



SAN JOAQUIN REGIONAL RAIL COMMISSION

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September 2, 2016 – 8:00 am

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

Heritage House
(Conference Call)
County of Alameda
4501 Pleasanton Avenue
Pleasanton, CA 94566

City of Fremont City Hall
(Conference Call)
Ardenwood Room
3300 Capitol Avenue, Bldg A
Fremont, CA 94537

1 Call to Order, Pledge of Allegiance, Roll Call Chair Johnson

Roll Call: Haggerty, Harrison, Dresser, Fugazi, Zapien,
Vice-Chair Maciel, Chair Johnson

Ex- Officios: Agar, Chesley, DeMartino

2 Public Comments

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

3 Presentations and Recognitions

4 Consent Calendar

4.1	Minutes of August 5, 2016	ACTION	4
4.2	Rail Commission/ACE Monthly Expenditure	INFORMATION	9
4.3	ACE Monthly Fare Revenue	INFORMATION	11
4.4	ACE Ridership	INFORMATION	12
4.5	ACE On-Time Performance	INFORMATION	13
4.6	Washington Report	INFORMATION	14
4.7	Approve an Updated Transit Planning and Programming Memorandum of Understanding (MOU) with the San Joaquin Council of Governments to be Compliant with the Requirements of the Fix America’s Surface Transportation Act since its Passage in December 2016 and Authorize and Direct the Executive Director to Sign the MOU	ACTION	22
4.8	Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Commission Approving the Proposed FY 2017-2019 Overall Annual Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) set aside Goals and Authorize the Executive Director to Formally Adopt the Proposed FY 2017-2019 Goal if no Public Comments are received that require further Consideration or Modification of the Proposed Goal	ACTION	33

5	Approve Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Chair to Sign a 3-Year Extension of the San Joaquin Intercity Rail Service Managing Agency Agreement for Oversight and Administration of the of the Amtrak San Joaquin Service with the San Joaquin Joint Powers Authority (Brian Schmidt)	ACTION	36
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6 Commissioner Comments

7 Ex-Officio Comments

8 Executive Directors Report

**9 CLOSED SESSION: Conference with Legal Counsel
– Anticipated Litigation Government Code
Section 54956.9(b)(1): multiple potential cases**

DISCUSSION/ACTION

Adjournment

The next regular meeting is scheduled for:
October 7, 2016 – 8:00 am
Robert J. Cabral Station
949 East Channel Street
Stockton, CA 95202

SAN JOAQUIN REGIONAL RAIL COMMISSION

September 2, 2016

Item 4.1

ACTION

Minutes of August 5, 2016

The regular meeting of the San Joaquin Regional Rail Commission was held at 8:00 am, August 5, 2016 at the Robert J. Cabral Station, 949 East Channel Street Stockton, CA 95202.

1 Call to Order/Pledge of Allegiance/Roll Call

Chair Johnson called the meeting to order at 8:00 am and led the audience in the Pledge of Allegiance.

Commissioners Present: Haggerty, Harrison, Dresser, Fugazi, Zapien, Vice-Chair Maciel, Chair Johnson

Ex-Officio Members Present: Knodt (SJRTD), Chesley (SJCOG)

2 Public Comments

None

3 Presentations and Recognitions

None

4 Consent Calendar

4.1	Minutes of July 1, 2016	ACTION
4.2	Rail Commission/ACE Monthly Expenditure Report	INFORMATION
4.3	ACE Monthly Fare Revenue	INFORMATION
4.4	ACE Ridership	INFORMATION
4.5	ACE On-Time Performance	INFORMATION
4.6	Washington Update	INFORMATION
4.7	2016 Group Travel Update	INFORMATION
4.8	Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Chair to Execute the FY 16/17 Measure K Project Cooperative Agreements	ACTION

M/S/C (Dresser/Fugazi) Approve the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 5th day of August 2016 by the following vote to wit:

AYES: 5 Harrison, Dresser, Fugazi, Zapien, Chair Johnson
NOES: 0
ABSTAIN: 0
ABSENT: 2 Haggerty, Vice-Chair Maciel

5 Presentation by Staff Regarding Plans for the Cabral Neighborhood Revitalization and Safety Improvements and Representatives of Ten Space Regarding the Open Window Development Project in Downtown Stockton, which include Portions Of the Cabral Neighborhood. INFORMATION

Dan Leavitt, Manager of Regional Initiatives, provided a historical overview of SJRRC's efforts to revitalize the neighborhood surrounding the Cabral Station. Mr. Leavitt summarized efforts to utilize the old Western Pacific building for parking and mixed-use development. He also discussed partnering with downtown developer Ten Space to promote revitalization around Cabral Station.

Chair Johnson questioned whether the perception of the Cabral neighborhood being unsafe is grounded in reality. Mr. Leavitt said he would examine the correlation.

Commissioner Dresser inquired how the partnership between Ten Space and SJRRC would work. Mr. Leavitt said there would be a MOU, whereby Ten Space leads the site preparation efforts.

Mr. Leavitt introduced David Garcia, Chief Operating Officer at Ten Space. Mr. Garcia discussed the Open Window Project, a 12-acre mixed-use development plan taking place in downtown Stockton. This plan includes the building of 1,000 residential units, 400,000 ft² of commercial and retail space, and streetscape improvements.

Vaughn Wolfe of Pleasanton asked whether the City of Stockton has provisions which restrict the heights of buildings. Commissioner Fugazi discussed the approval of this project by the Stockton City Council. Mr. Garcia express that while there is no height limit, there is a density limit of 87 units per acre, thereby limiting buildings to 4-6 stories.

Chair Johnson inquired how much Ten Space is requesting from SJRRC. Mr. Leavitt said staff plans to present an action item at the next board meeting, including an MOU and \$200,000 contribution, to move the project forward.

Commissioner Zapien expressed his pleasure with the project and the continued efforts to revitalize downtown Stockton.

Mr. Chesley discussed the project's impact on promoting the region's Sustainable Communities Strategy and Regional Transportation Plan. He also discussed the importance of partnerships and investments such as this to improve the community and foster transportation growth.

6 Approve Letters Supporting Transportation-Related Sales Tax Measures in Santa Clara, Stanislaus, and Merced Counties and Authorize the Chair to Sign the Letter of Support. ACTION

Dan Leavitt presented the three tax measures seeking support from SJRRC. The VTA measure will seek to secure funding for capital improvements along the Caltrain line, which will positively impact ACE's service between Santa Clara and San Jose. The StanCOG and

MCAG measures contain rail transit components, which can be used to enhance regional connectivity or for operational expenses, should ACE service be extended.

Mr. Chesley expressed SJCOG's support for the tax measures and highlighted the importance of local initiatives to push transportation projects forward.

M/S/C (Dresser/Johnson) Approve Letters Supporting Transportation-Related Sales Tax Measures in Santa Clara, Stanislaus, and Merced Counties and Authorize the Chair to Sign the Letter of Support. Passed and Adopted by the San Joaquin Regional Rail Commission on the 5th day of August 2016 by the following vote to wit:

AYES:	5	Harrison, Dresser, Fugazi, Zapien, Chair Johnson
NOES:	0	
ABSTAIN:	0	
ABSENT:	2	Haggerty, Vice-Chair Maciel

- 7 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission approving the “Early Action” Projects Associated with the ACEforward Program and Authorize And Direct the Executive Director to Execute all Documents Related To the Notices. ACTION**

Bryan Pennino, Project Manager, gave an overview of the ACEforward projects requiring early action approval. The early action stage of these projects is restricted to preliminary engineering, surveying, and environmental work.

M/S/C (Fugazi/Dresser) Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission approving the “Early Action” Projects Associated with the ACEforward Program and Authorize And Direct the Executive Director to Execute all Documents Related To the Notices. Passed and Adopted by the San Joaquin Regional Rail Commission on the 1st day of July 2016 by the following vote to wit:

AYES:	7	Harrison, Haggerty, Dresser, Fugazi, Zapien, Vice-Chair Maciel, Chair Johnson
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

And Update on ACEforward

Dan Leavitt presented a number of potential ACE to BART connections. Additionally, the various costs, time of travel, and ridership projections were discussed.

Vice-Chair Maciel acknowledged the complexity, and importance, of connecting ACE to BART. He requested more information regarding the diesel multiple unit (DMU) as a potential solution. Mr. Leavitt explained the differences between BART, ACE, and a DMU, as well as the potential benefits and disadvantages. Vice-Chair Maciel asked how the hypothetical DMU project would be managed. Mr. Leavitt said it could be managed by BART, ACE, or even a new entity.

