



Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

Board of Directors

Meeting Packet

July 14, 2021 at 2 p.m.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS July 14, 2021 at 2:00 p.m. via teleconference

CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE

On March 16, 2020, the Health Officer of Alameda County issued an Order that has been continued through May 31, 2020, that directed that all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.

Under the Governor's Executive Order N-29-20, this meeting may utilize teleconferencing. As a precaution to protect the health and safety of staff, officials, and the general public. Councilmembers will not be physically in attendance, but will be available via video conference.

The regular meeting facilities for the meetings of the Board of Directors are currently closed to the public and will remain closed for the duration of the shelter-in-place order. Consequently, there will be no physical location for members of the public to participate in the meeting. We encourage members of the public to shelter in place and access the meeting online using the instructions listed on the agenda. Online attendees will have the opportunity to speak during Public Comment.

If you are would like to submit public comment via email, please do so by 11:00 a.m. on Wednesday, July 14, 2021 to comments@valleynkrail.com. Please include "Public Comment July 14, 2021" and the agenda item in the subject line. In the body of the email please include your full name. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

This Board of Directors meeting will be conducted on the web-video communication platform Zoom. To view and/or participate in this meeting, members of the public will need to either download Zoom from the website zoom.us. It is recommended that anyone wishing to participate in the meeting complete the download process before the start of the meeting. To listen without viewing, members of the public may also join the meeting by calling in via telephone. A live stream will also be available on our YouTube channel without the ability to make public comment. All public comments will be subject to the regular three-minute time restriction.

There will be zero tolerance for any person addressing the Board making profane, offensive and disruptive remarks, or engaging in loud, boisterous, or other disorderly conduct, that disrupts the orderly conduct of the public meeting.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS July 14, 2021 at 2:00 p.m. via teleconference

How to listen and view meeting online:

- From a PC, Mac, iPad, iPhone or Android device click the link below:
<https://zoom.us/j/93548110883>
Password: **ValleyLink**
- To supplement a PC, Mac, tablet or device without audio, please also join by phone:
Dial: 1 (669) 900-6833
Webinar ID: 935-4811-0883
Password: **898381**

To comment by video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will be muted.

- Livestream online at: [Valley Link Rail YouTube Channel](#)

No option to make Public Comment on YouTube live stream.

How to listen via telephone to the meeting:

- For audio access to the meeting by telephone, use the dial-in information below:
Dial: 1 (669) 900-6833
Webinar ID: 935-4811-0883
Password: **898381**

*Please note to submit public comment via telephone dial *9 to raise your hand. The meeting’s host will be informed that you would like to speak. If you are chosen, you will be notified that your request has been approved and you will be allowed to speak. You will then need to press *6 to unmute yourself. Comments are limited to up to 3 minutes at the discretion of the board chair. After the allotted time, you will be muted by the host.*

To submit written comments:

- Send public comments prior to the meeting by email, to comments@valleylinkrail.com

If you are submitting public comment via email, please do so by 11:00 a.m. on Wednesday, July 14, 2021 to comments@valleylinkrail.com

Please include “Public Comment - July 14, 2021” and the agenda item to which your comment applies in the subject line. In the body of the email please include your full name. A list of the public comments submitted will be read during Public Comment and letters will be posted on the Authority’s website along with other meeting material.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS
July 14, 2021 at 2:00 p.m. via teleconference

1. Call to Order and Pledge of Allegiance
2. Roll Call of Members
3. Public Comments:
Members of the public may address the Board on any issues not listed on the agenda that are within the purview of the Authority. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Time limits on public comments may be established by the Chair.
4. Consent Agenda – **ACTION**
Recommend approval of all items on Consent Agenda as follows:
 - a. Minutes of June 9, 2021 Board of Directors Meeting.
 - b. Treasurer’s Report for May 2021.
5. Executive Director’s Report – **INFORMATION**
6. Approve Resolution R12-2021 authorizing the Executive Director to execute Cooperative Agreement Amendment No. 1 with Caltrans – **ACTION**
7. Approve Resolution R14-2021 authorizing the Executive Director to execute an Employment Agreement with Bill O’Hair as the Authority’s Rail Engineering and Construction Project Manager– **ACTION**
8. Approve Resolution R13 2021 authori ing the Executive Director to execute an Employment Agreement with Marianne Payne as the Authority’s Manager of Policy Planning & Environmental – **ACTION**
9. Directors’ Discussion
Comments, Questions and Agenda Requests
10. Next Meeting Details: September 8, 2021 at 2 p.m. – *Location to be determined*
11. Adjourn

Upon request, the Tri-Valley-San Joaquin Valley Regional Rail Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A speech-to-text option (live transcription) is now available on all Zoom meetings. Live transcription currently only supports English and the accuracy of the feature depends on many variables, such as but not limited to: background noise, volume and clarity of the speaker’s voice, lexicons and dialects. Requests for any other reasonable accommodation should be submitted in writing, and must include; your name, mailing address, phone number and brief description of the requested materials and the preferred alternative format or auxiliary aid or service at least 2 days before the meeting. Requests should be sent to: comments@valleylinkrail.com.

