



Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

Board of Directors

Meeting Packet

June 14, 2023 at 2 p.m.



Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

AGENDA FOR REGULAR BOARD MEETING
Wednesday, June 14, 2023 at 2:00 p.m.

Dublin Senior Center
7600 Amador Valley Blvd
Dublin, California 94568

TELECONFERENCE LOCATIONS

1755 Harvest Landing Lane
Tracy, CA 95376

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Sofitel Hotel Conference Room
806 15th Street NW,
Washington DC, DC 20005

3740 Newton Way
Pleasanton, CA 94588

MEETING PROCEDURE

This Board of Directors meeting will be conducted in person.

Public comments will be accepted via email and in-person. Emailed public comments will be accepted until 5:00 p.m. on the day before the meeting at comments@valleylinkrail.com. Please include "Public Comment – June 14, 2023" and the agenda item to which your comment applies in the subject line. In the body of the email please include your name. A list of the public comments submitted by the deadline will be read during public comment and copies of correspondence will be posted on the Authority's website along with other meeting material.

In-person public comment speakers must submit a "Speaker/Comment Card" to the secretary prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment.

Public comments will be subject to the regular two-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.

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 working days before the meeting. Requests should be sent to: comments@valleylinkrail.com.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA FOR REGULAR BOARD MEETING

Wednesday, June 14, 2023 at 2:00 p.m.

Dublin Senior Center
7600 Amador Valley Blvd
Dublin, California 94568

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**

No option to make Public Comment on by video conference.

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

No option to make Public Comment on YouTube live stream.

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**

No option to make Public Comment on telephone access.

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 5:00 p.m. the day before the meeting to comments@valleylinkrail.com.

Please include "Public Comment – June 14, 2023" 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.

In-Person Comments:

Speakers must submit a "Speaker/Comment Card" to the secretary prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment. Speakers are limited to up to 2 minutes at the discretion of the board chair.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA FOR REGULAR BOARD MEETING

Wednesday, June 14, 2023 at 2:00 p.m.

Dublin Senior Center
7600 Amador Valley Blvd
Dublin, California 94568

1. Call to Order and Pledge of Allegiance
 - a. Oath of Office
2. Roll Call of Members and Confirmation of Quorum
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 April 12, 2023 Board of Directors Meeting
 - b. Fiscal Year 2024 Budget
 - c. Authorize signature endorsement on behalf of the agency with Bank of the West
5. Approve Resolution R09-2023 to authorize the Executive Director/CEO to negotiate and enter into a contract with Gray-Bowen-Scott for Program Management Support Services – **ACTION**
6. Approve amendment to Bylaws re Accountability Procedures – **ACTION**
7. Approve Resolution R10-2023 Adopting a Code of Conduct – **ACTION**
8. State Legislative Update – **INFORMATION**
9. State Funding Update – **INFORMATION**
10. Federal Transit Administration Update – **INFORMATION**
11. Executive Director’s Report – **INFORMATION**
12. Directors’ Discussion – Comments, Questions and Agenda Requests
13. Upcoming Meeting Details: The next regular meeting is scheduled for August 9, 2023.
14. Adjourn

AGENDA

ITEM 4 A



Tri-Valley San Joaquin Valley Regional Rail Authority
Minutes of Board meeting on April 12, 2023

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

The meeting of the board of directors was called to order by Chair Melissa Hernandez at 2:13 p.m., who led the Pledge of Allegiance.

2. **Roll Call of Members**

Members Present in person at 333 Civic Center Plaza, Tracy

Chair Melissa Hernandez, City of Dublin
Vice Chair Dan Wright, City of Stockton
Director Bernice King Tingle, Mountain House
Director John Marchand, City of Livermore
Director Jose Nuño, City of Manteca
Director Leo Zuber (Ripon), ACE

Members Present remotely at 1209 L Street, Sacramento

Director Paul Akinjo, City of Lathrop (*joined during item #5*)
Director Mateo Bedolla, City of Tracy

Members Present remotely at 4501 Pleasanton Drive, Pleasanton

Director David Haubert, Alameda County
Director Karen Stepper, Town of Danville

Members Absent

Director Valerie Arkin, Pleasanton
Director David Hudson, San Ramon
Director Brittini Kiick (Livermore), LAVTA
Director Robert Rickman, San Joaquin County

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 February 8, 2023 Board of Directors Meeting
- b. Treasurer's Reports for January and February 2023
- c. Draft Fiscal Year 2024 Budget
- d. Meetings of the Board of Directors

Motion: Marchand/Haubert

Aye: Bedolla, Haubert, Hernandez, King-Tingle, Marchand, Nuño, Stepper, Wright, Zuber

Nay: None

Abstain: None

Absent: Akinjo, Arkin, Hudson, Kiick, Rickman

Motion Passed

5. **Approve Resolution R05-2023 Authorizing the Adoption of a Locally Preferred Alternative for Evaluation in National Environmental Policy Act (NEPA) Environmental Clearance – ACTION**

Staff member Marianne Payne, Director of Planning, introduced this item and gave the floor to consultant Diane Cowin, Senior Vice President with AECOM. Cowin gave an update on the

Tri-Valley San Joaquin Valley Regional Rail Authority
Minutes of Board meeting on April 12, 2023

environmental process and an in-depth presentation on the adoption of the Locally Preferred Alternative (LPA). She outlined the project timeline and the FTA process as well as the background on the LPA and next steps related to NEPA and the California Environmental Quality Act (CEQA). Payne noted that letters of support for the LPA for evaluation in the NEPA process were received from the cities of Dublin and Livermore, Mountain House Community Services District (MHCS D) and Zone 7 Water Agency. Chair Hernandez thanked Payne and Cowin and opened the floor to the public for comment and discussion by directors. Cowin responded to questions. Director Bedolla voiced his disappointment that a Tracy station was not included in Phase 1 but also noted that the City of Tracy continues to support the project. Public comments were heard from Roland LeBrun, Karen Moore and Adrian Brandt via teleconference and in-person comment was heard from David James, Community Development Director for the MHCS D.

