duty vehicles (MHDVs) to zero-emission technologies — including but not limited to battery electric and fuel cell electric (hydrogen) vehicles — called for by EO N-79-20 and to complement other state strategies in this sector — including CARB's Advanced Clean Trucks and Advanced Clean Fleets regulations — the CTC, through its public guidelines development process, will work towards updating the TCEP Guidelines to prioritize projects that demonstrate a significant benefit to improving the movement of freight along trade corridors, while also reducing emissions of diesel particulates, greenhouse gases, and other pollutants by creating or improving zero-emission vehicle charging or fueling infrastructure — either within the project itself or within the larger trade corridor. The guidelines update would include a description of eligible uses of funds for zero-emission vehicle infrastructure — including for battery electric, fuel cell electric, and other zero-emission vehicle technologies — to provide additional clarity and guidance to applicants.

Additionally, in order to enhance TCEP's guidelines for reducing community impacts, especially in disadvantaged communities, the CTC will consider during TCEP guidelines development allowing projects to include zero-emission vehicle infrastructure within the project study area if they are in adjacent disadvantaged communities, low-income communities, and BIPOC communities.



## S2. Support a Robust Economic Recovery by Revitalizing Transit, Supporting ZEV Deployment, and Expanding Active Transportation Investments

The devastating impact of the COVID-19 pandemic on transit cannot be overstated. With huge ridership declines, transit agencies are struggling to make difficult budget and service decisions in the face of declining sales tax revenue, lost fares, and public (mis)perceptions of COVID-19 safety risks. Transit's recovery in the coming years will determine our success in combatting the climate crisis. Frequent, reliable, and convenient transit systems are vital for advancing the state's vision of more livable and equitable communities. With these challenges, transit operators — particularly small operators in rural, small urban, and urbanized areas — will likely struggle with the transition to ZEV transit fleets without additional support.

Additionally, investments in active transportation — such as walking and biking — will be critical for the success of transit's recovery by providing low-carbon, safe, and convenient first mile/last mile connections to access transit. Furthermore, walking and biking has skyrocketed in many communities throughout California during the pandemic, shining a spotlight on both the poor maintenance of existing active transportation infrastructure and the need for additional facilities to accommodate social distancing. Active transportation investment continues to be a key need for many small and rural communities in California that have conventional State Highway Systems serving as their main streets. While the state's Active Transportation Program (ATP) is the largest dedicated source of funding for walking, biking, and Safe Routes to School projects in the country, it remains insufficient to meet the

demand from communities throughout the state, with only one in five projects funded each cycle. Community-based organizations, advocacy groups, and agency stakeholders widely agreed during the CAPTI development process that the ATP is underfunded in comparison to other transportation funding programs and supported increased funding to the ATP specifically and to active transportation more broadly.

### Key Actions

#### S2.1 Implement the California Integrated Travel Project (Cal-ITP)

Caltrans will provide transit providers an easier and less expensive process to implement contactless payment, benefit eligibility verification, and other services via Cal-ITP. Additionally, Caltrans will work to provide technical assistance and support to small and rural transit operators to implement these features in their service areas.

#### S2.2 Identify A Long-Term Strategic Funding Pathway Across All Funding Opportunities to Realize the State Rail Plan

Building off the framework outlined in the State Rail Plan, CalSTA will lead a process to prioritize transit and intercity rail investments statewide for major state funding programs and future federal grant opportunities, as well as to leverage transit and intercity rail investments to support compact growth and equitable transit-oriented development.

### **S2.3 Accelerate TIRCP Cycles to Support Transit Recovery with Deployment of ZEV Transit/Rail Fleets and Transit/Rail Network Improvements**

In collaboration with CARB, CalSTA will develop a new Clean Fleet and Facilities Network Improvement project category in the TIRCP to provide additional support and funding to transit agencies needing to replace their aging vehicle fleets with ZEVs, while also working with local agencies to improve network efficiency and integration. Additionally, to support economic recovery efforts in the short term, the administration has supported increasing the TIRCP which will enable CalSTA to accelerate the 2022 funding cycle to allow for pursuing this new project category without undermining current investments. Additionally, CalSTA hopes to start guidelines development and the program call for projects earlier than past years and identify additional near-term cash flow that will expand funding opportunities. CalSTA will also offer expanded technical assistance prior to application to support agencies of every size throughout the state.

### **S2.4 Increase Funding to Active Transportation Program (ATP)**

Given the oversubscription of the ATP, CalSTA remains committed will work to identifying additional new funding that could be added to the ATP to support the program in the long-term, or otherwise be set-aside for use on active transportation projects. As a preliminary measure, the administration has supported one-time increases to the ATP, but long-term sustainable funding is still needed. CalSTA will explore flexing future federal funding into the ATP or towards active transportation more generally without having to take funds from any existing funding streams, as well as work with stakeholders to continue pursuing new future state and federal funding to address the long-term funding needs of the program. CTC and Caltrans Division of Local Assistance will also work with future applicants to ensure they are aware of the various existing funding sources for active transportation projects.

### S3. Elevate Community Voices in How We Plan and Fund Transportation Projects

Community stakeholders often struggle to find clear entry points into the transportation project planning process, resulting in their lack of participation in helping develop a shared vision or stated purpose and need for projects. This strategy aims to create improved and more transparent transportation planning processes and practices, while also coordinating across state agencies to develop standards and practices for meaningful engagement and provision of technical assistance resources to those most impacted by projects, including, but not limited to, disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities.

Ultimately, this strategy will create pathways to give communities most impacted by transportation investments a meaningful voice in transportation planning and program development.

#### Key Actions

#### S3.1 Establish Transportation Equity and Environmental Justice Advisory Committee(s)

CalSTA, Caltrans, and the CTC will coordinate to establish an advisory committee (or committees) focused on transportation equity and environmental justice issues stemming from transportation planning and programming. The scope, structure, and responsibilities of the committee(s) will build off and be informed by the CTC's Equity Advisory Roundtable and Caltrans' Statewide Community Listening Sessions. Continued dialogue among state transportation agencies, other state agencies, and partners will also be an important component of committee formation.

The goal is to develop a committee(s) that will provide meaningful input into transportation planning and programming to relevant state transportation agencies, such as CalSTA, the CTC, and Caltrans. Committee membership is intended to focus on marginalized voices, such as community-based organizations and community members reflecting different geographies and areas of the state, statewide environmental justice and equity organizations, individuals or organizations offering an accessibility and disability perspective, tribes, as well as other organizations. The committee is anticipated to review and/or advise on state transportation planning and program guidelines. CalSTA, Caltrans, and the CTC are committed to exploring opportunities to provide financial compensation for the time and expertise of committee members. This strategy is intended to elevate diverse and historically marginalized voices to advise state transportation agencies, such as CalSTA, the CTC, and Caltrans, on how to achieve meaningful transportation equity and environmental justice outcomes.

#### S3.2 Strengthen and Expand Coordinated, Targeted Technical Assistance on State Transportation Funding Programs

Building off lessons learned from the California Climate Investment Technical Assistance Program (CCI TA), the interagency Technical Assistance Guidelines for State Agencies, and its work with the TIRCP, Caltrans commits to strengthening and expanding its technical assistance portfolio to help community members collaborate with local agencies to develop proposals and/or project scopes of work for various funding programs administered by Caltrans. Additionally, Caltrans commits to cultivating partnerships with and building the capacity of community-based organizations and residents to engage in the development of SHOPP and ITIP projects.

The CTC is committed to providing technical assistance on tools, methods, and practices required for their funding programs, as well as to exploring structures for providing in-house support. This may include ad hoc technical assistance workshops for program applicants and/or “office hours” to work with potential applicants on a one-on-one basis.

### **S3.3 Lift Up and Mainstream Community Engagement Best Practices**

Caltrans will create a community engagement playbook that catalogues best practices and lessons learned from state, regional, and local agency and community-based partners, as well as builds off the CCI TA Program’s Best Practices for Community Engagement and Building Successful Projects report. The playbook will inform the department’s planning and project development work and support institutionalizing meaningful community engagement practices within the department. Caltrans will also explore actions to leverage existing contracts to strengthen its partnerships with community-based organizations, as well as to foster staff capacity to facilitate productive community engagement processes.

Additionally, the CTC is developing an engagement guide and is committed to hosting workshops with the goal of incorporating stakeholder feedback regarding best practices for meaningful community engagement and exploring potential changes to program guidelines to reflect these best practices.

### **S3.4 Develop and Utilize Equity Index to Assist in Evaluation or Prioritization of Caltrans Projects**

Caltrans will work with state, regional, and local agency partners, tribal partners, and community-based organizations to develop and implement an Equity Index tool to assist in the evaluation and prioritization of the department’s projects. Caltrans anticipates engaging stakeholders throughout the development process for the Equity Index and commits to hosting a series of stakeholder working sessions beginning in Fall 2021 and into 2022 to inform the development of the Equity Index tool. Collaborating with community-based organizations, public health stakeholders, and other state, regional, and local agency partners, Caltrans will identify metrics and indicators — including public health considerations — to account for equity-based outcomes for inclusion in the Index tool, as well as review the weighting of equity and standard performance indicators to allow for varying analyses within individual program requirements. Additionally, Caltrans is committed to intentional engagement and partnership with tribal governments and community-based organizations representing historically marginalized voices.

In addition to developing this new Index, it is important to ensure that other existing Department tools also consider data that leads to better equity outcomes, particularly from a public health perspective. One such opportunity would be to explore the possibility of incorporating public health considerations in the California Life-Cycle Benefit/Cost Analysis Model (Cal-B/C) tool.

## **S4. Advance State Transportation Leadership on Climate and Equity through Improved Planning & Project Partnerships**

In its new Strategic Plan, Caltrans has made a commitment to lead on climate action and advance social equity in the transportation sector. At its core, this strategy's actions outline the department's commitment to change the types of projects it will fund, nominate, and sponsor, as well as how it analyzes project benefits and impacts. This fundamental shift will advance critical climate considerations in transportation, while also working towards eliminating inequities in the transportation system. Additionally, Caltrans will re-examine and revise its own processes, procedures, and guidance that local agencies have sometimes identified as a barrier to advancing sustainable transportation.

Caltrans also recognizes the critical role it plays in providing transportation planning resources and guidance to many smaller or rural communities that often do not have access to the same resources as large metro regions. Aligning the department's planning efforts with the CAPTI Investment Framework, while lifting up regions in the state with fewer resources will be critical to meeting our climate and equity goals.

### **Key Actions**

#### **S4.1 Develop and Implement the Caltrans Strategic Investment Strategy (CSIS) to Align Caltrans Project Nominations with the CAPTI Investment Framework**

Caltrans will develop a new, data- and performance-driven approach in the CSIS to align project nominations with the CAPTI Investment Framework. The CSIS will guide both projects

nominated or sponsored by Caltrans, as well as projects on which Caltrans partners with a local or regional agency.

#### **S4.2 Align Interregional Transportation Strategic Plan 2021 (ITSP) with CAPTI Investment Framework**

Caltrans will update the 2021 ITSP to fit within the CAPTI Investment Framework with a continued focus on investing in rural, smaller, or under-resourced communities across the state. The 2021 ITSP will more clearly emphasize multimodal corridor planning and prioritize sustainable transportation solutions.

#### **S4.3 Update the 2023 State Highway System Management Plan (SHSMP) to Meaningfully Advance CAPTI Investment Framework**

Working with CalSTA, Caltrans will update the 2023 SHSMP to integrate and advance the guiding principles of the CAPTI Investment Framework. The 2023 SHSMP will provide a broader strategic vision for the SHS and SHOPP investments by placing a stronger emphasis on creating a climate resilient transportation system that reduces greenhouse gas emissions, while also reducing risk to state transportation assets. This revised project development approach will employ climate smart decision-making for all users in maintenance and operations projects.

#### **S4.4 Refocus Caltrans Corridor Planning Efforts to Prioritize Sustainable Multimodal Investments in Key Corridors of Statewide and Regional Significance**

Caltrans will refocus its collaborative corridor planning activities with local and regional agencies by: 1) prioritizing sustainable multimodal investments and solutions; 2) concentrating



corridor planning efforts on those of statewide and regional significance; 3) facilitating corridor planning across Caltrans District boundaries; and 4) supporting the development of innovative safety solutions based on the safe systems approach that advance sustainable transportation modes, particularly for rural communities.

#### **S4.5 Develop and Implement Caltrans Climate Action Plan (CCAP)**

Caltrans will develop and implement a departmental Climate Action Plan (CCAP) in order to work towards reductions in GHG emissions and VMT from all sources, including from use of the State Highway System and internal operations. Additionally, Caltrans will set measurable and achievable mode share targets for passenger travel that will be supported by VMT reduction strategies. The CCAP will identify additional actions the department will take to meet the state's GHG, VMT, and mode share targets.

#### **S4.6 Incorporate Zero-Emission Freight Infrastructure Needs into the California Freight Mobility Plan (CFMP)**

In coordination with CARB and CalSTA, Caltrans will prioritize inclusion of zero-emission freight projects in the CFMP project list that work to advance the state's air quality and climate goals, as well as reduce community impacts — including but not limited to air quality, pedestrian and bicyclist safety, and noise — on environmental justice communities. Caltrans will work with the freight industry and ports to encourage and help accelerate the widespread transition to zero-emission technologies and infrastructure, in part through inclusion of these types of projects in the CFMP project list. The CFMP also presents the opportunity to identify potential funding options for projects included in the plan.

## **S5. Support Climate Resilience through Transportation System Improvements and Protections for Natural and Working Lands**

As seen with the increasing frequency of large and damaging California wildfires, impacts from the climate crisis have the potential to restrict or impede travel in the state and have huge monetary implications for the state's fix-it-first approach unless we proactively work toward creating a more resilient transportation system. To do this, it will take incorporating climate risk assessment as a standard practice in the transportation project development process.

### **Key Actions**

#### **S5.1 Develop Climate Risk Assessment Planning and Implementation Guidance**

The Governor's Office of Planning & Research (OPR) will lead an effort to update existing guidance that was delivered in 2018 under implementation of EO B-30-15. The updated guidance document will include more specific guidance on climate impacts for state agencies and how to use climate science information. Building off Caltrans' District Climate Change Vulnerability Assessments and in-progress District Adaptation Priorities Reports, Caltrans will collaborate with OPR to incorporate climate risk assessment guidance and previous planning efforts into standard practice. Caltrans and OPR will also develop implementation guidance for project-level applications for all climate impacts, including wildfire, sea level, drought, temperature increase, precipitation, and extreme events.

### **S5.2 Update Transportation Infrastructure Competitive Program Guidelines to Incentivize Climate Adaptation and Climate Risk Assessments/Strategies**

Once Climate Risk Assessment Planning and Implementation guidance has been completed, CalSTA and CTC will work toward updating TIRCP, SHOPP, and SB 1 Competitive Program Guidelines — through their respective public guidelines development processes — to align with the guidance developed by Caltrans and OPR. Guidelines additions will consider both the need to evaluate climate risk, and to incentivize the incorporation of climate adaptation measures where appropriate and feasible.

### **S5.3 Explore Incentivizing Land Conservation through Transportation Programs**

The CTC will evaluate existing concepts developed in other programs or by other departments, including the Natural and Working Lands Climate Smart Strategy, to identify conservation and climate resilience strategies and best practices that could be integrated into the next update of the Regional Transportation Plan and SB 1 Competitive Program guidelines.

## **S6. Support Local and Regional Innovation to Advance Sustainable Mobility**

Since the passage of SB 375 more than a decade ago, many local and regional transportation agencies have been working to implement elements of the CAPTI investment framework in their Sustainable Communities Strategies (SCS). However, local and regional agencies continue to face various challenges and barriers to not only implement SCSs but also recent companion policies — such as SB 743. Overcoming these challenges and barriers will require strong coordination between state, regional, and local agencies. This plan has identified key actions to support the implementation of regional and local planning efforts that align with the framework, with a focus on finding a pathway to implementation for roadway pricing efforts and VMT mitigation called for by SB 743.

### **Key Actions**

#### **S6.1 Explore New Mechanisms to Mitigate Increases in Vehicle Miles Travelled (VMT) from Transportation Projects**

CalSTA and Caltrans are working to reduce VMT through decisions around project planning, selection, design, and operations, and through cooperation with local land-use authorities. In instances where transportation projects do increase VMT, the agency and department will work with local and regional transportation agencies to develop new mechanisms for viable VMT mitigation options for highway capacity projects, particularly with equity and land conservation in mind. To this end, Caltrans has launched a study of the legal/

regulatory framework for VMT mitigation banks. VMT mitigation banks would allow a structured way to provide VMT-increasing projects with credits in exchange for funding VMT-reducing efforts. These mechanisms are envisioned to assist transportation agencies statewide with SB 743 implementation and CEQA compliance. Additionally, Caltrans will evaluate different models for GHG/VMT mitigation, such as exploring the potential expansion of the Advance Mitigation Program.

### **S6.2 Convene a Roadway Pricing Working Group to Provide State Leadership and Support for Implementation of Local, Regional, or State Efforts**

CalSTA and Caltrans will convene a working group consisting of other state agencies as well as local and regional partners to identify and provide recommendations for equitable roadway pricing implementation pathways for strategies identified in regional RTP/SCSs that aim to reduce or manage VMT. The working group will create an inventory of various ongoing efforts across the state and outline state and federal statutory and administrative opportunities and barriers to equitable implementation of various roadway pricing applications currently under consideration by state agencies, as well as local and regional partners — including, but not limited to, cordon pricing, congestion pricing, other dynamic pricing tools, and freight-related pricing initiatives. The objective of this effort is to provide state leadership and support to help bring local, regional, and state equitable pricing efforts underway to fruition. This action is distinct from, yet coordinated with, the ongoing statewide Road User Charge (RUC) Program.

### **S6.3 Convene Discussion Regarding Sustainable Rural Transportation Solutions**

CalSTA will convene a discussion with local and regional rural transportation partners to identify and explore actions to equip rural communities with the tools they need to further the vision of the CAPTI Framework in rural settings. The focus of the discussion will be to explore options including but not be limited to: identifying best practices for application of projects in rural settings; exploring funding pathways for rural projects such as rail grade separation projects with significant active transportation benefits; transit solutions that work in rural contexts such as vanpools or other demand-responsive transit services; addressing safety needs of vulnerable road users — such as people walking and bicycling — in rural settings; identifying barriers to addressing maintenance needs in rural communities; and determining special considerations for ZEV deployment in rural areas.



## S7. Strengthen Transportation-Land Use Connections

Simultaneously addressing California's housing crisis while reducing VMT requires a strong connection between transportation and land use policies. Supporting housing demand while meeting our climate and equity goals will require managing this relationship and seeking efficient land use decisions. These identified key actions can ensure transportation programming dollars help incentivize smart housing and conservation policies and decisions, while also supporting infill development.