AGENDA

ITEM 4 A



Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of June 9, 2021 meeting via Zoom Teleconference

1. **Call to Order and Pledge of Allegiance**

Meeting was called to order by Board Chair Veronica Vargas at 2:00 p.m.
Director Stepper lead the Pledge of Allegiance.

2. **Roll Call of Members**

Members Present

Chair Veronica Vargas, City of Tracy
Vice Chair Melissa Hernandez, City of Dublin
Director Paul Akinjo, City of Lathrop
Director Benjamin Cantu, City of Manteca
Director David Haubert, Alameda County
Director David Hudson, San Ramon
Director Brittini Kiick (Livermore), LAVTA
Director Bernice King Tingle, Mountain House
Director John McPartland (District 5), BART (**arrived during Item 5*)
Director Kathy Narum, City of Pleasanton
Director Robert Rickman, San Joaquin County
Director Karen Stepper, Town of Danville
Director Bob Woerner, City of Livermore
Director Dan Wright, City of Stockton
Director Leo Zuber (Ripon), ACE

Members Absent

None

3. **Public Comments**

There was no public comment.

4. **Consent Calendar – ACTION**

Motion to approve all items on Consent Calendar as follows:

- a. Minutes of May 12, 2021 Board of Directors Meeting.
- b. Treasurer's Reports for April 2021.

Motion: Hudson/Hernandez

Aye: Akinjo, Cantu, Haubert, Hernandez, Hudson, Kiick, Narum, Rickman, Stepper, Tingle, Vargas, Woerner, Wright, Zuber

Nay: None

Abstain: None

Absent: McPartland

Motion Passed

5. **Executive Directors Report – INFORMATION**

Executive Director Michael Tree gave an oral report

- **Funding** – Congressman Swalwell was successful in his recommendation of allocation \$20 million to the Valley Link Project out of the reauthorization bill. Valley

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of June 9, 2021 meeting via Zoom Teleconference

Link was one of five transit agencies in the nation to receive funding at this level from this allocation.

- **Upcoming Funding** – Application for the Transit and Intercity Rail Capital Program (TIRCP) is in the works. Several requests are moving forward in Sacramento for funds out of the State budget. Staff is working on a RAISE grant application for submittal in July.
- **Lobbying** – Two lobbyist are under contract on the Authority's behalf: Gus Kahori at the state level and Peter Peyser at the federal level. These are short-term engagements under the executive director's spending authority. An RFP will go out later in the year for long-term commitments that will require Board approval.
- **Environmental** – The final EIR and preferred project was adopted. Staff is working with Caltrans on the I-580 approval process and getting ready to start NEPA. More information will be presented in future Board meetings regarding the selection of technology that will be used on the Valley Link trains.
- **SB548** – The bill will be in front of the Assembly Transportation committee on June 21, 2021 and once approved it will move to the Assembly floor and then to the Governor's office for signature.
- **FTA** – Working to become a federal grantee and prepare the Authority for the Capital Investment Grant Program, where we can enter into the New Starts Program and become eligible to receive up to half of the cost of the project.
- **Employees** – Approval of the hiring of the Authority's first employee, Kevin Sheridan as the Deputy Executive Director/Program Manager is on today's agenda and additional employment agreements are set to be before the board at the next meeting.

There was no public comment on this item. Chair Vargas thanked Congressman Swalwell and Congressman Harder for their support of the Valley Link project. Vargas requested Item 8 on the agenda be presented next. There was no objection.

6. Resolution R10-2021 Authorizing the Executive Director to Execute an Employment Agreement with Kevin Sheridan as the Authority's Deputy Executive Director/Program Manager – ACTION

Tree introduced this item stating the importance of the item, both as a project milestone, and also in keeping with FTA guidelines for having the top executives and management be in-house, minimizing the circumstances of consultants managing consultants. Tree outlined the hiring process: the hiring of a recruitment company K&A; advertising; candidate response; and finally, the interview process and candidate selection.

Tree noted that the selection of Kevin Sheridan was unanimous amongst the interview panel. He summarized Sheridan's experience managing \$1.5 billion rail construction projects for the San Joaquin Regional Rail Authority (SJRRRA) and working with the Union Pacific Railroad. His starting salary will be \$240,000 per year plus benefits as outlined in the staff report.

Directors discussed this item. Public comment was heard from Ester Ann Waltz. Sheridan was invited to address the board and this was followed by brief Q&A with board members.

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of June 9, 2021 meeting via Zoom Teleconference

Motion: Hernandez/Hudson

Aye: Akinjo, Cantu, Haubert, Hernandez, Hudson, Kiick, McPartland, Narum, Rickman, Stepper, Tingle, Vargas, Woerner, Wright, Zuber

Nay: None

Abstain: None

Absent: None

Motion Passed

7. Fiscal Year 2022 Budget – ACTION

Tree gave a brief outline of the proposed budget and descriptions of each line item. There was no board discussion and no public comment.