Motion: Haubert/Wright

Aye: Akinjo, Bedolla, Haubert, Hernandez, King-Tingle, Marchand, Nuño, Stepper, Wright, Zuber

Nay: None

Abstain: None

Absent: Arkin, Hudson, Kiick, Rickman

Motion Passed

6. **Approve Resolution R06-2023 Authorizing Acceptance of a New Procurement Manual and Adoption of Chapter 10 of the Caltrans Local Assistance Procedures Manual – ACTION**

Executive Director/CEO Kevin Sheridan introduced this item. He summarized the details of the staff report. There was no director discussion or public comment.

Motion: Zuber/Wright

Aye: Akinjo, Bedolla, Haubert, Hernandez, King-Tingle, Marchand, Nuño, Stepper, Wright, Zuber

Nay: None

Abstain: None

Absent: Arkin, Hudson, Kiick, Rickman

Motion Passed

7. **Approve Resolution R07-2023 Authorizing the Executive Director/CEO to Execute an Employment Agreement for the position of Executive Management Assistant – ACTION**

Sheridan summarized the staff report. He reiterated that the role was currently being filled by LAVTA staff through an administrative arrangement and the Authority would be executing the agreement with the assigned staff member.

Motion: Nuño/Wright

Aye: Akinjo, Bedolla, Haubert, Hernandez, King-Tingle, Marchand, Nuño, Wright, Zuber

Nay: None

Abstain: None

Absent: Arkin, Hudson, Kiick, Stepper (*due to technical difficulties*), Rickman

Motion Passed

Tri-Valley San Joaquin Valley Regional Rail Authority
Minutes of Board meeting on April 12, 2023

8. Executive Director’s Report - INFORMATION

Sheridan addresses speaker concerns regarding the difficulties with audio for the meeting. He updated the board on recent meetings with the Secretary of Transportation in an effort to ensure that the Valley Link project is identified correctly to be in the best position to secure funding. He reiterated that the project still includes a Mountain House to Lathrop alignment in the next phase of activities. Sheridan shared an upcoming event flyer and gave the floor to Chair Hernandez. Hernandez provided the details of the hydrogen-focused event, hosted by Innovation Tri Valley that will take place on May 17, 2023. Everyone was encouraged to attend. Directors discussed this item. There was no public comment.

9. Directors’ Discussion

Vice Chair Dan Wright reported on recent lobbying activity in Sacramento arranged by the San Joaquin Regional Policy Council. He announced that the Valley Link project is receiving support from Kern to San Joaquin counties, Wright also noted that lawmakers and staff were very receptive to the idea of getting the project reclassified as a short-term project. Director King-Tingle thanked staff for the thorough report and expressed confidence in the project’s ability to receive continued funding. Director Bedolla expressed concerns about the project implementation, timeline, and phasing. He also reiterated that he and the City of Tracy continue to support the Valley Link project.

10. Upcoming Meeting Details

The next regular meeting of the board will be held on June 14, 2023.

11. Adjourn

The meeting adjourned without objection at 3:40 p.m.

AGENDA

ITEM 4 B





Tri-Valley San Joaquin Valley REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Fiscal Year 2024 Budget
FROM: Wil Ridder, Deputy Director
DATE: June 14, 2023

Action Requested

Staff requests that the Board of Directors approve the Fiscal Year (FY) 2024 Budget.

Background/Discussion

The Tri-Valley – San Joaquin Valley Regional Rail Authority continues to receive funding from the allocation of funds approved by the Metropolitan Transportation Commission (MTC) to advance the Valley Link Project. These funds are received on a reimbursement basis. In FY 2024 these funds will be augmented by \$5 million in State budget funds approved by the legislature in 2023 and formally authorized in May 2023 through a Funds Transfer Agreement with the California Department of Transportation (Caltrans). The budget for FY 2024 focuses primarily on the Caltrans Project Approval and Environmental Documentation (PA&ED) work in the I-580 corridor, federal environmental clearance, 30% design, and Federal Transit Administration (FTA) requirements under the Capital Investment Grants (CIG) Program.

Authority staff recognize that during FY 2024 additional funds will flow from the State based upon the award of a discretionary grant the Authority was awarded this year under the Transit and Intercity Rail Capital Program (TIRCP). As these funds are formally allocated to the Authority by the California Transportation Commission (CTC) staff will bring back to the Board budget amendments to reflect these revenues and uses.

Attached are the revenues and expenses that make up the FY 2024 Budget. The direct labor and benefits expenses for Authority staff, including the Deputy Director, the Director of Policy, Programming and Environment, and the Director of Rail Engineering and Construction include a 5% increase in salaries based upon annual performance review and approval by the Executive Director/CEO. Below is a brief description of the revenues and expenses:

Revenues

MTC Allocation

MTC provided a multi-year allocation of bridge toll funds in June of 2020 in the amount of \$46.8 million to perform the project development work as noted above in the staff report.

State Budget Funding

The State legislature approved \$5 million to the Authority for the Valley Link rail project as part of the FY 2023 State Budget (Assembly Bill 179) for environmental and preliminary engineering activities.

Expenses

Executive Director/CEO

Executive Director and Chief Executive Officer for the Authority

Deputy Director

Oversees or a wide variety of critical roles within the agency.

Chief Financial Officer

The Chief Financial Officer for the Authority is also the Finance Director for the Livermore Amador Valley Transit Authority (LAVTA) and is paid a stipend for duties performed as Chief Financial Officer of the Authority.

Director, Policy Planning and Environmental

Provides policy planning and environmental analysis, key role in the Authority for all policy and environmental reviews and related consultant contract management.