Vice-Chair Maciel asked for clarification on the price tag of extending ACE to Greenville. Mr. Leavitt clarified that the cost provided is for the entire ACEforward program of extending to Merced and operating 10 daily round-trips.

Commissioner Zapien mentioned the importance of regional connectivity, as well as the need for collaboration among invested parties.

Tim Sbranti, Deputy Chief of Staff for Congressman Swalwell, applauded the developments taking place to make an ACE to BART connection possible. Veronica Vargas, Tracy City Council Member, spoke of the need to move the project forward and help mitigate freeway congestion.

Vaughn Wolfe pointed out the expected decrease in ACE service to San Jose as a result of connecting to BART. He also inquired into why an ACE to BART connection hasn't been proposed at Fremont.

Michael Tree, Executive Director of the Livermore Amador Valley Transit Authority (LAVTA), emphasized the importance of connecting these services for promoting megaregion development.

Commissioner Haggerty touched on the San Jose BART extension and Pasadena Gold Line projects, and the lessons to be learned. He also spoke of the environmental, economic, and quality of life impact of connecting ACE to BART. Commissioner Haggerty also stressed the financial implications of postponing the project.

Chair Johnson cited information relayed by a BART representative of the Altamont Regional Rail Working Group that BART Board Members would rather work to improve facilities and service within the current BART system. Commissioner Haggerty mentioned both the political will and power working to move the project forward. Commissioner Zapien stressed the ability to move the project forward with or without the support of BART.

Vice-Chair Maciel acknowledged the Board's consensus on the importance of the project.

Commissioner Zapien recommended the Working Group produce a statement of commitment for the Board to approve. Vice-Chair Maciel agreed with this approach.

Commissioner Haggerty disagreed with Vice-Chair Maciel's assessment of Alameda County's role in the process, stating the project will seek to alleviate problems experienced by Valley residents. Vice-Chair Maciel clarified that he was referring to disagreements within Alameda County as to station placement and agency involvement.

Chair Johnson agreed with Commissioner Zapien's desire to have the Working Group produce a statement for the Board to approve.

9 Commissioner Comments

Commissioner Zapien thanked staff for coordinating a train trip for elected officials to experience what ACE passengers do on a daily basis.

10 Ex-Officio Comments

Andy Chesley (SJCOG) noted there was a SJCOG Board Regional Transportation Systems Plan workshop to discuss Intercity Rail and Bus Service on July 10th and invited the Commissioner's to attend the COG's workshop

11 Executive Director Comments

Mr. Schmidt informed the Board Commissioner Hernandez has resigned from the Board due to conflicts with work. Mr. Schmidt noted staff is working with SJCOG to begin the selection process to appoint a new Commissioner.

12 CLOSED SESSION: Conference with Legal Counsel DISCUSSION/ACTION

**– Anticipated Litigation Government Code
Section 54956.9(b)(1): multiple potential cases Conference
with Legal Counsel – Anticipated Litigation Government
Code Section 54956.9(b)(1): multiple potential cases**

Report from Closed Session.

Legal Counsel reported no reportable action taken by the Board in Closed Session.

13 Adjournment –

The meeting was adjourned at 9:23 am.

The next regular meeting is scheduled for:

September 2, 2016 – 8:00 am

Robert J. Cabral Station

949 E. Channel Street, Stockton CA

**San Joaquin Regional Rail Commission
Altamont Corridor Express
Operating and Capital Expense Report
July 2016
8% of Budget Year Elapsed**

OPERATING EXPENSES	SJRR FY 16-17 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE	ACE FY 16-17 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
Project Management, Services & Supplies Subtotal	623,420	42,447	7%	4,435,184	307,452	7%
Contracted Services Subtotal	466,947	14,558	3%	15,895,814	413,157	3%
Shuttle Services				1,262,232	8,252	1%
TOTAL OPERATING EXPENSES	1,090,367	57,005	5%	21,593,230	728,860	3%

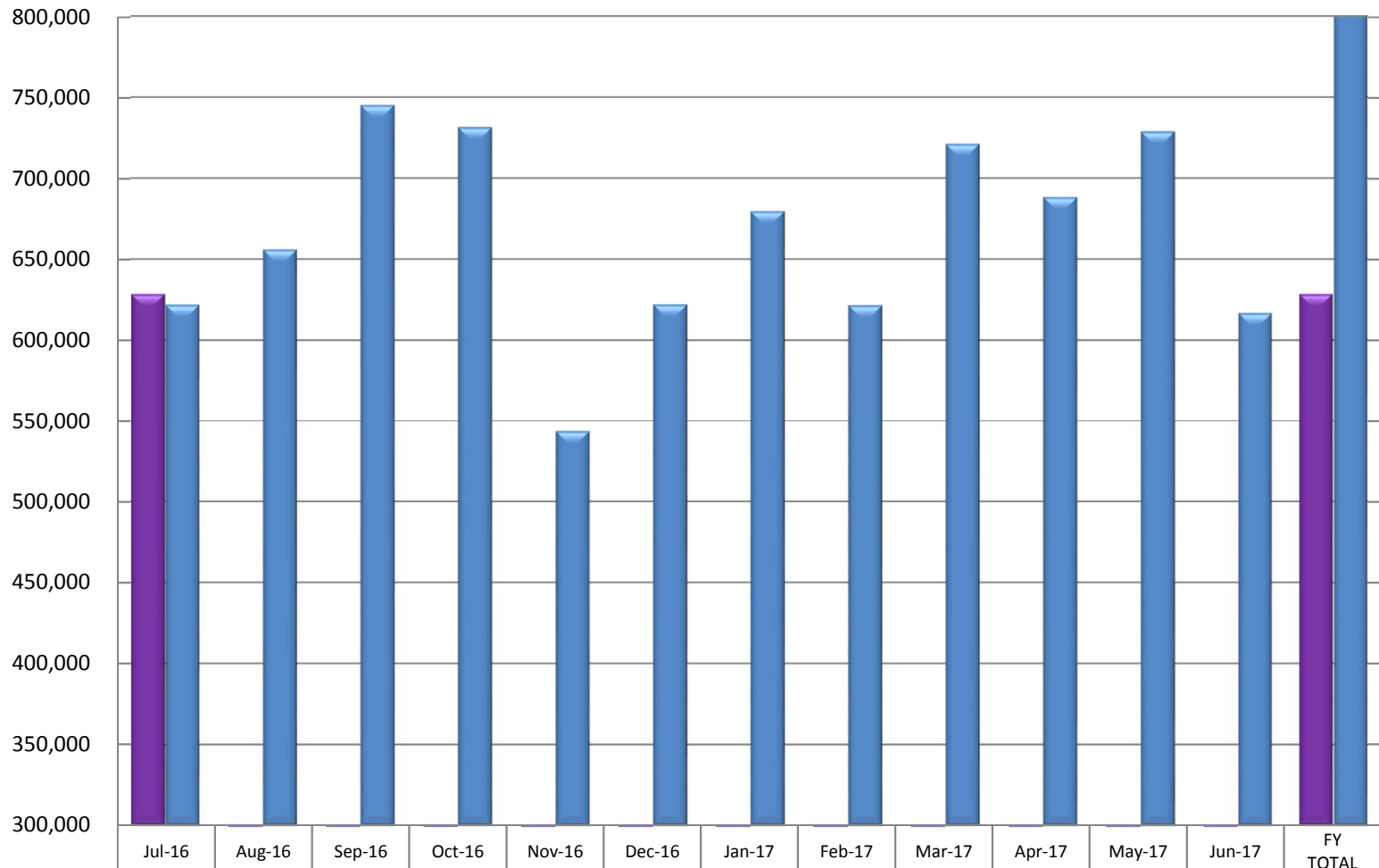
CAPITAL PROJECTS		CAPITAL FY 16-17 ALLOCATION	EXPENSE TO DATE	% SPENT TO DATE
1	ACE Forward	9,900,000		0%
2	Cabral Track Extension	11,863,925	-	0%
3	A1 & A2 Bond Repayment	3,034,762	-	0%
4	SJCOG Loan Repayment	1,200,000	318,012	27%
5	Altamont Corridor Rail Project HSR/Regional Rail EIR/EIS	4,000,000	-	0%
6	UPRR Capital Access Fee	3,242,516	-	0%
7	Positive Train Control	2,800,000	19,348	1%
8	Mid Life Overhaul of 1 Locomotive	1,500,000	-	0%
9	Capital Spares/Upgrades for Passenger Cars and Locomotives	500,000	7,910	2%
10	San Joaquin Intercity Minor Capital Project (Funded by State of California)	1,800,000	-	0%
11	eTicketing	1,000,000	-	0%
12	ACE Maintenance & Layover Facility	1,020,000	4,000	0%
13	Sunol Wayside Horn Project	800,000	-	0%
TOTAL CAPITAL PROJECTS		42,661,203	349,270	29%