Motion: Cantu/King-Tingle

Aye: Akinjo, Cantu, Haubert, Hernandez, Hudson, Kiick, Narum, Rickman, Stepper, Tingle, Vargas, Woerner, Wright, Zuber

Nay: None

Abstain: None

Absent: McPartland (*due to technical difficulties*)

Motion Passed

8. Resolution R09-2021 Adoption of Human Resources Policy– ACTION

Attorney Michael Conneran gave a brief overview of this item. Directors discussed this item. There was no public comment.

Motion: Stepper/Akinjo

Aye: Akinjo, Cantu, Haubert, Hernandez, Hudson, Kiick, McPartland, Narum, Rickman, Stepper, Tingle, Vargas, Woerner, Wright, Zuber

Nay: None

Abstain: None

Absent: None

Motion Passed

9. Resolution R11-2021 Authorizing the Executive Director to enter into a two-year lease agreement for office space located at 2600 Kitty Hawk Road, Livermore CA 94551 – ACTION

Directors discussed this item. There was no public comment.

Motion: Hudson/Cantu

Aye: Akinjo, Cantu, Haubert, Hernandez, Hudson, Kiick, McPartland, Narum, Rickman, Stepper, Tingle, Vargas, Woerner, Wright, Zuber

Nay: None

Abstain: None

Absent: None

Motion Passed

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of June 9, 2021 meeting via Zoom Teleconference

10. Directors' Discussion

Director Hudson welcomed Sheridan on board and stressed the need for everyone to continue to lobby and build relationships.

11. Next Meeting

July 14, 2021 at 2 p.m.

12. Adjourn (King-Tingle/Wright – without objection)

Meeting adjourned at 2:55 p.m.

AGENDA

ITEM 4 B





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Treasurer's Report for May 2021
FROM: Tamara Edwards, Director of Finance
DATE: July 14, 2021

Action Requested

Staff requests that the Tri-Valley – San Joaquin Valley Regional Rail Authority Board accept the Treasurer's Report for May 2021.

Background/Discussion

The Treasurer's Report shows all expenses and revenues for the month of May as well as the year to date totals.

The fund balance reflected on both the balance sheet and the expense report is the difference between the revenue received and the expenses. As the Rail Authority's funding is all on a reimbursement basis this will be reflected as a negative amount (expenses higher than revenues) until year end when accruals are done at which time the fund balance will be zero. Additionally, as all of the Rail Authority's funding is on a reimbursement basis LAVTA continues to provide the cash flow for the Rail Authority which is reflected in the funds due to LAVTA line item.

Attachments:

1. May 2021 Treasurer's Report

ATTACHMENT 1



**Tri-Valley San Joaquin Regional Rail Authority
BALANCE SHEET
FOR THE PERIOD ENDING:
May 31, 2021**

ASSETS:

| | | |
|---------------------------|-----------|------------------|
| 108 CASH-GENERAL CHECKING | 1,561,583 | |
| 120 ACCOUNTS RECEIVABLE | (282) | |
| 150 PREPAID EXPENSES | 0 | |
| TOTAL ASSETS | | 1,561,301 |

LIABILITIES:

| | | |
|--------------------------|-----------|------------------|
| 205 ACCOUNTS PAYABLE | 25,593 | |
| 20501 DUE TO LAVTA | 2,860,116 | |
| 211 PRE-PAID REVENUE | 178,290 | |
| TOTAL LIABILITIES | | 3,063,998 |

FUND BALANCE:

| | | |
|--|-------------|-------------------|
| 301 FUND RESERVE | 0 | |
| 304 GRANTS, DONATIONS, PAID-IN CAPITAL | 0 | |
| 30401 SALE OF BUSES & EQUIPMENT | 0 | |
| FUND BALANCE | (1,502,697) | |
| TOTAL FUND BALANCE | | -1,502,697 |

| | | |
|---|--|------------------|
| TOTAL LIABILITIES & FUND BALANCE | | 1,561,301 |
|---|--|------------------|

Tri-Valley San Joaquin Regional Rail Authority
REVENUE REPORT
FOR THE PERIOD ENDING:
May 31, 2021

| ACCOUNT | DESCRIPTION | BUDGET | CURRENT MONTH | YEAR TO DATE | BALANCE AVAILABLE | PERCENT BUDGET EXPENDED |
|----------------|---------------------------------------|------------------|----------------------|---------------------|--------------------------|--------------------------------|
| | Caltrans | 20,000 | 0 | 0 | 20,000 | 0.0% |
| | MTC-Bridge Tolls | 9,308,657 | 849,843 | 2,323,997 | 6,984,660 | 25.0% |
| | Alameda County/Strategic Development | 39,950 | 0 | 20,475 | 19,475 | 51.3% |
| | Government Relations/Community Engage | 58,815 | 0 | 0 | 58,815 | 0.0% |
| | TOTAL REVENUE | 9,427,422 | 849,843 | 2,344,472 | 7,082,950 | 24.9% |