Director, Rail Engineering and Construction

Provides program management contract oversight over rail engineering and construction, key role in the Authority for all engineering reviews and related consultant contract management.

Executive Assistant

The Executive Assistant is currently seconded from the Livermore Amador Valley Transit Authority (LAVTA), however, staff is recommending that this position be approved as a full-time position within the Authority.

General Engineering Consultant – WSP/PGH Wong

The General Engineering Consultant will continue the progress the preliminary engineering necessary to complete PA&ED within the State's right of way (I-580) and off highway system rail engineering (30% design). This effort includes the work to support the environmental document for the initial operating phase as well as targeted FTA requirements for the current Project Development phase under the CIG Program. The Authority has budgeted \$20 million for this effort in FY 2024.

AECOM

AECOM is under contract to complete the National Environmental Policy Act (NEPA) process to meet the requirements under both the Caltrans Project Approval and Environmental Document (PA&ED) process and the FTA Capital Investment Grants (CIG) Program. The PA&ED phase will also include supplemental work pursuant to the California Environmental Quality Act (CEQA) for modifications to the Valley Link initial operating segment from Dublin/Pleasanton to the new Mountain House Community station. This effort is expected to take another year to complete. The Authority has budgeted \$3.5 million for this effort in FY 2024.

Government Relations/Community Engagement/Marketing

Support for Regional Advocacy is provided by Red Oak Consulting. Support for State grants and other State funding opportunities is provided by Khouri Consulting. Federal advocacy, community engagement and marketing support is yet to be determined.

Program Management Support Services

The Authority is budgeting \$1 million to contract these consultant support services in FY 2024.

Financial Advisory Services

Support for financial advisory and planning services are provided by PFM Financial Advisors.

Insurance

The Authority carries liability insurance for the agency.

Financial Audits

Each year the Authority financial statements are audited to ensure the Board that the financial documents are accurately prepared and represented.

Legal and Legal Supplemental

General Counsel is provided by Mr. Michael Conneran of Hanson Bridgett LLP. Legal services have been used extensively to review the environmental work ongoing by the agency and to prepare and review contracts and Authority policies and procedures.

Line of Credit

Thus far, cash flow management has been provided through the Livermore Amador Valley Transit Authority (LAVTA). Staff anticipates the need for a line of credit as more significant work is performed by consultant teams.

Office Space/Furnishings/Office Supplies/Utilities

The Authority leases an office suite as provided within the MTC allocation of funds for the project. This line item covers cost associated with effective day-to-day operations.

Travel/Mileage/Meetings

This budget item is set up for meetings that require staff travel. Included in this line item are the costs associated with meetings, including Authority Board meetings.

Professional Development

This budget item is set up for staff development, training and related activities.

Memberships

This budget item is set up for corporate memberships.

Information Technology/Software

This budget item is set up for computer software and information technology support.

BART, SJRRC, ACTC, UPRR

Included in the June 2020 MTC allocation is funding to reimburse key partner agencies that are critical in the planning and delivery of Valley Link. For FY 2024 these agencies are anticipated to include Bay Area Regional Transit (BART), San Joaquin Regional Rail Commission (SJRRC), Alameda County Transportation Commission (ACTC) and the Union Pacific Railroad (UPRR). As the cost reimbursement agreements are established for specific scopes of work with each partner agency, staff will return to the Board with any budget amendments to reflect the actual costs to be incurred in FY 2024.

Fiscal Impact

Approval of the FY 2024 Budget will authorize the expenditure of up to \$27,401,750 in funding provided by MTC and the State for Valley Link project development activities.

Recommendation

Approve the FY 2024 Budget.

Attachments:

1. FY 2024 Revenues and Expenses

ATTACHMENT 1



**TRI-VALLEY — SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY
FISCAL YEAR 2024 BUDGET**

REVENUES

	MTC Allocation	\$ 22,401,750.00
	State Budget Funding	\$ 5,000,000.00
	Grand Total Revenues	\$ 27,401,750.00

EXPENSES

Direct Labor and Benefits

	Executive Director/CEO	\$ 336,000.00
	Deputy Director	\$ 279,300.00
	Director, Rail Engineering and Construction	\$ 260,400.00
	Director, Policy Planning and Environmental	\$ 242,550.00
	Chief Financial Officer	\$ 42,609.00
	Executive Assistant	\$ 127,000.00
	Other LAVTA Administrative Support Activities	\$ 10,391.00
	Total	\$ 1,298,250.00

Consultants

	General Engineering Consultant	\$ 20,000,000.00
	AECOM	\$ 3,500,000.00
	Administrative Support	\$ 50,000.00
	Program Management Support Services	\$ 1,000,000.00
	Government Relations/Community Engagement/Marketing	\$ 450,000.00
	Financial Advisory Services	\$ 150,000.00
	Total	\$ 25,150,000.00

Other Direct Costs

	Insurance	\$ 50,000.00
	Financial Audits (incl software)	\$ 25,000.00
	Legal / Legal Supplemental	\$ 270,000.00
	Line-of-Credit	\$ 125,000.00
	Office Space/Furnishings/Office Supplies/Utilities	\$ 137,500.00
	Travel/Mileage/Meetings	\$ 15,000.00
	Professional Development	\$ 2,500.00
	Memberships	\$ 8,500.00
	Information Technology/Software	\$ 20,000.00
	BART	\$ 100,000.00
	SJRRRC	\$ 50,000.00
	ACTC	\$ 100,000.00
	UPRR	\$ 50,000.00
	Total	\$ 953,500.00

	Grand Total Expenses	\$ 27,401,750.00
--	-----------------------------	-------------------------

AGENDA

ITEM 4 C





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

STAFF REPORT

SUBJECT: Authorize Signature Endorsement on behalf of the Authority with Bank of the West

FROM: Kevin Sheridan, Executive Director/CEO

DATE: June 14, 2023

Action Requested

Approve resolution authorizing the Executive Director/CEO to open or maintain accounts with Bank of the West

Background/Discussion

The Tri-Valley – San Joaquin Valley Regional Rail Authority (The Authority) maintains a relationship with the Bank of the West, which was initially set up through the ongoing relationship with Livermore Amador Valley Transit Authority (LAVTA). During the annual review it was determined that The Authority should establish a resolution that authorizes its Executive Director/CEO to conduct business on The Authority's behalf.