### Key Actions

#### S7.1 Leverage Transportation Investments to Incentivize Infill Housing Production

CalSTA will work to use transportation funding to reduce VMT by incentivizing infill residential development and densities appropriate and feasible for each given community. Building upon the "Pro-Housing" Standard developed by HCD, competitive funding programs will explore adopting incentives for local policies that tend to support location-efficient and mixed-use housing production, while considering the needs of rural, suburban, and urban jurisdictions and how appropriate policies may differ among those areas. Such local policies may include Housing Element compliance, by-right (nondiscretionary) approval processes for multifamily residential and mixed-use development, zoning to allow for residential and mixed-use developments in non-residential zones, reduced parking requirements for residential development, or

expanded density bonuses that exceed state density bonus law, among other local policies. Initially, transportation programs with a statutory linkage or scoring criteria tied to land use efficiency or GHG reductions could adopt these incentives as competitive scoring criteria and enhanced guidance to facilitate interjurisdictional coordination between project proponents and local planning departments. Using the "Pro-Housing" Standard as a framework will allow for statewide applicability and ample flexibility in approaches to meet any new criteria.

#### S7.2 Create Working Group to Explore Potential Actions to Address Direct and Indirect Displacement in Transportation Programs

CalSTA will work with state agency partners to explore potential statutory changes to enable transportation programs to incentivize anti-displacement strategies within their funding frameworks. Building off the experience of the Affordable Housing and Sustainable Communities (AHSC) program and leveraging existing available resources, where feasible, the working group will identify the suite of voluntary anti-displacement strategies that could be promoted via scoring and evaluation criteria in state funding program guidelines.

### S7.3 Explore a “Highways to Boulevards” Conversion Pilot Program

Far too often, past transportation decisions literally put up barriers, divided communities, and amplified racial inequalities, particularly in our Black and Brown neighborhoods. To address this, CalSTA will work with Caltrans to pursue the creation of a pilot program to initially plan for — with the goal to ultimately fund — the conversion of key underutilized highways in the state into multi-modal corridors that serve existing residents by developing affordable housing and complete streets features. Caltrans has applied for a federal grant through the 2021 RAISE program to fund this pilot. The pilot program could start by working with local and regional entities to generate lists of potential locations that have been identified as barriers to local communities, as well as explore improvements to the relinquishment process to turn over state facilities to local ownership and control. These projects could include conversion or capping of urban freeways that could free up additional land for affordable housing and could also include conventional highways in less urbanized areas that may pose a barrier to multi-modal travel across the community. Locations near disadvantaged communities, low-income communities, and BIPOC communities would be prioritized for planning funds. The Excess State Land for Affordable Housing Program could also be leveraged by this effort.

## S8. Monitor Implementation and Report Progress

CalSTA recognizes that a plan is only as good as its implementation. To that end, CalSTA is committed to not only monitoring the CAPTI implementation and its progress but also evaluating and reporting on how CAPTI actions have helped to evolve the state's transportation infrastructure investments to deliver the climate, health, and equity outcomes we are collectively seeking.

### Key Actions

#### S8.1 Develop and Coordinate Metrics to Track Progress

CalSTA, in partnership with Caltrans, will identify or develop a set of quantitative and qualitative metrics to not only monitor and track the progress of implementing CAPTI but also the outcomes from their implementation. The identification and development of metrics will be coordinated with and build upon other Administration climate efforts that have or will develop quantitative metrics, including, but not limited to, the ZEV Market Development Strategy and State Adaptation Strategy. CalSTA and Caltrans intend to develop a set of draft metrics for review and comment with stakeholders prior to finalizing metrics for use in reporting. Reporting at the funding program level — based on the projected benefits of awarded projects at the programming stage — may include but are not limited to metrics such as: projected greenhouse gas emissions and vehicle miles traveled reductions; change in the number and quality of jobs supported and/or created by CAPTI-aligned projects; and change in the percentage of projects providing direct, meaningful, and assured benefits to disadvantaged, low-income, and BIPOC communities.

### S8.2 Deploy Tools to Analyze CAPTI Progress

CalSTA, in partnership with Caltrans, will also work to ensure that the necessary tools are developed, procured, or deployed in order to enable use of the identified progress metrics for reporting purposes at the funding program level. Caltrans will launch an interagency Statewide Data Analytics Work Group of state, local, and regional agencies that will work to (1) identify and share strategies for procurement, usage, and storage of travel datasets and emerging data analytics tools and (2) investigate collaboration options, cost-sharing opportunities, and technical assistance needs to provide greater access to data sources and tools, particularly for smaller and under-resourced agencies.

### S8.3 Prepare Annual Progress Report & Provide Public Status Updates

In order to transparently track the progress of CAPTI's implementation and its contributions to achieving the state's climate, health, and equity goals, CalSTA will prepare an annual report every fall, beginning in 2022. At a minimum, each annual report should include:

- A status update of each action identified in CAPTI by the appropriate agency or agencies;
- Key accomplishments made in implementing the actions listed in the plan;
- An evaluation of the effectiveness of CAPTI actions and projected benefits of awarded projects based on the metrics identified in Action S8.1;
- Recommendations for adjusting, adding, or removing actions based on the evaluation of their effectiveness in helping to meet the state's climate, health, and equity goals.

CalSTA will provide formal public status updates on CAPTI annual progress reports at the Joint Meeting of CTC, CARB, and HCD, as well as at standing meetings of the CARB and CTC, as requested.

### S8.4 Lead CAPTI Interagency Implementation Working Group

CalSTA will continue to convene the CAPTI Interagency Working Group on a quarterly basis through the implementation process. The Interagency Working Group will provide a forum to discuss not only status updates on CAPTI actions but also implementation challenges and potential solutions to overcome implementation hurdles. Additionally, CAPTI actions that call for convenings, working groups, or advisory committees (S3.1, S6.1, S6.2, S6.3, and S7.2) will provide updates and recommendations to the Interagency Working Group. The working groups, convenings, and advisory committees listed in these actions, as well as the existing and established public engagement processes for many other actions, will collectively provide opportunities for stakeholders to engage in the implementation phase of CAPTI.



## Implementation: From Plan to Action

The Matrix in Appendix A provides a detailed list of responsible agencies, both in lead and support roles, that will need to take action to bring this plan to fruition. Below is a description on how CalSTA plans to track progress on the plan, as well as continually re-evaluate implementation of CAPTI actions, to ensure progress is being made to meeting the objectives outlined in the CAPTI Guiding Principles.

To ensure that progress is made towards implementation the State Interagency Working Group will continue to meet on a quarterly basis to report on and discuss progress of CAPTI action item implementation. Additionally, CalSTA commits to the key actions outlined in Strategy 8, including development of an annual progress report, which will document key accomplishments made to implement the actions listed in the plan, as well as evaluate the effectiveness of CAPTI actions along a variety of key metrics. The progress reports will also provide

recommendations for new or revised actions that should be undertaken as necessary in response to changing conditions and evolving needs of the state.



**Strategy S1. Cultivate and Accelerate Sustainable Transportation Innovation by Leading with State Investments**

These actions are intended to find opportunities where the State can begin to clearly signal its commitment to funding innovative, sustainable transportation projects, while being mindful of previous commitments and projects that are well underway.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S1.1 Prioritize SCCP Projects to Enable Travelers to Opt Out of Congestion</b>	<ul style="list-style-type: none"> <li>Pursue update of SCCP Guidelines to further prioritize innovative sustainable transportation solutions.</li> <li>Innovative solutions should focus on reducing VMT and could include investments in bus and rail transit, active transportation, and highway solutions that improve transit travel times and reliability (such as priced managed lanes with transit service, dedicated transit lanes, and transit signal priority) or generate revenue for VMT reducing projects.</li> </ul>	SCCP	CTC	CalSTA, CARB	Short-Term
<b>S1.2 Promote Innovative Sustainable Transportation Solutions in SCCP by Requiring Multimodal Corridor Plans</b>	<ul style="list-style-type: none"> <li>Pursue requirement that all projects be a part of a multimodal corridor plan consistent with the CTC's Comprehensive Multimodal Corridor Plan Guidelines.</li> </ul>	SCCP	CTC	CalSTA	Short-Term
<b>S1.3 Fast Track New CAPTI-Aligned Projects in Early Planning Phases by Adding Them to ITIP</b>	<ul style="list-style-type: none"> <li>New ITIP projects that are in alignment with the CAPTI will be added with a portion of future funding capacity.</li> <li>This will be done in collaboration with local and regional partners and be in addition to the need to continue funding for existing ITIP projects.</li> </ul>	ITIP	Caltrans	CTC, CalSTA	Short-Term
<b>S1.4 Mainstream Zero-Emission Vehicle Infrastructure Investments within TCEP</b>	<ul style="list-style-type: none"> <li>Pursue update TCEP Guidelines to prioritize projects that improve trade corridors by demonstrating a significant benefit to improving the movement of freight and also reduce emissions by creating or improving zero-emission vehicle charging or fueling infrastructure either within the project itself or within the larger trade corridor.</li> </ul>	TCEP	CTC	CalSTA, CARB, CEC, GO-Biz	Short-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

**Strategy S2. Support a Robust Economic Recovery by Revitalizing Transit, Supporting ZEV Deployment, and Expanding Active Transportation Investments**

Following the devastating impact of the COVID-19 pandemic on transit, these actions seek to enable transit's recovery and revitalize the transit system, including the deployment of ZEV transit fleets, which will ultimately be critical to our success in combatting the climate crisis. These actions also intend to expand State investments in active transportation infrastructure, the demand for which has significantly increased in many communities throughout California during the pandemic.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S2.1 Implement the California Integrated Travel Project (Cal-ITP)</b>	<ul style="list-style-type: none"> <li>Update TIRCP Guidelines to support transit providers with implementation of contactless payment and coordination of services via Cal-ITP.</li> </ul>	TIRCP	CalSTA	Caltrans, CARB	Short-Term
<b>S2.2 Identify A Long-Term Strategic Funding Pathway Across All Funding Opportunities to Realize the State Rail Plan</b>	<ul style="list-style-type: none"> <li>Lead process to prioritize rail investments statewide for major state funding programs and future federal grant opportunities.</li> </ul>	TIRCP, SCCP, ITIP, TCEP	CalSTA	Caltrans, CTC	Short-Term
<b>S2.3 Accelerate TIRCP Cycles to Support Transit Recovery with Deployment of ZEV Transit/Rail Fleets and Transit/Rail Network Improvements</b>	<ul style="list-style-type: none"> <li>Develop new Clean Fleet/Equipment and Network Improvement Project Category in the TIRCP.</li> <li>Explore allocation strategies to accelerate TIRCP cycles.</li> </ul>	TIRCP	CalSTA	CARB, Caltrans, CTC	Short-Term
<b>S2.4 Increase Funding to Active Transportation Program (ATP)</b>	<ul style="list-style-type: none"> <li>Explore potential for additional funding for the ATP from various sources, including flexing new federal funds into the Surface Transportation Block Grant Program — Transportation Alternatives Set-Aside or pursuing new state sources of funding.</li> </ul>	ATP	CalSTA	Caltrans, CTC	Short-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

Strategy S3. Elevate Community Voices in How We Plan and Fund Transportation Projects

This strategy aims to create more transparent transportation planning processes, while also coordinating across state agencies to develop standards and practices for meaningful engagement and provision of technical assistance resources to those most impacted by projects, including disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S3.1 <b>Establish Transportation Equity and Environmental Justice Advisory Committee(s)</b>	<ul style="list-style-type: none"> <li>Establish advisory committee(s) focused on transportation equity and environmental justice issues stemming from transportation planning and programming.</li> <li>Focus membership on marginalized voices, such as community-based organizations and community members reflecting different geographies and areas of the state, statewide environmental justice and equity organizations, individuals or organizations offering an accessibility and disability perspective, as well as other organizations.</li> <li>Coordinate with other state agency advisory bodies, including but not limited to CTC Equity Advisory Roundtable, CARB EJAC, CEC/CPUC SB 350 Disadvantaged Communities Advisory Group.</li> <li>Designate staffing and resources to support committee's work.</li> <li>Explore payment mechanisms to provide financial compensation to committee members for their time and expertise.</li> <li>Explore, in addition to other topics, the following topics of interest as a committee(s):                             <ul style="list-style-type: none"> <li>» (1) overarching minimum community engagement requisites for transportation programs; and</li> <li>» 2) how to implement innovative approaches to community-based planning and engagement efforts in planning and program funding guidelines.</li> </ul> </li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP, LPP, TCEP	CalSTA	Caltrans, CTC, CARB, HCD, SGC	Short-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

Strategy S3. Elevate Community Voices in How We Plan and Fund Transportation Projects  
(Continued)

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S3.2 Strengthen and Expand Coordinated, Targeted Technical Assistance on State Transportation Funding Programs</b>	<ul style="list-style-type: none"> <li>Caltrans to evaluate existing technical assistance portfolio and identify opportunities for targeted expansion.</li> <li>Caltrans to cultivate partnerships with and build capacity of community-based organizations and residents to engage in the SHOPP and ITIP project development.</li> <li>CTC to provide ongoing technical assistance to applicants on tools, methods, and practices required for CTC funding programs.</li> <li>CTC to explore structures for ad hoc in-house TA for program applicants.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP, LPP	Caltrans, CTC	CalSTA, SGC, CARB	Short-Term
<b>S3.3 Lift Up and Mainstream Community Engagement Best Practices</b>	<ul style="list-style-type: none"> <li>Caltrans to create community engagement playbook for planning and project development work.</li> <li>Caltrans to review existing programs, processes, and procedures to identify opportunities to strengthen community engagement.</li> <li>Caltrans to explore leveraging existing contracts to strengthen partnerships with community-based organizations.</li> <li>CTC to host workshops to identify best practices for meaningful community engagement for inclusion in program guidelines.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP, LPP	Caltrans, CTC	CalSTA, SGC, CARB	Short-Term
<b>S3.4 Develop and Utilize Equity Index to Assist in Evaluation or Prioritization of Caltrans Projects</b>	<ul style="list-style-type: none"> <li>Develop an Equity Index tool to assist in the evaluation and prioritization of Department projects.</li> <li>Implement Equity Index in project prioritization.</li> <li>Develop and roll out training to Caltrans staff on utilizing Equity Index for project prioritization.</li> <li>Develop an Equity Index tool to assist in the evaluation of Department projects.</li> <li>Develop and roll out training to Caltrans staff on utilizing Equity Index.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP	Caltrans	CalSTA, CTC, CARB, CDPH, SGC, OPR	Short-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.



**Strategy S4. Advance State Transportation Leadership on Climate and Equity through Improved Planning & Project Partnerships**

These actions outline Caltrans' commitment to change the types of projects it will fund, nominate, and sponsor, as well as how it analyzes project benefits and impacts. This fundamental shift will advance critical climate considerations in transportation, while also working towards eliminating inequities in the transportation system. These actions intend to align the department's planning efforts with the CAPTI Investment Framework, while lifting up regions in the state with fewer resources.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S4.1</b>	<p><b>Develop and Implement the Caltrans Strategic Investment Strategy (CSIS) to Align Caltrans Project Nominations in with the CAPTI Investment Framework</b></p> <ul style="list-style-type: none"> <li>Develop CSIS to guide project nominations.</li> <li>Implement CSIS for Caltrans-only and Caltrans-partnered project nominations.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP	Caltrans	CalSTA, CTC	Short-Term
<b>S4.2</b>	<p><b>Align Interregional Transportation Strategic Plan 2021 (ITSP) with CAPTI Investment Framework</b></p> <ul style="list-style-type: none"> <li>Update 2021 ITSP with meaningful integration of CAPTI Investment Framework and Administration's Regions Rise Together effort.</li> </ul>	ITIP	Caltrans	CalSTA	Short-Term
<b>S4.3</b>	<p><b>Update the 2023 State Highway System Management Plan (SHSMP) to Meaningfully Advance CAPTI Investment Framework</b></p> <ul style="list-style-type: none"> <li>Update 2023 SHSMP with meaningful integration of CAPTI Investment Framework.</li> <li>Update the 2023 SHSMP's SHOPP and Maintenance Investment Strategies and Performance Outcomes to align with CAPTI Investment Framework.</li> <li>Update will include following approaches or considerations, at a minimum: active transportation, climate resiliency, nature-based solutions, greenhouse gas emission reduction, climate smart decision-making.</li> <li>Incorporate roadside land management activities related to wildfire prevention into the SHSMP, such as prescribed and managed fire, and other strategies aligned with the California Forest Carbon Plan and the Draft Natural and Working Lands Implementation Plan.</li> </ul>	SHOPP	Caltrans	CalSTA	Medium-Term

**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

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**Strategy S4. Advance State Transportation Leadership on Climate and Equity through Improved Planning & Project Partnerships**  
(Continued)

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S4.4 Re-focus Caltrans Corridor Planning Efforts to Prioritize Sustainable Multimodal Investments in Key Corridors of Statewide and Regional Significance</b>	<ul style="list-style-type: none"> <li>• Provide direction to Caltrans Districts on identifying key corridors of statewide and regional significance.</li> <li>• Require corridor planning efforts to prioritize sustainable multimodal investments.</li> <li>• Update Caltrans Corridor Planning Guide and CTC Comprehensive Multimodal Corridor Plan Guidelines accordingly.</li> <li>• Support the development of innovative safety solutions based on the safe systems approach that advance sustainable transportation modes, particularly for rural communities.</li> </ul>	SHOPP, ITIP, SCCP	Caltrans	CalSTA, CTC	Medium-Term
<b>S4.5 Develop and Implement Caltrans Climate Action Plan (CCAP)</b>	<ul style="list-style-type: none"> <li>• Develop Caltrans Climate Action Plan aligned with CAPTI Investment Framework.</li> <li>• Explore actions that reduce GHGs and VMT — including from use of the state highway system and internal operations.</li> <li>• Establish mode share targets for passenger travel.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP	Caltrans	CalSTA	Medium-Term
<b>S4.6 Incorporate Zero-Emission Freight Infrastructure Needs in California Freight Mobility Plan (CFMP)</b>	<ul style="list-style-type: none"> <li>• Update CFMP and project list to incorporate zero-emission freight infrastructure needs.</li> <li>• Analyze CFMP project impacts and mitigations for environmental justice communities — including but not limited to air quality, pedestrian and bicyclist safety, and noise.</li> </ul>	TCEP	Caltrans	CalSTA, CARB	Short-Term

Attachment: CAPTI-July-2021-a11y (11037 : CAPTI Update)

**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

**Strategy S5. Support Climate Resilience through Transportation System Improvements and Protections for Natural and Working Lands**

