



Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

Board of Directors

Meeting Packet

January 11, 2023 at 2 p.m.



AGENDA – BOARD OF DIRECTORS
January 11, 2023 at 2:00 p.m. via teleconference

CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE

This meeting will be held via teleconference in accordance with the Brown Act and Government Code § 54953(e), as a precaution to protect the health and safety of staff, officials, and the general public. The Board of Directors 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. Consequently, there will be no physical location for members of the public to participate in the meeting. We encourage members of the public to access the meeting online using the instructions listed on the agenda. Online attendees will have the opportunity to speak during Public Comment.

If you would like to submit 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 January 11, 2023” and the agenda item in the subject line. In the body of the email please include your full name. Public comments submitted via email will be posted online 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.

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.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS January 11, 2023 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 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 5:00 p.m. the day before the meeting to comments@valleylinkrail.com

Please include “Public Comment – January 11, 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.

TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY

AGENDA – BOARD OF DIRECTORS
January 11, 2023 at 2:00 p.m. via teleconference

1. Call to Order and Pledge of Allegiance
 - a. Oaths of Office
2. Roll Call of Members
3. Public Comments:

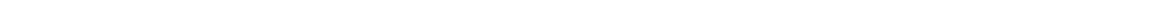
Members of the public may address the Board on any issues not listed on the agenda that are within the purview of the Authority. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Time limits on public comments may be established by the Chair.
4. Consent Agenda – **ACTION**

Recommend approval of all items on Consent Agenda as follows:

 - a. Minutes of December 14, 2022 Board of Directors Meeting.
 - b. Treasurer’s Report for November 2022.
 - c. Resolution R02-2023 Declaring that Agency meetings will continue to be held via teleconference.
5. Election of Board Chair and Vice Chair – **ACTION**
6. Delegate Authority to the Executive Director/CEO to for Filing of Applications with the State of California and Execution of Certifications, Assurances and Grant Agreements Required to Receive State Financial Assistance – **ACTION**
7. Transit and Intercity Rail Capital Program (TIRCP) Cycle 6 Grant Application – **ACTION**
8. Executive Director’s Report – **INFORMATION**
9. Directors’ Discussion – Comments, Questions and Agenda Requests
10. Upcoming Meeting Details February 8, 2023
11. Adjourn

AGENDA

ITEM 4 A



Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of Board meeting on December 14, 2022 via Zoom Teleconference

1. **Call to Order**

The meeting of the board of directors was called to order by Chair Veronica Vargas at 2:02 p.m. Vice Chair Melissa Hernandez led 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 (*joined during item #3*)
Director David Haubert, Alameda County
Director David Hudson, San Ramon
Director Brittni Kiick (Livermore), LAVTA
Director Bernice King Tingle, Mountain House
Director Kathy Narum, City of Pleasanton
Director Robert Rickman, San Joaquin County
Director Karen Stepper, Town of Danville
Director Dan Wright, City of Stockton
Director Leo Zuber (Ripon), ACE

Members Absent

Director Benjamin Cantu, City of Manteca
Director John McPartland (District 5), BART
Director Bob Woerner, City of Livermore

3. **Public Comments**

Live public comment was heard from Karen Moore, City of Tracy Councilmember Mateo Bedolla and Adrian Brandt. Legal Counsel Michael Conneran addressed Bedolla's comment regarding alternates being appointed to the Authority's board of directors. Conneran noted that the statute which created the Authority does not provide for alternates, and as such the Authority would need formal notice from the member agency as to who is to be appointed to the board and sworn in.

4. **Consent Calendar – ACTION**

Motion to approve all items on Consent Calendar as follows:

- a. Minutes of November 9, 2022 Board of Directors Meeting.
- b. Minutes of December 7, 2022 Special Board of Directors Meeting.
- c. Treasurer's Report for October 2022.
- d. Resolution R22-2022 Declaring that Agency meetings will continue to be held via teleconference.
- e. Set Board of Directors Meeting Dates for 2023.