Tri-Valley San Joaquin Regional Rail Authority
EXPENDITURE REPORT
May 31, 2021

| ACCOUNT | DESCRIPTION | BUDGET | CURRENT MONTH | YEAR TO DATE | BALANCE AVAILABLE | PERCENT BUDGET EXPENDED |
|-----------------------------------|---|-------------------|-------------------|--------------------|-------------------|-------------------------|
| Direct Labor and Benefits | | | | | | |
| | Executive Director | 149,310 | 12,576 | 115,611 | 33,699 | 77.43% |
| | Administrative Assistant | 96,200 | 6,728 | 69,039 | 27,161 | 71.77% |
| | Finance Director | 42,000 | 3,536 | 29,355 | 12,645 | 69.89% |
| | IT support | 36,000 | 0 | 0 | 36,000 | 0.00% |
| | Marketing Director | 30,432 | 2,536 | 17,754 | 12,678 | 58.34% |
| | TOTAL - Direct Labor | 353,942 | 25,376 | 231,759 | 122,183 | 65.48% |
| Consultants/seconded staff | | | | | | |
| | Program Manager | 490,000 | 44,688 | 44,688 | 445,312 | 9.12% |
| | Project Management support- Civil | 373,607 | 0 | 0 | 373,607 | 0.00% |
| | Rail Vehicle Specs/Design | 118,267 | 0 | 0 | 118,267 | 0.00% |
| | Program Management Staff | 2,295,681 | 204,793 | 1,851,007 | 444,674 | 80.63% |
| | General Engineering Consultants | 2,285,000 | 0 | 256,052 | 2,028,948 | 11.21% |
| | Environmental/30% Design | 2,191,344 | 0 | 763,671 | 1,427,673 | 34.85% |
| | Feasibility Report | 89,728 | 0 | 283,384 | (193,656) | 315.83% |
| | Strategic Development Dir | 73,550 | 0 | 20,475 | 53,075 | 27.84% |
| | LTK | 226,000 | 0 | 16,268 | 209,732 | 7.20% |
| | Government Relations/Community Engagement | 15,000 | 3,333 | 20,108 | (5,108) | 134.06% |
| | TOTAL - Consultants | 8,158,176 | 252,815 | 3,255,653 | 4,902,523 | 39.91% |
| Other Direct Costs | | | | | | |
| | Legal | 342,429 | 20,122 | 170,828 | 171,601 | 49.89% |
| | Insurance | 10,000 | 0 | 7,624 | 2,376 | 76.24% |
| | Audits | 25,000 | 0 | 5,395 | 19,605 | 21.58% |
| | Travel/Mileage/Mis | 25,000 | 31,792 | 52,469 | (27,469) | 209.88% |
| | Office space/furnishings | 145,000 | 0 | 1,122 | 143,878 | 0.77% |
| | ACE | 20,000 | 0 | 0 | 20,000 | 0.00% |
| | BART | 155,000 | 0 | 0 | 155,000 | 0.00% |
| | Caltrans Reimbursement | 167,875 | 113,540 | 117,314 | 50,561 | 69.88% |
| | Union Pacific Reimbursement | 25,000 | 0 | 0 | 25,000 | 0.00% |
| | TOTAL OTHER DIRECT COSTS | 915,304.22 | 165,453.72 | 354,752.35 | 560,552 | 38.76% |
| | TOTAL OPERATING EXPENDITURES | 9,427,422 | 443,644 | 3,842,165 | 5,585,257 | 40.76% |
| | LAVTA Expense | | 0 | 5,004 | | |
| | FUND BALANCE (OPERATING) | (0.37) | 406,198 | (1,502,697) | | |

AGENDA

ITEM 5





Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Executive Director's Report
FROM: Michael Tree, Executive Director
DATE: July 14, 2021

Action Requested

Informational item only.

Background/Discussion

An oral report will be provided at the Board meeting.

AGENDA

ITEM 6





Tri-Valley San Joaquin Valley **REGIONAL RAIL AUTHORITY**

STAFF REPORT

SUBJECT: Approve Resolution R12-2021 authorizing the Executive Director to execute Cooperative Agreement Amendment No. 1 with Caltrans

FROM: Kevin Sheridan, Deputy Executive Director

DATE: July 14, 2021

Action Requested

Approve Caltrans Cooperative Agreement No. 04-2736, Amendment #1. Approve Resolution

Background/Discussion

In April 2019 the Authority approved Resolution R01-2019 to enter into a Cooperative Agreement for the Authority to reimburse Caltrans for the Project Initiation Document (PID) I-580 Project Study Report/Project Development Support (PSR/PDS). For projects occurring in the State Highway System, Caltrans requires PID approval prior to entering into subsequent phases of work in the project delivery process. The initial budget to complete the PSR/PDS was estimated to be \$200,000. Due to the complexity of the engineering in I-580, Caltrans has identified that an additional \$100,000 is needed to complete the PSR/PDS. Staff is requesting to amend Cooperative Agreement No. 04-2736 to increase the reimbursement amount by \$100,000, and revise the total budget amount to \$300,000.

Fiscal Impact

The Regional Rail Authority budget includes a line item in the amount of \$540,000 for Caltrans reimbursement agreements.

Recommended Action

Authorize the Executive Director to amend Cooperative Agreement No. 04-2736 with Caltrans to increase the total reimbursement amount by \$100,000, new total amount \$300,000.