Impacts from climate change have the potential to restrict or impede travel in the state and have huge monetary implications for the state's fix-it-first approach. This strategy's actions will incorporate climate risk assessment as a standard practice in the transportation project development process in order to proactively work toward creating a more resilient transportation system.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S5.1 Develop Climate Risk Assessment Planning and Implementation Guidance</b>	<ul style="list-style-type: none"> <li>Update OPR Climate Risk Assessment Guidance.</li> <li>Collaborate to integrate climate risk guidance into Caltrans planning and project delivery processes.</li> <li>Integrate Caltrans' District Climate Change Vulnerability Assessments and District Adaptation Priorities Reports in implementation guidance.</li> </ul>	SHOPP, ITIP	Caltrans, OPR	CalSTA CNRA	Short-Term
<b>S5.2 Update SHOPP and SB 1 Competitive Program Guidelines to Incentivize Climate Adaptation and Climate Risk Assessments/Strategies</b>	<ul style="list-style-type: none"> <li>CalSTA and CTC will evaluate OPR/Caltrans Climate Risk Assessment Planning and Implementation Guidance and pursue inclusion in SHOPP, TIRCP, and SB 1 Competitive Program Guidelines.</li> </ul>	SHOPP, SCCP, TCEP, LPP	CTC	CalSTA Caltrans	Medium-Term
<b>S5.3 Explore Incentivizing Land Conservation through Transportation Programs</b>	<ul style="list-style-type: none"> <li>Consider inclusion of land conservation and climate smart solution incentives in next scheduled updates to Regional Transportation Plan and SB 1 Competitive Program guidelines.</li> </ul>	SCCP, TCEP, LPP	CTC	CalSTA, CNRA, CARB, OPR, SGC	Medium-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

**Strategy S6. Support Local and Regional Innovation to Advance Sustainable Mobility**

To address the various challenges and barriers to the implementation of Sustainable Community Strategies, this strategy identifies key actions to support the implementation of regional and local planning efforts that align with the framework, with a focus on finding a pathway to implementation for roadway pricing efforts and SB 743 VMT mitigation.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S6.1 <b>Explore New Mechanisms to Mitigate Increases in Vehicle Miles Travelled (VMT) from Transportation Projects</b>	<ul style="list-style-type: none"> <li>Collaborate with local and regional transportation agencies to develop new mechanisms for viable VMT mitigation options for highway capacity projects, particularly with equity and land conservation in mind.</li> <li>Explore statewide and regional VMT mitigation bank concept.</li> <li>Evaluate feasibility and explore potential expansion of Advanced Mitigation Program to include GHG/VMT mitigation.</li> </ul>		Caltrans	CalSTA, CARB, CTC, HCD	Medium-Term
S6.2 <b>Convene a Roadway Pricing Working Group to Provide State Support for Implementation of Local and Regional Efforts</b>	<ul style="list-style-type: none"> <li>Convene a working group consisting of state agencies and local and regional partners to provide state leadership and support to local and, regional, and state efforts already underway.</li> <li>Create an inventory of various ongoing efforts across the state</li> <li>Outline state and federal statutory and administrative opportunities and barriers to equitable implementation of various roadway pricing applications currently under consideration by local and regional partners, including but not limited to cordon pricing, congestion pricing, and other dynamic pricing tools.</li> </ul>		CalSTA/ Caltrans	CTC, CARB, OPR, SGC	Short-Term
S6.3 <b>Convene Discussion on Sustainable Rural Transportation Solutions</b>	<ul style="list-style-type: none"> <li>Convene discussion to explore actions CalSTA can take to advance rail, transit, active transportation, and ZEV deployment in rural communities</li> </ul>		CalSTA	Caltrans	Short-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

**Strategy S7. Strengthen Transportation-Land Use Connections**

In order to simultaneously address California's housing crisis while reducing VMT, these actions seek to ensure that transportation programming dollars help incentivize smart housing and conservation policies and decisions, while also supporting the creation of infill development.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
<b>S7.1 Leverage Transportation Investments to Incentivize Infill Housing Production</b>	<ul style="list-style-type: none"> <li>Explore and identify opportunities in transportation funding programs to incentivize pro-infill housing policies and to expand upon recent successes of programs such as the Affordable Housing and Sustainable Communities (AHSC) program</li> </ul>	TIRCP, SCCP, LPP, ATP	CalSTA	CTC, Caltrans, HCD, CARB	Short-Term
<b>S7.2 Create Working Group to Explore Potential Action to Address Direct and Indirect Displacement in Transportation Programs</b>	<ul style="list-style-type: none"> <li>Convene interagency working group to explore actions to enable transportation programs to incentivize anti-displacement strategies within their funding frameworks.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, TCEP, LPP, ATP	CalSTA	Caltrans, CTC, CARB, HCD, SGC, OPR	Short-Term
<b>S7.3 Explore a "Highways to Boulevards" Conversion Pilot Program</b>	<ul style="list-style-type: none"> <li>Identify locally nominated candidate locations for pilot program.</li> <li>Pursue creation of Highway to Boulevards Conversion Pilot Program.</li> <li>Integrate anti-displacement strategies as part of pilot program concept.</li> </ul>	SHOPP, ITIP	CalSTA	Caltrans, HCD, OPR, SGC	Medium-Term

Attachment: CAPTI-July-2021-a11y (11037 : CAPTI Update)

**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

**Strategy S8. Monitor Implementation and Report Progress**

CalSTA is committed to not only monitoring the CAPTI implementation and its progress but also evaluating and reporting on how CAPTI actions have helped to evolve the state's transportation infrastructure investments to deliver the climate, health, and equity outcomes we are collectively seeking.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S8.1 <b>Develop and Coordinate Metrics to Track Progress</b>	<ul style="list-style-type: none"> <li>Develop draft set of quantitative and qualitative metrics to not monitor and track progress of CAPTI implementation and outcomes</li> <li>Facilitate stakeholder review of conceptual CAPTI evaluation metrics</li> <li>Coordinate with metrics development with ZEV Market Development Strategy and State Adaptation Strategy, and other Administration climate efforts.</li> <li>Finalize CAPTI evaluation metrics</li> </ul>		CalSTA	Caltrans, CTC, CARB, HCD, OPR, SGC, GO-Biz, CNRA, CDPH	Short-Term
S8.2 <b>Deploy Tools to Analyze CAPTI Progress</b>	<ul style="list-style-type: none"> <li>Identify existing tools or need(s) for tool development to enable use of metrics identified in S8.1 for reporting purposes</li> <li>Launch and convene Statewide Data Analytics Work Group</li> <li>Explore collaboration options, cost-sharing opportunities, and technical assistance needs for travel datasets and emerging data analytics tools</li> </ul>		CalSTA	Caltrans, CTC, CARB, HCD, OPR, SGC, GO-Biz, CNRA, CDPH	Short-Term
S8.3 <b>Prepare Annual Progress Report &amp; Provide Public Status Updates</b>	<ul style="list-style-type: none"> <li>Prepare annual fall report beginning Fall 2022</li> <li>Deliver CAPTI implementation status updates to joint CTC-CARB-HCD meetings</li> <li>Prepare subsequent annual reports</li> <li>Deliver status updates to CARB and CTC, as requested</li> </ul>		CalSTA	Caltrans, CTC, CARB, HCD, OPR, SGC, GO-Biz, CNRA, CDPH	Short-Term
S8.4 <b>Lead CAPTI Interagency Working Group</b>	<ul style="list-style-type: none"> <li>Convene Interagency Working Group meetings on quarterly basis</li> </ul>		CalSTA	Caltrans	Short-Term

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**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

## Appendix B. List of Acronyms and Abbreviations

<b>AHSC</b>	Affordable Housing and Sustainable Communities Program	<b>GO-Biz</b>	Governor's Office of Business and Economic Development
<b>ATP</b>	Active Transportation Program	<b>HCD</b>	California Department of Housing and Community Development
<b>BIPOC</b>	Black, Indigenous, and People of Color	<b>ICE</b>	Internal Combustion Engine
<b>CalEPA</b>	California Environmental Protection Agency	<b>ITIP</b>	Interregional Transportation Improvement Program
<b>Cal-ITP</b>	California Integrated Travel Project	<b>ITSP</b>	Interregional Transportation Strategic Plan
<b>CalSTA</b>	California State Transportation Agency	<b>LPP</b>	Local Partnership Program
<b>Caltrans</b>	California Department of Transportation	<b>LWDA</b>	Labor and Workforce Development Agency
<b>CARB</b>	California Air Resources Board	<b>MHDV</b>	Medium and Heavy Duty Vehicle
<b>CCAP</b>	Caltrans Climate Action Plan	<b>OPR</b>	Governor's Office of Planning and Research
<b>CCI TA</b>	California Climate Investment Technical Assistance Program	<b>RTP</b>	Regional Transportation Plan
<b>CDPH</b>	California Department of Public Health	<b>SCCP</b>	Solutions for Congested Corridors
<b>CEQA</b>	California Environmental Quality Act	<b>SCS</b>	Sustainable Communities Strategy
<b>CNRA</b>	California Natural Resources Agency	<b>SGC</b>	California Strategic Growth Council
<b>CSIS</b>	Caltrans Strategic Investment Strategy	<b>SHOPP</b>	State Highway Operations & Protection Program
<b>CTC</b>	California Transportation Commission	<b>SHSMP</b>	State Highway System Management Plan
<b>CTP/CTP 2050</b>	California Transportation Plan 2050	<b>TCEP</b>	Trade Corridor Enhancement Program
<b>CWDB</b>	California Workforce Development Board	<b>TIRCP</b>	Transit & Intercity Rail Capital Program
<b>DOF</b>	California Department of Finance	<b>VMT</b>	Vehicle Miles Travelled
<b>EO</b>	Executive Order	<b>ZEV</b>	Zero-Emission Vehicle
<b>GHGs</b>	Greenhouse Gases		



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Council of Governments



County Transportation Authority

May 19, 2021

Mr. David Kim, Secretary  
California State Transportation Agency  
915 Capitol Mall, Suite 350B  
Sacramento, California 95814

Subject: Comments by the San Bernardino County Transportation Authority/San Bernardino Council of Governments on the draft Climate Action Plan for Transportation Infrastructure

Dear Secretary Kim:

The San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Council of Governments (SBCOG) appreciate the opportunity to provide comments on the draft Climate Action Plan for Transportation Infrastructure (CAPTI) prepared by the California State Transportation Agency (CalSTA). San Bernardino County is the largest county geographically in the continental United States (over 20,000 square miles) and is home to approximately 2.2 million residents. SBCTA/SBCOG represent 24 cities and the County of San Bernardino, with a Board of 29 local jurisdiction elected representatives.

The draft CAPTI has been very professionally prepared, and covers a number of topics that are important to the state and to San Bernardino County. We appreciate the working relationship we have had with CalSTA over many years and trust that these comments will be helpful as we seek to implement a world-class transportation system that promotes environmental and economic sustainability and equity for all of our residents.

Our comments can be classified into three general themes:

- A summary of SBCTA/SBCOG sustainability initiatives over the last several years
- Overall perspectives on CAPTI
- Comments on specific CAPTI sections and strategies

### **SBCTA/SBCOG SUSTAINABILITY INITIATIVES**

Before we get into specific comments on the draft CAPTI, it is important to recognize that SBCTA/SBCOG and our local partners (transit agencies and local jurisdictions) are proactively pursuing sustainability initiatives throughout San Bernardino County. These activities represent important contributions and a commitment to sustainability region-wide, and we thought it would be appropriate to highlight some of these in our comment letter.

The San Bernardino Countywide Vision is a centerpiece of our sustainability activities. The Vision is very consistent with the direction of the draft CAPTI and has given San Bernardino County an important foundation for the activities that have been undertaken since

that time. An Equity Element was added to the vision in 2020, and is in the process of being implemented.

In brief, the following are recent and ongoing sustainability initiatives of SBCTA and SBCOG:

- Transit investments – Over \$600 million is being invested in high-capacity transit infrastructure over a 10-year period, an extraordinary investment for a county generally thought to be suburban.
- Part of this investment is the Redlands Passenger Rail Project. This is a 9-mile rail line between Redlands and downtown San Bernardino, to be operational in 2022, using self-propelled trainsets. As part of this project, SBCTA has received a \$30 million grant from CalSTA to implement a zero-emission passenger rail trainset, a first in North America.
- Aside from funding local bus service, additional SBCTA transit investment includes two Bus Rapid Transit (BRT) lines - the 16-mile E Street BRT in the cities of San Bernardino and Loma Linda that began revenue service in 2014, and the 19-mile West Valley Connector BRT (fully funded and in final design) across four cities with connections to two Metrolink lines and Ontario International Airport.
- SBCTA is part of the regional Joint Powers Authority that has been funding and operating Metrolink trains for almost 30 years.
- Two current transit initiatives include the tunnel connection between the Rancho Cucamonga Metrolink station and Ontario International Airport (ONT), as well as the privately funded Brightline West High Speed Rail that would connect Las Vegas with Southern California by 2024, terminating at Metrolink in Rancho Cucamonga.
- Countywide GHG Reduction Plan and EIR (completed in 2014 and in the process of being updated to address SB 32 goals for GHG reduction to 2030). Many of the jurisdictions prepared their own Climate Action Plans (CAPs) based on the SBCTA Programmatic EIR for the original GHG Reduction Plan, and all 25 jurisdictions are participating in the current update.
- SB 743 Countywide VMT Implementation Study (completed in June 2020 for all the jurisdictions in the county). All our local jurisdictions have now adopted a program of thresholds and analysis guidelines for VMT reduction in response to the California Environmental Quality Act guidelines relating to SB 743.
- Inland Empire Comprehensive Multimodal Corridor Plan, completed in September 2020, consistent with Caltrans and CTC guidelines, and in partnership with the Riverside County Transportation Commission, Caltrans District 8, and the Southern California Association of Governments (SCAG).
- Joint report with SCAG: “*Customer-Focused, Technology-Enabled Multi-Modalism Action Plan*,” completed in 2018 and containing 16 targeted initiatives for transit, transportation demand management (TDM), and active transportation in San Bernardino County.
- Active transportation – we have delivered or are in the process of delivering over \$60 million in state Active Transportation Program grant projects, together with our local partners.
- Expansion of the SBCTA rideshare/vanpool program (in progress), including a new “telework initiative.”
- Zero-Emission Vehicle Readiness and Implementation Plan (completed in 2019)

- Partnerships on Clean Freight, such as assistance with the clean-fuel retrofitting of over 200 diesel-fueled Ryder trucks several years ago. It is also noteworthy that SBCTA signed on to the petition to the Environmental Protection Agency for accelerating the move to ultra-low NOx trucks nationally, given the many out-of-state trucks that move in and through the Inland Empire.
- Climate Adaptation Plan and Partnership with Western Riverside COG (completed in Spring 2020)
- Development of the Healthy Communities Best Practices Toolkit - The toolkit, a collaboration between SBCOG and the County, contains sample policies, resolutions, processes, organizational structure, and lessons learned from agencies that have implemented health-related policies.
- Preparation of a Regional Conservation Investment Strategy (RCIS), pursuant to AB 2087 – A draft has been prepared, and is currently being refined using a Wildlife Conservation Board grant.

A Sustainability Fact Sheet and other elements of the SBCTA/SBCOG Sustainability programs can be accessed at: [SBCTA-Sustainability\\_FINAL\\_digital.pdf \(gosbcta.com\)](https://www.gosbcta.com/SBCTA-Sustainability_FINAL_digital.pdf).

## **OVERALL PERSPECTIVES ON THE CAPTI DRAFT**

We greatly appreciate the efforts that CalSTA and its state agency partners have made to get CAPTI to this point. A lot of careful thought and research have gone into this, and we look forward to being strong partners in delivering mobility and accessibility improvements that move people and goods to, from, and within San Bernardino County. We also appreciate the funding streams that the state has established for delivering these projects. We certainly do not take them for granted, and we recognize that CalSTA wishes to deploy those funds in a way that best achieves the state's transportation and climate goals.

You are also aware that SBCTA and other “self-help” counties answer to the residents who overwhelmingly voted to tax themselves to improve mobility and safety and to reduce congestion. Our current Measure I sales tax was approved by 80 percent of the voters, and they have expectations that we will keep the promises SBCTA made in the package that they approved.

The good news for San Bernardino County is that much of the funding our voters approved is going toward improvements that also address the CAPTI guiding principles quite well, a few of which include: “fix-it-first” funding for local road maintenance and safety improvements, Metrolink capital and operations support, Redlands Passenger Rail, bus rapid transit capital and operating funds, senior and disabled transit assistance, and ridesharing programs, for example. We are also well along in the implementation of new priced High Occupancy Toll (HOT) lanes which will, for the first time in the County, provide travel time and cost incentives for transit, vanpools, carpools, and clean air vehicles. The I-10 and I-15 priced express lane projects are an integral part of the SCAG regional express lane system. It is a critical priority for the region to build out this multimodal system so that these alternate modes can be incentivized in a comprehensive, integrated way, with support from the state. We believe we are on the right track with CAPTI-supportive projects, but we are also looking for ways to improve on what we have already planned.

In that light, we have several general thoughts on the implementation of CAPTI. These overview comments are lettered A through D, followed by more detailed comments on specific sections of the CAPTI draft, numbered 1 through 23.

- A. **Need to broaden the discussion of VMT reduction strategies:** We are supportive of the state's emphasis on reducing VMT, and we even led a collaborative effort with our 25 local jurisdictions to implement the provisions of SB 743 by the July 1, 2020 deadline. We have a second project underway with SCAG to look at specific strategies for VMT reduction and mitigation. In other words, we have been very active in VMT reduction efforts already, and we understand the reasons for the 30 references to VMT in the CAPTI draft.

We also understand the reasons for the 50 references to transit in the CAPTI draft and have been investing heavily in transit, with more to come. That said, we believe CAPTI is overlooking some very productive methods of reducing VMT that work across urban, suburban and rural areas alike. In looking through CAPTI, there are no references to ridesharing, no references to carpooling, only one reference to vanpooling, one reference to shared mobility, one reference to telework, and no references to transportation demand management or TDM as a general class of strategies. The entire field of TDM is fertile for development of cost-effective VMT reduction strategies and yet it barely receives mention in the CAPTI draft.

To illustrate, prior to COVID, transit work trip mode split for San Bernardino residents was about 1.4 percent, while the rideshare percentage was 11 percent. And work-at-home had been steadily climbing to where it stood at 5.9 percent pre-COVID (based on the American Community Survey 2015-2019). Post-COVID, the expectation is that the work-at-home rate will be significantly higher. The point is that we need to employ all the tools in the toolbox for reducing VMT, and not limit ourselves primarily to transit/land use strategies, as important as they may be. More specific mention should be made of TDM strategies.

To be sure, we are doing all we can with transit and TOD. But this strategy takes a long period of time to realize significant impact, and other very cost-effective strategies are available that can have a more short-term impact. That said, any reductions in VMT do not come easily, and you will see from later comments our concern that the expectations the state has for VMT reduction should be realistic. Ultimately the state's population and business communities need to buy into this direction with their personal transportation choices, and our sense is that most are not there yet. Even though the large majority of Californians say that they are concerned about climate change, and might like to ride transit or a bike if they could, it is hard to make a personal decision not to drive when the automobile represents their way of navigating the complexities of daily life – getting to jobs, school, child-care, grocery store, etc. The estimate of potential 30 percent VMT reduction (relative to baseline) that was contained in the draft California Transportation Plan 2050 is not realistic, for reasons we explain later in this comment letter. We would be concerned if the analysis presented in the draft CTP 2050 were to become a basis for setting VMT reduction goals.

