SAN JOAQUIN REGIONAL RAIL COMMISSION

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

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

October 4, 2019 – 8:00 am

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

Conference Call Locations
1311 Midvale Avenue
Lodi, CA 95240

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

   Roll Call: Haggerty, Marchand, Elliott, Johnson, Moorhead, Young, Zuber, Chair Fugazi

   Ex-Officios: Chesley, DeMartino, Zoslocki, McElhinney

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. Consent Calendar
   3.1 Minutes of SJRRC Board Meeting September 6, 2019 ACTION
   3.2 Rail Commission/ACE Monthly Expenditure INFORMATION
   3.3 ACE Monthly Fare Revenue INFORMATION
   3.4 ACE Ridership INFORMATION
   3.5 ACE On-Time Performance INFORMATION
   3.6 Update on Positive Train Control INFORMATION
   3.7 Washington Update INFORMATION

4. Waive the Second Reading and Adopt Ordinance No. 2019-01 ACTION
   (Stacey Mortensen) (Regular Voting Members)

5. Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing a Reimbursement Agreement with Union Pacific Railroad for Design, Right of Way, Permitting, Utility Coordination, and Legal Review for the Stockton Wye Project for an Amount Not-to-Exceed $350,000 and Authorizing and Directing the Executive Director to Execute the Agreement (Kevin Sheridan) (Regular Voting Members)

6. Update on Rail Car Procurement INFORMATION
   (Brian Schmidt)

7. Update on ACE Mobile Ticketing INFORMATION
   (Sarah Rasheed)

   (Stacey Mortensen)

9. Commissioner’s Comments

10. Ex-Officio Comments

11. Executive Director’s Report

12. Adjournment
   The next regular meeting is scheduled for:
   November 1, 2019 – 8:00 am
   Robert J. Cabral Station
   949 East Channel Street, Stockton
Minutes of SJRRC Board Meeting September 6, 2019

The regular meeting of the San Joaquin Regional Rail Commission was held at 8:00 am, September 6, 2019 at the Robert J. Cabral Station, 949 East Channel Street Stockton, CA 95202.

1 Call to Order/Pledge of Allegiance/Roll Call

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

Commissioners Present: Haggerty, Marchand, Johnson, Moorhead, Young, Zuber, Chair Fugazi

Commissioners Absent: Elliott

Ex-Officio Members Present: Mr. Chesley, Mr. Knodt, Mr. McElhinney

2 Public Comments

No public comments were made.

3 Consent Calendar

3.1 Minutes of SJRRC Regular Board Meeting August 2, 2019  ACTION
3.2 Minutes of SJRRC Special Board Meeting August 2, 2019  ACTION
3.3 Rail Commission/ACE Monthly Expenditure  INFORMATION
3.4 ACE Monthly Fare Revenue  INFORMATION
3.5 ACE Ridership  INFORMATION
3.6 ACE On-Time Performance  INFORMATION
3.7 Update on Positive Train Control  INFORMATION
3.8 Washington Update  INFORMATION
3.9 Approve 2019 Amendment to the Executive Director Employment Contract dated July 1, 1998 (Regular Voting Members Only)  ACTION

Vice-Chair Zuber made a comment regarding item 3.9 requesting a committee be made to work with the Executive Director and Counsel regarding the employment contract.

Chair Fugazi commented on creating an Ad-Hoc committee. Ms. Mortensen stated that Ms. Cordova has it calendared.

**M/S/C (Marchand/Young) Approve the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 6th day of September, 2019 by the following vote to wit:**

3 of 36
4 Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and Any Other Documents Necessary to Obtain State Rail Assistance (SRA) Funding in the Amount of $1,500,000 for the Revenue Fleet Rehabilitation Project and $500,000 for the UPRR Safety Fund Project

Mr. Peterson did a presentation on this item.

Vice-Chair Zuber inquired as to how many rail cars will be overhauled from the stated funds. Mr. Peterson explained that FTA money has been secured to ensure the overhaul of all the rail cars.

Chair Fugazi asked when the remaining $2.5M will be brought back before the board. Mr. Peterson stated within the next three (3) months.

M/S/C (Zuber/Marchand) to Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing the Executive Director to Submit and Execute Any and All Grant Applications, Agreements, Certifications and Assurances and Any Other Documents Necessary to Obtain State Rail Assistance (SRA) Funding in the Amount of $1,500,000 for the Revenue Fleet Rehabilitation Project and $500,000 for the UPRR Safety Fund Project. Passed and Adopted by the San Joaquin Regional Rail Commission on the 6th day of September, 2019 by the following vote to wit:

AYES: 7 Haggerty, Marchand, Johnson, Moorhead, Young, Zuber, Chair Fugazi
NOES: 0
ABSTAIN: 0
ABSENT: 1 Elliott

5 Public Hearing: Presentation and Introduce and Waive the First Reading of An Ordinance Creating A Station/Facilities Development Committee of the San Joaquin Regional Rail Commission and Delegating Decision-Making Authority to the Committee

Chair Fugazi opened the public hearing.

Ms. Mortensen and Counsel did a presentation on this item.
Commissioner Haggerty thanked Ms. Mortensen and Mr. Leavitt for meeting with him and Commissioner Marchand regarding this item. Commissioner Haggerty inquired if the Station/Facilities Development Committee (Committee) would have any authority for Alameda County stations. Ms. Mortensen clarified that the Committee would only apply to the Valley Rail program.

Chair Fugazi asked about the frequency of the Committee meetings. Ms. Mortensen stated that meetings would be as needed. Chair Fugazi suggested that a date and time be set for the meetings so the Committee members can ensure they can attend. Ms. Mortensen stated that this will be an item added to the first meeting of the Committee.

Vice-Chair Zuber inquired about the timing of the appeal process. Ms. Mortensen explained what would happen in the event of an appeal.

Chair Fugazi closed the public hearing.

**M/S/C (Zuber/Fugazi) Public Hearing: Presentation and Introduce and Waive the First Reading of An Ordinance Creating A Station/Facilities Development Committee of the San Joaquin Regional Rail Commission and Delegating Decision-Making Authority to the Committee. Passed and Adopted by the San Joaquin Regional Rail Commission on the 6th day of September, 2019 by the following vote to wit:**

- **AYES:** 5  Johnson, Moorhead, Young, Zuber, Chair Fugazi
- **NOES:** 0
- **ABSTAIN** 0
- **ABSENT:** 1  Elliott

### 6 Update on ACE Rolling Stock Procurement

Mr. Schmidt did a presentation on this item.

Chair Fugazi commented on her visit to the Siemens facility and inquired about the timing of testing the locomotives. Mr. Schmidt stated that testing will be completed within a two (2) months period.

Commissioner Young requested more details about the testing. Mr. Schmidt explained the process of testing for the locomotives.

Commissioner Johnson inquired about the factors that could influence the timing of testing the locomotives. Mr. Schmidt stated that Union Pacific (UP) will be involved in the testing process.
Mr. Lipari did a presentation on this item.

Chair Fugazi shared a comment she received regarding Saturday Service.

Commissioner Moorhead suggested sending information to the school districts regarding Saturday Service.

8 Commissioner’s Comments

No commissioner’s comments were made.

9 Ex-Officio Comments

Mr. Chesley made an update regarding the Local Transportation Fund (LTF) revenue. Mr. Chesley also stated that SJCOG will be making a policy decision regarding LTF at their next board meeting.

Mr. McElhinney announced that Caltrans has a new State Director and a new Chief Deputy. Mr. McElhinney also announced the Caltrans 20/21 Grant Application Guide for transportation planning grant opportunities. Mr. McElhinney gave an update on the 580 Corridor/Altamont Pass Summit on the Summit.

Mr. Knodt gave updates regarding SJRTD’s ridership numbers.

10 Executive Director’s Report

Ms. Mortensen gave an update regarding the potential to work with Washington State Department of Transportation (WSDOT) to lease out a portion of the Rail Maintenance Facility (RMF) to help with the rehabilitation of their out of service equipment due to the Seattle high speed derailment.

Commissioner Johnson suggested looking into more opportunities to lease out the RMF shop space.