The resolution will allow the Board of Directors of the Tri-Valley – San Joaquin Valley Regional Rail Authority to authorize the Executive Director/CEO to enter into any agreement with Bank of the West relating to the transfer of funds from the account by means of telephonic, electronic, oral, or written instruction, and further authorize the Executive Director/CEO to designate the individuals to act as Authorized Representatives who shall be empowered to order or confirm such transfers on the Authority's behalf.

Fiscal Impact

None

Recommendation

Staff recommends the board approve Resolution R08-2023.

Attachments

1. Resolution R08-2023

ATTACHMENT 1





RESOLUTION NO. R08-2023

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN
JOAQUIN VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING SIGNATURE
ENDORSEMENT ON ACCOUNTS WITH BANK OF THE WEST**

WHEREAS, the Tri-Valley San Joaquin Valley Regional Rail Authority (The Authority) has a banking relationship with the Bank of the West;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Authority that the Executive Director/CEO of this organization is authorized to open or maintain accounts with Bank of the West contemplated in the Bank's signature card and account agreement;

FURTHER RESOLVED that the Board of Directors of the Authority authorizes the Executive Director/CEO to enter into any agreement with Bank of the West relating to the transfer of funds from the account or accounts of The Authority by means of telephonic, electronic, oral, or written instruction, and are further authorized to designate the individuals to act as Authorized Representatives who shall be empowered to order or confirm such transfers in accordance with such agreements or to otherwise act in accordance with such agreements;

FURTHER RESOLVED that this resolution shall be in full force and effect and binding upon The Authority and that Bank of the West may conclusively presume that the above named positions remain authorized as set forth herein until this Resolution shall have been repealed, revoked, or amended and written notice of such is delivered to Bank of the West at a time and in a manner set forth in the Authorization and Agreement for Cash Management Services affording the Bank of the West reasonable opportunity to act upon the written notice so received.

APPROVED AND PASSED, this 14th day of June, 2023.

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

AGENDA

ITEM 5





Tri-Valley San Joaquin Valley REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Approve a resolution to authorize the Executive Director/CEO to negotiate and enter into a contract with Gray-Bowen-Scott (GBS) for Program Management Support Services, for a sum not-to-exceed \$1,794,895

FROM: Kevin Sheridan, Executive Director/CEO

DATE: June 14, 2023

Action Requested

Staff requests that the Board of Directors (Board) authorize the Executive Director/CEO to negotiate and enter into a Professional Services Agreement with Gray-Bowen-Scott (GBS) for Program Management Support Services (PMSS), in a form approved by legal counsel, for a not-to-exceed amount of \$1,794,895 for an initial three-year base term with two (2) one-year options.

Background/Discussion

Staff issued a Request for Proposals (RFP 2023-01) for PMSS on May 5, 2023 to engage an experienced consulting team that specializes in delivering large Caltrans highway infrastructure projects, to assist staff with program management support services for the Valley Link Project Environmental and Design Phases. This includes ensuring the successful completion of the Caltrans Project Report, Plans, Specifications, and Estimates (PS&E) and Right of Way (R/W) Support phases and associated internal cost control and review of consultant invoices for auditing purposes. The consultant will also assist with Caltrans coordination with regard to the option for a Construction Manager General Contractor (CMGC) process to be undertaken by Caltrans where applicable.

On May 16, the Authority conducted a pre-proposal conference via Zoom. Forty-two parties expressed interest in the RFP and registered in advance to attend the preproposal conference, with thirty parties actually attending. No protests to the RFP content were received within the protest period nor prior to the RFP submittal due date June 2, 2023. The Authority received timely and responsive submittals to the RFP on June 2, 2023 from two firms: Advanced Mobility Group (AMG) and Gray-Bowen-Scott (GBS). Staff inquired with the registered firms that attended the preproposal conference to provide feedback as to why they chose not to submit on the RFP, five (5) firms replied stating that they were either a sub-consultant, wanted to pursue other phases of work with Valley Link, and/or did not have the resources to prepare a response to the RFP. Although it would be ideal to have a minimum of three firms submit on the RFP, two responsive qualified firms allow for a competitive RFP process. The competitive process is further justified given the response from firms that registered for the preproposal conference that chose not to submit, no RFP content protest, and the resources and time necessary for staff to re-advertise the RFP.

A selection committee review panel consisting of staff from the Authority, Alameda County Transportation Authority (ACTC) and the California Department of Transportation (Caltrans) reviewed and scored the technical proposals based on the evaluation criteria contained in the RFP. Both AMG and GBS responses to the RFP showed the firms to be highly qualified to perform the work identified in the RFP scope of

services. As a result, it was determined that a selection panel would convene to invite AMG and GBS to make oral presentations and answer questions to the panel. The selection panel held interviews on June 6, for AMG and GBS to make oral presentations and respond to questions from the panel to determine the final ranking.