Status on Capital Projects

- 1 ACE Forward - No Activity to date.
- 2 Cabral Track Extension Phases 1-3 - Cabral Track Extension is currently ongoing and is scheduled to be completed in a future fiscal year.
- 3 Bond Repayments - Bond repayments are made bi-annually. The first payment for FY16/17 is due in October 2016.
- 4 SJCOG Loan Repayment - annual payment made July 1, 2016 per SJCOG amendment.
- 5 Altamont Corridor Rail Project HSR/Regional Rail EIR/EIS - Project is currently ongoing.
- 6 UPRR Capital Access Fee - annual payment FY 16-17 is due in January 2017.
- 7 Positive Train Control - Expected completion is 16-17. Project is currently ongoing
- 8 Mid Life Overhaul of 1 Locomotive - No activity to date.
- 9 Capital Spares/Upgrades for Passenger Cars and Locomotives - is currently ongoing.
- 10 San Joaquin Intercity Minor Capital Project (Funded by State of California) - no activity to date.
- 11 eTicketing Project - is currently ongoing.
- 12 ACE Maintenance & Layover Facility - Ballast project is currently ongoing.
- 13 Sunol Wayside Horn - is currently ongoing.

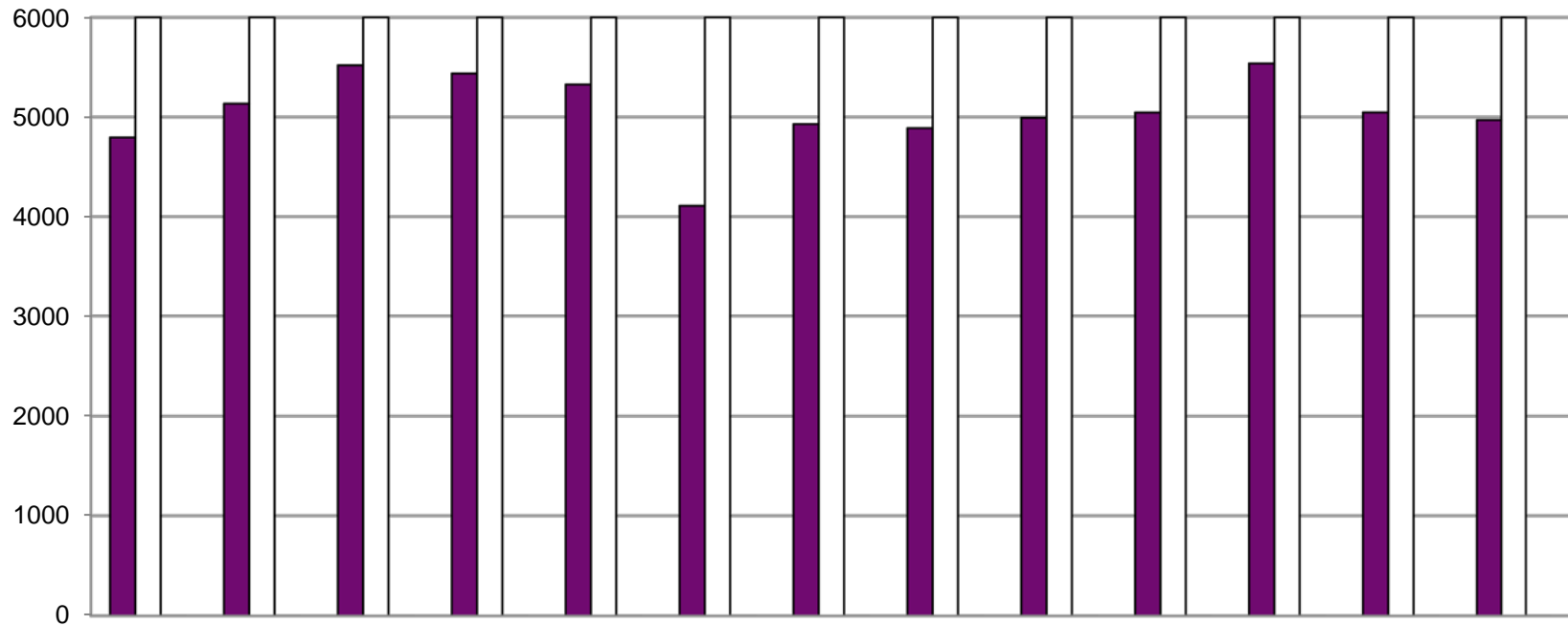
Fare Revenue

Item 4.3



% of Budget Year Elapsed: 8%
 FY 16-17 % of Budgeted Fare Revenue Received to Date: 7.4%
 Projected Annual Fare Revenue: \$8,500,000

ACE DAILY AVERAGE RIDERSHIP

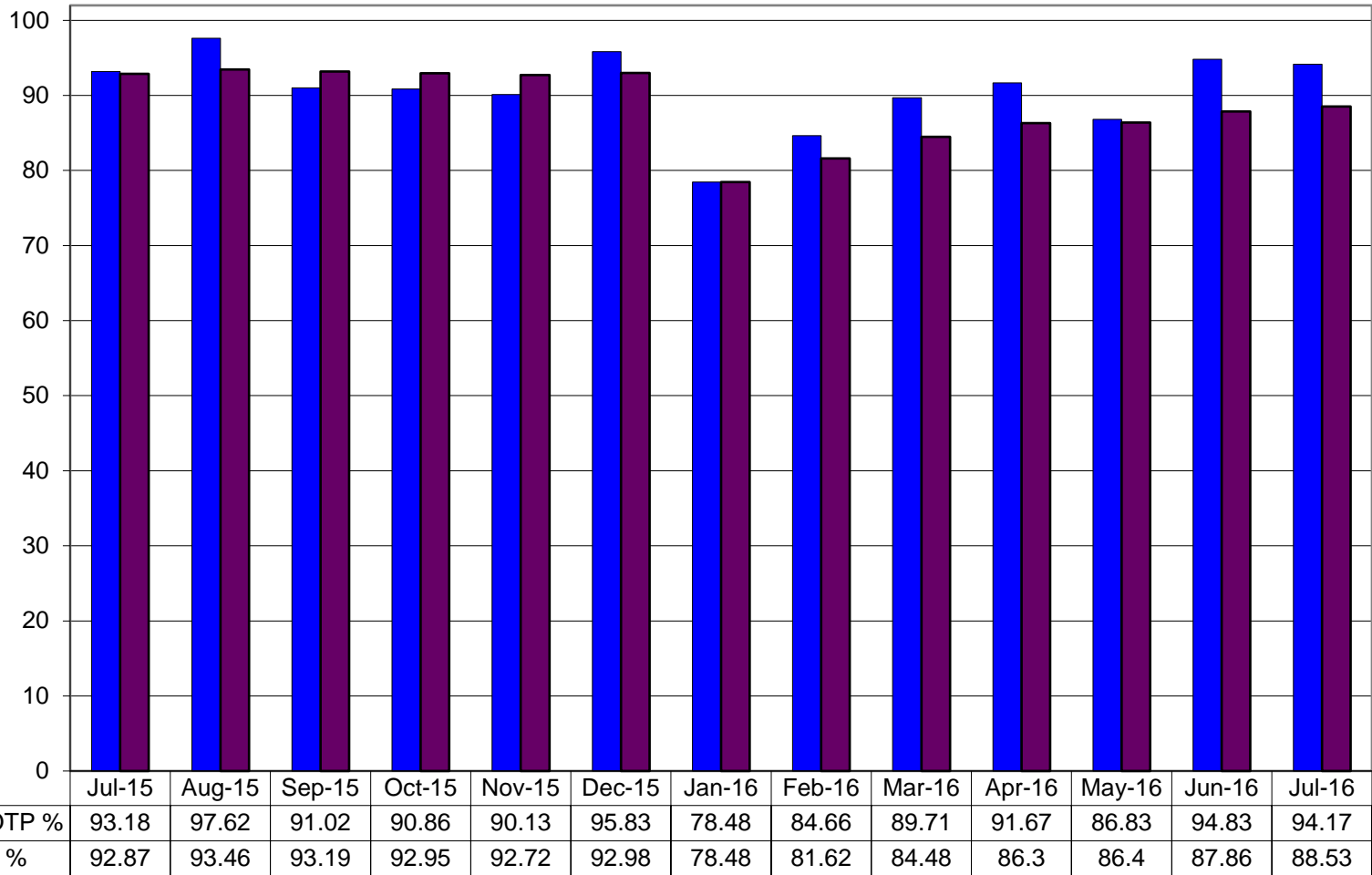


	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16
■ DAILY AVERAGE	4793	5133	5519	5436	5325	4107	4928	4887	4991	5044	5537	5045	4969
□ MONTHLY RIDERSHIP	105,454	109,072	115,890	122,306	102,515	91,386	99,795	101,399	109,802	105,927	116,277	110,988	99,371
□ % CHANGE	5%	7%	6%	4%	15%	9%	4%	8%	3%	2%	13%	5%	-6%