11 Adjournment

The meeting was adjourned at 8:50 am.
The next regular meeting is scheduled for:

October 4, 2019 – 8:00 am
Robert J. Cabral Station
949 E. Channel Street
Stockton, CA 95202
### SAN JOAQUIN RAIL COMMISSION

#### Operating and Capital Expense Report

**July 2019**

*8% of Budget Year Elapsed*

**San Joaquin Regional Rail Commission**

**Altamont Corridor Express**

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<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>SJRRC FY 19-20</th>
<th>SJRRC Exp. To Date</th>
<th>%</th>
<th>ACE FY 19-20</th>
<th>ACE Exp. To Date</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Project Management, Services &amp; Supplies Subtotal</td>
<td>1,934,892</td>
<td>109,139</td>
<td>6%</td>
<td>5,839,961</td>
<td>306,984</td>
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<td>Contracted Services Subtotal</td>
<td>459,323</td>
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<td>21,262,253</td>
<td>1,376,206</td>
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<td>Shuttle Services</td>
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<td></td>
<td></td>
<td>1,354,855</td>
<td>112,905</td>
<td>8%</td>
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<td><strong>TOTAL OPERATING EXPENSES</strong></td>
<td><strong>2,394,215</strong></td>
<td><strong>145,160</strong></td>
<td><strong>6%</strong></td>
<td><strong>28,457,069</strong></td>
<td><strong>1,796,094</strong></td>
<td><strong>6%</strong></td>
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<table>
<thead>
<tr>
<th>Capital Projects</th>
<th>SJRRC FY 19-20</th>
<th>SJRRC Exp. To Date</th>
<th>%</th>
<th>ACE FY 19-20</th>
<th>ACE Exp. To Date</th>
<th>%</th>
</tr>
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<tbody>
<tr>
<td>SJROCC 1 East Channel Street Improvements</td>
<td>350,000</td>
<td>31,053</td>
<td>9%</td>
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<tr>
<td>SJROCC 2 Robert J. Cabral Station Expansion</td>
<td>1,345,761</td>
<td>-</td>
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<td>SJROCC 3 SJRRC Maintenance Vehicles</td>
<td>150,000</td>
<td>-</td>
<td>0%</td>
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<td><strong>TOTAL CAPITAL PROJECT SJRRC</strong></td>
<td><strong>$1,845,761</strong></td>
<td><strong>$31,053</strong></td>
<td><strong>2%</strong></td>
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**Altamont Corridor Express**

<table>
<thead>
<tr>
<th>Capital Projects</th>
<th>SJRRC FY 19-20</th>
<th>SJRRC Exp. To Date</th>
<th>%</th>
<th>ACE FY 19-20</th>
<th>ACE Exp. To Date</th>
<th>%</th>
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<tbody>
<tr>
<td>SJCOG 1 SJ COG Loan Repayment</td>
<td>1,118,012</td>
<td>1,118,012</td>
<td>100%</td>
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<td>SJCOG 2 A1 &amp; A2 Bond Repayment</td>
<td>3,038,212</td>
<td>-</td>
<td>0%</td>
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<td>SJCOG 3 UPRR Capital Access Fee</td>
<td>3,566,768</td>
<td>1,621,258</td>
<td>45%</td>
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<td>SJCOG 4 UPRR Capitalized Maintenance Projects</td>
<td>4,400,000</td>
<td>-</td>
<td>0%</td>
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<td></td>
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<tr>
<td>SJCOG 5 UPRRC Safety Fund</td>
<td>500,000</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
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<td>SJCOG 6 ACE Extension Natomas to Stockton</td>
<td>5,000,000</td>
<td>765</td>
<td>0%</td>
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<td>SJCOG 7 ACE Extension Lathrop to Ceres/Merced</td>
<td>10,000,000</td>
<td>18,802</td>
<td>1%</td>
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<td></td>
<td></td>
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<tr>
<td>SJCOG 8 Locomotives (4)</td>
<td>6,063,042</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
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<tr>
<td>SJCOG 9 Platform Extension Projects</td>
<td>7,900,000</td>
<td>1,622</td>
<td>0%</td>
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<tr>
<td>SJCOG 10 Cabral Track Extension</td>
<td>10,021,409</td>
<td>21,166</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SJCOG 11 Positive Train Control</td>
<td>1,681,304</td>
<td>36,374</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SJCOG 12 Rail Cars (5)</td>
<td>12,000,000</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SJCOG 13 Railcar Midlife Overhaul</td>
<td>7,700,000</td>
<td>-</td>
<td>0%</td>
<td></td>
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<tr>
<td>SJCOG 14 Sunol Quiet Zone Quad Gates</td>
<td>555,835</td>
<td>-</td>
<td>0%</td>
<td></td>
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<tr>
<td>SJCOG 15 Facility Upgrades and Capital Improvements</td>
<td>129,268</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SJCOG 16 Lathrop/Manteca Station Improvements</td>
<td>904,025</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>SJCOG 17 Tracy ACE Station Improvements</td>
<td>285,432</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>SJCOG 18 Lyoth Derail</td>
<td>500,000</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>SJCOG 19 Capital Spares</td>
<td>914,414</td>
<td>118,340</td>
<td>13%</td>
<td></td>
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<tr>
<td>SJCOG 20 Safety/Security Projects</td>
<td>796,508</td>
<td>-</td>
<td>0%</td>
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<td></td>
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<tr>
<td>SJCOG 21 E-Ticketing</td>
<td>100,000</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
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<tr>
<td>SJCOG 22 Short Range Transit Plan</td>
<td>26,123</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
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<tr>
<td>SJCOG 23 Public Information Display Systems (PIDS)</td>
<td>700,000</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>SJCOG 24 Network Integration</td>
<td>1,000,000</td>
<td>6,119</td>
<td>1%</td>
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<tr>
<td><strong>TOTAL CAPITAL PROJECTS ACE</strong></td>
<td><strong>$78,900,352</strong></td>
<td><strong>$2,942,457</strong></td>
<td><strong>4%</strong></td>
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</table>

**TOTAL CAPITAL PROJECTS SJRRC & ACE**

<table>
<thead>
<tr>
<th></th>
<th>SJRRC FY 19-20</th>
<th>SJRRC Exp. To Date</th>
<th>%</th>
<th>ACE FY 19-20</th>
<th>ACE Exp. To Date</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td><strong>TOTAL CAPITAL PROJECTS SJRRC &amp; ACE</strong></td>
<td><strong>$80,746,113</strong></td>
<td><strong>$2,973,510</strong></td>
<td><strong>4%</strong></td>
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</table>
**Status of Capital Projects - As of July 2019**

**SAN JOAQUIN RAIL COMMISSION**

1. **East Channel Street Improvements** - SJRRC received $2 million from the San Joaquin Council of Governments’ Measure K funds to improve the pedestrian and bicycle access along Channel Street between the Downtown Transit Center and Cabral Station. SJRRC has begun the environmental clearance and final design for the project, which is anticipated to be completed in 2019. Construction is slated to begin FY 2019/2020.

2. **Robert J. Cabral Parking Lot Expansion** - Project will construct a new parking lot at the site of the old Western Pacific depot in Stockton, as well as renovate a portion of the building. Staff is working on completing an environmental determination to move forward with design.


**ALTAMONT CORRIDOR EXPRESS**

1. **SJ COG Loan Repayment** - Annual payment made July 1, 2019 per SJCOG amended loan agreement.

2. **Bond Repayments** - Bond repayments are made bi-annually, payments FY 19-20 are due in October 2019 and April 2020.

3. **UPRR Capital Access Fee** - Payment for calendar year 2020 paid in two installments. First payment to be processed in January 2020 and second payment in May 2020.

4. **UPRR Capitalized Maintenance Projects** - Multi-year project is budgeted at $4,000,000 for the year. Invoices are received throughout the year.

5. **UPRR Safety Fund** - Payment for FY 19-20 is due in October 2019.

6. **ACE Extension Natomas to Stockton** - Environmental work for the project is currently underway. It is estimated that the draft Environmental Impact Report (EIR) will be released in late 2019.

7. **ACE Extension Lathrop to Ceres/Merced** - The Environmental Impact Report (EIR) was certified in August 2018. Final design is currently underway for individual projects along the corridor.

8. **Locomotives (4)** - Multi-year project to procure up to five Tier 4 locomotives for ACE service. A contract for the procurement was approved in April 2018. First unit scheduled to arrive in September 2019, 3 months ahead of schedule with the remaining units scheduled to arrive in early 2020.

9. **Platform Extension Projects** - Multi-year project to extend the existing Lathrop/Manteca, Tracy, Vasco, Livermore, and Pleasanton platforms. A contract for final design was approved in May 2018 and is currently under review by Union Pacific. Environmental is currently underway for construction of a 400-foot platform extension at the Fremont ACE Station.

10. **Cabral Track Extension** - Staff has submitted environmental documentation to FTA to move forward with final design. Union Pacific is currently reviewing documentation.

11. **Positive Train Control** - Multi-year project and will continue testing with Caltrain in late 2019. On-board equipment installation is complete and the Hosted Back Officer Server is operational. PTC is operating as designed on the UPRR corridor.

12. **Locomotives (5)** - Multi-year project which uses a competitive negotiation process to procure five passenger rail cab cars and 12 coach cars, with an option to purchase up to 17 additional passenger rail cars. A joint procurement is currently underway, with the Agencies in negotiations with Bombardier for the procurement.