Attachments

1. Resolution R12-2021

ATTACHMENT 1





RESOLUTION NO. R12-2021

* * *

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A COOPERATIVE AGREEMENT AMENDMENT NO. 1 WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE VALLEY LINK PROJECT

WHEREAS, the Legislature adopted AB 758, establishing the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) under California Public Utilities Code Section 132651 *et seq.*, to plan, develop and deliver cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system in the Tri-Valley and the Altamont Corridor Express commuter rail service;

WHEREAS, as required by AB 758, the Authority prepared and delivered an initial Project Feasibility Report to the Legislature on June 30, 2019 to explore the improvement of transit connectivity between the Tri-Valley and San Joaquin Valley; and

WHEREAS, pursuant to the final Project Feasibility Report, the Authority has been engaged in the design and environmental activities to advance the Valley Link Rail Project (Project) towards construction and eventual operation; and

WHEREAS, on June 24, 2020 secured \$46.8 million from the Metropolitan Transportation Commission (MTC) for the Project including the preparation of 30% design plans, a federal environmental document, and various operational and technical reports that will allow the Project to advance expeditiously to meet the overall project schedule; and

WHEREAS, on April 10, 2019 the Authority approved to enter into a reimbursement agreement for \$200,000 with the California Department of Transportation (Caltrans) Cooperative Agreement No. 04-2736 to prepared the Valley Link Project Initiation Document.

WHEREAS, the Authority and the California Department of Transportation (Caltrans) desire to amend Cooperative Agreement No 04-2736, Amendment No. 1 to increase the Project Initiation Document reimbursement amount by \$100,000, new total amount \$300,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby authorizes the Executive Director to amend the California Department of Transportation (Caltrans) Cooperative Agreement No. 04-2736, Amendment No. 1 for \$100,000, new total amount \$300,000 for the Valley Link Project Initiation Document.

APPROVED AND PASSED, this 14th day of July 2021.

Veronica Vargas, Chair

ATTEST:

Michael Tree, Executive Director

AGENDA

ITEM 7





Tri-Valley San Joaquin Valley **REGIONAL RAIL AUTHORITY**

STAFF REPORT

SUBJECT: Resolution R14-2021 Authorizing The Executive Director To Execute an Employment Agreement with Bill O'Hair as the Authority's Rail Engineering and Construction Project Manager

FROM: Michael Tree, Executive Director

DATE: July 14, 2021

Action Requested

As noticed at the June 9th Board Meeting regarding an employment contract with Bill O'Hair, staff requests that the Board of Directors (Board) authorize the Executive Director to execute an Employment Agreement with Bill O'Hair as the Authority's Rail Engineering and Construction Project Manager, in a form approved by legal counsel.

Background/Discussion

Rail engineering and construction project management services are required as the Valley Link Project (Project) moves through the environmental, preliminary, final, and construction engineering phases. These services will support the Project as it begins various reviews State and Federal process approvals through multiple project delivery phases including the project construction and close out phases.

To date, Mr. O'Hair worked for the Authority as an employee of BART, and most recently under contract as a consultant after retiring from BART. During his time working for the Authority on Valley Link, Mr. O'Hair demonstrated his expertise and knowledge of rail engineering project management oversight of Valley Link's consultants engineering concepts and drawings. As a result staff is recommending to hire Mr. O'Hair as an employee. Due to the essential nature of maintaining team continuity for project delivery and cost effectiveness, the Rail Engineering and Construction Project Management position was not advertised. Salaries were compared to similarly positions at various Rail and Transit agencies in the State. Staff is recommending that Mr. O'Hair transition from consultant to full time employee as the person best qualified for the position. Staff is now requesting the Board's authorization to allow the Executive Director to execute an Employment Agreement with Mr. O'Hair, in a form approved by legal counsel, and to establish benefit accounts and programs to fulfill the requirements of the Employment Agreement and applicable law.

Mr. O'Hair's contract will be for a two-year term contract term. He will be paid a salary of \$195,000 per year. In addition, the agency will create a "cafeteria plan" for his benefits, to which it will deposit \$22,000 per year. The contract provides that the agency will establish a 401(a) plan or other tax-qualified deferred compensation plan and deposit 15% of his annual salary. No other benefits are included. He will also be entitled to four weeks of Paid Time Off and accrue eight hours per month of sick leave.

Fiscal Impact

The cost of this Employment Agreement is within the Authority's existing budget.

Recommended Action

Authorize the Executive Director to execute an Employment Agreement with Bill O'Hair as the Authority's Rail Engineering and Construction Manager, in a form approved by legal counsel.