The selection panel committee scores resulted in GBS being ranked number one as most qualified and responsive firm, and AMG as rank two. After rankings were determined, staff opened GBS's cost proposal, GBS cost proposal to perform the work was identified \$1,794,895, the contract amount identified in the RFP was \$2 million. Subject to negotiation of final contract terms, staff is recommending awarding the PMSS contract to GBS under RFP No. 2023-01 for an amount not-to-exceed \$1,794,895 for the base term three-year period, with two (2) one-year options. If final contract negotiations are not successful with GBS, staff would move to award to AMG as rank number two, subject to separate contract negotiation and board approval. The two one-year option years would be subject to funding availability and a separate future board approval of the amount, if in excess of the Executive Director's contract budget change order authority (\$100,000).

GBS has a strong relationship with Caltrans spanning over the past 40 years. Additionally, GBS has worked in partnership with Caltrans, the Metropolitan Transportation Commission (MTC), the California Transportation Commission (CTC), the Federal Highway Administration (FHWA), and other state and regional agencies to deliver projects throughout and beyond the Bay Area. Projects such as the 101 Express Lane Partnership, Innovate 680 Multi-Agency Partnership, and public works projects along I-580 within the Cities of Dublin and Pleasanton. GBS's proposal also included DBK Advisory Services, led by David Kutrosky, former Capital Corridor Joint Powers Authority Executive Director.

On June 24, 2020, the Metropolitan Transportation Commission (MTC) approved the Authority's allocation request for \$46.8 million for the Project. Included within this request was the funding for activities such as program management support services required for the project, including general support, project control support, contract procurement and contract administration support. Of that \$46.8 million, it is expected that approximately \$1,794,895 will be allocated to this contract over the initial 3-year period. The Authority has recently been awarded \$30 million in State funds and could also utilize these funds to cover costs associated with the contract if necessary.

Fiscal Impact

The \$1,794,895 for the award of this PMSS agreement with GBS is within the Authority's current funding, including MTC's grant and State funds. Utilizing the different funding sources, the Authority has the ability to shift the scope of work and utilize different funds that are currently available, if necessary. The budget amount for this contract is identified in the FY 2023 annual budget.

Recommended Action

Authorize the Executive Director to award Professional Services Agreement to GBS for PMSS, in a form approved by legal counsel, for a not-to-exceed amount of \$1,794,895 for an initial three-year period with two (2) one-year options.

Attachments:

1. Resolution R09-2023

ATTACHMENT 1





RESOLUTION NO. R09-2023

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN
JOAQUIN VALLEY REGIONAL RAIL AUTHORITY AUTHORIZING THE EXECUTIVE
DIRECTOR TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES
AGREEMENT WITH GRAY-BOWEN-SCOTT (GBS) FOR PROGRAM MANAGEMENT
SUPPORT SERVICES (PMSS)**

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;

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

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

WHEREAS, in FY 2022/23 the Authority secured \$30 million from the State of California to support project development including engineering up to 60% design;

WHEREAS, the Authority prepared and issued a Request for Proposals (RFP) for PMSS in May 5, 2023;

WHEREAS, timely and responsive submittals to the RFP were received on June 2, 2023, and a selection committee comprised of Project partners reviewed and evaluated the proposals

based on the evaluation criteria contained in the RFP and determined that the most responsive and qualified firm was Gray-Bowen-Scott (GBS);

WHEREAS, on June 6, 2023, a selection panel convened for oral presentations that resulted in GBS being ranked number one by the panel.

WHEREAS, the Committee recommends an award under RFP No. 2023-01 to GBS in an amount not to exceed \$1,794,895 for an initial three-year period with two (2) one-year options, subject to funding availability and future board approval; and

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 negotiate and enter into Professional Services Agreement to Gray-Bowen-Scott (GBS) for Program Management Support Services, in a form approved by legal counsel, for a not-to-exceed amount of \$1,794,895 for an initial three-year period with two (2) one-year options subject to funding availability and future board approval.

APPROVED AND PASSED, this 14th day of June, 2023.

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

APPROVED AS TO FORM:

Michael Conneran, Legal Counsel

AGENDA

ITEM 6





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

STAFF REPORT

SUBJECT: Amendments to Bylaws Regarding Accountability Procedures
FROM: Kevin Sheridan, Executive Director/CEO, and Michael Conneran, General Counsel
DATE: June 14, 2023

Action Requested

Consider adoption of an amendment to the Authority's Bylaws regarding accountability procedures to help ensure that the business of the Authority is conducted in accordance with the highest ethical standards.

Background/Discussion

This action will implement procedures that will allow the Board to hold members accountable if they fail to adhere to legal and policy strictures. Unless the Board has adopted such procedures, it will not be in a position to hold accountable, through admonition or censure, members who fail to adhere to applicable legal requirements or who violate an adopted Code of Conduct. Amendments to the Bylaws require a two-thirds vote of the entire board membership (10 votes).

Recommendation

It is recommended that the Board consider an amendment to the Authority's Bylaws and adopt the amendment regarding the accountability to establish procedures for the admonition and censure of Board Members who fail to comply with applicable law and policy, as determined by the Board.

ATTACHMENT 1



ARTICLE VII: ACCOUNTABILITY

Section 1. Purpose. The intent of this policy is to assure public confidence in the integrity of the Authority, for the Board to hold itself accountable to each other and the public, and to foster trust from the public.

(a) This policy applies only to the Authority Board with regard to improper conduct that could result in admonition or censure.

(b) This policy shall be effective on the date of adoption by the Board ("Effective Date") and shall not be applied retroactively to any conduct occurring before the Effective Date.

(c) Any disciplinary action taken by the Board under this policy shall be a final action and is not subject to an appeal or reconsideration.

Section 2. Policy.

(a) It is the policy of the Board that all its members shall abide by federal and state law, Authority resolutions and ordinances, and Authority policies, including the Code of Conduct (hereinafter collectively referred to as "Law or Policy"). Violations of such Law or Policy tend to undermine the effectiveness of the Board as a whole and foster distrust from the public.

(b) Depending on the circumstances of alleged violations of Law or Policy, the Board may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy. An investigation is not required, but any Board Member may request and be granted an investigation of the alleged violation.