13. **Railcar Midlife Overhaul** - Coordination with Herzog is underway to determine the scope and schedule of the project. Work is anticipated to begin in early 2020.

14. **Sunol Quiet Zone** - Construction has been completed but to address public concerns, revisions need to be made. Design for the revised project, Four Quadrant Gates on Main Street Sunol, was released in a RFQ in January 2019. Contract was awarded at the May 3rd 2019 Board meeting.

15. **Facility Upgrades and Capital Improvements** - Currently ongoing.

16. **Lathrop/Manteca Station Improvements** - Contract was awarded at the May 3rd 2019 Board meeting. Environmental work is currently underway.

17. **Tracy ACE Station Improvements** - Contract was awarded at the May 3rd 2019 Board meeting. Environmental work is anticipated to begin in late 2019.

18. **Lyoth DeraIl** - Installation of electric-powered derails near the Tracy ACE Station. Coordination with UPPR is currently underway.

19. **Capital Spares** - Preventative Maintenance is ongoing.

20. **Safety and Security/Video Cameras** - The camera security project was awarded in June 2018 and is in construction.

21. **E-Ticketing** - Multi-year pilot project is currently ongoing. A contract for the implementation of the Altamont Corridor Express Mobile Ticketing System was approved in May 2018. Full roll out release as of April 2019.

22. **Short Range Transit Plan** - Update to FY 2018 - FY 2027 SRTP is ongoing.

23. **Public Information Display System (PIDS)** - Currently ongoing project, PIDS system gives the ability to send train status and general information to ACE stations and SJJPA in real time.

24. **Network Integration** - Planning consulting services of integrating the ACE and SJJPA services with high-speed rail and other rail transit services.
Fare Revenue

% of Budget Year Elapsed: 17%
FY 19-20 % of Budgeted Fare Revenue Received to Date 18.6%
Projected Annual Fare Revenue: $10,500,000
Ridership

**FY 18/19 Ridership**

- Jul-19: 120,779
- Aug-19: 137,442
- Sep-19: 122,227
- Oct-19: 151,604
- Nov-19: 122,880
- Dec-19: 98,973
- Jan-20: 127,130
- Feb-20: 114,725
- Mar-20: 125,199
- Apr-20: 131,558
- May-20: 141,113
- Jun-20: 112,573
- TOTAL: 1,506,203

**FY 19/20 Ridership**

- Jul-19: 122,770
- Aug-19: 133,972
- Sep-19: -
- Oct-19: -
- Nov-19: -
- Dec-19: -
- Jan-20: -
- Feb-20: -
- Mar-20: -
- Apr-20: -
- May-20: -
- Jun-20: -
- TOTAL: 256,742
ACE ON TIME PERFORMANCE

<table>
<thead>
<tr>
<th>Month</th>
<th>Monthly OTP %</th>
<th>YTD OTP %</th>
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<tbody>
<tr>
<td>Aug-18</td>
<td>86.81</td>
<td>85.63</td>
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<tr>
<td>Sep-18</td>
<td>93.42</td>
<td>86.41</td>
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<td>Oct-18</td>
<td>88.59</td>
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<td>81.61</td>
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<td>May-19</td>
<td>84.09</td>
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<td>Jun-19</td>
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<td>Aug-19</td>
<td>78.98</td>
<td>75.56</td>
</tr>
</tbody>
</table>
Item 3.7 INFORMATION

Update on Positive Train Control

ACE train delays associated with PTC continue to decrease. Average delays are down to less than 2 minutes per train, with most trains not experiencing any PTC related delays. The major issues being experienced continue to be communications related. On-Board software was upgraded on September 17th.

Communications to Passengers:
Staff continue to provide passengers with updated information regarding the delays using the following channels:

- ACE Website
- Social Media (Facebook and Twitter)
- Onboard announcements

Coordination with UPRR, Caltrain and the Federal Railroad Administration (FRA):
Staff continue regular conference calls/meetings with UPRR, Caltrain and FRA on PTC as PTC continues to evolve.

PTC testing on Caltrain has been re-scheduled to begin sometime in early 2020, after UPRR is interoperable with Caltrain. The testing will be completed on weekends. Staff is working with Caltrain staff to determine the extent of testing required, as extensive brake testing has been completed on the UPRR corridor. It is anticipated ACE will be fully operational over the entire 86-mile corridor in the 3rd quarter of 2020.

Executive Director Mortensen met in DC with the FRA, as well as staff and legislators that have authority over the implementation of PTC, to report on the completion of the PTC program for the ACE Service.

General:

Testing of the new ACE Charger locomotive will begin on October 12th on the UPRR corridor and will be completed on weekends. It is anticipated the Charger will go into revenue service in the first quarter of 2020 after all PTC and FRA required testing is completed.
TO: San Joaquin Regional Rail Commission (SJRRRC)  
FROM: TG&A Staff  
SUBJECT: Monthly Progress Report for SEPTEMBER 2019

THE ADMINISTRATION / EXECUTIVE BRANCH

September 4, 2019. The Office of Management and Budget sent identical letters to leadership of the Senate/House Committees on Armed Services concerning multiple items, including Chinese made rolling stock and buses, being negotiated during conference of the National Defense Authorization Act (NDAA) for FY 2020. The letters detailed which provisions the Administration supported between the Senate bill (S 1790 – passed on June 27, 2019) and the House bill (HR 2500 – passed on July 12, 2019). Regarding a transportation-related provision, the Administration supports the Senate language which “would prevent financial assistance, specifically Federal transit dollars, from being used to award a contract or subcontract for the procurement of any rolling stock transit vehicles to priority enterprises owned, controlled, or subsidized by certain foreign states.” The House bill has similar prohibitive language, but it only applies to passenger railcars. The Administration notes, “It is critical that such prohibitions cover procurement of all rolling stock transit vehicles to ensure the Nation’s economic and national security and to prevent the use of Federal dollars to support foreign state-controlled enterprises.”

STATUS OF US DOT NOMINATIONS / CONFIRMATIONS / RESIGNATIONS

Note: Updates and/or additions since previous report designated by bold and italic type.

Type in name at this URL: Nominations

<table>
<thead>
<tr>
<th>NAME</th>
<th>US DOT ADMINISTRATOR / OTHERS</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms. Diana Furchtgott-Roth</td>
<td>Assistant Sec. of Transportation</td>
<td>Senate Commerce Committee approved 4/3/19, YEAs 14-NAYs 12. Roth</td>
</tr>
<tr>
<td>Ms. Thelma Drake</td>
<td>FTA Administrator</td>
<td>Reported by Senate Banking 3/12/19, on Exec. Calendar Drake</td>
</tr>
<tr>
<td>Mr. Stephen Dickson</td>
<td>FAA Administrator (for the term of five years).</td>
<td>Nomination received in the Senate (4/11/19) and referred to the Committee on Commerce, Science, and Transportation. Senate Commerce Committee hearing on 5/15/19 to consider the nomination. Senate Commerce Committee approved 7/10/2019, YEAs 14-NAYs 12. Cleared for a full Senate vote. Nominated 3/19/19. CONFIRMED by the Senate on 7/24/19, 52 to 40. Dickson 1.</td>
</tr>
<tr>
<td>Ms. Heidi King</td>
<td>NHTSA Administrator</td>
<td>Senate Commerce Committee approved 4/3/2019, YEAs 14-NAYs 12. Received message of withdrawal of nomination from the President. 9/19/19. Ms. King resigned from NHTSA on August 31, 2019. James Owens, the U.S. Department of Transportation’s deputy general counsel, has succeeded Ms. King. Mr. Owens will serve as the Deputy Administrator of the National Highway Traffic Safety Administration (NHTSA). King</td>
</tr>
<tr>
<td>Joseph Ryan Gruters (FL)</td>
<td>Director Amtrak Board (5 Yr. Term)</td>
<td>Senate Commerce Committee approved 4/3/2019, YEAs 14-NAYs 12. Gruters</td>
</tr>
<tr>
<td>Leon A. Westmoreland (GA)</td>
<td>Director Amtrak Board (5 Yr. Term)</td>
<td>Senate Commerce Committee approved 4/3/2019, YEAs 14-NAYs 12. Westmoreland</td>
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<tr>
<td>Rick A. Dearborn (OK)</td>
<td>Director Amtrak Board (5 Yr. Term)</td>
<td>Senate Commerce Committee approved 4/3/2019, YEAs 14-NAYs 12. Dearborn</td>
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<tr>
<td>Theodore Rokita (IN)</td>
<td>Director Amtrak Board (Remainder of the term expiring January 3, 2021)</td>
<td>Received in the Senate and referred to the Committee on Commerce, Science, and Transportation. 5/14/19. Nominee testified at Commerce Committee hearing held 7/24/19. Rokita</td>
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</table>
Michelle A. Schultz (PA)  Surface Transportation Board (New Position)  Nomination received in the Senate (1/16/19) and referred to the Committee on Commerce, Science, and Transportation. Senate Commerce Committee approved 7/10/2019, approved voice vote. Nominated 3/6/18. Cleared for a full Senate vote. Subject to nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. Schultz 2.  