Item 4.4

ACE ON TIME PERFORMANCE

OTP %



Item 4.5

San Joaquin Regional Rail Commission Monthly Report – August 2016

SJRRC and MHGS Items

- MHGS participated in a 08/16 conference call with SJRRC.
- MHGS is reaching out to Chairmen Shuster and Denham to further discuss Committee activity planned for the fall.
- MHGS has touched base with Ray Chambers (AIPRO) for an initial discussion on Metrolink's procurement cancellation. MHGS is going to have a more detailed discussion with AIPRO and will provide an update to SJRRC.
- MHGS continues to evaluate a possible legislative fix to the SSRC voting issue, and SJRRC is discussing internally how comfortable they are moving forward.
- SJRRC is evaluating a possible trip to DC in September.

Congress adjourned in early July for a recess until early September. Given this, Committee and legislative activity has not occurred.

Outlook for FY17 Appropriations

- FY16 funding for the federal government runs out September 30, 2016.
- Given the extended Congressional summer recess, as well as the Presidential election, most people believe a CR is all but certain.
- The main question with a CR is how long it will run.
- The two schools of thought are that a CR will either go until December during the lame duck session, or run through March of next year.
- The situation remains fluid, and it will probably be contingent on how Congressional Republicans feel about their electoral prospects.
- If they think a Trump Administration is likely, a CR that runs through March is more probable. They would prefer to devise spending levels with President Trump than President Obama.
- If Congressional Republicans believe that a Clinton Administration is likely, they might try and cut a deal with outgoing President Obama. However, conservative Republicans would be against such a deal, so it would remain an uphill climb to attract enough votes for passage.

Congressional Appropriations and Budget Process

FY17 Administration Budget:

- The Administration released its FY 2017 budget on February 9th.
- The Budget provides a total of \$98.1 billion in discretionary and mandatory budgetary resources for the Department of Transportation in 2017.

- Over the next decade, the Budget reflects an average increase of about \$30 billion per year in investments associated with the 21st Century Clean Transportation Plan to reduce traffic and carbon intensity of the transportation sector and adapt to emerging technologies in developing sustainable systems of the future. This investment package includes:
 - An average of about \$10 billion a year over 10-years for new, multi-modal programs awarded at the state and local level to promote innovations that lead to smarter, cleaner regional transportation systems;
 - On average, \$10.5 billion annually over 10 years to improve our Nation's transit systems, including \$3.6 billion per year to expand the development, access and use of public transit;
 - Nearly \$7 billion annually on average over 10 years to support current operations, improve rail safety and invest in high-performance rail initiatives;
 - \$2 billion in FY 2017 to expand investment in the future of our freight system, in addition to nearly \$2 billion in baseline resources;
 - \$1.25 billion annually to expand the successful, multi-modal Transportation Investment Generating Economic Recovery (TIGER) program.
- The Budget also fully supports FAST-authorized funding levels for the surface transportation program, which are aimed at keeping the system safe and in a state of good repair. For 2017, this includes:
 - \$44 billion to invest in the critical infrastructure of the nation's highway and bridge systems;
 - Nearly \$10 billion to support operations of public transit systems across the Nation;
 - Roughly \$730 million for the National Highway Traffic Safety Administration (NHTSA) to research and develop new, life-saving technologies and to support vehicle safety programs;
 - Around \$640 million to support nationwide motor carrier safety and consumer enforcement efforts through the Federal Motor Carrier Safety Administration (FMCSA).
- The Budget also provides discretionary resources to fund air, maritime and pipeline and hazardous materials transportation activities, including:
 - \$15.9 billion for the Federal Aviation Administration (FAA) to invest in the safest, most efficient aerospace system in the world.
 - \$295 million for the Pipeline and Hazardous Materials Safety Administration (PHMSA) to facilitate the safe transportation of hazardous materials through pipelines, rail, roadway, air, and waterways.
 - \$428 million for the Maritime Administration to implement programs that promote the economic competitiveness, efficiency, and productivity of U.S. maritime transportation.
 - \$36 million for the Saint Lawrence Seaway Development Corporation (SLSDC), to operate and maintain the U.S. portion of the binational St. Lawrence Seaway, and promote environmental management and regional economic development.

FY17 Congressional Budget:

- On 10/27/15 House Republican Leadership released a draft 2-year budget framework that was negotiated with the support of the White House. The legislation would raise the debt ceiling through March 2017 and establish defense and non-defense spending caps for FY16 and FY17 which would increase spending by \$80 billion over those two fiscal years. The increase in spending is offset by tapping the Strategic Petroleum Reserve, auctioning spectrum and other revenues and cuts.
- The House passed the measure on 10/28, and on 10/30, the Senate cleared the two-year budget and debt ceiling deal, just 72 hours after it was unveiled by congressional leaders and the White House.
- Less than 4 months after the 2-year deal was signed into law, members of the Freedom Caucus and other conservative lawmakers are demanding additional spending cuts for FY17.
- House Budget Committee Chairman Price has acknowledged that he would have to cut an estimated \$30 billion from the October 2015 deal for FY17 in order to get a budget agreement passed in the House. These cuts are likely to come from mandatory programs, but the legislative process for advancing these cuts is not yet determined. Appropriators are resistant to including these cuts within their annual bills, but other options (like advancing the cuts as a stand-alone measure) have drawbacks as well.
- Neither the House nor the Senate has passed a budget resolution for FY17.
- The budget resolution provides 302(b) allocations which give appropriators topline numbers of how much money is available for them to work with in writing their bills. Without these 302(b) allocations, it is difficult for appropriators to put together spending bills.
- The Senate Appropriations Committee established their 302(b) allocations through a deeming resolution (bypassing the budget process) that adhere to last year's agreement. The House has started the appropriations process using "interim" spending levels.

FY17 THUD Appropriations:

- The Senate marked up their THUD bill on 04/21. It passed through committee by a 30-0 vote. After working through some controversial amendments on the Senate floor, the THUD Appropriations bill passed the Senate by a vote of 89-8 on 05/19.
- The bill contains the following provisions regarding rail and transit:

Rail – \$1.7 billion for the Federal Railroad Administration, \$76 million above the FY2016 enacted level. This includes \$1.4 billion for Amtrak for the Northeast Corridor and National Network, continuing service for all current routes. The bill provides \$334 million for rail safety and research programs, \$46 million above the FY2016 enacted level. This will fund inspectors and

provide training to help ensure the safety of passengers and local communities. The bill also provides \$50 million for rail safety activities in the Consolidated Rail Infrastructure and Improvement grants program, \$20 million for Federal-State Partnership for State of Good Repair grants, and \$15 million for Restoration and Enhancement grants. These programs will help implement Positive Train Control (PTC), enhance passenger rail safety, reduce highway-rail grade crossings incidents, and address the state of good repair backlog on shared use passenger and local commuter rail infrastructure.

Transit – \$12.3 billion for the Federal Transit Administration, \$575 million above FY2016 enacted level. The bill provides \$9.7 billion for transit formula grants, consistent with the FAST Act. The bill provides \$2.3 billion for Capital Investment Grants (New Starts), fully funding all current Full Funding Grant Agreement transit projects. Within this amount, \$333 million is provided for core capacity projects, \$241 million for small starts projects, and \$20 million for the expedited delivery pilot program. These programs provide competitive grant funding for major transit capital investments planned and operated by local communities, including rapid rail, light rail, bus rapid transit, and commuter rail.