Motion: Hudson/Hernandez

Aye: Akinjo, Haubert, Hernandez, Hudson, Kiick, King-Tingle, Narum, Rickman, Stepper, Vargas, Wright, Zuber

Nay: None

Abstain: None

Absent: Cantu, McPartland, Woerner

Motion Passed

Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of Board meeting on December 14, 2022 via Zoom Teleconference

5. **Fiscal Year 2022 Basic Financial Statements and Memorandum of Internal Control – ACTION**

The Authority's Chief Financial Officer Tamara Edwards introduced this item, noting that the Authority is still only receiving funds on a reimbursement basis, and turned the floor over to Vikki Rodriguez, audit partner with Maze and Associates who led the audit. Rodriguez gave an overview of the draft basic financial statements for the fiscal year ending 30th June 2022. Rodriguez congratulated the Authority on receiving an unmodified opinion and explained that this was the cleanest opinion an agency could receive. There was no public comment or directors' discussion.

Motion: Haubert/Narum

Aye: Akinjo, Haubert, Hernandez, Hudson, Kiick, King-Tingle, Narum, Rickman, Stepper, Vargas, Wright, Zuber

Nay: None

Abstain: None

Absent: Cantu, McPartland, Woerner

Motion Passed

6. **Hydrogen Production Facility Project Advancement – ACTION**

Deputy Director Wil Ridder presented this item with the recommendation that the board authorize the Executive Director to negotiate and enter into an agreement with Linde Engineering North America for the advancement of the proposed Valley Link hydrogen production facility. Ridder explained that this collaboration will include the preparation of a project development agreement to further define the configuration of a hydrogen production facility, determine the implementation strategy and partnership structure with Linde, as well as develop and submit a project application to the State of California's Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) initiative for project funding. Ridder introduced four members of the Linde team that would be involved in the strategic collaboration should the board approve the request – Associate Director Joan Geary, Director of Business Development Richard Craig, Director of Clean Hydrogen Wladimir Sarmiento-Darkin and Proposal Manager Shawn Quinton.

Public comment was heard from Michael Marc, Adrian Brandt, Andres Clüver, Raul Hernandez, Cosmo and Councilmember Bedolla. Written comment was received from the Law Offices of Jason A. Bezis. Conneran addressed concerns about CEQA compliance noting that any large-scale project, like Valley Link, requires CEQA review and outlined Linde's role in assessing the feasibility of using hydrogen versus electric. Ridder and Sheridan responded to comments regarding the use of local workforce when the project get the construction phase. Directors discussed this item.

Motion: Wright/Hernandez

Aye: Akinjo, Haubert, Hernandez, Hudson, Kiick, King-Tingle, Narum, Rickman, Stepper, Vargas, Wright, Zuber

Nay: None

Abstain: None

Absent: Cantu, McPartland, Woerner

Motion Passed

**Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA)
Minutes of Board meeting on December 14, 2022 via Zoom Teleconference**

7. Update on CEQA Environmental Review – INFORMATION

Authority Director of Policy, Planning and Environmental Marianne Payne introduced this item and turned the floor over to AECOM Senior Environmental Planner Michael Kay, who gave a detailed presentation on the Subsequent Environmental Impact Report (SEIR) for the proposed Valley Link Rail project and the requirements under the California Environmental Quality Act (CEQA). Public comment was heard from Cosmo, Councilmember Bedolla and Karen Moore. Staff and directors discussed this item.

8. Executive Director’s Report/Recognitions

Executive Director/CEO Kevin Sheridan thanked the outgoing board members and chair then gave the floor to Ridder who thanked them for their service to the board and immeasurable support to the Valley Link project. A slideshow depicting the recognition plaques, what were to be delivered to outgoing Directors Benjamin Cantu, Kathy Narum and Bob Woerner. A special video was played for outgoing chair and founding member Veronica Vargas. Ridder noted that Sheridan was able to deliver her plaque and commemorative book ends to Vargas at the City of Tracy council meeting the day before. Public comment was heard from Karen Moore. Director Narum and Chair Vargas both addressed the meeting remarking what an honor it has been to serve on the board. They thanked everyone and wished the project all the best. Directors thanked the departing board members for their contributions and dedication to the board and project.

9. Directors’ Discussion

There was no discussion.

10. Upcoming Meeting Details

- a. Regular meeting – January 11, 2022 via teleconference

11. Adjourn

Meeting adjourned without objection at 3:58 p.m.

AGENDA

ITEM 4 B





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

STAFF REPORT

SUBJECT: Treasurer's Report for November 2022

FROM: Tamara Edwards, Director of Finance

DATE: January 11, 2023

Action Requested

Staff requests that the Tri-Valley – San Joaquin Valley Regional Rail Authority Board accept the Treasurer's Report for November 2022.