Attachments

1. Resolution R14-2021
2. Job Description, Rail Engineering and Construction Manager

ATTACHMENT 1





RESOLUTION NO. R14-2021

* * *

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EMPLOYMENT CONTRACT WITH BILL O'HAIR TO SERVE AS THE AUTHORITY'S RAIL ENGINEERING AND CONSTRUCTION PROJECT MANAGER

WHEREAS, the Legislature adopted AB 758, establishing the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) under California Public Utilities Code Section 132651 *et seq.*, to plan, develop and deliver cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system in the Tri-Valley and the Altamont Corridor Express commuter rail service;

WHEREAS, as required by AB 758, the Authority prepared and delivered an initial Project Feasibility Report to the Legislature on June 30, 2019 to explore the improvement of transit connectivity between the Tri-Valley and San Joaquin Valley; and

WHEREAS, pursuant to the final Project Feasibility Report, the Authority has been engaged in the design and environmental activities to advance the Valley Link Rail Project (Project) towards construction and eventual operation; and

WHEREAS, on June 24, 2020 secured \$46.8 million from the Metropolitan Transportation Commission (MTC) for the Project including the preparation of 30% design plans, a federal environmental document, and various operational and technical reports that will allow the Project to advance expeditiously to meet the overall project schedule; and

WHEREAS, staff recommends that the Board authorize the Executive Director to execute an Employment Agreement with Bill O'Hair to serve as Rail Engineering and Construction Project Manager.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby authorizes the Executive Director to execute an Employment Agreement with Bill O'Hair to serve as Rail Engineering and Construction Project Manager, in a form approved by legal counsel.

BE IT FURTHER RESOLVED that the Executive Director is authorized to take such additional actions necessary to establish benefit programs and comply with applicable law to enable the Authority to hire Mr. O'Hair.

APPROVED AND PASSED, this 14th day of July 2021.

Veronica Vargas, Chair

ATTEST:

Michael Tree, Executive Director

ATTACHMENT 2



TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

POSITION DESCRIPTION

POSITION Rail Engineering and Construction Project Manager

CLASSIFICATION Exempt

POSITION DESCRIPTION

Under general direction, manages and oversees the work of the of the engineering group; coordinates activities and provides civil and structural engineering support to other engineering disciplines and establishes Structural Criteria; provides structural engineering support to the Program Manager; performs related duties as required.

This full-scope managerial level classification is responsible, through subordinate professionals, for managing, through subordinate supervisors, civil, structural and architectural activities throughout the project area.

DUTIES AND RESPONSIBILITIES - *Duties may include, but are not limited to, the following:*

- Manages and participates in the development and implementation of goals, objectives, policies and priorities for assigned programs; recommends and administers policies and procedures.
- Monitors and evaluates the efficiency and effectiveness of project and service delivery methods and procedures; recommends, within departmental policy, appropriate service and staffing levels.
- Plans, directs, coordinates and reviews the work plan for assigned staff or contractors; assigns work activities, projects and programs; reviews and evaluates work products, methods and procedures; meets with staff and/or contract service providers to identify and resolve problems.
- Directs the preparation of plans, specifications, cost estimates, requests for proposals and bid documents for Valley Link engineering projects.
- Proposes and designs engineering solutions for service improvements; interfaces with host railroads and other agencies to implement proposed improvements.
- Monitors developments and legislation related to assigned area of responsibility; evaluates impact upon project operations; recommends and oversees implementation of equipment, practices and procedural improvements.
- Provides selection options on trains, motivates and evaluates assigned engineering personnel; provides or coordinates staff training; works with employees and contractors to correct deficiencies.
- Participates in the development and administration of the Authority's annual budget; participates in the forecast of funds needed for staffing, equipment, materials and supplies; monitors expenditures; implements adjustments.

- Serves as the liaison for the Civil and Structural Engineering with other divisions, departments and outside agencies. Provides technical assistance to the legal team and serves as an expert witness; negotiates and resolves sensitive and controversial issues.
- Serves as staff on a variety of boards, commissions and committees; prepares and presents periodic and special reports regarding division or Valley Link engineering and construction activities to management staff or other departments and other necessary correspondence.
- Provides responsible staff assistance to the Program Manager or the Executive Director.
- Responds to and resolves difficult and sensitive citizen inquiries and complaints; and responds to emergency situations related to safe operation of Valley Link track and related structures.

Behavior

The employee shall work well under pressure meeting multiple and sometimes competing deadlines. The employee shall at all times demonstrate cooperative behavior with colleagues, supervisors, contract service provider, and the public.

KNOWLEDGE/SKILLS REQUIRED BY POSITION

Knowledge of:

- Operations, services and activities of a comprehensive civil and structural engineering program in rail transportation
- Principles and practices of civil and structural engineering in rail transportation
- Principles and practices of project scheduling and management
- Principles and practices of program development and administration
- Construction materials, methods, and equipment used in civil and structural engineering projects in rail transportation
- Railroad track design and construction, bridge, and structure design and construction
- Principles and practices of budget preparation and administration
- Principles of supervision, training and performance evaluation
- Pertinent building codes, regulations and provisions
- Related Federal, State and local laws, codes and regulations

Skills & Abilities:

- Overseeing and participating in the management of a comprehensive civil and structural engineering program in rail transportation
- Overseeing, directing, managing, and coordinating the work of lower level staff
- Selecting, supervising, training and evaluating staff
- Participating in the development and administration of goals, objectives and procedures
- Planning, organizing, directing, reviewing, and evaluating the activities of professional staff and contract consultants on assigned projects
- Conducting inspections, preparing and administering large program budgets and contracts; project feasibility studies and cost estimates