Robert L. Sumwalt III (SC)  National Transportation Safety Board (Chairman for a term of three years, reappointment)  Received in the Senate (7/17/19) and referred to the Committee on Commerce, Science, and Transportation. Nominee testified at Commerce Committee hearing held 7/24/19. Confirmed by the Senate on 8/1/19 by voice vote. Sumwalt III  

Jennifer Homendy  National Transportation Safety Board (for a term expiring December 31, 2024 - Reappointment)  Nomination received in the Senate and referred to the Committee on Commerce, Science, and Transportation. 1/9/19. Nominee testified at Commerce Committee hearing held 7/24/19. Confirmed by the Senate on 8/1/19 by voice vote. Homendy  

Carl Whitney Bentzel  Federal Maritime Commission (remainder of five-year term expiring June 30, 2019 and an additional five-year term expiring June 30, 2024)  Received in the Senate and referred to the Committee on Commerce, Science, and Transportation. 6/12/19. Nominee testified at Commerce Committee hearing held 7/24/19. Bentzel  

Chad Rupe  Administrator of the Rural Utilities Service  President Trump has announced his intent to nominate on 6/17/2019.  

John E. Kramer  Chief Financial Officer, Department of Transportation  Nomination received in the Senate (5/2/19). Placed on Senate Executive Calendar in the Privileged Nomination section with nominee information requested by the Committee on Commerce, Science, and Transportation. Committee requested information was received (9/23/19).  

1/ The FAA has not had a permanent Administrator since Michael Huerta stepped down January 5, 2018. Mr. Daniel Elwell had been serving as the Acting Administrator. 2/ Ms. Deb Millar withdrew her nomination from the STB after President Trump failed to re-nominate her following the expiration of her first term - Ms. Millar served on the STB from 2014-2018. The STB is chaired by Ann D. Begeman, along with Vice Chairman Patrick J. Fuchs and Martin J. Oberman. The STB has two vacancies (one Republican (Schultz nominated) and one Democrat). The Democratic seat awaits a nominee. 3/ The current members of the NTSB are: Honorable Robert Sumwalt (Chairman), Honorable Bruce Landsberg (Vice Chairman) and Honorable Jennifer Homendy.

APPROPRIATION / BUDGET RESOLUTION PROCESS

US DOT Appropriation Status Table FY 2020

<table>
<thead>
<tr>
<th>Appropriation Status Table Link</th>
<th>OVERALL APPROPRIATION BILL SUMMARY</th>
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| Bills Passed: | House (10 of 12)  
Senate (0 of 12) |
| Enacted: | (0 of 12) |

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<tr>
<th>Subcommittee Approval</th>
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<th>Resolution of House-Senate Differences</th>
<th>Presidential Approval</th>
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<td>Transportation-HUD</td>
<td>House</td>
<td>Senate</td>
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<td>Senate</td>
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<tr>
<td></td>
<td>H. Rept. 116-106</td>
<td>227-194 6/25/19</td>
<td>HR 3055</td>
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Note: House rule, H. Res. 445, agreed to by the House on June 10, 2019, combined the following five regular appropriations bills, 2020, as reported, with modifications: (1) CJS (H.R. 3055), (2) Agriculture (H.R. 3164), (3) Interior (H.R. 3052), (4) Mil-Con, VA (H.R. 2745), and (5) THUD (H.R. 3163). The rule provided for the consideration of certain amendments to the five regular appropriations bills and also included Division F relating to federal employment and contractor compensation. See also House Rules Committee site on H.R. 3056, the FY2020 Consolidated measure.

September 19, 2019. The U.S. Senate Committee on Appropriations favorably reported S 2520, appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies (THUD) for FY 2020 by a vote of 31-0 on (Thursday) September 19, 2019 - Senate Report 116-109. In total, the THUD bill provides a total of $86.647 billion in total budgetary resources for the US DOT - $167.4 million above the 2019 enacted level. The THUD bill fully funds FY 2020 transportation programs (the last year of the FAST Act) at FAST Act levels.
Similar to the approach taken by the Senate / House Appropriations Committees over the last two years, certain priority infrastructure programs also received additional funding - $3 billion in general funding. Regarding the Consolidated Rail Infrastructure and Safety Improvements (CRISI) program: the bill provides $255 million (to remain available until expended) – same funding level as in FY 2019. Under CRISI, 25 percent is to be made available for projects in rural areas and Positive Train Control-related implementation costs are eligible expenses. Furthermore, US DOT is directed to prioritize such funds for railroads most at risk of not meeting the statutory PTC deadline of December 31, 2020. Covered by TG/A – summary available upon request.

September 19, 2019. The House passed a Continuing Resolution (CR - HR 4378) by a vote of 301 to 123 on September 19, 2019 to fund government operations and to avoid a government shutdown when FY 2020 begins on October 1, 2019 (at a pro-rata share of the previous year’s funding based on the term of the CR) through November 21, 2019 (a deadline near Thanksgiving). The CR also extends several health-care programs and other expiring measures. The Senate is expected to begin to address the CR the week of September 23, 2019. To date, no FY 2020 appropriations bills have been enacted into law. Whereas the House has passed 10 of the 12 annual appropriations bills (including the THUD bill (HR 3055) on June 25, 2019)), the Senate has not passed any FY 2020 appropriation bills.

Transportation stakeholders were optimistic (hopeful) that a CR would contain remedies to two looming funding problems: 1.) Repeal of the FAST Act Rescission, and 2) Repeal (or waiving) of the Rostenkowski Test, which if left untouched could force a decrease in funding for federal transit programs. The Office of Management and Budget sent a list of items that needed special treatment as a CR is negotiated, and while the $7.6 billion rescission of unobligated contract authority is not addressed Section 144 of the draft CR does waive implementation of the Rostenkowski Test, at least during the term of the CR.

1.) FAST Act $7.569 billion Highway Rescission (Sec. 1438). This section of the FAST Act implements a nationwide rescission of $7.569 billion in unobligated contract authority on July 1, 2020. A rescission of unobligated federal-aid highway contract authority causes onerous and detrimental programmatic problems for state DOTs and interferes with their flexibility in programming highway construction activities. Also see – NGA / 41 Transportation Associations Letter to Congressional Leaders urging for the inclusion of a repeal of the Federal-aid highway rescission in contract authority. Unless there is a remedy, the FHWA will calculate in October each state’s share of the rescission based on final FY 2019 contract authority balances.

2.) The “Rostenkowski Test” resides in U.S. Code Title 26, and impacts the Highway Trust Fund/Mass Transit Account. The law mandates quarterly reviews of the MTA to insure that programs funded by the MTA are sufficiently supported by its revenues. US DOT monitors the amount of unfunded authorizations at the end of the next FY (FY 2020), against estimated receipts of the following four FYs (FY 2021 – FY 2024). If these estimated receipts are less than the unfunded authorizations, US DOT must reduce apportionments. The Department of Treasury reports that unfunded authorizations in the MTA at the end of FY 2020 will be $27 billion, and the four year receipts will be $26 billion. The $1 billion difference could decrease, if unchanged by September 30, federal transit funding by roughly 12 percent or if the final-passed FY 2020 US DOT appropriations does not contain a waiver for the Rostenkowski Test. CRS Rpt.
September 12, 2019. The Department of Treasury reported that the U.S. government deficit surpassed $1 trillion in the first 11 months of the current fiscal year – the first time in seven years (since August 2012). However, it was noted that the government usually collects more revenue in September than it spends; hence, the high water mark of the deficit could fall back under the $1 trillion mark before the end of the fiscal year. The growing deficit adds to the nation’s debt burden which now stands at $22.5 trillion. Every living American’s share of the Federal Debt is approximately $68,573.69 - the debt grows $7.47 per living American every day. Treasury Secretary Steven Mnuchin said, as reported in the WSJ, that the government is considering financing options that could reduce borrowing costs, e.g. introducing a 50-year bond lengthening the maturity of Treasury borrowing.

SELECTED CONGRESSIONAL HEARINGS / BUSINESS
September 25, 2019. The House Committee on the Budget held a hearing to discuss and receive testimony on: “America’s Infrastructure – Today’s Gaps, Tomorrow’s Opportunities, and the Need for Federal Investment.” Committee Link and Testimony and House Comm Budget Staff Report on Infrastructure Investment.