- The House marked up their THUD bill on 05/24. It passed through committee by voice vote. It has yet to be considered on the House floor.
- The committee draft contains the following provisions regarding rail and transit:

Rail – The Federal Railroad Administration is funded at \$1.7 billion, an increase of \$42 million over the fiscal year 2016 enacted level and \$4.5 billion below the request. The bill adopts the new Amtrak funding structure as authorized, providing \$420 million for Amtrak’s Northeast Corridor and \$1 billion to support the national network. The bill also continues reforms to ensure the best use of tax dollars, such as requiring overtime limits for Amtrak employees to reduce unnecessary costs, and prohibiting funds from being used to subsidize losses associated with Amtrak’s food and beverage service. Rail safety and research programs are funded at \$300 million, \$12 million above the fiscal year 2016 enacted level. This will fund inspectors and training, plus maintenance and safety investments to the physical rail infrastructure, to help ensure the safety of passengers and local communities. No funding is provided for high-speed rail.

Transit – The bill provides \$12.5 billion in total budgetary resources for the Federal Transit Administration (FTA) – \$743 million above the fiscal year 2016 enacted level and \$7.4 billion below the request. Transit formula grants total \$9.7 billion – consistent with the authorization level – to help local communities build, maintain, and ensure the safety of their mass transit systems. Within this amount, \$2.5 billion is included for Capital Investment

Grants (“New Starts”), full funding (\$1.2 billion) is included for all current “Full Funding Grant Agreement” (FFGA) transit projects, and an additional \$500 million is included for FFGAs that will come online over the new year. Core capacity projects receive \$332 million in the bill – an increase of \$282 million – and \$408 million is included to fund all state and local “Small Starts” projects that will begin in fiscal year 2017. These programs provide competitive grant funding for major transit capital investments – including rapid rail, light rail, bus rapid transit, and commuter rail – that are planned and operated by local communities.

FAST Act/Surface Transportation/Passenger Rail

- On December 4th, President Obama signed into law the FAST Act, a 5-year authorization of surface transportation programs. Amtrak and passenger rail programs were reauthorized as part of the FAST Act.
- The House passed the bill on December 3rd (359-65) and the Senate passed the bill on the same day (83-16).
- The FAST Act is the result of intense conference negotiations between the House and Senate to resolve differences between their two different surface transportation bills.
- With regard to Hazardous Materials, the bill:
 - Grants states more power to decide how to spend training and planning funds for first responders
 - Requires Class I railroads to provide crude oil movement information to emergency responders
 - Reforms an underutilized grant program for state and Indian tribe emergency response efforts
 - Better leverages training funding for hazmat employees and those enforcing hazmat regulations
 - Requires real-world testing and a data-driven approach to braking technology
 - Enhances safety for both new tank cars and legacy tank cars
 - Speeds up administrative processes for hazmat special permits and approvals
 - Cuts red tape to allow a more nimble federal response during national emergencies
- The rail title of the bill:
 - Provides robust reforms for Amtrak, including reorganizing the way Amtrak operates into business lines
 - Gives states greater control over their routes, by creating a State-Supported Route Committee
 - Speeds up the environmental review process for rail projects, without sacrificing environmental protections
 - Creates opportunities for the private sector through station and right-of-way development

- Consolidates rail grant programs for passenger, freight, and other rail activities
- Establishes a Federal-State Partnership for State of Good Repair grant program
- Strengthens Northeast Corridor planning to make Amtrak more accountable and states equal partners
- Allows competitors to operate up to three Amtrak long-distance lines, if at less cost to the taxpayer
- Strengthens passenger and commuter rail safety, and track and bridge safety
- Preserves historic sites for rail while ensuring that safety improvements can move forward
- Unlocks and reforms the Railroad Rehabilitation and Improvement Financing (RRIF) loan program
- Includes reforms to get RRIF loans approved more quickly with enhanced transparency
- Provides commuter railroads with competitive grants and loans to spur timely Positive Train Control implementation
- Provides competitive opportunities for the enhancement and restoration of rail service
- Increases the rail liability cap

Surface Transportation Board Reauthorization Bill

- On December 18th the President signed the Surface Transportation Board Reauthorization, S. 808, into law.
- The bill was passed by the House on December 10th by voice vote.
- On June 18th, the Surface Transportation Board Reauthorization bill passed the Senate by Unanimous Consent. The bill was then sent to the House.
- The bill was introduced on March 19, 2015 by Senators Thune and Nelson.
- Specifically, the bill: 1) Sets timelines for rate reviews and expands voluntary arbitration procedures, 2) Grants STB new authority to proactively investigate rail delay issues and enhances transparency, and 3) Enacts structural reforms on the board (increases to 5 members) to allow for direct discussion to improve efficiency
- The bill was passed out of the Commerce Committee on March 25th. MHGS covered the mark up and provided a separate memo.

Tax extenders/Tax Reform

- On December 17, 2015, the House passed tax extenders legislation by a vote of 318-109, and the Senate followed suit the next day by a 65-33 vote.
- The extenders package included \$680B in in permanent and short term extensions of tax breaks for businesses and individuals.
- The recently passed legislation includes a number of items specific to transportation. The 45G short line tax credit was extended for two years, through January 1, 2017. It also allows short lines created after 2005 to claim the credit.

- The tax extender legislation also increases and permanently extends the commuter transit tax benefit (from \$130 per month to \$255 per month).
- With the 2016 election now coming into full swing, the prospect for tax reform in the 114th Congress remains dim.
- However, some believe that the recently passed tax extenders bill increases the chances for tax reform to be accomplished in 2017.
- The thinking is that the extenders package altered the budget baseline in such a way that it will be easier to lower the 35% corporate tax rate.
- Additionally, now that the former W&M Chairman Paul Ryan is the House Speaker, he may work to leverage his new power to attain his goal of tax reform.

Short Line Tax Credit

- The Short Line Tax Credit was extended as part of the tax extenders package passed in December 2015 (along with the omnibus).
- Senators Crapo, Wyden, Moran, Schumer, Isakson, Casey, Boozman and Blumenthal introduced the Short Line Tax Credit bill, S. 637, on March 3, 2015. The bill has been referred to the Finance Committee. There are currently 54 co-sponsors.
- This legislation would extend the Short Line Railroad tax credit until January 1, 2017.
- A similar bill has been introduced in the House (H.R. 721) by Representative Jenkins. The bill was referred to the Ways and Means Committee and currently has 261 co-sponsors.

Railroad Safety and Positive Train Control Extension Act

- Congress included a PTC extension in the short term transportation bill extension that they passed in late October.
- The bill would extend the deadline to install PTC to Dec. 31, 2018, from Dec. 31, 2015.
- In addition to the PTC extension that was passed, Sen. Blunt is offering an amendment to the FCC reauthorization bill that would direct the FCC to issue a rule to exempt modest size PTC projects from having to go through the environmental and historical review process. At the time this memo was being prepared, the FCC reauthorization was being considered in the Senate Commerce Committee, and the situation is developing.
- On March 4, 2015, Senators Blunt, Thune, and McCaskill introduced a PTC extension bill, S. 650. There are ten additional co-sponsors: Johnson, Fischer, Inhofe, Sullivan, Murkowski, Moran, Heller, Rubio, Ayotte, and Portman. The bill was referred to the Senate Commerce Committee.
- The purpose of the bill is to extend from December 31, 2015, to December 31, 2020, the deadline for Class 1 Railroads to implement PTC. The bill authorizes the Secretary of DOT to extend the implementation deadline, upon application, in one-year increments. The Secretary is directed to revise federal regulations requiring a

Class II or Class III railroad to equip its locomotives with an onboard PTC system to operate in PTC territory.

- The bill was passed out of the Commerce Committee in March. MHGS covered the mark up and provided a memo.
- Prior to the recent Amtrak derailment, MHGS heard that Sen. Blunt's strategy was to seek inclusion of this legislation in the THUD appropriations package that will pass later this year. However, the derailment changed the political landscape for a PTC delay.
- A PTC extension was included in the House's version of the Surface Transportation Reauthorization bill, as well as the recently announced short term extension.