Background/Discussion

The Treasurer's Reports shows all expenses and revenues for the month of November 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. November 2022 Treasurer's Report

ATTACHMENT 1



Tri-Valley San Joaquin Regional Rail Authority
BALANCE SHEET
FOR THE PERIOD ENDING:
November 30, 2022

ASSETS:

108 CASH-GENERAL CHECKING	985,801	
120 ACCOUNTS RECEIVABLE	202,073	
150 PREPAID EXPENSES	0	
111 NET PROPERTY COSTS	8,263	
TOTAL ASSETS		1,196,137

LIABILITIES:

205 ACCOUNTS PAYABLE	16,039	
20501 DUE TO LAVTA	2,929,055	
22110 PAYROLL CLEARING	0	
211 PRE-PAID REVENUE	45,152	
22000 FIT	0	
22010 SIT	0	
22020 FICA	(0)	
22030 SDI	0	
22090 Worker's Comp	15,773	
22100 457	5,063	
TOTAL LIABILITIES		3,011,083

FUND BALANCE:

301 FUND RESERVE	0	
304 GRANTS, DONATIONS, PAID-IN CAPITAL	0	
30401 SALE OF BUSES & EQUIPMENT	0	
FUND BALANCE	(1,814,946)	
TOTAL FUND BALANCE		-1,814,946
TOTAL LIABILITIES & FUND BALANCE		1,196,137

**Tri-Valley San Joaquin Regional Rail Authority
REVENUE REPORT
FOR THE PERIOD ENDING:
November 30, 2022**

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
	Caltrans		0	0		
	MTC-Bridge Tolls	21,740,864	0	138,930	21,601,934	0.6%
	Alameda County/Strategic Development	0	0	0		
	Government Relations/Community Engage	0	0	0		
	TOTAL REVENUE	21,740,864	0	138,930	21,601,934	0.6%

Tri-Valley San Joaquin Regional Rail Authority
EXPENDITURE REPORT
November 30, 2022

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
Direct Labor and Benefits						
	Executive Director	252,000	23,625	129,600	122,400	51.43%
	Deputy Executive Director	212,800	19,968	108,907	103,893	51.18%
	Administrative Assistant	61,750	5,660	19,737	42,013	31.96%
	Finance Director	45,000	3,500	10,500	34,500	23.33%
	Manager of Policy, Planning, and Environmental	184,800	17,756	95,089	89,711	51.46%
	Rail Engineering, and Construction Project Manager	198,400	19,083	104,042	94,358	52.44%
	Employee Benefits	266,250	7,381	46,659	219,591	17.52%
	TOTAL - Direct Labor	1,221,000	96,974	514,534	706,466	42.14%
Consultants/seconded staff						
	General Engineering Consultants	15,000,000	514,445	1,193,614	13,806,386	7.96%
	AECOM	3,564,684	0	42,743	3,521,941	1.20%
	Hydrogen Proof of Concept	-	0	24,605	(24,605)	
	Financial Advisory Services	150,000	0	0	150,000	0.00%
	Government Relations/Community Engagement	450,000	28,000	92,000	358,000	20.44%
	TOTAL - Consultants	19,164,684	542,445	1,352,962	17,811,722	7.06%
Other Direct Costs						
	Legal	430,000	0	27,065	402,935	6.29%
	Insurance	50,000	0	10,543	39,457	21.09%
	Audits	25,000	7,600	7,600	17,400	30.40%
	HR	-	0	335	(335)	
	Line of Credit	125,000	0	0	125,000	0.00%
	Travel/Mileage/Mis	25,000	0	984	24,016	3.94%
	Office space/furnishings	150,000	6,927	36,767	113,233	24.51%
	Professional Development	2,500	0	0	2,500	0.00%
	Memberships	2,500	0	0	2,500	0.00%
	Information Technology/Software	15,000	0	0	15,000	0.00%
	ACTC	250,000	0	0	250,000	0.00%
	SJRRC	100,000	0	0	100,000	0.00%
	BART	100,000	0	0	100,000	0.00%
	Caltrans Reimbursement	-	1,491	2,863	(2,863)	
	Union Pacific Reimbursement	80,000	0	0	80,000	0.00%
	TOTAL OTHER DIRECT COSTS	1,355,000.00	16,017.67	86,157.69	1,268,842	6.36%
	TOTAL OPERATING EXPENDITURES	21,740,684	655,437	1,953,654	19,787,030	8.99%
	LAVTA Expense		0	0		
	FUND BALANCE (OPERATING)		(655,437)	(1,814,725)		