September 24, 2019. The House Transportation and Infrastructure Committee held a hearing to discuss and receive testimony on: “Challenges and Opportunities for Commuter Railroads.” Committee Link and Testimony.

September 19, 2019. The Full Senate Committee on Appropriations reported (S 2520) the Transportation, Housing and Urban Development FY 2020 appropriations bill by a vote of 31-0. Only a single “Managers Amendment” was adopted at markup – a non-controversial amendment which did not impact negatively on THUD funding levels. Senate THUD Rpt 116-109 and Committee Link. Covered by TG/A – summary available upon request.

September 17, 2019. The Senate Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development marked-up the FY 2020 US DOT appropriations bill. See Full Committee Markup on September 19, 2019.

September 12, 2019. The Senate Appropriations Committee approved their FY 2020 Subcommittee 302(b) allocations which were consistent with the 2019 Bipartisan Budget Agreement, i.e. total allocations did not exceed $666.5 billion for security (defense) and $621.5 billion for non-security (table below). The 302(b) allocations are a division of a single 302(a) number to the Senate Appropriations Committee, thereby providing each subcommittee with an appropriation ceiling. The Committee subdivisions are referred to as the 302(b) sub-allocations. The US DOT 302(b) allocation provided by the Senate is $74.3 billion, about $1.5 billion less than the total in the House bill. Senate Appropriations Subcommittee 302(b) Press Release.

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<tr>
<td><strong>FINAL - BIPARTISAN BUDGET ACT OF 2019 - TWO-YEAR SPENDING CAPS</strong></td>
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<tr>
<td>Security (Defense)</td>
<td>666,500</td>
<td>671,500</td>
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<td>NonSecurity (NonDefense)</td>
<td>621,500</td>
<td>626,500</td>
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<td><strong>Security (Defense) - INCREASE in CAPS</strong></td>
<td>90,325</td>
<td>81,314</td>
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<tr>
<td><strong>Nonsecurity (NonDefense) - INCREASE in CAPS</strong></td>
<td>78,307</td>
<td>70,367</td>
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<td><strong>Two-Year Increased Totals:</strong></td>
<td>168,632</td>
<td>151,681</td>
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<td><strong>Total FY 2020/2021 REVISED ANNUAL LIMITS:</strong></td>
<td>$1,288,000</td>
<td>$1,289,000</td>
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SELECTED CONGRESSIONAL BILLS / SEPTEMBER

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<tr>
<td>HR 4309</td>
<td>S 2467</td>
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<td>D. Beyer, Jr. (D-VA) “Barriers to Suicide Act of 2019.” To establish a grant program to facilitate the installation, on bridges, of evidence-based suicide deterrents, including suicide prevention nets and barriers. Introduced 9/12/19.</td>
<td>C. Booker (D-NJ) To establish a program to award grants to entities that provide transportation connectors from critically underserved urban communities and rural communities to green spaces. Introduced 9/11/19.</td>
</tr>
<tr>
<td>HR 4307</td>
<td>S 2035</td>
</tr>
<tr>
<td>HR 4306</td>
<td>S 2520</td>
</tr>
<tr>
<td>P. DeFazio (D-OR) “Protecting Communities from Liquefied Natural Gas Trains Act.” To require the Administrator of the FRA to conduct an evaluation of the safety, security, and environmental risks of transporting liquefied natural gas by rail. Defazio / T&amp;I Committee Press Release on HR 4306. Introduced 9/12/19.</td>
<td>S. Collins (R-ME) Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2020. Introduced 9/19/19.</td>
</tr>
<tr>
<td>HR 4273</td>
<td>S Res 322</td>
</tr>
<tr>
<td>J. Gomez (D-CA) “Transit to Trails Act of 2019.” To establish a program to award grants to entities that provide transportation connectors from critically underserved urban communities and rural communities to green spaces. Introduced 9/10/19.</td>
<td>R. Wicker (R-MS) A resolution expressing support for the designation of the week of September 22 through September 28, 2019, as Rail Safety Week in the United States. Introduced 9/23/19.</td>
</tr>
<tr>
<td>HR 4378</td>
<td></td>
</tr>
<tr>
<td>N. Lowey (D-NY) Making continuing appropriations for fiscal year 2020, and for other purposes. Introduced 9/18/19.</td>
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NOTICES OF FUNDING OPPORTUNITY (NOFOs) / GRANT AWARDS

September 18, 2019. The Federal Transit Administration (FTA) announced a Notice of Funding Opportunity (NOFO) to apply for approximately $19.2 million in funding under the Pilot Program for Transit-Oriented Development Planning (TOD). Eligible applicants for TOD funding must be FTA grantees. Proposals must be submitted electronically through Grants.gov by 11:59 p.m. EDT November 18, 2019, the maximum Federal funding share is 80 percent, and FTA anticipates minimum grant awards of $250,000 and maximum grant awards of $2 million. Funds will be awarded “competitively” to support comprehensive planning associated with a new fixed guideway project or a core capacity improvement project.

September 18, 2019. US DOT Secretary Elaine Chao announced $60 Million in Federal Grant Awards to eight projects in seven states (TX, IA, VA, OH, PA, MI, and CA) to test the safe integration of automated driving systems (ADS) on our nation’s roadways. A December 21, 2018 NOFO made available $60 million in grant funds and applications were due by March 21, 2019. ADS URL: ADS URL.
August 29, 2019. US DOT Secretary Elaine Chao announced FY 2018 grant awards in the amount of $225 million in Competitive Highway Bridge Program grant (CHBP) funding to 20 projects in 18 states. The CHBP was a category, among others, within the $2.525 billion made available under the Highway Infrastructure Programs funded via general funds in the Consolidated Appropriations Act, 2018. The CHBP funds were, by law, made available only to states with population densities of less than 100 people per square-mile. Moreover, under the Consolidated Appropriations Act, 2019, $475 million was made available, Via Formula, for bridge replacement and rehabilitation for qualifying states that have a disproportionate percentage of bridge surface (at least 7.5 percent) that is in poor condition. US DOT CHBP Press Release and CHBP State Fact Sheets.

TRANSPORTATION-RELATED FEDERAL REGISTER NOTICES
September 4, 2019. The Surface Transportation Board (STB) published a notice in the Federal Register (FR) discontinuing the docket concerning the earlier Board’s "Rail Fuel Surcharges - Safe Harbor" decision which was an index that carriers could rely upon to measure changes in fuel costs for the purposes of a fuel surcharge program. Rail shippers had voiced concerns to the Board about rail carrier Rail Fuel Surcharges - a charge designed to recoup increases in the carrier’s fuel costs. The Board determined that rate increases resulting from rate-based fuel surcharges where there is no correlation between the rate increase and the increase in fuel costs is misleading. Hence, the Board directed that any surcharge program must be based on attributes of movement (e.g. mileage) that directly affect the amount of fuel consumed. The Board also established a Safe Harbor index for carriers. Later, Cargill challenged a fuel surcharge imposed by BNSF Railway Company, arguing that sums were collected that far exceeded true incremental fuel costs. The Board issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking comments from shippers/carriers on the issue. Comments were received and the comment period closed in 2014. The Board has been unable to reach a majority decision on what, if any, actions should be taken. Therefore, the Board is discontinuing this docket.

OTHER REPORTS / NOTICES / NEWS ARTICLES
September 19, 2019. House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) and Railroads, Pipelines, and Hazardous Materials Subcommittee Chairman Dan Lipinski (D-IL) sent a LETTER to 12 companies seeking information of the steps (if any) they have taken to incorporate grade crossing-related data into their geolocation service navigation applications/devices. The letter is in response and follow-up to a National Transportation Safety Board (NTSB) recommendation after a NTSB review of 2015 Amtrak-operated Metrolink commuter rail/Ford service truck highway-railroad at-grade train accident wherein the train’s engineer was killed and 32 others injured due to the omission of railroad crossing data on the driver’s navigation device. Only two of the 14 companies the NTSB addressed have taken any action on the recommendations. The DeFazio/Lipinski letter is directed at the 12 companies that have failed to address the NTSB recommendations. The Chairmen have asked for a response to their letter by October 2, 2019.