- B. **Importance of funding for transit operations:** The funding sources identified in CAPTI that can be applied to transit projects are largely focused on capital project funding. The state also needs to understand the importance of and need for coverage of transit operating costs, and the current limitations of those funds. We do not want to be building systems that we cannot also operate. San Bernardino County is at its limit for what state and federal sources of transit operating funds enable us to provide for transit services. We even have 5% of our local sales tax funding in our Valley subarea that we can use for express bus/bus rapid transit services (capital and operating) and 8% of our Metrolink/rail program, but we are maxed out on those commitments through 2040. This is not related to the transit funding issues associated with COVID. It was true prior to COVID, and it will still be true when we hopefully get back to whatever the “new normal” represents. We have very few options for additional operating funds, and for transit expansion to be real, additional sources of operating funds must be identified. We also have potential concerns about urban transit systems having to compete for operating funds with future intercity rail. While there is a current commitment for the state high-speed rail system to be self-funding for operations, you will see in our Comment 7 why we have reason for concern.
- C. **“No one-size-fits-all:”** We greatly appreciate that the draft CAPTI recognizes the principle of “no one-size-fits-all.” How that principle is operationalized is of great interest to San Bernardino County, given the size, geographic diversity, diversity of our residents, and economic diversity of our county. While the entire county is considered to be in the Southern California Region (with SCAG as the Metropolitan Planning Organization) most of the county, by land area, is rural, and substantial lands in the mountains and deserts are already preserved or designated for military use. We have had several major wildfires over the years, which have severely impacted transportation, so we understand what is at stake in terms of climate change. Our request would be that the state recognize the wide range of needs and varying degrees of ability to achieve VMT reduction and transit/land use objectives. What may be possible as a strategy in the San Bernardino Valley, may not be possible in the Victor Valley or Morongo Basin. And a highway operations/safety need in the high desert may not be the same as a need in the Valley.
- D. **Consideration of air quality, freight, and economic competitiveness.** The ninth “guiding principle” in the CAPTI draft (page 16) focuses on: *“Developing a zero-emission freight transportation system that avoids and mitigates environmental justice impacts, reduces criteria and toxic air pollutants, improves freight’s economic competitiveness and efficiency, and integrates multimodal design and planning into infrastructure development on freight corridors”*. Given that San Bernardino County is one of the more impacted counties in the U.S. with regard to air quality, particularly in our numerous disadvantaged communities, we understand first-hand the importance of reducing NOx, particulates, and air toxics from the truck fleets and rail systems that operate within and pass through San Bernardino County.

As you are aware, San Bernardino County is a primary gateway for freight between Southern California and the nation, via two Class 1 railroads as well as Interstates 10 and 15, both vital routes for interstate trucking. We have multiple strategic truck bottlenecks remaining on these two facilities, and we believe a continuing partnership with state, regional, and local agencies is needed to address them. We also are taking a true



multimodal approach to these corridors, to include priced express lanes that will enable us, for the first time, to give priority to transit, vanpools, carpools, and clean-air vehicles on these routes. Coupled with a push to accelerate turnover to cleaner truck fleets, this is a win-win strategy for San Bernardino County and the state. We also have other strategic freight projects such as U.S. 395 as it approaches the I-15 junction, which represents a remaining intra-state freight bottleneck in the Victor Valley. This link is vital to freight movement and safety as U.S. 395 serves the eastern side the Sierras, and for agricultural movement via SR-58/U.S. 395 through Kern County from markets in the Central Valley. In fact, the counties of Inyo, Mono, Kern, and San Bernardino participate in the Eastern California Transportation Planning Partnership that focuses on major transportation needs, with particular attention given to U.S. 395. It deserves additional attention by the state, in the context of the varying needs across our diverse county, a good example of “no-one-size-fits-all.”

## COMMENTS ON SPECIFIC CAPTI SECTIONS AND STRATEGIES

In this section, comments are provided on specific language in the draft CAPTI. The CAPTI text being referenced is quoted first, followed by the comment. Comments are numbered from 1 through 23.

**Note: Comments 1-6 are on the CAPTI Vision and Scope section, pages 11 through 14**

Comment 1 on Page 11 –

CAPTI reference: *“The state must be strategic and thoughtful when expanding the existing system as we cannot afford to invest in projects that ultimately run up our long-term maintenance costs without bringing an outsized benefit to climate, health, and equity goals.”*

Comment: We agree. But the state also needs to understand the importance of and need for coverage of transit operating costs, and the current limitations of those funds. We suggest this be acknowledged in the text. The CAPTI draft on page 13 references seven state funding programs that are discretionary in nature, all of which are very important. However, all but the SHOPP (State Highway Operation and Protection Program) and LCTOP (Low Carbon Transit Operations Program) are focused on capital projects, and SHOPP is focused on fix-it-first for highway maintenance and operations, not transit. San Bernardino County is at its limit for what state and federal sources of transit operating funds enable us to provide for transit services. We even have 5% of our local sales tax funding that we can use for express bus/bus rapid transit services (capital and operating) and 8% of our Metrolink/rail program, but we are maxed out on those commitments. We have found vanpooling and carpooling to be very cost-efficient, and we are doing as much as possible with those programs. But if the state wants local agencies to expand transit systems on a scale that induces a significant mode shift away from single occupant auto, much more will be needed. Highway maintenance costs are expensive, but transit operating costs are much more so. On a dollars per passenger mile basis, transit operating costs are about \$1.60 per passenger mile for San Bernardino County. The cost per mile for vanpooling is about 10 percent of that cost. The LA Metro 2019 data in the national transit database offers an informative side-by-side estimate of the relative cost per passenger mile by mode:

- Heavy rail - \$0.81 per passenger mile
- Light rail - \$0.96
- Bus - \$1.14 (less than SB County due to the higher densities)
- BRT - \$0.57
- Vanpool - \$0.11
- Federal IRS auto mileage reimbursement rate - \$0.575

The cost of highway maintenance is only about \$.01 per person-mile, or less than 2% of the IRS mileage reimbursement rate. The point is that highway maintenance, as expensive as it seems, is a very minor part of auto transportation costs. The operating cost of transit is quite high, and it is easy for this to be the limiting factor in how much service a transit agency can provide. In other words, transit operating costs are currently a much larger concern than highway maintenance costs, and the need for more transit operating funds should be reflected in CAPTI.

Comment 2 on Page 11 –

CAPTI Reference: “*The CAPTI efforts will support the CTP goals in a manner that works to meet state climate change mandates, targets, and policies through the direction outlined in Executive Orders N-19-19 and N-79-20.*”

Comment: SBCTA previously provided a comment letter to Caltrans on the draft California Transportation Plan 2050 (CTP 2050). There are several comments we provided to Caltrans on CTP 2050 that are pertinent to CAPTI as well, such as:

- We wholeheartedly support the eight goals of the CTP 2050: safety, climate, equity, accessibility, quality of life and public health, economy, environment, and infrastructure. We also concur with the 14 recommendations, but the fundamental questions are “How can we get there, and how fast?”
- We believe that it is appropriate for the CTP to be visionary, cutting-edge, and contain aggressive “stretch goals.” The CTP 2050 does this. At the same time, strategies and investments must be feasible, realistic, and pursued with an understanding of how our residents and businesses will respond; and this is one of the elements that we believe is missing from the draft of the CTP 2050.
- SBCTA/SBCOG’s primary concern with the CTP 2050 is that it gives the impression that the VMT reduction of 30 percent relative to baseline is achievable when, in fact, its achievability is highly suspect. While the financially unconstrained CTP 2050 shows a 30% reduction in VMT, the financially constrained (but very aggressive) SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy shows a reduction in VMT (Plan vs. Baseline) of 5%.

And while over two-thirds of Californians are supportive of the state’s climate change goals and three in four support proposals to change land use and transportation planning and to further reduce automobile emissions (see: [PPIC Statewide Survey: Californians and the Environment, July 2019](#)), only about 1.4 percent of workers in San Bernardino County ride transit to work. In Los Angeles County the percent riding transit to work is 5.8 percent. While higher than

San Bernardino, this is still only a small fraction of the regional population that is making a personal choice to commute by transit. This highlights the magnitude of the task before us: there is clear concern among the public about automobile use, but most are unable (or unwilling) to make personal choices to reduce VMT. When there is this much of a disconnect between the strategy and the willingness of the market to respond, it is a signal that some refinement in the strategy is needed. The state needs to make sure that it understands how its traveling customers make travel choices and the limitations those customers have to respond to the direction in which the state is trying to lead them. This is a fundamental principle of science-based market analysis.

Comment 3 on Page 12

CAPTI reference: *“To reduce emissions from transportation, the Scoping Plan calls for significant reductions in VMT. A recent report CARB completed, pursuant to SB 150, evaluated the state’s primary measure to reduce VMT—the Sustainable Communities and Climate Protection Program (also known as SB 375)—revealed that VMT is going up, not down as expected.”*

Comment: This further highlights the challenge involved in reducing VMT and the importance of understanding the travel market. Economic activity (whether it comes about because of population increases or economic prosperity), by its very nature, increases the quantity of goods and services exchanged. This generates more VMT, absent significant increases in transit, ridesharing, active transportation and virtual travel. So it is not at all surprising that VMT was increasing in recent years, given that the economy was recovering from the Great Recession. And even the best of VMT reduction strategies could not counter that trend, until the pandemic hit in 2020. The challenge for planning and transportation agencies is that it takes very large percentage increases in transit ridership to achieve relatively small percentage reductions in VMT. This is because, for example, the auto work trip mode share even in LA County is almost 84 percent, and the transit mode share is 5.8 percent. So a 50 percent increase in work trip transit mode share produces only a 3.5 percent reduction in work trip VMT. The carpool work trip mode share is 9.5 percent in LA County and 11 percent in the Inland Empire, so it is important to think about multi-occupant personal vehicles, not just transit. But even with that, work trips are only about 20 percent of total trips, so the percentage impact gets diluted further. A lesson learned from the pandemic is the remarkable power of virtual travel, enabled by technology. While many fields of work could not take advantage of this, it has been remarkable how quickly and relatively seamlessly some business sectors were able to adapt. SCAG has estimated that up to 24 percent of jobs in Southern California could be amenable to regular telework, and it is important to keep all methods of travel reduction on the table. The point is that transit and land use change are only one part of the toolkit by which to reduce VMT. But the pressures that increase VMT (growth and economic activity) are a necessary part of promoting a healthy state and region. The point is again that VMT reduction goals need to be realistic.



Comment 4 on Page 14

CAPTI reference: “... *reducing our dependence on driving will take better coordination of land use decisions in addition to the transportation decisions discussed in this document. This requires coordinated investments to further economic development and jobs in housing rich areas, support additional compact development and housing density in low VMT/high opportunity neighborhoods* ...”

Comment: SBCTA agrees with this approach, particularly the point on economic development in housing rich areas. To some extent, these changes are already taking place through virtual travel/telework, with a portion of jobs in major employment centers such as downtown Los Angeles and Orange County relocating to the Inland Empire. SCAG modeling is going to need to account for this in the next RTP/SCS. Additionally, we are in support of transit oriented development (TOD) where it is feasible, and we are enabling TOD with some of our transit investments. That said, the market ultimately determines what is feasible, and the infill or redevelopment sites tend to be more expensive to develop. Land values generally need to increase before many of these higher density sites will pencil out for the development community.

Comment 5 on Page 14

CAPTI reference: *Meeting our goals will also require existing and emerging technologies — such as connected and automated vehicles, shared mobility, micromobility, and increased digital substitution (such as telework, telemedicine, etc.) — to be strategically deployed in a way that encourages reduction in dependence on single occupant vehicles and increases access to destinations and opportunities.*

Comment: As noted in the prior comment, SBCTA is in strong support of technology-enabled approaches to reducing VMT. It should be noted that SBCTA and RCTC initiated a telework assistance program in July 2020 through our IE Commuter partnership. However, it is important to also retain emphasis on traditional lower-cost shared ride options as well, such as vanpooling and carpooling. Matching and monitoring tools are improving, so one would hope that these modes also increase in the future and that the pandemic will not have long term effects of reducing shared rides.

Comment 6 on Page 15

CAPTI reference: *Understanding that there is not a one-size-fits-all approach to achieving the needs of the state’s diverse communities, realizing the outcomes outlined in the CTP 2050 requires a range of investment strategies.*

Comment: We concur with this statement. While we are diligently working on GHG reduction, VMT reduction, and other sustainability initiatives in San Bernardino County, responses and expectations need to vary based on multiple factors, such as location within the region, population and employment density, type of employment in the area, resources to support transit operations, etc. We highlighted this point in the overview section, in the context of San Bernardino being a very large and diverse county.

**Note: Comments 7-12 are on the CAPTI Investment Framework and include comments on a subset of the 10 “guiding principles” on pages 15 and 16 of the CAPTI draft. The principle is restated, followed by the comment.**

Comment 7 referencing Principle 1

CAPTI Principle: *Building toward an integrated, statewide rail and transit network centered around the existing California State Rail Plan that leverages the California Integrated Travel Project to provide seamless, affordable, multimodal travel options in all contexts, including suburban and rural settings, to all users.*

Comment: SBCTA understands the state’s interest in building a passenger rail network, and we fully appreciate the need to have an integrated, connected transit network. We are following this same path with our own transit investments, seeking system connectivity wherever we can, and pursuing fare and schedule integration wherever possible. We are also working with Caltrans to enable Brightline West to build its privately-funded and operated high-speed rail line from Las Vegas, along Interstate 15, to terminate at the Rancho Cucamonga Metrolink station. In other words, we get the importance of this first CAPTI principle.

In Comment B of the overview, we highlighted the importance of transit operating funds to support the capital investments in transit that are made available through the state’s discretionary grant programs. We made the point that additional operating funds for urban transit will be needed to fulfill the state’s expectations for VMT and GHG reduction. We also suggested a concern that there could be a conflict in priorities between funding for urban transit operations and the potential demand on operating funds for the state high-speed rail system. While there has been a long-standing commitment that high-speed rail operations would be self-funded, language in the April 2020 report on the 2020 California High-Speed Rail Business Plan by the legislatively-designated High Speed Rail Peer Review Group raises concerns that self-funding may not be possible, particularly for the earlier segments. We have included some of that language in a footnote quoted from page 158 of Appendix E – Peer Review Group Letter contained in the April 12, 2021 version of the HSR Business Plan submitted to the Legislature<sup>1</sup>. The potential prospect of transferring a high-speed rail subsidy obligation to CalSTA, as raised in the Peer Review Letter, could be in direct conflict with the urban transit operating funds required for cash-

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<sup>1</sup> Source: page 158 of Appendix E – Peer Review Group Letter from the April 12, 2021 version of the California High-Speed Rail Business Plan: “Although the Authority’s plan is based on analysis by the ETO and KPMG, the demand and operating cost forecasts for the interim service are necessarily not based on the same quality of analysis as the forecasts for the full system presented in prior Business Plans. They are also based on a number of assumptions including the assumption that reliability of the connecting services will be far better than the current 75 percent on-time performance of the San Joaquin services. As a result, the plans still have a significant range of uncertainty. The plan critically requires that the high-speed line be “leased” to another operator, potentially either a state or local agency such as Cal STA or the San Joaquin Joint Powers Authority. Proposition 1A prohibits the Authority from subsidizing operations, so the terms of the lease may need to require that the lessee pay full compensation for all of the Authority’s costs of operating and maintaining the line and trainsets. The terms for this lease have not been defined and there is no clear expression of commitment from, or negotiation of terms with, any of the potential lessors. Moreover, since design and operating decisions are being made by the Authority in advance of full concurrence and commitment of the lessee/operator(s), it is possible that the costs and revenues of the interim system will be different than expected. Estimates of costs are preliminary and could turn out to be higher than lessors are able or willing to pay. For these reasons, it may be difficult to implement an interim arrangement that does not violate the terms of Proposition 1A. The approach could also lead to litigation -and project delay -over whether it is legal under the no-subsidy strictures of Proposition 1A.”

strapped urban transit agencies. This would put CalSTA in the awkward position of needing transit operating funds for high-speed rail while at the same time the Agency is asking those of us who operate urban transit systems to do more. While we appreciate that the CHSRA appears to understand its commitment to avoid the need for local, state, or federal operating subsidies, the language of the Business Plan and its risk analysis do not provide much assurance that the Authority will be able to fulfill this commitment.

Comment 8 referencing Principle 3 –

CAPTI reference: *Including investments in light, medium, and heavy-duty zero-emission vehicle (ZEV) infrastructure as part of larger transportation projects. Support the innovation in and development of the ZEV market and help ensure ZEVs are accessible to all, particularly to those in more rural or remote communities.*

Comment: While SBCTA understands that VMT reduction is part of the overall GHG reduction strategy, advances in vehicle and fuels technology together with greatly increased penetration of clean vehicles into the light, medium, and heavy-duty fleets will be the principal means of achieving both our local air quality and climate change objectives. Equipping the electric grid and powering the grid with renewable sources is equally important. Given that San Bernardino County is one of the more impacted counties in the U.S. with regard to air quality, particularly in our numerous disadvantaged communities, we understand first-hand the importance of reducing NOx, particulates, and air toxics from the truck fleets that operate within and pass through San Bernardino County. While use of transportation-related funds on fueling infrastructure has not occurred historically, SBCTA is open to further discussions on how that might occur, while at the same time not diminishing opportunities for funding of our multimodal projects and strategic, targeted freight bottleneck improvements.

Comment 9 referencing Principle 4 –

CAPTI reference: *Strengthening our commitment to social and racial equity by reducing public health and economic harms and maximizing community benefits to disproportionately impacted disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities, in urbanized and rural regions, and involve these communities early in decision-making. Investments should also avoid placing new or exacerbating existing burdens on these communities, even if unintentional.*

Comment: It was noted earlier that an Equity Element was added to the San Bernardino Countywide Vision, alongside the other 10 prior elements in Summer 2020. Cross-sectoral working groups are currently engaged in how to incorporate equity across all the elements. CalSTA is likely also aware that San Bernardino County is home to some of the most disadvantaged communities in the state, per CalEnviroScreen 3.0 and the recently released beta version of 4.0. As a transportation agency, SBCTA has historically had proactive outreach to all these communities, together with Caltrans. And we currently have a real-life example of potential impact on our disadvantaged communities. The principle that is so well articulated in the draft CAPTI is being violated in San Bernardino County by one of the agencies CalSTA oversees: the California High Speed Rail Authority. The CHSRA has indicated in its CEQA Notice of Preparation for the Los Angeles to Anaheim segment of the High Speed Rail System, that siting of a major new BNSF intermodal facility is required in Colton to make room for two high-speed rail tracks in the LA to Anaheim in

which BNSF currently operates. The facility is said to be larger than the San Bernardino intermodal facility, situated immediately north of SBCTA offices. We are working with the CHSRA and others to address this problem, but it is a clear-cut example of the type of inequitable transportation decision-making that CAPTI seeks to avoid. This potential action by the CHSRA runs directly counter to the CAPTI principle stated above and to the objectives expressed in CTP 2050 regarding proactive outreach to disadvantaged communities. While limited conversations have been held, and CHSRA states that they are limited in what they can share because of the environmental process, the project is largely shrouded in mystery, fostered by a lack of transparency. Then agencies and affected communities will have 60 days to digest and comment on the environmental analysis and draft documents. Our distinct impression is that the state itself is not adhering to the very principles it is now espousing through CAPTI.