- Preparing clear and concise administrative and financial reports
- Managing the services of outside consultants
- Preparing clear, concise, and complete reports on civil and structural design project activities
- Analyzing problems, identifying alternative solutions, projecting consequences of proposed actions and implementing recommendations in support of goals
- Researching, analyzing and evaluating new service delivery methods and techniques
- Interpreting and applying Federal, State and local policies, laws and regulations
- Establishing and maintaining effective working relationships with those contacted in the course of work

ORGANIZATIONAL RELATIONSHIPS

Position reports directly to:

Program Manager

Position supervises:

General Engineering Contractors (GEC)

Project Management Support Services (PMSS)

Position coordinates with:

Authority staff

Consultants

Representatives of federal, state, regional, county and city agencies

Local civic groups and businesses

Vendors

The public

QUALIFICATIONS

Bachelor's degree in Engineering or a closely related field from an accredited college or university. Five (5) years of (full-time) professional verifiable engineering, project management or related experience which must include at least two (2) years of supervisory experience. Registration as a professional engineer in the State of California.

AGENDA

ITEM 8





Tri-Valley San Joaquin Valley **REGIONAL RAIL AUTHORITY**

STAFF REPORT

SUBJECT: Approve Resolution R13-2021 Authorizing The Executive Director To Execute an Employment Agreement with Marianne Payne as the Authority's Manager of Policy, Planning and Environmental

FROM: Michael Tree, Executive Director

DATE: July 14, 2021

Action Requested

Staff requests that the Board of Directors (Board) authorize the Executive Director to execute an Employment Agreement with Marianne Payne as the Authority's Manager of Policy, Planning and Environmental, in a form approved by legal counsel.

Background/Discussion

Policy, planning and environmental services and expertise are required as the Valley Link Project (Project) moves through the next phases, which includes NEPA. Ms. Payne has been providing these services with the Tri-Valley – San Joaquin Valley Regional Rail Authority since the formation of the agency, most recently as a consultant with Valley Planning Associates, LLC.

As a result of the excellent service provided by Ms. Payne, staff is recommending to hire Ms. Payne as an employee. Due to the essential nature of maintaining team continuity for project deliver and cost effectiveness, the Manager of Policy, Planning and Environmental was not advertised. Salaries were compared to similar positions at various Rail and Transit agencies in the State. Staff is recommending that Mr. Payne transition from consultant to full time employee as the person best qualified for the position. Staff is now requesting the Board's authorization to allow the Executive Director to execute an Employment Agreement with Ms. Payne, in a form approved by legal counsel, and to establish benefit accounts and programs to fulfill the requirements of the Employment Agreement and applicable law.

Ms. Payne's contract will be for a two-year term contract term. She will be paid a salary of \$180,000 per year. In addition, the agency will create a "cafeteria plan" for her benefits, to which it will deposit \$22,000 per year. The contract provides that the agency will establish a 401(a) plan or other tax-qualified deferred compensation plan and deposit 15% of his annual salary. No other benefits are included. She will also be entitled to four weeks of Paid Time Off and accrue eight hours per month of sick leave.

Fiscal Impact

The cost of this Employment Agreement is within the Authority's existing budget.

Recommended Action

Authorize the Executive Director to execute an Employment Agreement with Marianne Payne as the Authority's Manager of Policy, Planning and Environmental, in a form approved by legal counsel.

Attachments

1. Resolution R13-2021
2. Job Description, Manager of Policy, Planning and Environmental

ATTACHMENT 1





RESOLUTION NO. R13-2021

* * *

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EMPLOYMENT CONTRACT WITH MARIANNE PAYNE TO SERVE AS THE AUTHORITY'S MANAGER OF POLICY, PLANNING AND ENVIRONMENTAL

WHEREAS, the Legislature adopted AB 758, establishing the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) under California Public Utilities Code Section 132651 *et seq.*, to plan, develop and deliver cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system in the Tri-Valley and the Altamont Corridor Express commuter rail service;

WHEREAS, as required by AB 758, the Authority prepared and delivered an initial Project Feasibility Report to the Legislature on June 30, 2019 to explore the improvement of transit connectivity between the Tri-Valley and San Joaquin Valley; and

WHEREAS, pursuant to the final Project Feasibility Report, the Authority has been engaged in the design and environmental activities to advance the Valley Link Rail Project (Project) towards construction and eventual operation; and

WHEREAS, on June 24, 2020 secured \$46.8 million from the Metropolitan Transportation Commission (MTC) for the Project including the preparation of 30% design plans, a federal environmental document, and various operational and technical reports that will allow the Project to advance expeditiously to meet the overall project schedule; and

WHEREAS, staff recommends that the Board authorize the Executive Director to execute an Employment Agreement with Marianne Payne to serve as the Authority's Manager of Policy, Planning and Environmental.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby authorizes the Executive Director to execute an Employment Agreement with Marianne Payne to serve as Manager of Policy, Planning and Environmental, in a form approved by legal counsel.