September 12, 2019. The Government Accountability Office released a report entitled, “SURFACE TRANSPORTATION - DHS Is Developing and Testing Security Technologies, but Could Better Share Test Results.” The Department of Homeland Security is tasked through the “Surface Transportation Explosive Threat Detection” (STETD) program for researching, developing and testing technologies to secure mass transit systems from the threat of bombings of subways and bus systems in U.S. cities. The GAO found that while TSA regularly assesses commercially available technologies, the TSA does not routinely or comprehensively share its results with mass transit operators. Sharing this information more routinely with mass transit operators would allow TSA to better inform operators about the capabilities of technologies that could be acquired to secure their systems. The GAO made two recommendations, (DHS concurred) to: 1) Incorporate DHS milestone guidance for its STETD program and 2.) That TSA develop a mechanism to routinely share security technology information with mass transit operators.
September 11, 2019. The Federal Highway Administration (FHWA) announced $871.2 million in Emergency Relief (ER) funds (FHWA Press Release on Release of ER Funds) to aid 39 states and U.S. territories. US DOT Secretary Elaine Chao noted that these funds will be used to repair roads and bridges damaged during natural disasters, including hurricanes, wildfires, floods and earthquakes. The “Additional Supplemental Appropriations for Disaster Relief Act, 2019” enacted on June 6, 2019 (P.L. 116-20) made an additional appropriation of $1.650 billion in general funds available for the FHWA Emergency Relief program. Typically, the ER program is funded at $100 million per Fiscal Year through its annual US DOT appropriations bill.

September 10, 2019. A study published by WalletHub compared 100 cities across 17 key metrics (each metric was graded on a 100-point scale, then each city’s weighted average across all metrics was used to calculate its overall score) to find out where passengers will fare the best during their daily commute. The study found the top-performing system in Seattle, WA with a total score of 77.97. Ranking of Transit Systems

<table>
<thead>
<tr>
<th>Overall Rank</th>
<th>City</th>
<th>Total Score</th>
<th>Accessibility &amp; Convenience</th>
<th>Safety &amp; Reliability</th>
<th>Public Transit Resources</th>
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<td>Boston, MA</td>
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<td>5</td>
<td>Madison, WI</td>
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<td>Portland, OR</td>
<td>68.8</td>
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September 9, 2019. The Federal Railroad Administration (FRA) released a Second Quarter 2019 Positive Train Control (PTC) Quarterly Update. As of June 30, 2019, PTC systems were in operation on 87 percent of the nearly 58,000 route miles required to be equipped by Congress. Class I freight railroads reported that PTC systems are in operation on approximately 91 percent of their required main lines as of June 2019. All railroads have committed to fully implementing PTC systems on the required rail lines by December 31, 2020. To view FRA’s infographics summarizing railroads’ progress toward fully implementing PTC systems as of June 30, 2019, please visit: 2nd Qtr. PTC Infographic.
September 4, 2019. The American Public Transportation Association (APTA) released a study entitled, “Supporting Late-Shift Workers: Their Transportation Needs and Economy.” The APTA study showcased the needs of late-shift commuters and recommends steps transit providers and decision-makers can take to improve commuting options for this growing segment of the U.S. population. APTA Late-Shift Workers Study - Press Release

September 4, 2019. The US DOT Office of Inspector General released a report entitled, “FRA Collects Reliable Grade Crossing Incident Data, but Needs to Update Its Accident Prediction Model and Improve Guidance for Using the Data To Focus Inspections.” Crossing incidents are the second leading cause of rail-related deaths after trespassing, and the leading cause of all railroad accidents. According to FRA roughly 27,000 rail accidents and 29,000 highway-rail grade crossing incidents occurred between 2006 and 2018, causing 10,004 fatalities, 3,508 which occurred at grade crossings. US DOT IG Report.

September 3, 2019. The Congressional Research Service (CRS) released a brief monograph entitled: “Climate Change and the America’s Transportation Infrastructure Act of 2019 (S. 2302).” Transportation is the largest source of greenhouse gas (GHG) emissions in the United States. The Senate-reported five-year “America’s Transportation Infrastructure Act of 2019” (ATIA) reauthorization bill seeks to address climate change with mitigation provisions and adaptation to reduce vulnerabilities and to increase resiliencies. CRS Monograph on Transportation Climate Change

August 30, 2019. The Federal Highway Administration (FHWA) made $3.972 billion in Obligation Limitation (Oblim.) available to the states. States have until September 30, 2019 to fully utilize the additional Oblim., along with an equal amount of apportionment. States often utilize the additional Oblim. through a financing mechanism known as Advance Construction, "converting" straight state funded projects to federal projects. Therefore, the Oblim. is obligated in a few days as opposed to having to let, bid and award projects which would take more time than the allowed by the September 30, deadline. For comparison purposes, nationwide Oblim. made available in FY 2018 was $4.184 billion and $3.137 billion in FY 2017.

UPCOMING CONGRESSIONAL CALENDAR – SEPTEMBER / OCTOBER

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

SEPTEMBER AND UPCOMING DEADLINES / EVENTS

September 22-25  ARTBA 2019 National Convention, Savannah, Georgia.
October 5-9    AASHTO 2019 Annual Meeting, St. Louis, Missouri.
October 13-16 TRANsform Conference: APTA’s reimagined Annual Meeting
October 15    Surface Transportation System Funding Alternatives applications due.
October 18    Consolidated Rail Infrastructure & Safety Improvements (CRISI) applications due.
In light of the fact that the Senate has not passed a single FY 2020 appropriations bill, the House passed a relatively “clean” short-term Continuing Resolution (CR) to keep government open beyond the September 30 deadline through November 21, 2019. The Senate is expected to take up the CR soon and President Donald Trump has indicated that he plans to sign the stopgap spending bill. Working on enactment of a CR is an acknowledgement that there is no time remaining to pass all 12 appropriation bills through Congress before the end of the FY.

Congressional fall agenda items also include, tighter gun control/restrictions, the flood-insurance program, authorization of the Export Import Bank, ratification of the new trade pact with Mexico and Canada (USMCA - momentum continues to build toward bringing USMCA up for a vote), the cost of prescription drugs and whether or not Democrats will open a formal impeachment proceeding against the President regarding the Ukraine controversy. The President’s decision to divert funding from sundry government agencies towards a border wall is likely to also diminish reaching comity with House/Senate Democrats and compromise agreements on other policy issues.

The Senate is planning a floor vote on their surface transportation reauthorization legislation, “America’s Transportation Infrastructure Act of 2019,” (S 2302) this fall with the House planning to introduce their reauthorization bill this winter.

The American Highway Users Alliance (AHUA) has selected Ms. Laura C. Perrotta to serve as the organization’s next President and CEO, effective October 7, 2019. Formerly, Ms. Perrotta served as Senior Director of Legislative Affairs at the National Automobile Dealers Association (NADA). Outgoing CEO Greg Cohen and Mr. Thomas Jensen, Chairman of the AHUA both expressed enthusiasm over Ms. Perrotta’s experience and plans for the AHUA priorities regarding the upcoming surface transportation reauthorization.

On September 17, the House agreed by unanimous consent to request a conference on the National Defense Authorization Act of FY 2020 (HR 2500 and S 1790). Both the House and Senate bills have prohibitive language banning Federal transit dollars from being used to award a contract or subcontract for the procurement of any rolling stock transit vehicles to priority enterprises owned, controlled, or subsidized by certain foreign states. See American Public Transportation Association (APTA) FACT SHEET.

Transit Security Grant Program awards ($88 million made available in FY 2019) are expected to be announced soon.

The House Committee on Oversight and Reform is investigating US DOT Secretary of Transportation Elaine Chao to determine whether or not the Secretary is using her position for personal gain and for the benefit of her family. Committee Elijah Cummings and Ranking Member Raja Krishnamoorthi sent Secretary Chao a LETTER dated September 16, 2019. The Committee is requesting a response to the requested information by September 30, 2019.

FY 2019 US DOT appropriations expire September 30, 2019. As of September 30, 2019, 367 days remain until the FAST Act expires (September 30, 2020), and 1,462 days remain until the FAA Reauthorization Act of 2018 expires (September 30, 2023).
Thursday, September 19

<table>
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<tr>
<td>Rep. Josh Harder (D-CA-10)</td>
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<td>Deputy FRA Administrator Quintin Kendall</td>
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<td>Rep. Mark DeSaulnier (D-CA-11), House Rail Subcommittee &amp; Allison Johnson, Legislative Assistant</td>
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<td>Congressman Dan Lipinski (D-IL-03), House Rail Subcommittee, Chairman</td>
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<td>Kara Fischer, Counsel (Minority), &amp; Alison Graab, Deputy Policy Director (Majority), Senate Commerce Committee</td>
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<td>Ike Irby, Sen. Harris (D-CA), Policy Advisor</td>
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<td>Rishi Sahgal, Sen. Feinstein (D-CA), Legislative Assistant</td>
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Friday, September 20

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<td>Rep. Grace Napolitano (D-CA-32), Transportation &amp; Infrastructure Committee</td>
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<td>Rep. Jerry McNerney (D-CA-9)</td>
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<td>Wes Lujan, Union Pacific, AVP – External Affairs</td>
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<td>Michael Falencki, House Transportation Railroad Subcommittee, Staff Director (Minority)</td>
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<td>Liz Hill, House Transportation Railroad Subcommittee, Staff Director (Majority)</td>
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<td>Mike Smythers, BNSF Railway, Vice President – Federal Affairs</td>
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Item 4  ACTION
Waive the Second Reading and Adopt Ordinance No. 2019-01

Background:
At the September 2019 Rail Commission meeting, the Board waived the first reading of an Ordinance creating a station and facilities development committee of the San Joaquin Regional Rail Commission (SJRRRC) and delegating decision-making authority to the committee. Upon the board’s action, staff issued a summary of the Ordinance and had the summary published in local newspapers within the three counties of Santa Clara, Alameda and San Joaquin. Staff has also published the summary of the Ordinance with a link to the full Ordinance on the ACE Rail website (acerail.com/summary-of-proposed-Ordinance).