Comment 10 referencing Principle 6 –

*CAPTI reference: Promoting projects that do not significantly increase passenger vehicle travel, particularly in congested urbanized settings where other mobility options can be provided and where projects are shown to induce significant auto travel. These projects should generally aim to reduce VMT and not induce significant VMT growth. When addressing congestion, consider alternatives to highway capacity expansion, such as providing multimodal options in the corridor, employing pricing strategies, and using technology to optimize operations.*

Comment: SBCTA is looking for ways in its planning and implementation to reduce GHGs and VMT wherever feasible. We have discussed previously some of the initiatives we have undertaken, and for a county primarily thought to be suburban, we are making major investments in transit, shared-ride, active transportation, and virtual travel alternatives. We have two primary comments on this principle: 1) the expectations for VMT reduction need to be realistic, with an understanding of how the customers we are attempting to serve will respond and be affected; and 2) there will still be a need for strategic investment in multimodal highway projects and freight bottleneck relief.

We have already discussed issues related to the feasibility and realism of VMT reductions. Our “customers” (residents, businesses, and visitors) live very busy and often complicated lives, and most of them need transportation solutions that keep their lives as simple as possible, given their circumstances. And the fact that many are willing to endure long commutes, even in corridors well-served by transit, speaks to the realities of the choices they have to make to keep life going. Our strategies need to understand our customers and their limitations, designing systems that help make life work for them in the 21<sup>st</sup> century. Regarding strategic investment in highways, there are at least two areas for which continued state investment would seem to be warranted. The first involves completing the multimodal regional express lane system in San Bernardino County, as reflected in the SCAG RTP/SCS. In San Bernardino County, this includes Interstate 10 from the LA County line to Redlands and Interstate 15 from the Riverside County line to US-395. The only segment of these facilities that has HOV lanes is I-10 from the LA County line to I-15. This means that there is currently no way to offer travel time incentives for transit, shared-ride vehicles, and zero-emission vehicles. Adding high-occupancy toll lanes would allow for those incentives to occur and offer the ability to manage traffic through dynamic pricing. The second area involves the need to address truck bottlenecks. The I-10 and I-15

interchange in Ontario is the 10<sup>th</sup> most critical truck bottleneck in the U.S., as ranked by the American Transportation Research Institute, and there are other significant truck bottlenecks on both of these nationally significant freeways for freight. It is important to allow for these bottlenecks to be addressed, and when combined with the toll express lanes, these improvements can be part of transitioning both I-10 and I-15 into multimodal corridors that are truly managed to optimize movement for both people and goods.

Comment 11 referencing Principle 8 –

CAPTI reference: *Developing a zero-emission freight transportation system that avoids and mitigates environmental justice impacts, reduces criteria and toxic air pollutants, improves freight's economic competitiveness and efficiency, and integrates multimodal design and planning into infrastructure development on freight corridors.*

Comment: Comment D in the overview section provided a partial response to this principle. We appreciate the inclusion of this principle, as San Bernardino County serves as a major gateway for freight, and at the same time our residents, particularly those in disadvantaged communities, are significantly impacted by freight. Governor Brown's Executive Order B-32-15 had very similar themes, calling for development of an integrated action plan "that establishes clear targets to improve freight efficiency, transition to zero-emission technologies, and increase competitiveness of California's freight system." The California Sustainable Freight Action Plan (CSFAP) was completed in July, 2016. Among the Guiding Principles of the CSFAP is the following:

*"Invest strategically to improve travel time reliability and to achieve sustainable congestion reduction on key bottlenecks on primary trade corridors."*

We would urge CalSTA and its partner agencies not to lose sight of the Action Plan and its own set of Guiding Principles, prepared less than five years ago. As you know, San Bernardino County is a primary gateway for freight to and from Southern California via two Class 1 railroads as well as Interstates 10 and 15. We have multiple strategic truck bottlenecks remaining on these facilities, and we believe a continuing partnership with state, regional, and local agencies is needed to address them. This would include U.S. 395 at the I-15 junction, which represents a remaining intra-state freight bottleneck in the Victor Valley, a link that is vital to freight movement on the east side the Sierras, and for agricultural movement via SR-58/U.S. 395 through Kern County from markets in the Central Valley. We would suggest that language referencing strategic improvement of freight bottlenecks be added to the CAPTI draft. This reflects the "economic competitiveness and efficiency" theme of Principle 8, as well as guiding principles from the 2016 CSFAP. Direct reference to the Action Plan in CAPTI would be appropriate as well. It is still a highly relevant document.

### **Comments 12-23 focus on selected CAPTI strategies, pages 18-27**

Comment 12 on Page 18 –

CAPTI reference: Text at the end of S1.2 - *To be competitive for SCCP funds, applicant projects and their respective Corridor Plans must demonstrate synchronization with the CAPTI Framework, California Transportation Plan 2050, and other statewide modal plans in addition to Regional Transportation Plans.*



Comment: SBCTA completed the Inland Empire Comprehensive Multimodal Corridor Plan (IE CMCP) in 2020, in partnership with the Riverside County Transportation Commission and Caltrans District 8. The CMCP was structured into 10 “Sub-corridors” that focus on the transportation, sustainability, and community needs at a finer level of detail. The CMCP addresses the CTP 2050 and other modal plans, which overlap extensively with the CAPTI framework. Within the next year it is expected that the CMCP will be updated to more directly address the CAPTI framework, once it is adopted.

Comment 13 on Page 18 –

CAPTI reference: *S1.3 Fast Track New CAPTI-Aligned Projects in Early Planning Phases by adding them to the Interregional Transportation Improvement Program (ITIP) the revised Interregional Transportation Strategic Plan (ITSP), and supported by the revised Caltrans corridor planning process and Regions Rise Together effort.*

Comment: San Bernardino County is part of Governor Newsom’s Regions Rise Together initiative. We look forward to engaging with CalSTA and its partners to continue our progress. In addition, San Bernardino County is the largest county in the continental United States and has many underserved rural areas. We look forward to adding visibility to some of our projects through inclusion in the plans identified above.

Comment 14

CAPTI reference: *S1.4 - ... the CTC, through its public guidelines development process, will work towards updating the TCEP Guidelines to prioritize projects that demonstrate a significant benefit to improving the movement of freight along trade corridors, while also reducing emissions of diesel particulates, greenhouse gases, and other pollutants by creating or improving zero emissions infrastructure — either within the project itself or within the larger trade corridor.*

Comment: SBCTA and SBCOG have been actively involved in facilitating clean energy infrastructure and vehicles. For example, we managed the conversion of over 200 diesel rental trucks to CNG through a partnership with the US Department of Energy and the California Energy Commission. We have a Zero-Emission Vehicle Readiness and Implementation Plan that addresses incentives for zero-emission trucks, and the new 2021 Regional GHG Reduction Plan discusses clean truck strategies at the state and regional level as well.

Comment 15

CAPTI reference: *S 1.4 - Additionally, in order to enhance TCEP’s guidelines for reducing community impacts, especially in disadvantaged communities, the CTC will consider during TCEP guidelines development allowing projects to include zero-emission vehicle infrastructure within the project study area if they are in adjacent disadvantaged communities, low income communities, and BIPOC communities.*

Comment: As noted previously, San Bernardino County has some of the most disadvantaged communities in the state, and we have a keen interest in a technology-driven zero-emission future. We are open to further discussion on how ZEV infrastructure can be incorporated into the TCEP guidelines without significantly impacting the funding streams needed to address our freight bottlenecks. It is also worth noting that the County of San Bernardino has one of the more active and expansive solar farm permitting operations

in the U.S., and with 20,000 square miles of land in our borders, represents one of the largest opportunities for solar power generation on the planet.

Comment 16

CAPTI reference: *S2.3 Accelerate TIRCP Cycles to Support Transit Recovery with Deployment of ZEV Transit/Rail Fleets and Transit/Rail Network Improvements Support.*

Comment: We appreciate CalSTA's investment in our Zero-Emission Bus Initiative through the grant for the West Valley Connector Bus Rapid Transit project in 2020. Given the aggressive goals for bus electrification, any assistance through TIRCP and other state funding programs would be most welcome.

Comment 17

CAPTI reference: *S2.4 Increase Funding to Active Transportation Program (ATP)*  
*CalSTA is interested in collecting stakeholder input to identify the best potential funding sources and proposed amounts for a meaningful infusion of funds to the ATP.*

Comment: SBCTA is supportive of proposals for a one-time infusion of significant additional funding for active transportation projects. However, we would not be supportive of taking slivers of funding out of other existing state transportation funding programs. And given that the May revise of the state budget only partially funds the projects on the state ATP list, the funding distribution should be sensitive to geography, with consideration of a portion going to regions by formula, per prior ATP cycles.

Comment 18

CAPTI reference: *S3.1 Establish Transportation Equity and Environmental Justice Advisory Committee(s)*

Comment: SBCTA believes that equity and environmental justice considerations will need to become a cross-cutting element among numerous state programs, and that is how we are working through the implementation of the San Bernardino Countywide Vision's new Equity Element, added to the Vision in 2020. It is also important to have good representation from the private sector, as well as from the public sector and community interest groups, as these discussions occur.

Comment 19

CAPTI reference: *S4. Advance State Transportation Leadership on Climate and Equity through Improved Planning & Project Partnerships*  
*In its new Strategic Plan, Caltrans has made a commitment to lead on climate action and advance social equity in the transportation sector. At its core, this strategy's actions outline the department's commitment to change the types of projects it will fund, nominate, and sponsor.*

Comment: SBCTA maintains an excellent project partnership with Caltrans. As an example of that partnership, SBCTA/SBCOG and Western Riverside COG recently completed an Inland Empire Climate Adaptation Plan, and SBCTA/RCTC completed the Inland Empire CMCP, both with direct involvement of Caltrans. As previously mentioned, we recognize the changing emphasis of the state in projects they are willing to support, and believe we have projects that are ideally suited to where the state is headed. These include transit, shared-ride, multimodal managed lanes, and freight projects specifically targeted

to addressing critical freight bottlenecks on the national Primary Freight Network (PFN). We intend to demonstrate the consistency of those projects with CAPTI principles to CalSTA, Caltrans, and its partner agencies at the appropriate time when funding requests come through.

Comment 20

CAPTI reference: *S4.5 Develop and Implement Caltrans Climate Action Plan (CCAP) Caltrans will develop and implement a departmental Climate Action Plan (CCAP) to establish baseline and reduction targets for GHG emissions and VMT from all sources, including from use of the State Highway System and internal operations. Additionally, Caltrans will set measurable and achievable mode share targets for passenger travel that will be supported by VMT reduction strategies. The CCAP will identify additional actions the department will take to meet its GHG, VMT, and mode share targets.*

Comment: SBCTA appreciates the reference to mode share targets as needing to be “measurable and achievable.” In fact, we would suggest that “measurable and achievable” be added to reference the targets for GHG emissions and VMT reduction as well. In all these cases, success is dependent on changing human behavior in several dimensions: mode choice, work and home location choice, potential for telework, etc. We would not be so concerned about achievability of VMT reduction goals, except for the fact that the Caltrans Draft CTP 2050 has already implied very aggressive VMT reduction goals (30 percent reduction versus baseline) that are, in our opinion, highly unrealistic. Perhaps Caltrans is dialing this analysis back in the final CTP, but our comment letter on the CTP explains the basis of our concerns, among which is a pricing strategy that is assumed to increase auto operating costs by 50 percent (equivalent to roughly a \$3.00 per gallon increase in the price of gasoline). Here is an excerpt from our CTP 2050 comment letter:

*“The reduction in VMT forecast in the CTP is a good example. While the financially unconstrained CTP 2050 shows a 30% reduction in VMT, the financially constrained (but very aggressive) SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy shows a reduction in VMT (Plan vs. Baseline) of 5%. This is a monumental disconnect for which Caltrans provides no additional context when those numbers are presented. This was an issue with the 2040 CTP as well, which we pointed out in our comment letter at that time.”*

Before setting a VMT reduction goal, we would want to see the technical basis and demonstration of feasibility in a transparent, defensible analysis. “Stretch goals” can be useful, but they must be technically credible. Please reference our CTP 2050 comment letter for more details.

Comment 21

CAPTI reference: *S6.1 Explore New Mechanisms to Mitigate Increases in Vehicle Miles Travelled (VMT) from Transportation Projects*

*CalSTA and Caltrans will work with local and regional transportation agencies to develop new mechanisms — such as mitigation banks that would allow for purchase of credits that could be applied to VMT reduction projects or actions — for viable VMT mitigation options for highway capacity projects, particularly with equity and land conservation in mind. These mechanisms are envisioned to assist transportation agencies statewide with SB 743 implementation and CEQA compliance. Additionally, Caltrans will evaluate different models for GHG/VMT mitigation, such as exploring the potential expansion of the Advanced Mitigation Program.*



Comment: We encourage more exploration of these and other tools for VMT mitigation. SBCTA is currently engaged with SCAG on a study of VMT mitigation strategies for San Bernardino County. This includes an initial look at the relative cost-effectiveness of different VMT reduction strategies, much as CARB and the South Coast AQMD have looked at the cost-effectiveness of emission reduction strategies. Our focus is particularly on telework and other TDM strategies that tend to be more cost-effective. VMT mitigation strategies and mitigation banks are much more complex than mitigation for other environmental impacts, which is why agencies are still struggling with how to navigate through these issues almost 8 years after SB 743 was signed and over 2 years after CEQA guidelines were modified.

Comment 22

CAPTI reference: *S6.2 Convene a Roadway Pricing Working Group to Provide State Support for Implementation of Local and Regional Efforts*

*CalSTA and Caltrans will convene a working group consisting of other state agencies as well as local and regional partners to identify and provide recommendations for equitable roadway pricing implementation pathways for strategies identified in regional RTP/SCSs that aim to reduce or manage VMT. The working group will create an inventory of various ongoing efforts across the state and outline state and federal statutory and administrative opportunities and barriers to equitable implementation of various roadway pricing applications currently under consideration by local and regional partners — including, but not limited to, cordon pricing, congestion pricing, and other dynamic pricing tools.*

Comment: The Southern California region has a partnership to build a world-class high-occupancy toll (HOT) lane system on multiple freeways, as described in the SCAG 2020 RTP/SCS. SBCTA is a component of that partnership, with HOT lane projects planned for extensive portions of I-10 and I-15. The first segment on I-10 is under construction and a second segment on I-15 is in design. These are also critical freight corridors, and these will all be multimodal win-win projects, with time-saving and pricing incentives for transit, vanpools, and carpools that we were never able to provide before.

Comment 23

CAPTI reference: *S7.1 Leverage Transportation Investments to Incentivize Infill Housing Production*

*Transportation funding could be used to reduce VMT by incentivizing infill residential development and densities appropriate and feasible for each given community. Competitive funding programs could adopt incentives for local policies that tend to support location-efficient and mixed-use housing production, while considering the needs of rural, suburban, and urban jurisdictions and how appropriate policies may differ among those areas. Such local policies may include by-right (nondiscretionary) approval processes for multifamily residential and mixed-use development, zoning to allow for residential and mixed-use developments in non-residential zones, reduced parking requirements for residential development, or expanded density bonuses that exceed state density bonus law, among other local policies. Transportation programs could adopt these incentives as competitive scoring criteria and enhanced guidance to facilitate interjurisdictional coordination between project proponents and local planning departments.*

Comment: In responding to this strategy, we would reiterate that we strongly support the objectives to reduce VMT and GHG wherever possible, as highlighted in our opening

section on what SBCTA/SBCOG is doing on sustainability. But we must also be realistic in our choices of strategies and assumptions and remember the principle of “no-one-size-fits-all” stated in the CAPTI Vision and Scope section on page 15. The housing-related strategies listed in S 7.1 may work in some geographic settings and not in others. Much of it will depend on development costs and the type of housing products being sought in the market. While there is a place for being visionary and aspirational, we must also be realistic in what is achievable or we run the danger of being misguided in our implementation, or even misdirecting our transportation funding programs.

Success in the transportation world (particularly with respect to encouraging changes in travel behavior) hinges on how people respond to the initiatives, incentives, and programs government enacts. People are trying to house and feed their families, get their kids educated, attend to medical needs, care for aging parents, stay safe themselves, etc. Residents and businesses have to make transportation decisions in the midst of juggling all of these responsibilities, which is why so many must gravitate toward the automobile. It is what allows them to keep their lives together.

There are many residents of California who are themselves concerned about climate change and about minimizing their carbon footprint, but they also have constraints in what they can do within the boundaries of managing their busy lives. To help people make VMT-reducing decisions in their travel choices, the state will need to do a much better job at connecting with its constituents and making these choices more practical. Having more affordable electric vehicles with lower operating costs will be a game-changer in the quest to reduce GHGs, but changing personal choices of travel modes is much more difficult.

In wrapping up these comments, we would remind CalSTA that California needs a strong economy to be able to afford the transportation improvements, technological advancements, and accelerated fleet turnover that will enable us to achieve our GHG reduction goals. There is a concern that substantially increasing transportation costs will further set back our business climate, not advance it. Good transportation policy is a delicate balancing act – keeping on the leading edge of clean transportation, while not disadvantaging California and our businesses to the point where we are unable to afford to make the investments to accelerate the necessary technological change. Governor Brown’s original Executive Order B-32-15 on sustainable freight highlights the importance of maintaining our state’s competitiveness while we also address GHGs; so we need to keep this balancing act in mind as we specify policy initiatives and investments. Again, we appreciate the opportunity to comment on this important document. We look forward to continued collaboration with CalSTA and other state and regional agencies to achieve the CAPTI goals. Should you have any questions, please contact Steve Smith, Director of Planning, at [ssmith@gosbcta.com](mailto:ssmith@gosbcta.com).