SAN JOAQUIN REGIONAL RAIL COMMISSION

September 2, 2016

STAFF REPORT

Item 4.7

ACTION

Approve an Updated Transit Planning and Programming Memorandum of Understanding (MOU) with the San Joaquin Council of Governments to be Compliant with the Requirements of the Fix America's Surface Transportation Act since its Passage in December 2016 and Authorize and Direct the Executive Director to Sign the MOU

Background

As a result of the Passage of the 2016 Fix America's Surface Transportation Act, the Federal Transit Administration notified the San Joaquin Council of Governments (SJCOG) all existing Transit Planning and Programming Memorandum Of Understandings (MOU's) with transit agencies within the their jurisdiction must be updated. The updated MOU's reflect the changes in requirements identified in the approved Fix America's Surface Transportation Act of 2016. The updates to the MOU describes role of SJCOG as the Regions MPO, and provides a basic structure for cooperative planning and decision making regarding transit planning and programming between SJCOG, SJRRC, as well as, all transit operators in San Joaquin County.

Rail Commission and SJCOG staff have been working on an updated MOU to be consistent with the requirements of the Fix America's Surface Transportation Act of 2016.

SJCOG staff will be taking the MOU to the SJCOG Board for approval at their September Meeting.

Fiscal Impact

There is no fiscal impact to the Rail Commission.

Recommendation

Approve an Updated Transit Planning and Programming Memorandum of Understanding (MOU) with the San Joaquin Council of Governments to be Compliant with the Requirements of the Fix America's Surface Transportation Act since its Passage in December 2016 and Authorize and Direct the Executive Director to Sign the MOU

SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of September 2, 2016

STAFF REPORT

Item 4.8

ACTION

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Commission Approving the Proposed FY 2017-2019 Overall Annual Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) set aside Goals and Authorize the Executive Director to Formally Adopt the Proposed FY 2017-2019 Goal if no Public Comments are received that require further Consideration or Modification of the Proposed Goal.

Background:

The overall annual Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) goal was developed for DBE participation in the SJRRC's FY 2017–2019 federally-assisted contracts, in compliance with federal regulations set forth at 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation (DOT) Programs.

Discussion:

The Goal Setting Methodology is attached and will be made available for viewing at the Rail Commission Offices at 949 E. Channel Street, Stockton, CA, 95202.

The recommended overall annual DBE goal for contracts assisted by the Federal Transit Administration (FTA) is 3%.

Small Business Enterprise Set Aside program maintains a \$100,000 threshold for targeting small businesses. For any contracts with an anticipated cost of less than \$100,000, where an adequate number of SBEs can be identified in the marketplace, and where at least two responsible SBEs propose on the project, that project would be set aside for SBEs. This will allow for adequate competition and provide a means to help develop SBEs.

Any comments received through October 25th, 2016 will be brought to the November Board Meeting.

Fiscal Impact:

Receipt of Federal funds may be conditioned upon the approval by U.S. DOT of the Overall Annual DBE Goals.

Public Contact/Coordination:

Public Notices will be placed in the lobby of the Rail Commission Headquarters located at 949 E Channel St. Stockton, CA, as well as the Altamont Corridor Express website, social media pages and prominent newspapers along the ACE operating corridor.

Recommendation:

Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Commission Approving the Proposed FY 2017-2019 Overall Annual Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) set aside Goals and Authorize the Executive Director to Formally Adopt the Proposed FY 2017-2019 Goal if no Public Comments are received that require further Consideration or Modification of the Proposed Goal.

**THE SAN JOAQUIN REGIONAL RAIL COMMISSION
(SJRRRC)**

**FFY 2017 - 2019
DISADVANTAGED BUSINESS ENTERPRISE GOAL
AND GOAL-SETTING METHODOLOGY REPORT**

**SJRRRC BOARD OF COMMISSIONERS
APPROVAL: _____**

**SUBMITTED TO
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
SAN FRANCISCO, CALIFORNIA**

EXECUTIVE SUMMARY

The San Joaquin Regional Rail Commission (“SJRRRC”) has completed its analysis for the annual overall Disadvantaged Business Enterprise (“DBE”) goal applicable to the SJRRRC’s contracting opportunities funded in whole or in part by the Federal Transit Administration (“FTA”) in Federal Fiscal Year (“FFY”) 2017 - 2019.

The annual overall DBE goal represents the percentage of DBE firms who are ready, willing and able to participate in the SJRRRC’s FTA-assisted contracting opportunities each fiscal year. The goal is expressed as a percentage of all FTA funds the SJRRRC anticipates expending in the fiscal year.

The SJRRRC has chosen the following methodology to establish the annual overall goal in accordance with the Department of Transportation (“DOT”) federal regulations governing the DBE program and recent guidance from DOT.

STEP 1.

The SJRRRC determined a base figure for the relative availability of DBEs in the specific areas of expertise involved in the SJRRRC’s FTA-assisted contracting opportunities for FFY 2016 by using the Unified Certification Program (“UCUP”) database of DBE’s; the most recent national U.S. Census Bureau’s County Business Pattern database for the State of California and then weighting each area of expertise according to the amount of FTA assistance that is projected to be spent in the area. The base figure for FFY 2017- 2019 is 6%.

STEP 2.

The SJRRRC examined other evidence regarding DBE availability for the SJRRRC’s geographic and contracting market to determine if any adjustments to the base figure were needed in order to arrive at a narrowly tailored annual overall goal.

Based upon this analysis, the SJRRRC proposes an **annual overall DBE goal of 3% for FFY 2017 - 2019 for FTA-assisted contracts.**

I. SJRRC FTA-ASSISTED CONTRACTING OPPORTUNITIES IN FFY 2014

The SJRRC has identified and analyzed the FTA-assisted contracting opportunities for FFY 2017 by federal dollar amounts and the North American Industry Classification Codes “NAICS” codes for the relevant types of work. The total contracting amount of FTA assistance the SJRRC anticipates awarding in FFY 2017 - 2019 is \$11,000,000 (see **Table 1**). The SJRRC has determined that the FTA-assisted contracting opportunities will involve work in (14) 2007 NAICS codes, some of which have been grouped into major two and three digit NAICS classifications to more accurately reflect the availability of DBEs (see **Table 2**).

II. RELEVANT AVAILABLE INFORMATION

The SJRRC examined the following sources to determine which would provide relevant information to its goal-setting methodology:

1. California Unified Certification Program (CUCP) Database

Effective on March 13, 2002, DOT approved the California Unified Certification Program. The California Department of Transportation (“Caltrans”), as the repository agency for the CUCP data, has assembled information from other DOT recipients and compiled a complete central directory of DBE firms in California. SJRRC used the CUCP adopted the 2007 NAICS code system for this year’s goal setting analysis. A list of the 2007 NAICS codes used for this year’s goal setting is available in **Table 2**.

2. Small Business Administration (SBA) Certified Firms

SBA databases were not used to determine availability of DBE firms due to the limited experience the SJRRC has had with SBA firms competing for SJRRC’s FTA-funded contracts.

3. Census Bureau’s County Business Pattern (CBP) Database

SJRRC used the 2007 U.S. Census Bureau’s County Business Pattern (CBP) database to obtain the number of all firms (DBEs and non-DBEs) ready, willing and able to bid for the FTA-assisted contracts. The data was used in Step One of the goal-setting process.

4. Bidders List

The SJRRC has begun development of a Bidders List for use in the goal setting process.

5. Goal of Another DOT Recipient

For the goal setting process for FFY 2017 - 2019, SJRRC reviewed the proposed goals of several other DOT recipients and decided not to use the DBE goal of another DOT recipient.

6. Sources from other Organizations and Institutions

SJRRC did not obtain any additional information about past discrimination in public contracting; discrimination in private contracting; discrimination in credit, bonding or insurance data on employment, self-employment, training or union apprenticeship programs; and/or data on firm formation which could be used for the goal-setting process. SJRRC however, held a public meeting in coordination with other transit agencies and received several public comments and information, which was considered in the goal setting process

III. GOAL METHODOLOGY

1. Determining a Base Figure

The SJRRC developed a base figure to express the relative availability of DBEs in the specific areas of expertise involved in the SJRRC's FTA-assisted contracting opportunities in FY 2017 - 2019 by comparing data from the CUCP DBE database (comprised of the Caltrans maintained CUCP DBE database) and the U.S. Census Bureau's County Business Pattern database. The SJRRC then weighted each area of expertise according to the amount of FTA assistance that is projected to be spent in that area. For each NAICS code, County Business Pattern data from the State of California was used to determine the total number of businesses. The total number of DBEs for each for each NAICS code was determined by using the most closely matched 2007 NAICS codes from the CUCP DBE database. Duplicate DBEs were eliminated and DBEs from outside of the local market area were deleted. The total number of DBEs was compared to the total number of all firms to show the percentage of DBEs available in each area of expertise (see **Table 3**).