While there have been no alterations to the Ordinance language since it last came before the board, it should be noted that there was a clerical error of the method of publication of the adopted Ordinance and it has since been corrected to provide for the publishing of a summary of the Ordinance. The correction does not change any of the language of the sections of the Ordinance.

New Interim Governance Concept for Valley Rail Program Delivery:
To expedite the delivery of stations and facilities for the Valley Rail program, the Rail Commission has the authority to create, by Ordinance, and delegate to, a Committee that would have decision making authority regarding the new stations/facilities and would function similar to a Planning Commission.

The Committee will have certain decision-making authorities delegated to it by the Rail Commission under an annual, Rail Commission approved scope and budget identified for the Valley Rail Expansion in Stanislaus, San Joaquin and Sacramento Counties.

The Committee will be subject to the Brown Act and would meet on an as needed basis and include teleconferencing for ensuring quorums. There may be times where several meetings a month may be needed and times where there are no meetings in a month.

A 4-member Committee is recommended. Utilizing the existing member agencies of the San Joaquin Joint Powers Authority for some continuity, the Rail Commission will request that StanCOG and SacRT each recommend an appointee from its’ membership. The remaining two members will be Rail Commissioners from the areas of San Joaquin County affected by the expansion. No Alternates would be designated for the Committee.
This proposed Committee concept offers the following benefits:

1. Eliminates the need, at this time, for a new governing board and administrative structure.

2. Utilizes this Valley Rail project implementation process to assess the best long-term governance option for the expanded ACE and San Joaquin service.

3. Maintains the continuity of member agencies and boardmembers with expertise related to ACE and the San Joaquins.

4. Establishes a small, nimble Committee of elected officials who are motivated to deliver the Valley Rail expansion project quickly, cost effectively, and with consideration of the affected community interest because the new facilities are in their districts.

Fiscal Impact:
A new Committee would require staff and counsel time for meetings and agenda package preparation.

Recommendation:
Waive the Second Reading and Adopt Ordinance No. 2019-01.
WHEREAS, The San Joaquin Regional Rail Commission (SJRRC) has received $400 Million in State funding for expansion of the ACE service to Ceres and ultimately to Merced; and

WHEREAS, SJRRC and the San Joaquin Joint Powers Authority (SJJPA) jointly received $500 Million in State funding for expansion of the ACE service between Lathrop and Natomas and expansion of the San Joaquins intercity rail service between Fresno and Natomas; and

WHEREAS, SJRRC has been designated the lead agency for planning and implementing the new stations/facilities required as part of the state funded expansion effort; and

WHEREAS, the initial deadline of 2023 associated with the State funding for project completion requires numerous timely actions for the stations/facilities in the new service communities over the next several years; and

WHEREAS, a small group of elected decision makers from the affected communities provides the best opportunity to ensure decisions are timely and incorporate the input of the affected communities; and

WHEREAS, SJRRC has the authority to establish a Committee and delegate specified decision-making powers,

THEREFORE, THE SAN JOAQUIN REGIONAL RAIL COMMISSION ORDAINS AS FOLLOWS:

ARTICLE 1. GENERAL

Section 100 Establishment. The San Joaquin Regional Rail Commission (“SJRRC”) hereby creates the Station/Facilities Development Committee (“Committee”) which shall have the decision and advisory powers contained here and as assigned by the SJRRC Commissioners from time to time. The Committee shall be comprised of four (4) members that shall serve without compensation.

Section 101 Definitions. For the purposes of this Article, the following words and phrases shall have these meanings:
101.1 “Commissioners” shall mean those persons appointed to the SJRRC in accordance with the JPA.

101.2 “Committee” shall mean the SJRRC Station/Facilities Development Committee established by this Article.

101.3 “Facility” or “Facilities” shall mean the facilities located north of Stockton in the Sacramento Service Corridor and the Stanislaus Service Corridor between Lathrop and Ceres California.

101.3 “JPA” shall mean the July 22, 2003 First Amended Joint Powers Agreement San Joaquin Regional Rail Commission.

101.4 “Regular Voting Commissioner” shall have the same meaning as “Regular Voting Member” set forth in Section 1.19 of the JPA.

101.5 “SacRT” shall mean the Sacramento Regional Transit District.

101.6 “SJRRC” means the San Joaquin County Regional Rail Commission, a Joint Powers Authority consisting of the County of San Joaquin, and the Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy, which owns and operates the ACE Rail passenger service.

101.7 “Special Voting Commissioner” shall have the same meaning as “Special Voting Member” set forth in Section 1.22 of the JPA.

101.8 “StanCOG” shall mean the Stanislaus Council of Governments.

101.9 “Station” or “Stations” shall mean the stations located north of Stockton in the Sacramento Service Corridor and the Stanislaus Service Corridor between Lathrop and Ceres California.

Section 102 Committee Appointment and Qualifications. The Committee’s four members shall be appointed by a majority vote of the SJRRC Regular Voting Commissioner. Committee members shall all be elected officials and comprised of the following:

102.1 A Regular Voting Commissioner whose elected jurisdiction includes at least one (1) Station north of Stockton, California.

102.2 A Regular Voting Commissioner whose elected jurisdiction includes at least one (1) Station between Lathrop and Merced California.

102.3 An elected official from the SacRT who shall be recommended for appointment to the SJRRC by the SacRT.

102.4 An elected official from StanCOG who shall be recommended for appointment to the SJRRC by the StanCOG.
102.5 In the event there is not a Regular Voting Commissioner qualified for appointment to sections 102.1 and/or 102.2 who accepts the appointment, the Regular Voting Commissioners may appoint any Regular Voting Commissioner to that membership position.

Section 103 Committee Officers. The Committee shall have two officers: Chairperson and Vice-Chairperson.

103.1 At the time of their appointment to the Committee, the Regular Voting Commissioners shall appoint one of the two Regular Voting Commissioners appointed pursuant to Sections 102.1 and 102.2 as Committee Chairperson and the other as Committee Vice-Chairperson.

103.2 The duties of the Chairperson shall be to preside at all meetings of the Committee and have the authority to call for short recesses during meetings unless a majority of the Committee Members by vote oppose a recess.

103.3 The duties of the Vice-Chairperson shall be to serve in the absence of the Chairperson.

Section 104 Term of office and filling vacancy.

104.1 The term of office for each Committee member shall be for four years, and until his or her successor is appointed.

104.2 Should a vacancy occur on the Committee for any reason, including expiration of terms, the vacancy shall be filled by appointment in accordance with Section 102 of this Article. Except in the case of a vacancy occurring due to expiration of a term, appointments to fill vacancies shall only be for the balance of the unexpired term of the vacant portion.

104.3 Any Committee member may be removed at any time by a majority vote of the Regular Voting Commissioners.

Section 105 Meetings.

105.1 All meetings shall comply with the procedural requirements set forth in the Ralph M. Brown Act (“Brown Act”) set forth in California Government Code Sections 54950 and following, as they are now or may be amended.

105.2 The Committee shall, at that first meeting, establish a regular meeting schedule including dates, time and location for itself.

105.3 A quorum for conducting all Committee matters of business shall be three (3) Committee members.
105.4 The affirmative vote of three (3) members of the Committee shall be required for the approval of any matter.

**Section 106 Powers and Duties.** The Committee shall have the following powers and duties:

106.1 Decision making authority over all matters involving Station/Facility improvements, including, but not limited to, designs, materials, permitting, construction, change orders (within budget), etc.

106.2 Decisions of the Committee shall not exceed project amounts established in approved SJRRC budgets or any other amount established by the Regular Voting Commissioners.

**Section 107 Appeal of Committee Decisions**

107.1 The SJRRC Executive Director or her/his designee shall notify the SJRRC Regular Voting Commissioners and Committee members of any decisions made by the Committee within twenty-four (24) hours of the Committee’s decision. Said notification (“Notice”) shall be in writing and delivered electronically by e-mail.