Sincerely,



Raymond W. Wolfe  
Executive Director

# CAPTI Public Workshops

September 17-19, 2024

Attachment: 2024-09-17-19\_CalSTA\_CAPTI\_Public\_Workshop-a11y (11037 : CAPTI



# Agenda

- Welcome & Opening Remarks
- CAPTI Overview & Implementation progress
- CAPTI Draft Actions Update & Discussion
- Closing Remarks & Next Steps

# Welcome

- **Mark Tollefson**, Undersecretary,  
California State Transportation  
Agency



# Today's Objective:

Receive input on draft CAPTI action ideas derived from previous listening sessions

# Community Agreement

Proposing some ground rules today, asking to commit to a focused, respectful dialogue to kick off a great day with one another:

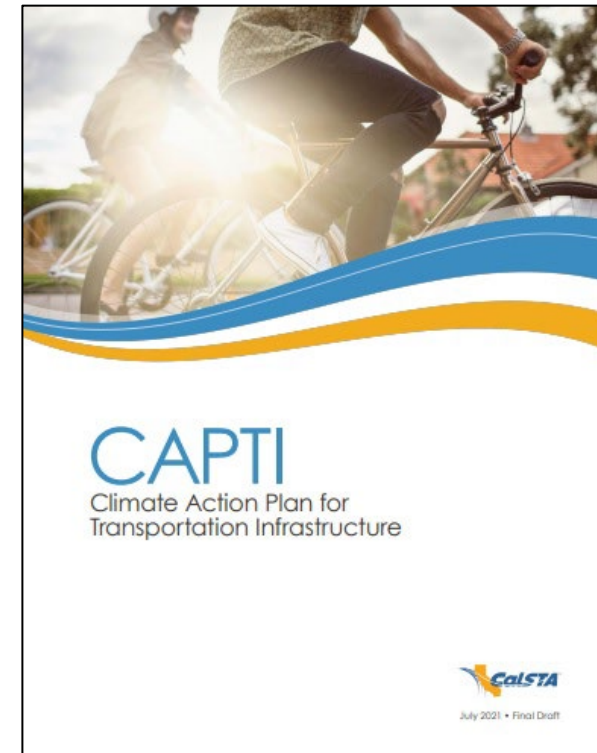
- Be present
- Listen actively/avoid interruption
- Share the air - make space for others to speak
- Tackle problems, not people - stay focused on our meeting objectives
- Disagree without being disagreeable - express disagreement in constructive ways - ask questions, look for common ground, avoid a personal focus

# CAPTI Overview & Implementation Progress

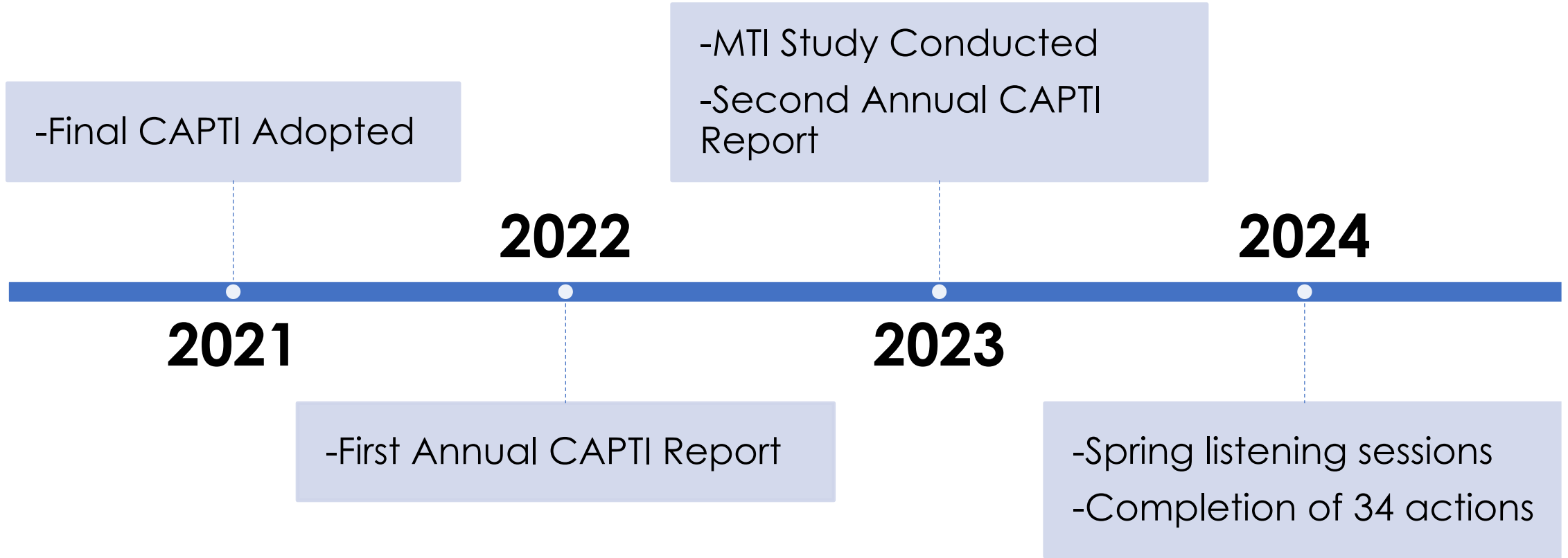


# Climate Action Plan for Transportation Infrastructure (CAPTI)

- CAPTI is a holistic framework for aligning state infrastructure investments with climate, health, and equity goals.
- The plan includes **10 Guiding Principles, 8 Strategies**, and **34 actions** to create a vision and plan for prioritizing state transportation investments.
- Adopted July 2021.



# CAPTI 2021 Implementation Progress



Attachment: 2024-09-17-19\_CalSTA\_CAPTI\_Public\_Workshop-a11y (11037 : CAPTI

# MTI Study Summary

Reduction of VMT: resulting in GHG reductions across portfolio of programs in the post-CAPTI-adoption timeframe

## Emissions

Increased multi-modal project investments: resulting in improved transportation equity outcomes among disadvantaged communities

## Equity

Jobs maintained in post-CAPTI-adoption timeframe

## Economy



# Other Major Accomplishments

- Formed Statewide Roadway Pricing Working Group
- Launched Reconnecting Communities Highways to Boulevards
- Launched the Interagency Transportation Equity Advisory Committee
- Implemented Quantitative planning and prioritization tools (CSIS, EQI)

# CAPTI Draft Actions Update & Discussion





# What's Next?

## CAPTI Actions Update

- CAPTI update will include new actions to further implement the existing CAPTI framework.
- Spring 2024 listening session feedback has been analyzed to create a short list of potential actions for consideration based on stakeholder input.
- **As such, actions shared today reflect stakeholder feedback and have not been committed to being included in the CAPTI update.**
- Inclusion of these actions is dependent on further feedback received during these workshops.
- CalSTA anticipates sharing a full set of draft CAPTI actions to be included in the upcoming CAPTI update at the Joint CTC-CARB-HCD meeting in November.



# Scope of CAPTI Actions Under Consideration

- Awarding and programming of statewide discretionary grants
- Statewide planning and coordination efforts that impact these programs
- Project development and mitigation of projects that compete for discretionary grants



# New proposed CAPTI Strategies Derived from Listening Sessions

1. Transforming the Future of the State Highway System
2. Reducing GHG Impacts of Transportation Investments
3. Delivering Equitable Outcomes
4. Improving Transparency and Accountability



# Discussion on Draft Action Ideas

- Raise hand to make a comment or ask a question; the moderator will call on you in order of hands raised.
- Given the volume of content covered, we please ask that you keep your remarks brief to allow time for others.
- You can also use the chat to provide input; particularly to echo your support for something that has already been said.

# Strategy 1: Transforming the Future of the State Highway System

- 1. Adopt a **Caltrans Director's Policy** focused on **prioritizing transit** on the State Highway System.
- 2. Encourage **priced managed lanes projects** to **prioritize excess toll revenue on transit, active transportation, and Zero-emission Vehicles (ZEV) infrastructure** through updates to program guidelines and Caltrans policies.
- 3. Create a **Caltrans Statewide Express Mobility Action Plan** that **defines the role of roadway pricing** and includes equity based best practices, in consultation with the Roadway Pricing Working Group and the Equity Advisory Committee.
- 4. Implement a comprehensive **climate adaptation planning and delivery framework** and corresponding performance targets at Caltrans.
- 5. Set **multi-modal spending goals** for the overall CAPTI portfolio of investments.
- 6. Establish a **Central Delivery Team** to support planning and investment in **zero-emission freight**.

Attachment: 2024-09-17-19\_CalSTA\_CAPTI\_Public\_Workshop-a11y (11037 : CAPTI



# Strategy 2: Reducing Greenhouse Gas Impacts of Transportation Investments

1. Create a **statewide VMT mitigation bank** or exchange program that facilitates mitigation directly and/or **assists regions in creating their own program** to deliver inf housing and other VMT-reducing projects as a mitigation at scale.
2. Improve **VMT analysis and mitigation guidance for rural projects** to better account for the low VMT impact of many rural projects.
3. Update the **Trade Corridor Enhancement Program (TCEP)** guidelines to state that projects that **mitigate their passenger VMT impacts are more competitive for funding**.
4. Update the **Solutions for Congested Corridors Program (SCCP)** guidelines to require that all **applications demonstrate that they are VMT neutral in order to compete in the program**, while continuing existing practice in guidelines to prioritize projects that reduce VMT.

# Strategy 3: Delivering Equitable Outcomes

1. Continue strengthening existing **Senate Bill 1 (SB1) program guidelines** to better **account for environmental justice impacts of projects**.
2. Improve **technical assistance to Tribal governments** by reviewing existing services and programs, consulting with Tribal governments on needs, and revising or expanding existing services on programs through partnerships to address needs.
3. Create a Caltrans Director's **Policy for Direct Displacement** for Highway Capacity Expansion Projects with the intent to **reduce future housing takings**, particularly in disadvantaged communities.

# Strategy 4: Improving Transparency and Accountability

1. Create a **public and searchable database** of **Caltrans projects** under development.
2. Codify CAPTI Guiding Principles in statute to **ensure continuation of CAPTI** in future administrations.
3. Launch another **CAPTI outcomes study** to **continue evaluation** of climate, equity (using the Caltrans Equity Index), and economic outcomes of CAPTI investments.
4. Improve State Highway Operations and Protection Program (**SHOPP**) **public engagement process**, particularly for projects with significant community benefits or impacts, by using existing best practices and consulting with the Equity Advisory Committee.
5. Create a new standardized **benefit-cost methodology** that aligns with state goals.



# Next Steps

- **November 7<sup>th</sup> Joint CARB-CTC-HCD Meeting 2024:** presentation on draft CAPTI actions to be included in draft CAPTI update.
- **November:** Release of draft CAPTI update, followed by public comment period.
- **Early 2025:** Final CAPTI update released.
- Contact us at:  
[capti@calsta.ca.gov](mailto:capti@calsta.ca.gov)



## *Minute Action*

AGENDA ITEM: 32

**Date:** *November 6, 2024*

**Subject:**

San Bernardino County Department of Public Works on Stormwater Permits

**Recommendation:**

Receive a report from the San Bernardino County Department of Public Works on the stormwater permit process the State of California is proposing and the potential impact to the region.

**Background:**

The County of San Bernardino (County) Department of Public Works reached out to the San Bernardino Council of Governments (SBCOG) to request an opportunity to share information on the County’s stormwater permit process and the changes proposed by the regulatory agency, changes that will have significant impacts to the county, cities and towns therein.

The information in this presentation was provided to the City/County Manager’s Technical Advisory Committee (CCMTAC) on October 3, 2024, and the CCMTAC asked that this information be provided to the SBCOG Board of Directors. Noel Castillo, Director of Public Works will present.

**Financial Impact:**

This item has no financial impact on the adopted Budget for Fiscal Year 2024-2025.

**Reviewed By:**

This information was reviewed by the City/County Managers Technical Advisory Committee on October 3, 2024.

**Responsible Staff:**

Monique Reza-Arellano, Chief of COG and Equity Programs

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Approved  
Board of Directors  
Date: November 6, 2024

Witnessed By:

*Entity: San Bernardino Council of Governments*



# Cost Impact Analysis for San Bernardino County of Draft Permit for MS4

**Niree Kodaverdian, PhD**

Lead Research Associate, Beacon Economics

September 13, 2024

beaconecon.com



Attachment: BeaconEconomics\_SB\_MS4Costs\_Kodaverdian (11017 : San Bernardino County





Beacon Economics estimates:

- **Explicit and implicit costs** assoc. with proposed Regional MS4 Permit (set forth in Tentative Order (TO))
- For local government agencies in **San Bernardino County** under the regulatory jurisdiction of the Santa Ana Regional Water Quality Control Board
- Permittees (cities, counties, and Flood Control Districts) have been regulated since 1990 under MS4 permits that set forth regulations on how stormwater runoff from urbanized areas is to be monitored and managed.
- **Tentative Order (TO)** has been drafted for a 5th iteration, where for the first time, the separate permits would transition to a single Regional MS4 permit.





We find that most new costs are associated with the proposed:

- (1) **Numeric limits** on stormwater quality, which effectively require the development of a **Watershed Management Plan (WMP)**
- (2) **Increased inspections**, such as those due to the classification of general use industrial permit holders and all food and drink establishments as High Priority
- (3) **Installing, maintaining and monitoring trash and litter capture devices on most street drain inlets.** While installation and maintenance have been mandated by the state's trash policy, the requirement for monitoring is a new addition
- (4) **Development requirements** that increase the likelihood of public and private projects triggering a **Water Quality Management Plan (WQMP)**





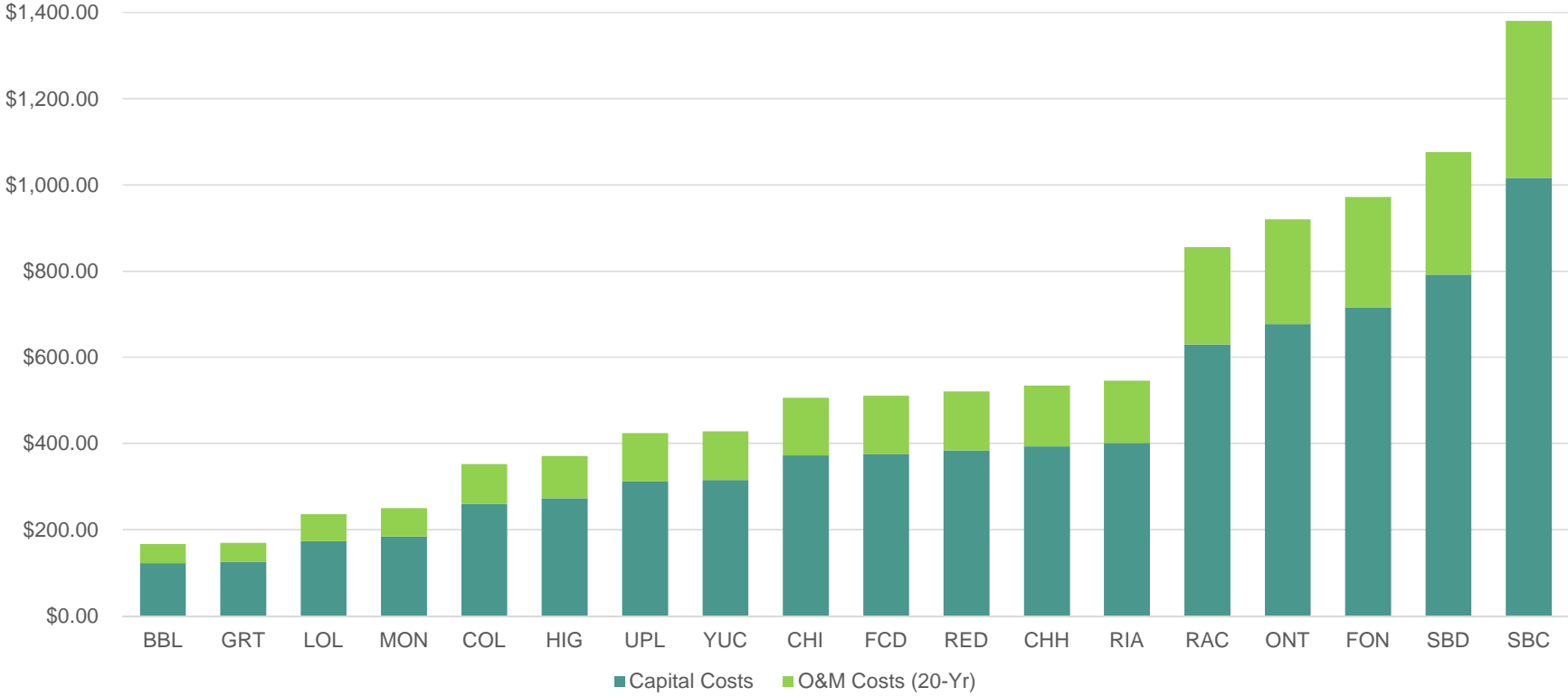
San Bernardino 20-Yr Cost Estimates (2024 \$)	
Numeric Limits Compliance/WMP	\$ 10,219,563,415.05
Development/Re-Dev.	\$ 552,204,672.74
Comm. Inspection	\$ 13,321,247.92
Trash	\$ 6,560,000.00
Ind. Inspection	\$ 1,947,649.80
<b>Total Costs</b>	<b>\$ 10,793,596,985.51</b>

**Methodology:**

Numeric limits compliance (WMP) cost estimates are based on 2021 Los Angeles Water Board study analyzing 20-year expected costs for MS4 permit. Extrapolation based on land area, utilizing included lands only.

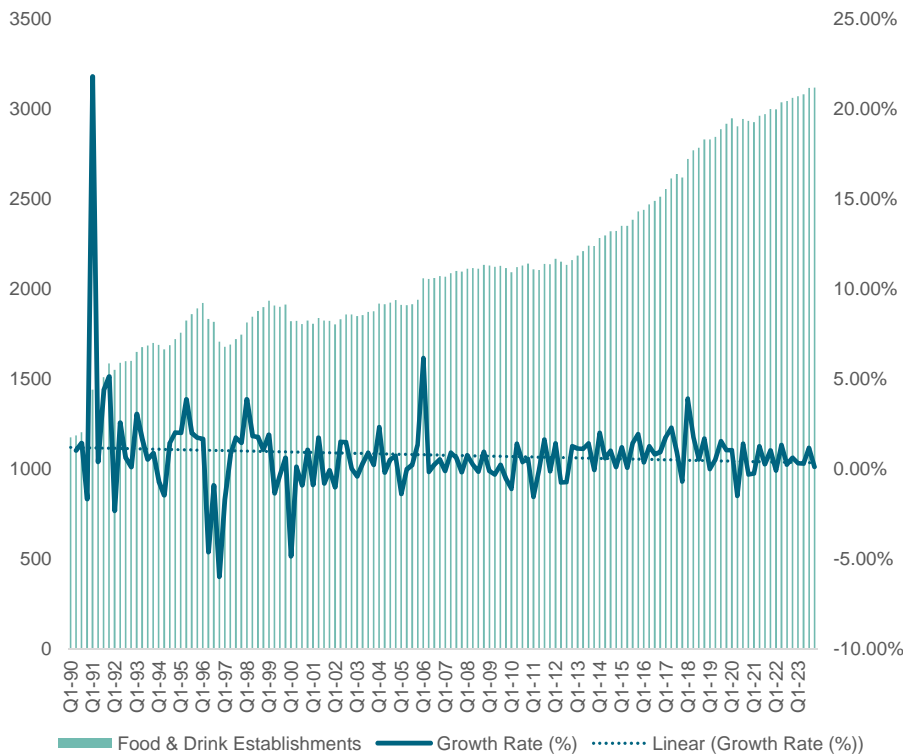
1. Each LA watershed provided one WMP cost data point, for a total of 12 estimates.
2. Each LA estimate was scaled to SB using relative land sizes.
3. To avoid biased estimates due to potential outlier watersheds, median of 12 estimates was used.
4. Using county-provided existing cost shares for SB's 17 agencies, cost burden for each agency was estimated.