Because the SJRRC does not anticipate expending an equal amount of FTA dollars in each area of expertise, the overall availability of each NAICS code or group of codes was weighted according to the percentage of FTA dollars the SJRRC anticipates expending in each NAICS code area. The weighted overall availability of DBEs is 3% (see **Table 4**).

The base figure of DBEs available to participate in the SJRRC's FTA-assisted contracting opportunities for FFY 2017 – 2019 is 6%.

2. Adjusting the Base Figure

The SJRRC adjusted the amount of FTA-assisted contracting opportunities available to DBEs based on the amount of FTA funds projected to be used to purchase specialized equipment for the bridge construction, concrete foundation and rail track construction for the Stockton Station Track Extension/Gap Closure Project.

The SJRRC proposes an annual overall DBE goal of 3% for FFY 2017 - 2019 for FTA-assisted contracts.

IV. RACE NEUTRAL VS. RACE CONSCIOUS MEANS TO ACHIEVE THE DBE ANNUAL OVERALL GOAL

The U.S. Dot Regulations require that the maximum feasible portion of the DBE overall annual goal be met by using race-neutral methods. Race neutral methods include efforts made to assure that bidding and contracting requirements facilitate participation by DBEs and other small businesses, such as unbundling large contracts to make them more accessible, encouraging prime contractors to subcontract portions of the work, and providing technical assistance, outreach and communications programs. Methods to achieve “race-neutral” DBE contract awards include: (a) a DBE winning a prime contract through customary competitive procurement procedures; (b) a DBE being awarded a subcontract on a prime contract that did not carry a DBE goal, and (c) a DBE winning a subcontract (even if there is a DBE goal) from a prime contractor who did not consider its DBE status in making the award.

Additionally, the SJRRC hopes to encourage more firms to be certified as DBEs by performing CUCP certifications.

Because of the emphasis placed on race-neutral methods and the types of contracting opportunities, the SJRRC proposes that the FFY 2017 – 2019 goal will be met by race-neutral and not race-conscious measures.

SJRRC will carefully monitor its progress during the course of the year and may establish appropriate contract-specific goals if race-neutral methods do not appear sufficient to achieve the overall annual DBE participation for FFY 2017-2019.

V. SMALL BUSINESS PROGRAM

1. Definition of a Small Business Enterprise:

For purposes of this Program and in accordance with the State of California’s definition of “microbusiness” as set forth in California Government Code section 14837, a “Small Business Enterprise” is defined as:

- a) A business that, together with its affiliates, has average annual gross receipts of two million seven hundred fifty thousand dollars (\$2,750,000) or less over the previous three years, or
- b) Is a small business manufacturer with 25 or fewer employees.

2. Compliance with State of California Small Business Eligibility Requirements:

SJRRC will utilize the State of California certification to verify the status as a small business for participation in SJRRC’ Small Business Program. Contractors will only be eligible to benefit from the Program if they are a State of California Certified Microbusiness. Accordingly, the definition of a “Small Business Enterprise” will be modified as necessary to remain consistent with the State of

California's definition and certification eligibility of "microbusiness".

3. Small Business For Contracts <\$100,000:

SJRRC will set aside contracts for Small Business Enterprises (SBEs), provided that an adequate number of qualified small businesses can compete for the work. The State of California small business directory will be consulted to determine if there is an adequate pool of certified SBE vendors in the market area¹ that are ready, willing, and able to perform. The contract opportunity will be advertised in accordance with the procurement policy, but only Small Businesses will be eligible for award. In those circumstances when only a single proposal or bid that has been solicited under this Program has been received, the contract will be re-solicited, unless there is a sound documented business reason to justify the lack of competition.

4. Self Perform Limit for Contracts >\$1,000,000:

For contracts over \$1,000,000, SJRRC shall use contract goals for SBE participation on contracts that have subcontracting possibilities. Contract goals shall be enforceable and compliance with the goal or good faith efforts to do so shall be a condition of contract award. Contract goals need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of SBEs to perform the particular type of work). The contract work items will be compared with eligible SBE contractors willing and available to work on the project. A determination will be made regarding which items are likely to be performed by the prime contractor and which ones are likely to be performed by subcontractor(s). The goal will then be incorporated into the contract documents. Contract goals will be expressed as a percentage of the total amount of a contract.

VI. PUBLIC PARTICIPATION

1. Publication of Proposed Goal

a. The proposed FFY 2017 -2019 DBE goal will be posted at SJRRC Headquarters for 30 days and on the ACE website at www.acerail.com. The notice will also advise that the SJRRC and U.S. DOT will accept public comments on the proposed goal and methodology for a period of forty-five (45) days from the date of publication. The SJRRC will adjust its goal, if necessary, based on public comment, and will formally adopt a final overall goal for FFY 2017-2019 only at the close of the public review and comment period.

b. Notices will publish in the following general circulation newspapers, The Stockton Record, San Jose Mercury News and the Tri-Valley Herald.

Table 1				
<i>FFY 2017-2019 FTA Dollars by NAICS Codes</i>				
	NAICS	Description	FTA Funds	%of FTA
Stockton Track Extension e-Ticketing	237	Heavy Construction As a Group	\$5,500,000	50%
	237110	Water and Sewer Line and Related Structures Construction		
	237210	Land Subdivision		
	237310	Highway, Street and Bridge Construction		
	237990	Other Heavy & Civil Engineering Construction		
	238	Civil and Heavy Construction As a Group	\$3,500,000	32%
	238110	Poured Concrete Foundation and Structure Contractors		
	238120	Structural Steel and Precast Concrete Contractors		
	238140	Masonry Contractors		
	238210	Electrical Contractors		
	238910	Site Preparation Contractors		
	541	Special Services As a Group	\$2,000,000	18%
	541310	Architectural Services		
	541330	Engineering Services		
	541511	Custom Computer Programming Services		
541512	Computer Systems Design Services			
541620	Environmental Consulting			
Total FTA Funds			100%	\$11,000,000

*Stockton Track Extension project is setting aside \$7M not subject to DBE as it is Union Pacific specialty work

Table 2*NAICS Codes used for FFY 2017 - 2019 Goal Setting*

NAICS	Description
237	Heavy Construction As a Group
237110	Water and Sewer Line and Related Structures Construction
237210	Land Subdivision
237310	Highway, Street and Bridge Construction
237990	Other Heavy & Civil Engineering Construction
238	Civil and Heavy Construction As a Group
238110	Poured Concrete Foundation and Structure Contractors
238120	Structural Steel and Precast Concrete Contractors
238140	Masonry Contractors
238210	Electrical Contractors
238910	Site Preparation Contractors
541	Special Services As a Group
541310	Architectural Services
541330	Engineering Services
541511	Custom Computer Programming Services
541512	Computer Systems Design Services
541620	Environmental Consulting

Table 3				
<i>DBE Availability by NAICS Codes</i>				
NAICS	Description	DBE	CBP	Availability
	Water and Sewer Line and Related Structures			
237110	Construction	170	840	0.2024
237210	Land Subdivision	29	728	0.0398
237310	Highway, Street and Bridge Construction	303	781	0.3880
237990	Other Heavy & Civil Engineering Construction	195	338	0.5769
237	Heavy Construction As a Group	697	2687	0.2594
238110	Poured Concrete Foundation and Structure Contractors	148	1691	0.0875
238120	Structural Steel and Precast Concrete Contractors	90	378	0.2381
238140	Masonry Contractors	33	1227	0.0269
238210	Electrical Contractors	164	7572	0.0217
238910	Site Preparation Contractors	201	2331	0.0862
238	Civil and Heavy Construction As a Group	636	13199	0.0482
541310	Architectural Services	124	3139	0.0395
541330	Engineering Services	461	8053	0.0572
541511	Custom Computer Programming Services	208	10671	0.0195
541512	Computer Systems Design Services	265	6458	0.0410
541620	Environmental Consulting	384	1439	0.2669
541	Special Services As a Group	1442	29760	0.0485