107.2 Any member of the Committee or Regular Voting Commissioner can request an appeal of any decision by the Committee by requesting an appeal to the SJRRC’s next Commission meeting as long as the request is made in writing and e-mailed to the Executive Director or her/his designee no later than one hundred and twenty (120) hours of the date and time of the Notice. Failure of any member of the Committee or Regular Voting Commissioner to timely request an appeal shall result in the Committee’s decision becoming final.

107.3 A timely request for appeal shall be placed on the agenda of the next SJRRC Commission meeting in compliance with the procedures in the Brown Act. At said meeting, the Regular Voting Commissioners shall determine whether to veto the Committee’s decision being appealed. A Committee’s decision may only be vetoed by a majority vote of the Regular Voting Commissioners.

**Section 108 Term of the Committee.** This Ordinance shall expire and the Committee cease to exist upon the receipt of a notice of completion of the last Station and Facility improvement.

Following passage and prior to the expiration of 15 days following passage, in accordance with Government Code Section 25124(b)(1) the Executive Director shall prepare a Summary of this Ordinance to be published in full once in three newspapers, one published in Santa Clara County, one published in Alameda County, and one published in San Joaquin County and this Ordinance will take effect 30 days after the date of the last of the three publications.
PASSED AND ADOPTED by the SAN JOAQUIN REGIONAL RAIL COMMISSION on this 4th day of October, 2019 by the following vote of the Commission:

AYES:  _______________________
NOES:  _______________________
ABSTENTIONS:  _______________________
ABSENT:  _______________________

__________________________  _______________________
CHAIR  SECRETARY (Clerk)
Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing a Reimbursement Agreement with Union Pacific Railroad for Design, Right of Way, Permitting, Utility Coordination, and Legal Review for the Stockton Wye Project for an Amount Not-to-Exceed $350,000 and Authorizing and Directing the Executive Director to Execute the Agreement

Summary:
The Stockton Wye Project will create a new connection between the Burlington Northern Santa Fe Railroad Stockton and Union Pacific Railroad Fresno subdivisions. Once constructed the new track connection will provide a vital link in the Northwest quadrant of the Stockton Diamond grade crossing. The Stockton Diamond is an “at grade” crossing and is currently the most congested freight at grade crossing in the State, heavy congestion effects both freight and passenger operational performance.

Staff is requesting to enter into a reimbursement agreement with the Union Pacific Railroad for the Stockton Wye Project, amount not-to-exceed $350,000. This reimbursement agreement includes completing the design, right of way, permitting, and legal review to draft associated agreements. Under this reimbursement agreement the UPRR will finalize the design plans, right of way, and permitting to prepare the construction contract.

Background:
All San Joaquins trains operate along the BNSF Stockton Subdivision for a significant portion of the route, with Sacramento trains switching to/from the UP Fresno Subdivision in Stockton. The heavy freight traffic at the Stockton Diamond also referred to as an “interlock” is the most congested freight at grade crossing in the State. Aside from being an at grade crossing the interlock lacks a Northwest connection between the two subdivisions. The lack of a Northwest connection can affect both freight and passenger operations. An example of this is with freight trains bound for the Port of Stockton, these freight trains must perform reverse movements to enter the Port. The time required for these trains to perform reverse movements result in unavoidable delays to San Joaquins, Altamont Corridor Express (ACE), and other freight trains. The delays at the interlock can also have a domino effect that can impact freight and passenger operations outside the immediate area throughout the region, such as the Lathrop Wye connection and Manteca Calla siding (Austin Road area).

Although the Stockton Wye project will not eliminate the congestion at the grade crossing, it will help the efficiency of movements across the interlock. The new connection in the Northwest quadrant to connect the two subdivisions will help alleviate train interference and improve operations until the ultimate project to fully grade separate the interlock is completed.
As an associated improvement for the Valley Rail service expansion from Ceres to Natomas, the Union Pacific Railroad (UPRR) identified the Stockton Wye as one of the projects to complete for the service to begin. In advance staff previously requested from the San Joaquin Joint Powers Authority (SJJPA) Board of Directors to approve funding for the Stockton Wye project out of the State Rail Assistance (SRA) program. This project is also one of the projects delegated by the SJJPA Board of Directors to the San Joaquin Regional Rail Commission (SJRRRC) for decisions and approvals related to project development and construction.

With SRA funding in place and being that the UPRR had previously completed the preliminary design, staff approached UPRR to complete the project. UPRR engineering concurred with staff’s request to finalize the design and to construct the project. The amount being requested is to reimburse the UPRR to complete all the necessary engineering, right of way, and permitting requirements to construct the project. A separate construction funding agreement will be requested in the future once the tasks associated with this reimbursement agreement are completed.

The San Joaquin Regional Rail Commission (SJRRRC) has previously executed reimbursement agreements with the UPRR to provide design review and preliminary engineering services, most recently the Phase II Cabral Track Extension Project. In most cases, station and new track projects in the UPRR’s right of way will utilize SJRRRC’s consultant contracts to develop the engineering plans for review and approval. However, on rare occasions such as the Stockton Wye project it is more efficient use of time and funding to contract directly with the UPRR to perform the work. The controlling factor for the UPRR to perform the work is based on the UPRR’s engineering and right of way staff resources and consultant contracting which is subject to availability and priorities.

Fiscal Impact:
The funding source being utilized is from the State Rail Assistance (SRA) Program and is fully funded through construction. Expenses associated with this agreement are identified in the SJRRRC/ACE/SJJPA Fiscal Year 2019/2020 Capital Budget.

Recommendation:
Approve a Resolution of the Board of Commissioners of the San Joaquin Regional Rail Commission Authorizing a Reimbursement Agreement with Union Pacific Railroad for Design, Right of Way, Permitting, Utility Coordination, and Legal Review for the Stockton Wye Project for an Amount Not-to-Exceed $350,000 and Authorizing and Directing the Executive Director to Execute the Agreement.
RESOLUTION SJRRC-R-19/20-XX

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SAN JOAQUIN REGIONAL RAIL COMMISSION AUTHORIZING A REIMBURSEMENT AGREEMENT WITH UNION PACIFIC RAILROAD FOR DESIGN, RIGHT OF WAY, PERMITTING, UTILITY COORDINATION, AND LEGAL REVIEW FOR THE STOCKTON WYE PROJECT FOR AN AMOUNT NOT-TO-EXCEED $350,000 AND AUTHORIZING AND DIRECTING THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT

WHEREAS, SJRRC will enter into and execute a reimbursement contract with the Union Pacific Railroad to prepare the design, right of way, permits, and construction contract documents for the Stockton Wye Project; and

WHEREAS, UPRR will utilize their legal counsel to draft and review any needed agreements as part of the preparation of these documents; and

WHEREAS, SJRRC and UPRR have agreed upon terms and desire to enter into an agreement for these services for the Stockton Wye Project;

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the San Joaquin Regional Rail Commission hereby authorizes to enter into a Reimbursement Agreement with Union Pacific Railroad for design, right of way, permitting, utility coordination, and legal review for the Stockton Wye Project for an Amount Not-to-Exceed $350,000 and Authorizing and Directing the Executive Director to Execute the Agreement.

PASSED AND ADOPTED, by the Board of Commissioners this 4th day of October 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SAN JOAQUIN REGIONAL RAIL COMMISSION

STACEY MORTENSEN, Secretary

CHRISTINA FUGAZI, Chair
Item 6 INFORMATION

Update on Rail Car Procurement

Staff will be giving a verbal update on this item.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

This is an information item.
Update on ACE Mobile Ticketing

Background:

On May 4th, 2018, the Board approved a resolution to enter into a two-year pilot program with Masabi, LLC. to develop and maintain an ACE Mobile Ticketing System (App). Since that time, staff has been working with Masabi to create and implement the mobile ticketing solution.

After the initial soft rollout of the App back in October 2018 with a limited number of users and after making modifications to the app based of off test users’ feedback, a second phase of the soft rollout was implemented in December 2018 to allow the public to purchase 20-ride tickets through the app.

With the soft rollout’s success and after numerous updates to the app with passenger feedback, staff initiated a full rollout of the app that includes all ticket types being made available to the public in April 2019. Since the full launch, there has been a steady increase in mobile ticket users. As of August 2019, the adoption rate of mobile ticket users verses the traditional paper ticket users is at 20%.

The graphic below shows the steady growth of riders utilizing the app:
Staff continue to receive passenger feedback and make updates as needed. Staff have also began engaging in marketing initiatives in order to promote the app and educate the public on how to use the mobile ticketing service.

**Fiscal Impact:**

There is no fiscal impact.

**Recommendation:**

This is an information item.

Staff will be giving a verbal update on this item.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

This is an information item.