# Food & Drink Establishment Inspection Costs: San Bernardino County

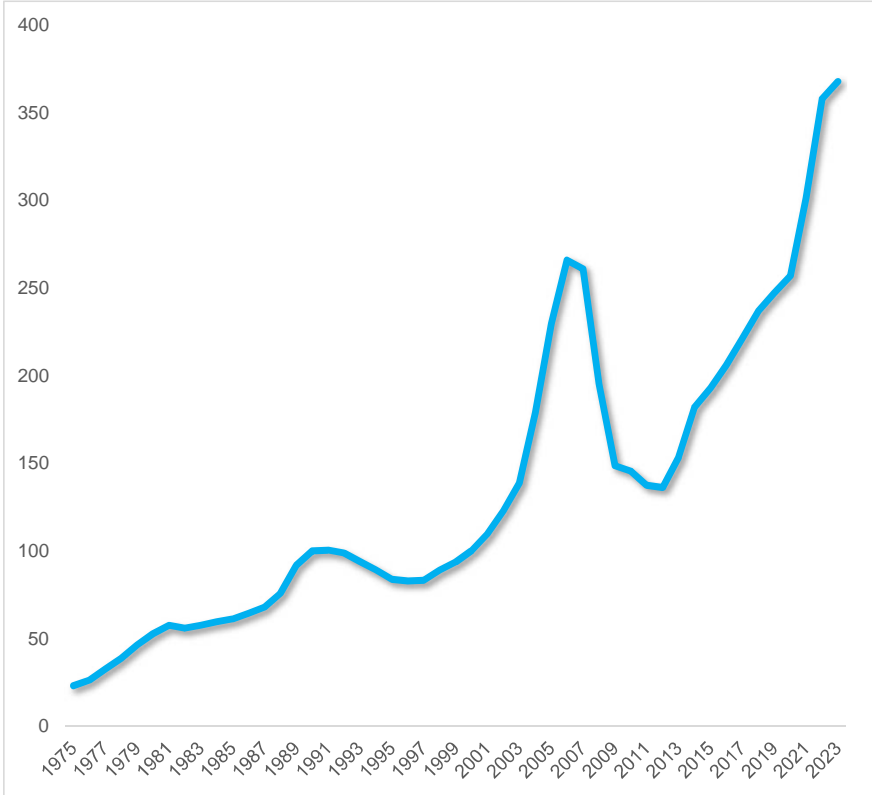
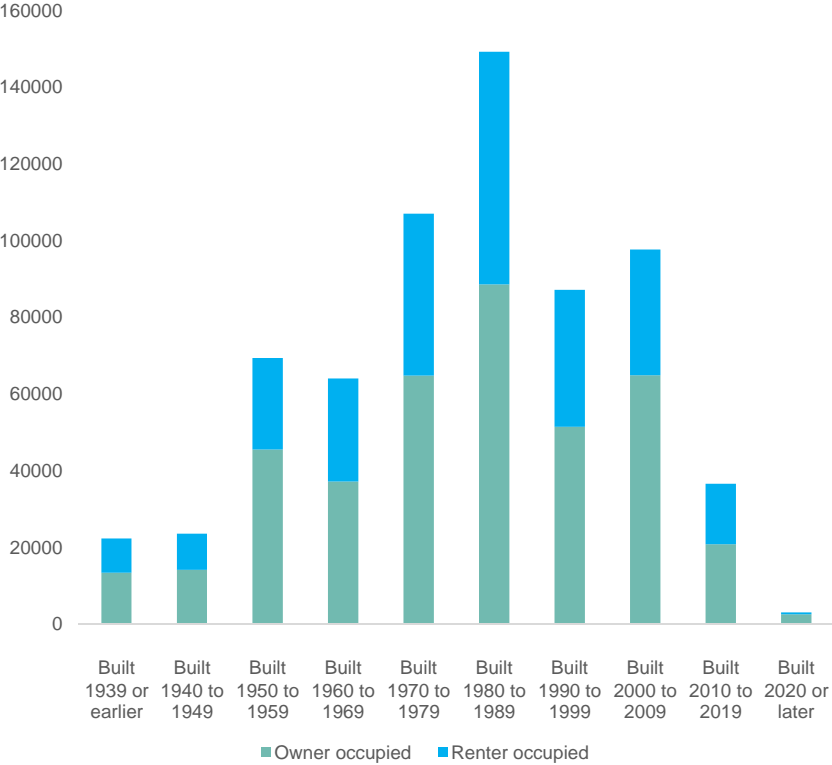


§ 2,282 food and drink establishments in San Bernardino that would be subject to the MS4 TO

§ Additional annual cost of requiring annual inspections for food and drink establishments equals **\$529,726**.

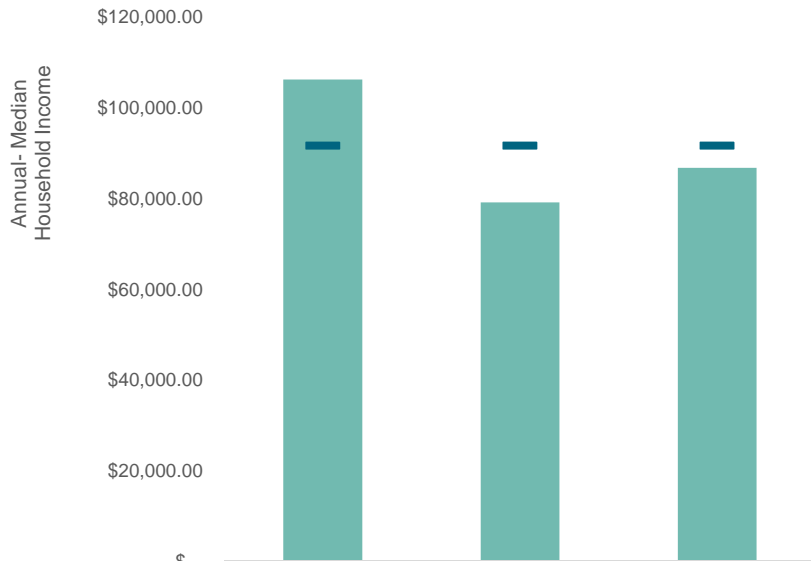
§ 20-year cost of requiring annual inspections for food and drink establishments is approximately **\$10.6 million**

# Housing Construction & Home Price Index: San Bernardino

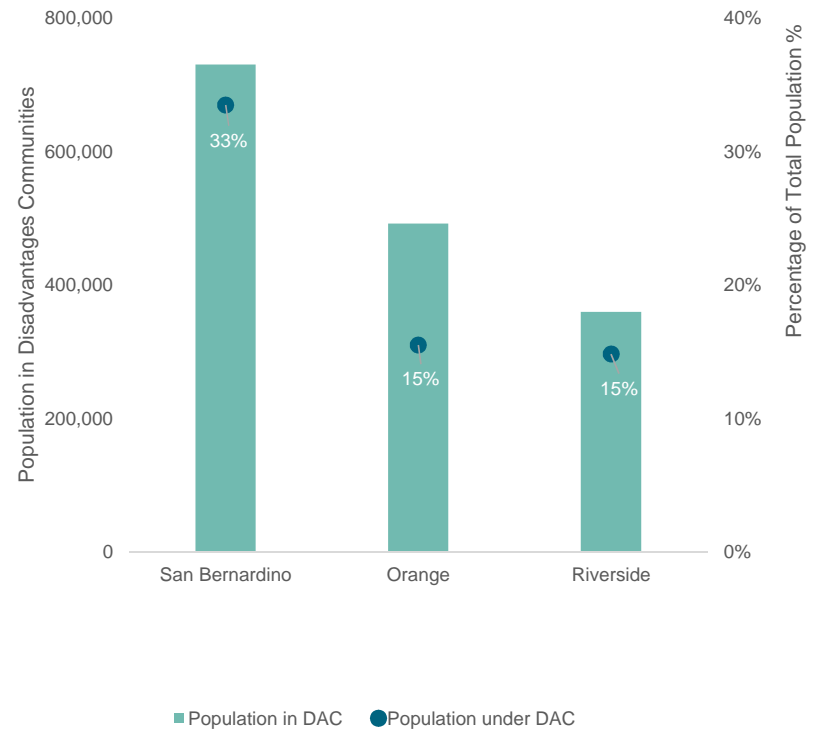




# Median HH Income & Disadvantaged Populations



	Orange County	San Bernardino County	Riverside County
■ Median Household Income	\$106,209.00	\$79,091.00	\$86,748.00
— California Median Household Income	\$91,551.00	\$91,551.00	\$91,551.00
Median Household Income Index(California = 100)	116%	86%	95%





	Cost Share %	Capital (M)	1-Yr O&M (M)	20-Yr O&M (M)	General Fund	Share of General Fund		
						Capital	1-Yr O&M	Capital/5 + 1-Yr O&M
<b>Estimated Median Cost (WMP)</b>		<b>\$7,522</b>	<b>\$135</b>	<b>\$2,698</b>				
Grand Terrace	1.66%	\$125	\$2	\$45	\$7.86	1588.5%	28.5%	346.2%
Highland	3.63%	\$273	\$5	\$98	\$23.85	1144.9%	20.5%	249.5%
Yucaipa	4.19%	\$315	\$6	\$113	\$28.81	1093.9%	19.6%	238.4%
Chino Hills	5.23%	\$393	\$7	\$141	\$55.27	711.8%	12.8%	155.1%
Loma Linda	2.31%	\$174	\$3	\$62	\$26.71	650.4%	11.7%	141.7%
Rancho Cucamonga	8.37%	\$630	\$11	\$226	\$117.83	534.3%	9.6%	116.4%
County of San Bernardino	13.51%	\$1,016	\$18	\$364	\$193.00	526.5%	9.4%	114.7%
Upland	4.15%	\$312	\$6	\$112	\$61.30	509.2%	9.1%	111.0%
Big Bear Lake	1.63%	\$123	\$2	\$44	\$24.26	505.5%	9.1%	110.2%
Fontana	9.51%	\$715	\$13	\$257	\$149.08	479.8%	8.6%	104.6%
Montclair	2.45%	\$184	\$3	\$66	\$39.36	468.2%	8.4%	102.0%
Colton	3.45%	\$259	\$5	\$93	\$65.94	393.5%	7.1%	85.8%
San Bernardino	10.53%	\$792	\$14	\$284	\$224.81	352.3%	6.3%	76.8%
Chino	4.95%	\$372	\$7	\$134	\$112.30	331.5%	5.9%	72.3%
Redlands	5.10%	\$384	\$7	\$138	\$115.73	331.5%	5.9%	72.2%
Rialto	5.34%	\$402	\$7	\$144	\$129.29	310.7%	5.6%	67.7%
Ontario	9.00%	\$677	\$12	\$243	\$428.87	157.8%	2.8%	34.4%
SB County Flood	5.00%	\$376	\$7	\$135	-	-	-	
<b>Average</b>	<b>6%</b>	<b>\$418</b>	<b>\$7</b>	<b>\$150</b>	<b>\$106.13</b>	<b>594%</b>	<b>11%</b>	<b>129%</b>
<b>Median</b>	<b>5%</b>	<b>\$374</b>	<b>\$7</b>	<b>\$134</b>	<b>\$65.94</b>	<b>505%</b>	<b>9%</b>	<b>110%</b>





# ADDITIONAL INFORMATION

**BOARD OF DIRECTORS ATTENDANCE RECORD – 2024**

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
<b>Paul Cook</b> Board of Supervisors	X	X	X	X		X	X		X			
<b>Jesse Armendarez</b> Board of Supervisors	X	X	X	X		X	X		X	X		
<b>Dawn Rowe</b> Board of Supervisors	X	X	X	X	X	X	X		X	X		
<b>Curt Hagman</b> Board of Supervisors		X	X	X	X	X	X		X	X		
<b>Joe Baca, Jr.</b> Board of Supervisors	X	X	X	X	X	X	X		X	X		
<b>Daniel Ramos</b> City of Adelanto	X	X	X	X	X	X	X		X	X		
<b>Art Bishop</b> Town of Apple Valley	X	X	X	X	X	X	X		X			
<b>Carmen Hernandez</b> City of Barstow	*	X	X	X		X	X		X	X		
<b>Rick Herrick</b> City of Big Bear Lake		X	*	X	X	X	X		X	X		
<b>Eunice Ulloa</b> City of Chino	X	X	X	X	X	X	X		X	X		
<b>Ray Marquez</b> City of Chino Hills	X	X	X	X	X	X	X		X	X		
<b>Frank Navarro</b> City of Colton	X	X	X	X		X	X		X	X		
<b>Acquanetta Warren</b> City of Fontana	X	X	X	X		X	X		X	X		
<b>Sylvia Robles</b> City of Grand Terrace	X	X	*									
<b>Bill Hussey</b> City of Grand Terrace				X	X	X	X		X	*		
<b>Rebekah Swanson</b> City of Hesperia	X	X	X		X	X			X	X		

Communication: Attendance (Additional Information)

X = member attended meeting. \* = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

**BOARD OF DIRECTORS ATTENDANCE RECORD – 2024**

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
<b>Larry McCallon</b> City of Highland	X	*	X	X	X	X	X		X	X		
<b>Bhavin Jindal</b> City of Loma Linda	X	X	X	X								
<b>Ron Dailey</b> City of Loma Linda					*	X	X		X	X		
<b>John Dutrey</b> City of Montclair	X	X	X	X	X	X	X		X	X		
<b>Janet Jernigan</b> City of Needles		X	X	X		X	X		X	X		
<b>Alan Wapner</b> City of Ontario	X		X	X	X	X			X	X		
<b>L. Dennis Michael</b> City of Rancho Cucamonga	X	X	X	X	X	X	X			X		
<b>Paul Barich</b> City of Redlands						*	X			*		
<b>Deborah Robertson</b> City of Rialto				X			*		X	X		
<b>Helen Tran</b> City of San Bernardino		*	X	X		X	X		X	X		
<b>Joel Klink</b> City of Twentynine Palms	X		X	X	X		X		X	X		
<b>Rudy Zuniga</b> City of Upland	*	X	X	X	X	*	*		X	*		
<b>Debra Jones</b> City of Victorville	X	X	X	X	X	X	X		X			
<b>Bobby Duncan</b> City of Yucaipa	X	X	X	X	X	X						
<b>Rick Denison</b> Town of Yucca Valley	X	X	X	X	X	X	X		X	X		
<b>Catalino Pining</b> Ex-Official Member	X	X	Rebecca Guirado	X	X	X	Kurt Heidelberg		Jesus Galvan	X		

Communication: Attendance (Additional Information)

X = member attended meeting. \* = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. Staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

# AGENCY REPORTS



REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SBCTA Representative to the MSRC

SYNOPSIS: The Mobile Source Air Pollution Reduction Review Committee held a hybrid meeting on Thursday, September 19, 2024. The following is a summary of the meeting.

### **Contract Modification Requests**

The MSRC considered three contract modification requests and took the following actions:

1. City of Glendale, Contract #ML18059 to install electric vehicle charging infrastructure, approval to reallocate \$27,605 from Level III to Level II charging station installations;
2. BNSF Railway Company, Agreement #MS21023 to install electric vehicle charging infrastructure, approval of twelve-month term extension, and
3. ITS Technologies & Logistics, dba ConGlobal, Agreement #MS21009 to deploy 12 zero-emission yard tractors, approval of nine-month term extension.

### **Programmatic Outreach Services**

The MSRC released a Request for Proposals for the solicitation of Programmatic Outreach Services on May 3, 2024. The selected contractor would assist in promoting the MSRC's Clean Transportation Funding™ programs as well as providing outreach assistance to current and prospective MSRC project implementers. The MSRC approved a contract award to Better World Group Advisors in an amount not to exceed \$300,000 for the base three-year period as part of the FYs 2024-27 Work Program, with an option for up to an additional two-years subject to future approval by the MSRC and South Coast AQMD Board.

### **FYs 24-27 Work Program Development Update**

Staff provided an update on the MSRC-TAC's progress in development of the FYs 24-27 Work Program, with reports on candidate Work Program categories under evaluation by the Partnership, Innovation, and Innovative Transportation Control Measure/Transportation Demand Management Subcommittees. Action items are anticipated to be brought forward beginning in October.

### **Contracts Administrator's Report**

The MSRC AB 2766 Contracts Administrator's report provides a written status report on all open contracts from FY 2011-12 to the present.

# COMMITTEE MEMBERSHIP



**San Bernardino County Transportation Authority (SBCTA)  
Representatives on SCAG Committees**

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:15 p.m.)	POLICY COMMITTEES (Regional Council Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa) District 7 (San Bernardino, Highland) District 8 (Rialto, Fontana) District 9 (Rancho Cucamonga, Upland, Montclair) District 10 (Chino, Chino Hills, Ontario) District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley) District 65 (Adelanto, Apple Valley, Hesperia, Victorville) San Bernardino County † Community of Concern Appointee	F. Navarro D. Alexander A. Warren L. Michael R. Marquez R. Denison L. Becerra C. Hagman G. Reyes	A. Warren       G. Reyes	D. Alexander    R. Denison	F. Navarro   L. Michael R. Marquez  L. Becerra C. Hagman
†† San Bernardino County Transportation Authority Appointee	A. Wapner			A. Wapner
SBCTA Subregional Appointees* *One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SBCTA has a total of seven subregional appointees to the policy committees. Terms of appointment expire December 31 of odd-numbered years.		Bill Hussey Bobby Duncan Helen Tran	Carmen Hernandez Daniel Ramos Art Bishop	John Dutrey

**Communication: Representatives on SCAG Committees (Committee Membership)**

**Rules of Appointment**

1) SBCTA policy stipulates that all SBCTA appointees be SBCTA Board Members. 2) SCAG President appoints Regional Council members to Standing and Policy Committees.

**Terms of Appointment**

Terms of appointment are two years, commencing on adjournment of the annual General Assembly in May of each year. Even-numbered District representatives' terms expire in even-numbered years; odd-numbered District representatives expire in odd-numbered years. † Community of Concern appointee, appointed by the County Regional Council representative for a two-year term. †† SBCTA Regional Council Representative serves a two-year term from the date of appointment.

**Stipend Summary**

SCAG Regional Council members receive a \$150 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement (\$150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a \$150 stipend for up to four Policy or Task Force meetings per month.