Table 4						
<i>DBE Availability by FTA Dollars</i>						
NAICS	Description	DBE	CBP	Availability	% of FTA Dollars	Weighted DBE Availability
237110	Water and Sewer Line and Related Structures Construction	170	840	0.2024		
237210	Land Subdivision	29	728	0.0398		
237310	Highway, Street and Bridge Construction	303	781	0.3880		
237990	Other Heavy & Civil Engineering Construction	195	338	0.5769		
237	Heavy Construction As a Group	697	2687	0.2594	0.5000	0.0186
238110	Poured Concrete Foundation and Structure Contractors	148	1691	0.0875		
238120	Structural Steel and Precast Concrete Contractors	90	378	0.2381		
238140	Masonry Contractors	33	1227	0.0269		
238210	Electrical Contractors	164	7572	0.0217		
238910	Site Preparation Contractors	201	2331	0.0862		
238	Civil and Heavy Construction As a Group	636	13199	0.0482	0.3181	0.0046
541310	Architectural Services	124	3139	0.0395		
541330	Engineering Services	461	8053	0.0572		
541511	Custom Computer Programming Services	208	10671	0.0195		
541512	Computer Systems Design Services	265	6458	0.0410		
541620	Environmental Consulting	384	1439	0.2669		
541	Special Services As a Group	1442	29760	0.0485	0.1818	0.0071
	Total				1.0000	0.0303

RESOLUTION NO. SJRRC-R-16/17-_____

Resolution of the Board of Commissioners of the San Joaquin Regional Commission Approving the Proposed FY 2017-2019 Overall Annual Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) set aside Goals and Authorize the Executive Director to Formally Adopt the Proposed FY 2017-2019 Goal if no Public Comments are received that require further Consideration or Modification of the Proposed Goal.

WHEREAS, the San Joaquin Regional Rail Commission in accordance with federal regulations 49 CFR Part 26, has established a Disadvantaged Business Enterprise Program; and

WHEREAS, the San Joaquin Regional Rail Commission is required by 49 CFR Part 26, that it develop an overall Disadvantaged Business Enterprise (DBE) Goal for DBE participation in the SJRRC's FY 2017 – 2019 federally-assisted contracts as part of the SJRRC Disadvantaged Business Enterprise Program; and

WHEREAS, Section 49 CFR Part 26 was modified to include language requiring grantees to adopt a Small Business Element into their existing Disadvantaged Business Enterprise program; and

WHEREAS, the Federal Transit Administration wants to encourage Small Business participation in and competition in federally funded contracts; and

NOW THEREFORE, BE IT RESOLVED that the San Joaquin Regional Rail Commission hereby approves and adopts the FY 2017-2019 Overall Annual Disadvantaged Business enterprise (DBE) Goal of 3% for all contracts assisted by the U.S. Department of Transportation in accordance with 49 CFR Part 26.

PASSED AND ADOPTED, by the Board of Commissioners this 2nd day of September 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL
RAIL COMMISSION

STACEY MORTENSEN
Executive Director

BOB JOHNSON, Chair

SAN JOAQUIN REGIONAL RAIL COMMISSION

September 2, 2016

STAFF REPORT

Item 5

ACTION

Approve Resolution Approve Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Chair to Sign a 3-Year Extension of the San Joaquin Intercity Rail Service Managing Agency Agreement for Oversight and Administration of the of the Amtrak San Joaquin Service with the San Joaquin Joint Powers Authority

Background

At the June 3rd, 2016 SJRRC meeting the Board authorized the Chair to negotiate a 3-year extension of the Managing Agreement for the Amtrak San Joaquin Service with the Chair of the San Joaquin Joint Powers Authority.

As a result of the discussions and negotiations, both Chair's recommend extending the Managing Agency Agreement between the San Joaquin Regional Commission and the San Joaquin Joint Powers Authority for a term of 3-years with the same terms and conditions as the current agreement.

Fiscal Impact

The Rail Commission is fully compensated for the Managing Agency services through an agreement with Caltrans and maintains a separate accounting system for SJJPA. The proposed Budget for SJJPA is also included in the Rail Commission's Fiscal Year 2016/2107 Work Program and Budget.

Recommendation

Approve Resolution Approve Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing and Directing the Chair to Sign a 3-Year Extension of the San Joaquin Intercity Rail Service Managing Agency Agreement for Oversight and Administration of the of the Amtrak San Joaquin Service with the San Joaquin Joint Powers Authority

RESOLUTION NO. SJRRC-R-16/17-

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING AND DIRECTING THE CHAIR TO SIGN A 3-YEAR EXTENSION OF THE SAN JOAQUIN INTERCITY RAIL SERVICE MANAGING AGENCY AGREEMENT FOR OVERSIGHT AND ADMINISTRATION OF THE OF THE AMTRAK SAN JOAQUIN SERVICE WITH THE SAN JOAQUIN JOINT POWERS AUTHORITY

WHEREAS, on September 27th 2013 the San Joaquin Joint Powers Authority (SJJPA) entered into a 3-year agreement with San Joaquin Regional Rail Commission assume the Managing Agency role for the SJJPA in the administration of the state-funded San Joaquin Intercity Rail Service (San Joaquins); and

WHEREAS, at the May 27th, 2016 Board meeting the San Joaquin Joint Powers Authority Board of Directors unanimously approved authorizing the Chair to negotiate an extension of the Managing Agency Agreement with the Chair of the San Joaquin Regional Rail Commission and if agreed upon by both parties execute the extension, and

WHEREAS, at the June 3rd, 2016 of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorized the Chair to negotiate an extension of the Managing Agency Agreement with the Chair of the San Joaquin Joint Powers Authority, and

WHEREAS, the Chair of the SJJPA and the Chair of the SJRRC have met and through negotiations desire to enter into this First Amendment to the Agreement to extend the term of the Managing Agency Agreement an additional 3 years with all existing terms and conditions remaining in full force and effect; and

NOW, THEREFORE, parties agree as follows:

The Board of Commissioners of the San Joaquin Regional Rail Commission hereby Authorize and Direct Chair to sign the First Amendment of the San Joaquin Intercity Rail Service Managing Agency Agreement for Oversight and Administration of the of the Amtrak San Joaquin Service with the San Joaquin Joint Powers Authority for an additional 3-Year term beginning September 27th, 2016.

PASSED AND ADOPTED by the San Joaquin Regional Rail Commission this 2nd day of September 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

SAN JOAQUIN REGIONAL
RAIL COMMISSION

STACEY MORTENSEN, Secretary

BOB JOHNSON, Chair

**First Amendment to Agreement By and Between the
San Joaquin Joint Powers Authority and the
San Joaquin Regional Rail Commission for Managing Agency Services in the
Oversight of the San Joaquin Intercity Rail Service**

WHEREAS, on September 27, 2013, the San Joaquin Joint Powers Authority (“SJPA”) and the San Joaquin Regional Rail Commission (“SJRRRC”) entered into Agreement entitled “Agreement By and Between the San Joaquin Joint Powers Authority and the San Joaquin Regional Rail Commission For Managing Agency Services in the Oversight of the San Joaquin Intercity Rail Service” (“Agreement”); and

WHEREAS, pursuant to Section 6 of the Agreement, the initial term of the Agreement was for three (3) years commencing on September 27, 2013; and

WHEREAS, Section 6 of the Agreement authorizes the SJPA to extend the term of the Agreement upon approval of two-thirds (2/3rds) of the voting Member Agencies of SJPA; and

WHEREAS, at the May 27th, 2016 Board meeting the San Joaquin Joint Powers Authority Board of Directors unanimously approved authorizing the Chair to negotiate an extension of the Managing Agency Agreement with the Chair of the San Joaquin Regional Rail Commission and if agreed upon by both parties execute the extension, and

WHEREAS, at the June 3rd, 2016 of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorized the Chair to negotiate an extension of the Managing Agency Agreement with the Chair of the San Joaquin Joint Powers Authority, and

WHEREAS, the Chair of the SJPA and the Chair of the SJRRRC have met and through negotiations desire to enter into this First Amendment to the Agreement to extend the term of the Agreement an additional 3 years; and

NOW, THEREFORE, parties agree as follows:

1. Section 6 of the Agreement is amended to read as follows:

Section 6. The Agreement shall continue in full force and effect until September 27, 2019. SJPA may extend or terminate this Agreement, subject to a two-thirds approval of the voting Member Agencies.

The remaining terms and conditions as specified in the Agreement shall remain in effect.

The parties hereto have executed this First Amendment to the Agreement effective September 27, 2016.

SAN JOAQUIN JOINT POWERS
AUTHORITY

SAN JOAQUIN REGIONAL RAIL
COMMISSION

John Pedrozo, Chairman

Bob Johnson, Chairman