(c) Nothing in this policy shall preclude individual Board Members from making public statements regarding such alleged conduct. While the Board has broad discretion in deciding certain actions it may choose to take in response to violations of Law or Policy, which would not require the Board to adopt policy, including but not limited to voting to remove a Board Member from a Committee, or a vote of no confidence in a particular Board Member, this policy provides definitions and procedures related to two types of actions: admonition and censure.

(d) The Board shall only admonish or censure a Board Member pursuant to this policy if a Board Member has violated the same Law or Policy more than two times and the Board Member has been publicly warned about such violations by another Board Member or Board Members(s) and the Board Member that received the warning continues to violate the Law or Policy.

(e) Types of Disciplinary Actions

(i) Admonition. An admonition may be informal or formal and is typically directed to a member or members of the Board. An admonition may be issued in response to a particular alleged action or actions in violation of a Law or Policy. An informal admonition may be issued by the Board prior to any findings of fact regarding allegations, and because it is a warning or reminder, it would not require an investigation or separate hearings to

determine whether the allegation is true. A formal admonition would follow a public hearing, as further described below. The Board recognizes the right to criticize is protected by the First Amendment, and may be done by an individual Board Member, or by a Board motion and vote. The Chair may from time to time remind Board Members to comply with any Law or Policy in order to conduct an orderly meeting. Such reminders are not an admonition.

(ii) Censure. Censure is an official reprimand or condemnation made by Board in response to specified conduct by one of its own members. Censure is disciplinary in nature and requires the formal adoption of a resolution setting forth the Board Member's alleged violations of Law or Policy. Although not required, censure could involve an investigation and it must protect the due process rights of the Board Member being investigated. Censure carries no fine or suspension of the rights of the Board Member as an appointee of their appointing agency, but a censure is a punitive action for a Board Member's violations of Law or Policy.

Section 3. Procedure

(a) Informal Admonition

An individual Board Member can make an informal admonition at any Board meeting during the Public Presentations or Reports of Board Members portion of the meeting. The Board Member making the informal admonition must first notify the Chair of their desire to make the informal admonition and state on the record the basis for the informal admonition, including the previous two or more times that the Board Member, who would be subject to the informal admonition, had been warned. After doing so, the Chair must allow the Board Member to make the informal admonition. If the Chair would like to make an informal admonition, the Chair is also required to state on the record the basis for the informal admonition.

(b) Formal Admonition or Censure Public Hearing

At a public Authority Board Meeting, three (3) Board Members may request a discussion of a formal censure and/or formal admonition action be placed on a future regular meeting Board agenda. At the future meeting that the discussion is heard, a vote by three (3) or more Board Members is required to agendaize a formal public hearing. The Authority Executive Director/CEO shall provide a formal notice of the hearing to the Board Member who is the subject of the action. The notice shall contain the specific allegations and/or charges on which the proposed action is based and the date and time that the matter will be heard. At the hearing, the Board Members who requested the hearing shall have a cumulative total time of no more than 10 minutes to state the reason(s) they are requesting the formal admonition or censure, and the Board Member who is the subject of the action shall have up to 10 minutes to respond. Upon hearing the testimony, the Board may take action setting forth its findings and stating the terms of the disciplinary action.

(c) Actions of Board.

If, at the close of the hearing, a majority of the entire membership of the Board finds that the subject member's conduct violates any Law or Policy, the Board may take one or more of the following measures:

(i) Formal Admonition. A Formal Admonition can be in the form of a motion and vote, or an adopted Resolution, and can take any or all of the following forms:

(1) The admonition is directed to one or all members of the Board, reminding them that a particular type of behavior is in violation of law or Authority policy; and/or

(2) Direction is given to the subject Board Member to correct the result of the particular behavior that violated Law or Policy; and/or

(3) A reprimand that is directed to the subject member of the Board based on a particular action (or set of actions) that is determined to be in violation of Law or Policy but is considered by the Board to be not sufficiently serious to require formal censure.

(ii) Resolution of Censure. The Board may adopt a resolution of censure that clearly sets forth the facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure requires a majority vote of the entire membership of the Board. A resolution of censure may include the imposition of certain actions against the Board Member such as removal from a committee.

AGENDA

ITEM 7





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

STAFF REPORT

SUBJECT: Approval of Resolution Adopting a Code of Conduct

FROM: Kevin Sheridan, Executive Director/CEO, and Michael Conneran, General Counsel

DATE: June 14, 2023

Action Requested

Consider adoption of a resolution establishing a Code of Conduct for the Authority's Board of Directors. This Code will help to ensure that the business of the Authority is conducted in accordance with the highest ethical standards.

Background/Discussion

In order to facilitate the effective operation of the Authority Board of Directors, this Code of Conduct establishes expectation for the behavior of Board members. This Code will be enforced through the Accountability provisions being considered by the Board for addition to the Authority Bylaws. Unlike an amendment to the Bylaws, this Code can be amended by a simple majority of the Board present at a meeting.

Recommendation

It is recommended that the Board consider adoption of a resolution including the attached Code of Conduct to ensure that the business of the Board is conducted in accordance with the highest ethical standards.

Recommendation

1. Resolution #R10-2023

ATTACHMENT 1





Tri-Valley San Joaquin Valley
REGIONAL RAIL AUTHORITY

RESOLUTION NO. R10-2023

* * *

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY ADOPTING A CODE OF CONDUCT

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, staff recommends that the Board adopt a Code of Conduct to ensure that the business of the Board of Directors is conducted in accordance with the highest ethical standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Tri-Valley-San Joaquin Valley Regional Rail Authority hereby adopts the Code of Conduct attached as Exhibit A.

APPROVED AND PASSED, this 14th day of June 2023.