**Meeting Information**

The regular meetings of SCAG Regional Council and Policy Committees are on the 1<sup>st</sup> Thursday of each month at the SCAG offices located at 900 Wilshire Blvd., Ste. 700, Los Angeles. Generally, the Policy Committee meetings start at 10 AM and Regional Council meetings start at 12:15 PM.

**Policy Committees**

**Community, Economic, and Human Development:** Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

**Energy and Environment:** Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation.

**Transportation:** Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

**SBCTA/SBCOG Appointments to External Agencies**

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) work closely with not only the County and cities within the County of San Bernardino, but with a number of regional governments that relate to the multiple counties within the Southern California region. Members of the SBCTA Board of Directors frequently take active roles in representing the interests of San Bernardino County on these regional bodies. This participation provides assurance that the unique needs and characteristics of San Bernardino County are taken into consideration as policies are developed which impact this County and its individual local government units. Active participation in regional organizations further promotes the interests of San Bernardino County and secures its appropriate role in the Southern California region.

The following table lists some of the regional bodies upon which SBCTA and SBCOG representatives serve.

Committee	Appointee	Appointing Authority	Purpose	Term
California Association of Councils of Governments	Alan Wapner, Ontario	President	CALCOG facilitates communication and information sharing among its members. Most members of CALCOG are Councils of Governments (COGs), while some are transportation commissions and others are the large Metropolitan Planning Organizations like SCAG and SANDAG. CALCOG is governed by a Board of Directors comprised of a representative from each member's Board of Directors.	12/31/24
Gold Line Phase II Joint Powers Authority	John Dutrey, Montclair, Primary Ray Marquez, Chino Hills, Alternate	Board of Directors	The Gold Line Phase II Construction Authority is a Joint Powers Authority (JPA) formed by 14 cities along the corridor and SBCTA. The JPA serves as a forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. Members receive \$150 payment from Gold Line Authority for participation.	12/31/25 12/31/24
Inland Empire Economic Partnership (IEEP)	Dennis Michael, Rancho Cucamonga	President	The IEEP is a partnership that includes business, government and academic leaders to develop and carry out initiatives to benefit the region.	
Inland Regional Energy Network (I-REN) Program Executive Committee	Curt Hagman, County Supervisor Deborah Robertson, Rialto Art Bishop, Apple Valley	President	The I-REN Executive Committee consists of three representative votes from SANBAG, WRCOG, and CVAG. The committee will meet quarterly and make executive decisions regarding the overall program. Stipends for the Executive Committee are not an allowable expense under the CPUC rules.	12/31/24 12/31/24 12/31/24
Metro Gold Line Foothill Extension Construction Authority	Alan Wapner, Ontario, Primary John Dutrey, Montclair, Alternate	President	The Authority is responsible for the development of a light rail project from the City of Los Angeles into San Bernardino County. The Authority board meets on the second and fourth Wednesday of the month at 12:00 p.m. at the Authority's office in Monrovia. Members receive \$150 for each day spent on Authority business, not to exceed \$600 per month.	12/31/24 12/31/24
Mobile Source Air Pollution Reduction Review Committee	Larry McCallon, Highland, Primary John Dutrey, Montclair, Alternate	Board of Directors	Develops and implements work programs which reduce mobile source emissions, funded by AB2766 (portion of the \$4 motor vehicle registration fee). County Commissions, SCAQMD, and ARB have one appointment with alternates. In April 2005, SBCTA authorized a stipend of \$100 per day. The MSRC meets on the third Thursday of the month at 2:00 p.m. at South Coast Air Quality Management District in Diamond Bar.	12/31/24 12/31/24

Communication: Appointments to External Agencies (Committee Membership)

**SBCTA/SBCOG Appointments to External Agencies**

Committee	Appointee	Appointing Authority	Purpose	Term
<p>One Water One Watershed (OWOW) Steering Committee of the Santa Ana Watershed Project Authority</p>	<p>Deborah Robertson, Rialto</p>	<p>Board of Directors</p>	<p>Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River.</p> <p>The term of the appointment is for four years for a city representative from San Bernardino County.</p> <p>Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4<sup>th</sup> Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA). Members of the Steering Committee do not receive a stipend.</p>	<p>12/31/26</p>
<p>SCAG Policy Committees</p>	<p>See associated table.</p>	<p>The Board has authorized the President to make appointments to SCAG Policy Committees.</p>	<p>SBCTA also has authority to appoint up to seven appointees to the three SCAG Policy Committees: i.e., Community Economic and Human Development, Energy and Environment, and Transportation. SCAG pays appointees to policy committees a stipend of \$120 per meeting.</p>	<p>See associated table – Representatives on SCAG Committees</p>
<p>Southern California Regional Rail Authority</p>	<p>Alan Wapner, Ontario, Primary Larry McCallon, Highland, Primary Ray Marquez, Chino Hills, Alternate John Dutrey, Montclair, Alternate</p>	<p>Board of Directors (Recommendation made by the Transit Committee)</p>	<p>SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties.</p> <p>Members receive payment of \$100 per day from SCRRA for participation.</p>	<p>Indefinite</p>
<p>SR 91 Advisory Committee</p>	<p>Ray Marquez, Chino Hills, Ex-Officio Member</p>	<p>Board of Directors</p>	<p>The Committee reviews issues and makes recommendations to OCTA regarding the transportation facilities acquired, including tolls imposed, operations, maintenance, use of toll revenues, and improvements in the area of SR 91 between I-15 and SR 55, including the identification and siting of alternate highways.</p> <p>SBCTA has not authorized payment of stipend for participation.</p>	<p>12/31/24</p>
<p>The Sam and Alfreda L. Maloof Foundation for Arts and Crafts</p>	<p>Deborah Robertson, Rialto</p>	<p>Board of Directors</p>	<p>A non-profit corporation that participates in the preparation of the Conservation Plan and oversees the activities and assets of the Foundation. A payment of stipend for participation has not been authorized.</p>	<p>12/31/24</p>

Communication: Appointments to External Agencies (Committee Membership)

## San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p><b>General Policy Committee</b></p> <p>Membership consists of the following:                      SBCTA President, Vice President, and Immediate Past President                      4 East Valley (3 City, 1 County)*                      4 West Valley (3 City, 1 County)                      4 Mt/Desert (3 City, 1 County)</p> <p>City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea.</p> <p>Policy Committee and Board Study Session Chairs are members of this policy committee.</p> <p>All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives.</p> <p>The SBCTA Vice President shall serve as Chair of the General Policy Committee.</p>	<p>Makes recommendations to Board of Directors and:</p> <p>(1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity;</p> <p>(2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization;</p> <p>(3) Serves as policy review committee for any program area that lacks active policy committee oversight.</p> <p>The General Policy Committee is authorized to approve Contracts in excess of \$100,000, Contract Task Orders in excess of \$500,000, and amendments exceeding the Executive Director's authority in the event of significant time constraints, extenuating circumstances, or emergencies when approval is required, with notification to the Board. Notification shall be made at the next regularly scheduled meeting of the Board following such approval.</p> <p>(Brown Act)</p>	<p><u>West Valley</u></p> <p>Ray Marquez, Chino Hills (Vice Chair/President)                      John Dutrey, Montclair (TC Chair)                      Alan Wapner, Ontario                      Jesse Armendarez, Supervisor</p> <p><u>East Valley</u></p> <p>Frank Navarro, Colton                      Larry McCallon, Highland                      Helen Tran, San Bernardino (MVSS Chair)                      Joe Baca, Jr., Supervisor</p> <p><u>Mountain/Desert</u></p> <p>Art Bishop, Apple Valley                      Debra Jones, Victorville                      Rick Denison, Yucca Valley (Chair/Vice President)                      Dawn Rowe, Supervisor (Past President)</p> <p>Should the chairs of each Committee and the Officers all be from the East Valley, West Valley or Mountain/Desert, additional members may be added to maintain geographical balance. Additional Board Members may be appointed annually at the discretion of the Board President.</p>	<p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p> <p>6/30/2025</p>
<p><b>Transit Committee</b></p> <p>Membership consists of 12 SBCTA Board Members:</p> <p>10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members.</p> <p>SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board.</p> <p>Other members are appointed by the SBCTA President for 2-year terms.</p>	<p>Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service.</p> <p>* SCRRA Primary Member                      ** SCRRA Alternate Member</p> <p>(Brown Act)</p>	<p>John Dutrey, Montclair** (Chair)                      Joe Baca, Jr., Supervisor (Vice Chair)                      Eunice Ulloa, Chino                      Ray Marquez, Chino Hills**                      Frank Navarro, Colton                      Acquanetta Warren, Fontana                      Larry McCallon, Highland*                      Alan Wapner, Ontario*                      L. Dennis Michael, Rancho Cucamonga                      Bobby Duncan, Yucaipa                      Rick Denison, Yucca Valley                      Dawn Rowe, Supervisor</p>	<p>Indeterminate (6/30/2024)</p> <p>12/31/2024 (6/30/2025)</p> <p>12/31/2024</p> <p>Indeterminate</p> <p>12/31/2025</p> <p>12/31/2025</p> <p>Indeterminate</p> <p>Indeterminate</p> <p>12/31/2025</p> <p>12/31/2025</p> <p>12/31/2024</p> <p>12/31/2024</p>

Communication: Committee Membership (Committee Membership)

## San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p><b>Mountain/Desert Committee</b> Membership consists of 11 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, and Third Districts.</p>	<p>Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion.</p> <p>The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan.</p> <p>(Brown Act)</p>	<p>Debra Jones, Victorville (Chair) Rebekah Swanson, Hesperia (Vice Chair) Daniel Ramos, Adelanto Art Bishop, Apple Valley Carmen Hernandez, Barstow Rick Herrick, Big Bear Lake Janet Jernigan, Needles Joel Klink, Twenty nine Palms Rick Denison, Yucca Valley Paul Cook, Supervisor Dawn Rowe, Supervisor</p>	<p>Indeterminate (6/30/20 Indeterminate (6/30/20 Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate</p>
<p><b>Legislative Policy Committee</b> Membership consists of the following: President, Vice-President, Immediate Past President and four Board members appointed by the Board President.</p> <ul style="list-style-type: none"> <li>- 1 East Valley member</li> <li>- 1 West Valley member</li> <li>- 1 Mountain/Desert member</li> <li>- 1 County member</li> </ul> <p>Members shall serve for the duration of the State and Federal two-year legislative session in which they were appointed, with terms expiring December 31 of even-numbered years. The SBCTA Board President shall serve as Chair of the Legislative Policy Committee.</p>	<p>Provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body.</p> <p>Review and provide input on drafting of State and Federal legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations.</p> <p>(Brown Act)</p>	<p>Ray Marquez, Chino Hills (President) Rick Denison, Yucca Valley (Vice President) Dawn Rowe, Supervisor (Past President) Larry McCallon, Highland Alan Wapner, Ontario Paul Cook, Supervisor Art Bishop, Apple Valley</p>	<p>Indeterminate Indeterminate Indeterminate 12/31/2024 12/31/2024 12/31/2024 12/31/2024</p>

Communication: Committee Membership (Committee Membership)

<b><u>Policy Committee Meeting Times</u></b>	General Policy Committee	Second Wednesday, 9:00 a.m., SBCTA Office
	Legislative Policy Committee	Second Wednesday, 9:30 a.m., SBCTA Office
	Transit Committee	Second Thursday, 9:00 a.m., SBCTA Office
	Mountain/Desert Committee	Third Friday, 9:30 a.m., Victorville, CA

### Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
<p>Board of Directors Study Sessions for Metro Valley Issues Refer to SBCTA Policy 10007.</p>	<p>To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley.</p> <p>(Brown Act)</p>	<p>Board of Directors Helen Tran, San Bernardino (Chair) Jesse Armendarez, Supervisor (Vice Chair)</p>	<p>6/30/2025 6/30/2025</p>

**Meeting Time:** Second Thursday, 9:30 a.m., SBCTA Office

**Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)**

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)</p> <p>Membership consists of 11 members appointed by the SBCTA Executive Director.</p> <p>5 representing Public Transit Providers</p> <p>1 representing County Dept. of Public Works</p> <p>2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively.</p> <p>5 At Large Members representing Social Service Providers</p>	<p>Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities;</p> <p>(1) Review and make recommendations on annual Unmet Transit Needs hearing findings</p> <p>(2) Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications</p> <p>(3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan</p> <p>(4) Review call for projects for Federal Transit Administration Section 5310 grant applications</p> <p>(5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit</p> <p>(6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit</p> <p>(7) Receive annual reports on funded specialized programs funded through FTA Section 5310 and Measure I</p> <p>(8) Identify regional or county level areas of unmet needs</p> <p>(9) Address special grant or funding opportunities</p> <p>(10) Address any special issues of PASTACC voting and non-voting members</p> <p>(Brown Act)</p>	<p>Standing Membership –</p> <p>Morongo Basin Transit Authority</p> <p>Mountain Transit</p> <p>City of Needles Transit Services</p> <p>Omnitrans</p> <p>Victor Valley Transit Authority</p> <p>County of San Bernardino Dept. of Public Works</p> <p>At Large Membership –</p> <p>San Bernardino Dept. of Aging and Adult Services</p> <p>Foothill Aids</p> <p>Anthesis</p> <p>Reach Out Morongo Basin</p> <p>Loma Linda University Health</p>	<p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>5/31/2027</p> <p>9/30/2026</p> <p>9/30/2026</p> <p>6/30/2025</p> <p>8/31/2027</p>

Communication: Committee Membership (Committee Membership)

**Meeting Dates and Time:** Bi monthly, beginning in January, 2<sup>nd</sup> Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)



**Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan**

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</p> <p>The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01. The ordinance specifies that each member of the ITOC have certain credentials or experience as follows:</p> <ul style="list-style-type: none"> <li>A. One member who is a professional in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.</li> <li>B. One member who is a licensed civil engineer or trained transportation planner with at least five years of demonstrated experience in the fields of transportation and/or urban design in government and/or the private sector. No member shall be a recipient or sub-recipient of Measure “I” funding.</li> <li>C. One member who is a current or retired manager of a major publicly financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</li> <li>D. One member who is current or retired manager of a major privately financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</li> <li>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</li> </ul> <p>In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p> <p>(Brown Act)</p>	<p>Cole Jackson (A)                  Gerry Newcombe (B)                  Alex Artiaga (C)                  Chad Logan (D)                  Patrick Morris (E)                  Ray Marquez, Ex-Officio                  Ray Wolfe, Ex-Officio</p>	<p>10/31/2024                  12/31/2024                  06/30/2028                  06/30/2028                  03/01/2025</p>

Communication: Committee Membership (Committee Membership)

**SBCTA Ad Hoc Committees**

The Brown Act does not apply to ad hoc or temporary advisory committees composed of less than a majority of the Board or a standing policy committee. The President of the Board of Directors may designate ad hoc committees to study specific projects or matters for a set time frame subject to the concurrence of the Board of Directors, and shall make appointments to the ad hoc committees. When the subject matter of the ad hoc committee is of relevance to the geographical region of the County as a whole, geographical representation should be considered and if there is lack of interested members to ensure geographical balance the Board President may seek out participation from specific members.

COMMITTEE	PURPOSE	MEMBERSHIP
<p><b>Council of Governments Ad Hoc Committee</b>                  On May 1, 2024, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President.</p>	<p>To provide guidance on the reviewing and updating the Bylaws and policies relating to SBCOG. This ad hoc has a term ending June 30, 2025.</p>	<p>Rick Herrick, Big Bear Lake                  Rebekah Swanson, Hesperia                  Larry McCallon, Highland                  John Dutrey, Montclair                  L. Dennis Michael, Rancho Cucamonga                  Helen Tran, San Bernardino                  Rick Denison, Yucca Valley                  Joe Baca Jr., Supervisor</p>

<p><b>Housing Trust Ad Hoc Committee</b> On January 4, 2023, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President, for a term ending December 31, 2023. On December 6, 2023, the Board approved a 6-month extension of this ad hoc, for a new term ending June 30, 2024. On February 7, 2024, the Board approved a 6-month extension of this ad hoc, for a new term ending December 31, 2024.</p>	<p>To take a broad look into the housing trust and how it interacts with the Council of Governments. This ad hoc has a term ending December 31, 2024.</p>	<p>Eunice Ulloa, Chino Deborah Robertson, Rialto Alan Wapner, Ontario L. Dennis Michael, Rancho Cucamonga Daniel Ramos, Adelanto Rick Denison, Yucca Valley Curt Hagman, Supervisor</p>
<p><b>Transportation Investment Plan Ad Hoc Committee</b> On June 29, 2022 the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President. At the Board Workshop on November 30, 2023, the Board approved a 1-year extension of this ad hoc, for a new term ending December 31, 2024</p>	<p>To look at future Measure options and make recommendations relating to any future local measure. This ad hoc has a term end date of December 31, 2024.</p>	<p>Art Bishop, Apple Valley Larry McCallon, Highland Alan Wapner, Ontario L. Dennis Michael, Rancho Cucamonga Joel Klink, Twenty-nine Palms Debra Jones, Victorville Bobby Duncan, Yucaipa Jesse Armendarez, Supervisor</p>

**SBCTA Technical Advisory Committees**

COMMITTEE	PURPOSE	MEETING SCHEDULE
<p><b>Transportation Technical Advisory Committee (TTAC)</b> Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.</p>	<p>SBCTA’s Transportation Technical Advisory Committee was formed by SBCTA management to provide input to SBCTA staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SBCTA Board of Directors.  The TTAC is not a Brown Act committee.</p>	<p>Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.</p>
<p><b>City/County Manager’s Technical Advisory Committee (CCMTAC)</b> The committee is composed of up to two representatives of the County Administrator’s Office and the city manager or administrator from each city and town in the County.</p>	<p>SBCTA’s City/County Manager’s Technical Advisory Committee was established in the Joint Powers Authority that established San Bernardino Associated Governments (SANBAG). The primary role of the committee is to provide a forum for the chief executives of SANBAG’s member agencies to become informed about and discuss issues facing SANBAG/SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns.  The CCM TAC is a Brown Act Committee.</p>	<p>Meets bimonthly on the first Thursday of the month at 10:00 AM, at SBCTA.</p>
<p><b>Planning and Development Technical Forum (PDTF)</b> Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.</p>	<p>The SBCTA Planning and Development Technical Forum was formed by SBCTA management to provide an opportunity for interaction among planning and development representatives of member agencies on planning issues of multijurisdictional importance.  The PDTF is not a Brown Act Committee.</p>	<p>Meets the 4th Wednesday of each month at 2:00 p.m. at the Santa Fe Depot (in the SCAG Office).</p>

Communication: Committee Membership (Committee Membership)



<b>Project Development Teams</b>	<p>Project Development Teams (PDTs) are assembled for all major project development activities by SBCTA staff.</p> <p>Teams are generally composed of technical representatives from SBCTA, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project.</p> <p>PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions.</p> <p>PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development.</p> <p>The PDTs are not Brown Act Committees.</p>	Varies with the PDT.
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## MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019