AGENDA

ITEM 4 C





STAFF REPORT

SUBJECT: Resolution R02-2023 Declaring that Agency Meetings Will Continue to be Held Via Teleconference

FROM: Kevin Sheridan, Executive Director/CEO

DATE: January 11, 2023

Action Requested

Staff requests that the Board of Directors (Board) adopt a resolution declaring that agency meetings will continue to meet via teleconference to ensure the health and safety of the public.

Background/Discussion

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20, effective October 1, 2021. At that point, agencies would have transitioned back to public meetings held in full compliance with the preexisting Brown Act teleconference rules. Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

On September 16, 2021, Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Under AB 361, a local agency will be allowed to meet remotely without complying with prior Brown Act teleconference requirements when:

- The local agency holds a meeting during a state of emergency declared by the Governor, and either
 - State or local health officials have imposed or recommended measures to promote social distancing, or
 - The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

As discussed above, state and local officials continue to recommend social distancing. Therefore, Valley Link can continue to conduct meetings via teleconference, as long as it adheres to the following emergency requirements under Government Code Section 54953(e)(2), added by AB 361:

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including directions for how the public can access the meeting.
2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

For upcoming teleconference meetings, the Board can continue to follow the AB 361 requirements by declaring every 30 days that it has reconsidered the circumstances of the state of emergency and either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (2) state or local officials continue to impose or recommend measures to promote social distancing. These findings can be made through the consent calendar.

Fiscal Impact

There is no fiscal impact associated with this action.

Recommended Action

Adopt the attached resolution declaring that meetings of the Tri-Valley-San Joaquin Valley Regional Rail Authority will continue to be held via teleconference in accordance with Assembly Bill 361 and the provisions of Government Code Section 54953(e).

Attachments

1. Resolution R02-2023

ATTACHMENT 1





RESOLUTION NO. R02-2023

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN
VALLEY REGIONAL RAIL AUTHORITY DECLARING THAT AGENCY MEETINGS WILL
CONTINUE TO BE HELD VIA TELECONFERENCE**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow legislative bodies to conduct meetings electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency where state or local officials have recommended measures to promote social distancing; and

WHEREAS, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin County Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

NOW, THEREFORE, BE IT RESOLVED that, in order to ensure the health and safety of the public, meetings of the Tri-Valley-San Joaquin Valley Regional Rail Authority will continue to be held via teleconference in accordance with Assembly Bill 361 and the provisions of Government Code Section 54953(e).

APPROVED AND PASSED, this 11th day of January 2023.

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

AGENDA

ITEM 5





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

STAFF REPORT

SUBJECT: Election of Chair and Vice Chair

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

DATE: January 11, 2023

Action Requested

Elect a Chair and Vice Chair of the Tri-Valley-San Joaquin Valley Regional Rail Authority Board of Directors.

Background/Discussion

Pursuant to the Authority's Bylaws, the Authority's Chair and Vice Chair are elected biennially to serve two-year terms.

The Bylaws, in Article III, Section 1 provide that the *"The Board shall elect a Chairperson from among its members at the first meeting of the Board and biennially thereafter. Solely for the year 2022, the Chairperson shall be elected for a one-year term, ending January, 2023, in order to align the term of the Chairperson with the local election cycle. The Chairperson shall rotate on with representatives from entities serving in the following sequence: (1) a representative from cities or county located in Alameda County (2) a representative from cities or county located in San Joaquin County."* A representative from San Joaquin County was elected for the last term, and served a total of two years. Therefore, the new Chair shall be a director from Alameda County and the Vice Chair from San Joaquin County.

The elected Chair and Vice Chair will serve two-year terms and will assume office at the conclusion of the meeting.

Recommendation

Nominate and elect a Tri-Valley-San Joaquin Valley Regional Rail Authority Board Chair and Vice Chair (for calendar year 2023 and 2024) in accordance with the agency's bylaws.