BE IT FURTHER RESOLVED that the Executive Director is authorized to take such additional actions necessary to establish benefit programs and comply with applicable law to enable the Authority to hire Marianne Payne.

APPROVED AND PASSED, this 14th day of July 2021.

Veronica Vargas, Chair

ATTEST:

Michael Tree, Executive Director

ATTACHMENT 2



TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

POSITION DESCRIPTION

POSITION Manager of Policy, Planning & Environmental

CLASSIFICATION Exempt

POSITION DESCRIPTION

Directs, manages, supervises and coordinates the activities and operations of the Authority including extension and/or service planning, funding and resource allocation; represents the Authority on local, regional, State and Federal planning issues in assigned program areas; coordinates assigned activities with other divisions, departments and outside agencies; provides highly responsible and complex administrative support to the Department; and related duties as assigned.

This position class administers, through subordinate supervisory levels, projects and programs which address issues of service improvement. The incumbent is accountable for accomplishing goals and objectives and for furthering project goals and objectives within general policy guidelines.

DUTIES AND RESPONSIBILITIES - *Duties may include, but are not limited to, the following:*

- Assumes management responsibility for assigned planning services and activities of the Planning Department including long- and short-term planning activities related to the improvement and extension of The Authority rail service; represents the Authority on local, regional, State and Federal planning issues.
- Manages and participates in the development and implementation of goals, objectives, policies and priorities for assigned long and short-term planning programs; recommends and administers policies and procedures in assigned program areas.
- Monitors and evaluates the efficiency and effectiveness of transportation planning methods and procedures; recommends, appropriate service and staffing levels.
- Plans, directs, coordinates and reviews the work plan for assigned; assigns work activities, projects and programs; reviews and evaluates work products, methods and procedures; meets with staff to identify and resolve problems.
- Manages planning aspects of extensions and/or service development including expansions and extensions; assesses future demographic trends, right-of-way issues, and funding alternatives; presents findings to various stakeholders.
- Prepares and administers requests for proposals; reviews and evaluates proposals; participates in award and administration of contracts.
- Monitors developments and legislation related to assigned area of responsibility; evaluates impact upon the Authority operations; recommends and implements practice and procedural improvements.
- Selects, trains, motivates and evaluates assigned personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline and termination procedures.

- Oversees and participates in the development and administration of the Planning Department annual budget; participates in the forecast of funds needed for staffing, equipment, materials and supplies; monitors and approves expenditures; implements adjustments.
- Serves as the liaison for the Authority with other divisions, departments and outside agencies; negotiates and resolves sensitive and controversial issues.
- Serves as staff on a variety of boards, commissions and committees; prepares and presents staff reports and other necessary correspondence.
- Provides responsible staff assistance to the Department
- Manages the preparation of a variety of organizational studies, investigations and operational studies; analyzes complex service/extension planning problems; evaluates alternative solutions to problems; recommends modifications to long- and short-term programs, policies and procedures as appropriate.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of transportation planning.
- Responds to and resolves difficult and sensitive citizen inquiries and complaints.

Behavior

The employee shall work well under pressure meeting multiple and sometimes competing deadlines. The employee shall at all times demonstrate cooperative behavior with colleagues, supervisors, contract service provider, and the public.

KNOWLEDGE/SKILLS REQUIRED BY POSITION

Knowledge of:

- Operational characteristics, services and activities of a comprehensive transportation planning program including extensions planning and related areas.
- Principles and practices of transportation planning, policy development, environmental clearance and public outreach.
- Principles and practices of program development and administration. Methods and techniques of transportation planning, including analysis of economic and demographic factors.
- Principles and practices of budget preparation and administration. Principles of supervision, training and performance evaluation.
- Pertinent public and private sector funding sources for transit program planning and development.
- Principles and practices of contract management.
- Methods and techniques of financial reporting and compliance.
- Federal, State, Regional and local transportation programs and planned developments.
- Related Federal, State and local laws, codes and regulations.

Skills & Abilities:

- Overseeing and participating in the management of a comprehensive Transportation planning program.

- Selecting, supervising, training and evaluating staff.
- Participating in the development and administration of planning division goals, objectives and procedures.
- Researching, analyzing and evaluating new extension planning methods and techniques.
- Directing and providing transportation planning programs. Preparing and administering large program budgets.
- Preparing clear and concise administrative and financial reports.
- Analyzing problems, identifying alternative solutions, projecting consequences of proposed actions and implementing recommendations in support of goals. Interpreting and applying Federal, State and local policies, laws and regulations. Communicating clearly and concisely, both orally and in writing.
- Establishing and maintaining effective working relationships with those contacted in the course of work.

ORGANIZATIONAL RELATIONSHIPS

Position reports directly to:

Executive Director

Position supervises:

General Engineering Contractors (GEC)

Project Management Support Services (PMSS)

Position coordinates with:

Authority staff

Consultants

Representatives of federal, state, regional, county and city agencies

Local civic groups and businesses

Vendors

The public

QUALIFICATIONS

Bachelor degree in Planning or closely related field from an accredited college or university. Ten (10) years of (full-time) professional verifiable planning, project management or related experience which must include at least five (5) years of supervisory experience.