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

Exhibit A



**AUTHORITY BOARD OF DIRECTORS CODE OF CONDUCT
TRI-VALLEY–SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY**

Introduction

The Board of Directors desires to meet the most demanding ethical standards and demonstrate the highest levels of achievement in practicing the core values identified in this Code of Conduct. Those values, which are fundamental to public trust, are being adopted to guide the decisions and actions of individual Council Members and the Council as a whole. To help the Board make these values real in their regular work with the Authority, the Code describes for each value a basic set of character traits and actions residents can expect to see Board Council Members meet and exceed.

I. ETHICAL

I am trustworthy, acting with the utmost integrity and moral courage.

I am truthful, do what I say I will do, and am dependable.

I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.

I am fair, distributing benefits and burdens according to consistent and equitable criteria.

I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.

I show respect for persons, confidences, and information designated as “confidential.”

II. PROFESSIONAL

I use my title(s) only when conducting official Authority business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.

I approach my job- and work-related relationships with a positive attitude.

I keep professional knowledge and skills current and growing.

III. SERVICE ORIENTED

I provide friendly, receptive, courteous service to everyone I am attuned to, and care about, the needs and issues of residents, public officials, and Authority workers.

IV. FISCALLY RESPONSIBLE

I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the Authority, especially its financial stability.

I demonstrate concern for the proper use of Authority assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.

I make good financial decisions that seek to preserve programs and services for the Authority.

V. ORGANIZED

I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.

I follow through in a responsible way, keeping others informed, and responding in a timely fashion.

I am respectful of established Authority processes and guidelines.

VI. COMMUNICATIVE

I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.

I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

VII. COLLABORATIVE

I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.

I work towards consensus building and gain value from diverse opinions.

I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

I consider the broader regional and Statewide implications of the Authority's decisions and issues

I exhibit a proactive, innovative approach to setting goals and conducting the Authority's business

I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary

I promote intelligent and thoughtful innovation in order to forward the Authority's policy agenda

AGENDA

ITEM 8





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

STAFF REPORT

SUBJECT: State Legislative Update
FROM: Wil Ridder, Deputy Director and Gus Khouri, Consultant
DATE: June 14, 2023

Action Requested

This is an Information item only.

Background/Discussion

On May 12, Governor Newsom released his May Revision to the proposed FY 2023-24 State Budget. The 2023-24 Budget, which contains \$223.6 billion in General Fund spending (\$306 billion with special funds), is projected to have a deficit of \$31.5 billion, up from the \$22.5 billion cited in January. This is a sharp turn from the past few years following surpluses in the FY 22-23 State Budget (\$97.5 billion) and the FY 21-22 State Budget (\$76 billion) surplus, predominantly used for one-time expenditures than long-term obligations. The May Revision contains a \$37.2 billion reserve, up from \$35.6 billion in January, to help address the shortfall and stave off deep cuts. As the Budget Stabilization Account balance is at its constitutional maximum, \$2.3 billion must be dedicated to infrastructure investments in 2023-24 (up from \$951 million in January).

While the Governor is not predicting a recession, some factors are causes for concern, including the federal debt ceiling impasse, higher interest rates to curb inflation, the uncertainty of financial institutions with bank failures, and \$42 billion in delayed tax collection by the IRS and Franchise Tax Board until October, including personal income tax (\$28 billion), corporate tax (\$13.3 billion), and reduction of capital gains. Should these risks be realized, a moderate recession scenario in the fiscal year 2023-24 could decrease revenues by \$40 billion in 2023-24 alone, largely driven by losses in personal income tax. Revenue declines relative to the May Revision forecast could reach an additional \$100 billion through 2026-27.

Per the Constitution, the legislature must submit a balanced budget to the Governor by June 15. The Governor must sign by June 30. Due to its reliance on special funds such as the gas tax and vehicle registration fee, transportation is fairly insulated from impacts to the General Fund. Still, there is General Fund revenue being proposed to supplement public transit.

Additional Funding for Transit

SB 198 (Committee on Budget), Statutes of 2022, includes intent language to allocate \$4 billion over FY 23-24 and FY 25-26 (\$2 billion each fiscal year) through the Transit Capital and Intercity Rail Program to Metropolitan Planning Organizations, such as the Metropolitan Transportation Commission and San Joaquin Council of Governments, using the State Transit Assistance formula to supplement transit capital and operations needs. This funding was conditioned upon the availability of General Fund resources, which reached a record \$97.5 billion balance for FY 22-23. The legislature does have \$37.2 billion in the Rainy-Day Fund, but the fulfillment becomes more challenging as the deficit grows.

Governor Newsom proposes a planned funding reduction in 2023 and 2024 from \$2 billion annually to \$1 billion in 2023-24 and \$500 million each in 2024-25 and 2025-26, representing a 50 percent reduction of SB 198 funds, and spreading funds out over three fiscal years, rather than two. These funds are set to be allocated proportionally, by region, based on population. On May 23, the Senate Budget Subcommittee #5 voted to reject the reductions. This will be a Big Three negotiation between the Governor, Assembly Speaker, and Senate President pro Tempore.

	Governor’s Proposal	Senate’s Proposal	Assembly Proposal
SB 198 Funds-TIRCP-Formulaic-Population Distribution By MPOs	Approve \$1B in FY 23-24; \$500M for FY 24-25, \$500M for 25-26.	Approve \$4B intent language for FY 23-24 and 24-25	Approve \$4B intent language for FY 23-24 and 24-25

Bills of Interest

Each house is working through bills in the house of origin. Bills must be approved by June 2 to remain live for the year. Policy committees must complete their business by July 14 (start of Summer Recess, back on August 14), fiscal committees by September 1, and all business by the floor of each house by September 14, to be considered for signature by the Governor by October 14. Below is a summary of bills of interest to Valley Link.