AGENDA

ITEM 6





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

STAFF REPORT

SUBJECT: Delegate Authority to the Executive Director/CEO to for Filing of Applications with the State of California and Execution of Certifications, Assurances and Grant Agreements Required to Receive State Financial Assistance

FROM: Wil Ridder, Deputy Director and Michael Conneran, General Counsel

DATE: January 11, 2023

Action Requested

Staff requests that the Board of Directors (Board) approve Resolution R01-2023 to authorize the Executive Director/CEO, or designee, to file applications with the State of California, execute certifications, assurances, grant agreements and to take any other such actions as may be necessary to secure state financial assistance and manage state assistance or cooperative agreements on behalf of the agency.

Background/Discussion

The State of California provides significant funding to support public transportation and related activities through multiple state agencies and departments, including, but not limited to the California Department of Transportation (Caltrans), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), the California Air Resources Board (CARB), and the California Energy Commission (CEC). Funding grants and cooperative agreements for state financial assistance impose certain obligations upon the Authority and may require the Authority to provide certain certifications and assurances and other documents to the State that are required for the application for and receipt of state financial assistance.

While some state financial assistance activities will require specific resolutions by the Board, the State allows for authority to be delegated to the Executive Director/CEO, or designee, to administer many activities provided that the Board has approved by resolution the delegated authority. The attached Resolution R01-2023 will provide this delegated authority to the Executive Director/CEO to streamline the application for and administration of state financial assistance. This includes the authorization for the Executive Director/CEO, or designee, to execute and file with any agency or department of the State of California the certifications and assurances and other documents the State requires before awarding a state assistance grant or cooperative agreement. This also includes the authorization for the Executive Director/CEO, or designee, to execute and manage the grant and cooperative agreements with any agency or department of the State of California on behalf of Tri-Valley-San Joaquin Valley Regional Rail Authority.

Fiscal Impact

The Board action will allow the Authority to immediately enter into a Funds Transfer Agreement with the California Department of Transportation for \$5 million in State Budget earmark funds approved during the

FY 2023 State Budget as well as manage these funds going forward. The Board action will also allow the Authority to process other state financial assistance requirements to position the Valley Link project for other targeted state funds in the future.

Recommendation

Staff recommends that the Board of Directors approve Resolution R01-2023 to authorize the Executive Director/CEO, or designee, to file applications with the State of California, execute certifications, assurances, grant agreements and to take any other such actions as may be necessary to secure state financial assistance, and manage state assistance or cooperative agreements on behalf of the agency.

ATTACHMENT 1





RESOLUTION NO. R01-2023

* * *

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRI-VALLEY-SAN JOAQUIN VALLEY
REGIONAL RAIL AUTHORITY AUTHORIZING THE FILING OF APPLICATIONS WITH THE
STATE OF CALIFORNIA AND EXECUTION OF CERTIFICATIONS, ASSURANCES AND GRANT
AGREEMENTS REQUIRED TO RECEIVE STATE FINANCIAL ASSISTANCE**

WHEREAS, the State of California provides funding to support public transportation and related activities through multiple state agencies and departments, including, but not limited to the California Department of Transportation, the California State Transportation Agency, the California Transportation Commission, the California Air Resources Board, and the California Energy Commission; and

WHEREAS, the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) was established to plan, develop, and deliver cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit's (BART) rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region of California, that reflects regional consensus and meets the goals and objectives of the San Joaquin Valley and Tri-Valley communities, consistent with the project feasibility report adopted pursuant to Section 132661 of the Public Utilities Code; and

WHEREAS, the Authority is legally authorized under federal, state, or local law to apply for and receive state assistance; and

WHEREAS, grants or cooperative agreements for state financial assistance will impose certain obligations upon the Authority and may require the Authority to provide the non-state share of the costs of projects supported with state financial assistance; and

WHEREAS, the Authority has or will provide certain certifications and assurances and other documents to the State that are required for the application for and receipt of state financial assistance.

NOW, THEREFORE, BE IT RESOLVED BY the Tri-Valley-San Joaquin Valley Regional Rail Authority Board of Directors:

1. That the Executive Director/CEO, or designee, is authorized to execute and file an application for State assistance on behalf of the Tri-Valley-San Joaquin Valley Regional Rail Authority with any agency or department of the State of California for funding to support public transportation and related activities.
2. That the Executive Director/CEO, or designee, is authorized to execute and file with any agency or department of the State of California the certifications and assurances and other documents the State requires before awarding a state assistance grant or cooperative agreement.
3. That the Executive Director/CEO, or designee, is authorized to execute the grant and cooperative agreements with any agency or department of the State of California on behalf of Tri-Valley-San Joaquin Valley Regional Rail Authority, and to take any other such actions as may be necessary to give effect to this resolution.
4. That the Executive Director/CEO, or designee, is authorized to manage state assistance grant or cooperative agreements on behalf of Tri-Valley-San Joaquin Valley Regional Rail Authority.