SB 746 (Eggman), sponsored by Valley Link, adds electrolytic hydrogen to the list of alternative energy resources in statute, and allows Valley Link to enter a service contract. to enter those contracts for the generation, sale, and use of electrolytic hydrogen. **Status:** Assembly Utilities and Commerce Committee

AB 557 (Hart)

This bill would remove the January 1, 2024, sunset on the Brown Act exemptions for boards to meet virtually during a state of emergency declaration provided under AB 361 (Rivas), Chapter 165, Statutes of 2021. **Status:** Senate Governance and Finance Committee

SB 537 (Becker)

This bill has been amended to allow multijurisdictional bodies to meet virtually. Multijurisdictional means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. This would allow the Valley Link board to meet virtually without a state of emergency declaration. **Status:** Assembly Rules Committee

AGENDA

ITEM 9





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

STAFF REPORT

SUBJECT: Funding Update
FROM: Wil Ridder, Deputy Director
DATE: June 14, 2023

Action Requested

This is an Information item only and no action is requested.

Discussion

Staff will provide a verbal report at the June Board meeting on the Authority's success in securing a total of \$30 million in State funds over the last year.

Background

On April 24, 2023, Governor Newsom announced the award of \$25 million to the Valley Link rail project as part of a \$690 million statewide investment to expand transit and passenger rail service across California. The \$25 million in funds from the Transit and Intercity Rail Capital Program (TIRCP) will advance Valley Link's design and equity focused community engagement during the current Project Development phase under the Federal Transit Administration's (FTA) Capital Investment Grants (CIG) Program. These funds were awarded from the \$150 million statewide Major Projects Project Development Reserve category of the TIRCP specifically established to support the delivery of capital projects such as Valley Link that have entered or have applied to enter federal project development processes to receive federal funding in the future.

The \$25 million TIRCP award will specifically advance design work targeted to high-risk areas of the project where we would seek to increase design from 30% (typical in Project Development) to 60% during the 2-year Project Development period. This advanced design work will ensure that we are most accurately estimating the total cost of the project prior to requesting construction funding from both FTA and the State and is both allowable and encouraged by FTA under the CIG Program. The scope of the Valley Link application is also in line with the regional focus on major project delivery led by the Metropolitan Transportation Commission (MTC) over the last year to address significant cost increases experienced on the other major Bay Area projects. The TIRCP award was supported by MTC's endorsement of Valley Link for TIRCP Cycle 6 funding as part of their October 2023 adoption of the MTC Major Project Advancement Policy (MAP) and TIRCP framework, in which Valley Link was approved as a Level 2 project priority and specifically identified for TIRCP Cycle 6 funding for project development activities.

We thank Governor Newsom, Secretary of Transportation Toms Omishakin and his team at the California State Transportation Authority for their leadership and support of the Valley Link rail project in the award of \$25 million in TIRCP Cycle 6 funding. This funding is significant to position Valley Link for future construction funding and moves us closer to implementing this critical project for the communities it will serve. We also sincerely appreciate the support of MTC in their endorsement of this funding for Valley Link and see this award of TIRCP as a shared success for the region.

On May 30, 2023 the Authority also received the fully executed Funds Transfer Agreement from the California Department of Transportation (Caltrans) for the \$5 million in State budget funds approved by the legislature in Assembly Bill 179. These funds will be used to support the completion of project development, including all state and federal requirements under the Caltrans' Project Approval and Environmental Document (PAED) and the Federal Transit Administration (FTA) Capital Investment Grants (CIG) Project Development processes. The scope of work involves all activities in support of completing environmental clearance under the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

We thank Assemblymember Rebecca Bauer-Kahan for her support in securing these funds for the Valley Link project through the FY 2023 State budget process and Caltrans for their efforts over the last year to establish and execute the Funds Transfer Agreement.

Fiscal Impact

The FY 2024 Budget includes the \$5 million in State budget funds authorized in May 2023 through the Funds Transfer Agreement with Caltrans. As the \$25 million in TIRCP funds are formally allocated to the Authority by the California Transportation Commission (CTC), staff will bring back to the Board budget amendments to reflect these revenues and uses.

AGENDA

ITEM 10





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

STAFF REPORT

SUBJECT: Federal Transit Administration (FTA) Update

FROM: Wil Ridder, Deputy Director

DATE: June 14, 2023

Action Requested

This is an Information item only.

Discussion

Staff will provide a verbal report at the June Board meeting on the Authority's success in securing direct recipient grantee status from the Federal Transit Administration (FTA).

Background

On May 22, 2023 the Authority was formally notified by FTA that it had been approved as a direct recipient grantee. This is a significant accomplishment for the Authority as it not only positions the Authority to directly administer federal transit funding being pursued under the Capital Investment Grants (CIG) Program, but it is also required by FTA for the Authority to be recognized as the official project sponsor of the Valley Link rail project to lead all of the activities under the Project Development phase of the CIG Program.

FTA's approval of direct recipient grantee status comes after months of staff work with FTA to demonstrate the legal, financial and technical capacity of the Authority to deliver the Valley Link rail project under all of FTA's regulations. However, the Authority's efforts to establish direct recipient grantee status have spanned over several years with the Board's approval of resolutions in 2021 authorizing the filing of applications with FTA and execution of certifications, assurances and grant agreements as well as adopting Title VI and Disadvantaged Business Enterprise programs.

We thank FTA Region 9 Regional Administrator Ray Tellis, Deputy Regional Administrator Amy Changchien and their team at Region 9 for their support over the past year in securing this approval.

Fiscal Impact

There is no immediate fiscal impact of this item.

AGENDA

ITEM 11





Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Executive Director's Report
FROM: Kevin Sheridan, Executive Director/CEO
DATE: June 14, 2023

Action Requested

This is an information item. No action is requested.

Background/Discussion

An oral report will be provided at the board meeting.