Regularly passed and adopted this 11th day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Melissa Hernandez, Chair

ATTEST:

Kevin Sheridan, Executive Director/CEO

CERTIFICATION

The undersigned duly qualified Executive Director/CEO, acting on behalf of Tri-Valley-San Joaquin Valley Regional Rail Authority, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Tri-Valley-San Joaquin Valley Regional Rail Authority Board of Directors held on January 11, 2023.

Kevin Sheridan, Executive Director/CEO

Date

AGENDA

ITEM 7





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

STAFF REPORT

SUBJECT: Transit and Intercity Rail Capital Program (TIRCP) Cycle 6 Grant Application

FROM: Wil Ridder, Deputy Director, Financial Planning and Programming

DATE: January 11, 2023

Action Requested

Staff requests that the Board of Directors approve the submittal of a Transit Intercity Rail Capital Program (TIRCP) Cycle 6 grant application to secure state funding from the new Major Projects Project Development Reserve category established specifically to support the delivery of capital projects that are currently in the federal Project Development process.

Background/Discussion

The Transit and Intercity Rail Capital Program (TIRCP) was created by State law to provide grants to fund transformative capital improvements intended to modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems while reducing emissions of greenhouse gases (GHG), vehicle miles traveled (VMT), and congestion. State law also requires the TIRCP to achieve a programmatic goal to provide at least 25 percent of available funding to projects that provide a direct, meaningful, and assured benefit to disadvantaged communities. The TIRCP is administered by the California State Transportation Agency (CalSTA).

Funding available through TIRCP Cycle 6 is based on a \$4 billion General Fund augmentation approved in the FY 2023 State Budget process. Assembly Bill 180 specifically mandated that the use of the General Fund revenues be distributed across specific project categories including: (1) High Priority Transit Projects – including supplemental funding for existing TIRCP projects; (2) Major Projects Project Development Reserve; and (3) High-Priority Grade Crossing Improvement and Separation Projects. The Major Projects Project Development Reserve category provides \$150 million for multiyear grants to support the delivery of capital projects and programs of projects that have entered or have applied to enter formal federal Project Development processes under the Federal Transit Administration (FTA) or the Federal Railroad Administration (FRA) for at least a portion of the project or program of projects, and that expect to receive federal funding in the future once complete with project development. The Tri-Valley – San Joaquin Valley Regional Rail Authority is an eligible applicant for TIRCP funds and is uniquely eligible for the Major Projects Project Development Reserve category as the Valley Link rail project has been formally approved by the FTA into Project Development under the Capital Investment Grants (CIG) Program.

The Valley Link project scope to be applied for under the TIRCP Cycle 6 Major Projects Project Development Reserve category includes \$40 million in advanced 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, including Caltrain Electrification, BART Core Capacity, Santa Clara VTA BART Phase 2. The \$40 million funding request is consistent with 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 \$40 million in TIRCP Cycle 6 funding for project development activities. TIRCP Cycle 6 applications are due to CalSTA February 10, 2023.

Fiscal Impact

The TIRCP Cycle 6 funding request is specifically for advanced design activities during Project Development totaling \$40 million. These funds will be additive to other regional and state funds previously allocated to the Authority to support ongoing Project Development work.

Recommendation

Approve the submittal of a Transit Intercity Rail Capital Program (TIRCP) Cycle 6 grant application for \$40 million in Major Projects Project Development Reserve funding, and authorize the Executive Director to negotiate and execute any and all agreements with regional and State partners.

AGENDA

ITEM 8





Tri-Valley ▲ San Joaquin Valley
REGIONAL RAIL AUTHORITY

STAFF REPORT

SUBJECT: Executive Director's Report
FROM: Kevin Sheridan, Executive Director/CEO
DATE: January 11, 2023

Action Requested

This is an information item and no action is requested.

Background/Discussion

An oral report will be provided at the board meeting.