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Regional Transportation Planning Agency - Local Transportation Commission  
Monterey County Service Authority for Freeways & Expressways  
Monterey County Regional Development Impact Fee Joint Powers Agency  
Email: [info@tamcmonterey.org](mailto:info@tamcmonterey.org)

**BOARD OF DIRECTORS**

**Wednesday, October 27, 2021**

**\*\*9:00 AM\*\***

**REMOTE CONFERENCING ONLY**

*There will be NO physical location of the meeting.*

*Please see all the special meeting instructions at the end of the agenda.*

**Join meeting online at:**

<https://us02web.zoom.us/j/446951513?pwd=QmNUODRtdXlCSEFxlZlXVmhoY21yUT09>

**OR**

**By teleconference at: +1 669 900 6833**

**Meeting ID: 446 951 513**

**Password: 194463**

*The agenda and all enclosures are available on the Transportation Agency website: [www.tamcmonterey.org](http://www.tamcmonterey.org), by clicking on Transportation Agency Board, meetings and agendas, click on agenda item and open it, click on report attachments listed at end of report.*

**1. QUORUM CHECK – CALL TO ORDER**

*Transportation Agency by-laws require a quorum of a minimum of 9 voting members, including a minimum of 7 city representatives and 1 county representative.*

***If you are unable to attend, please contact your alternate. Your courtesy to the other Transportation Agency Board members to assure a quorum is appreciated.***

**PLEDGE OF ALLEGIANCE**

## 2. PUBLIC COMMENTS

Any member of the public may address the Board on any item not on the agenda but within the jurisdiction of the Board. Under this item, each member of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Board for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by 5:00 pm the Monday before the meeting, and such comments will be distributed to the Board before the meeting.

## 3. CONSENT AGENDA

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

4. **PRESENT** Transportation Agency Employee of the Quarter to Laurie Williamson.

- Muck

*Laurie Williamson, Senior Engineer, has been selected by the employees of the Transportation Agency for Monterey County as the Employee of the Quarter for July-September 2020.*

5. **RECEIVE** update on state and federal legislative issues and **APPROVE** the draft 2022 legislative program for distribution to committees.

- Watson

*Each year, the Agency prepares a legislative program to guide its positions on state and federal proposals. The Executive Committee provided input on the draft 2022 legislative program. The draft, once released, will be circulated to committees for review and input, then a final version will be brought back to the Board for adoption.*

6. **RECEIVE** presentation on Monterey-Salinas Transit's Draft Comprehensive Operational Analysis and Network Re-Design.

- Bilse/Campi

*Monterey-Salinas Transit recently completed a draft Comprehensive Operational Analysis and Network Re-Design, which serves as a comprehensive effort to revamp the entire public transit system in Monterey County while facilitating MST's COVID-19 recovery efforts. The Plan is currently available for public review and comment.*

7. **RECEIVE** update and **PROVIDE FEEDBACK** on the funding proposal for the 2022 Regional Transportation Improvement Program.

*To ensure efficient coordination among various fund sources, the 2021 Integrated Funding Plan identifies projects that are strong candidates for specific Senate Bill 1 grants, State Transportation Improvement Program funds, Measure X, and other matching funds, and can be brought to construction over the next five years. As a subset of that plan, the Regional Transportation Improvement Program specifies the region's proposed use of certain state funds to the California Transportation Commission.*

8. **RECEIVE** reports from Transportation Providers:
  - Caltrans Director's Report and Project Update - Eades
  - Monterey Peninsula Airport - Sabo
  - Monterey-Salinas Transit - Sedoryk
  - Monterey Bay Air Resources District - Stedman
9. **Reports on meetings attended by Board Members at Transportation Agency expense, as required by state law.**
10. **Executive Director's Report.**
11. **Announcements and/or comments from Transportation Agency members on matters that they wish to put on future Transportation Agency agendas.**
12. **PUBLIC COMMENT** on the Closed Session;

**CLOSED SESSION:**

Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

1. TAMC v. Rodney Karl Neubert and Susan Greco-Neubert, et al., Court Number 20CV000457
2. TAMC v. Joyce M. Selby and Cheryl Latimer, et al., Court Number 20CV000456

**RECONVENE** in open session and report any actions taken.

13. **ADJOURN**



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**BEGINNING OF CONSENT AGENDA:** Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

**ADMINISTRATION and BUDGET**

- 3. 1.1 APPROVE** the Transportation Agency for Monterey County Board draft minutes of September 22, 2021.

- Rodriguez

- 3. 1.2 APPROVE** the Transportation Agency for Monterey County Board Special Meeting draft minutes of October 20, 2021.

- Rodriguez

- 3. 1.3 ACCEPT** the list of checks written for the month of September 2021 and credit card statements for the month of August 2021.

- Delfino

*The list of checks and copies of credit card statements are submitted to the Transportation Agency Board each month in accordance with the recommendation from the Transportation Agency's independent Certified Public Accountant to keep the Board informed about the Transportation Agency's financial transactions.*

- 3. 1.4 RECEIVE** list of contracts awarded under \$50,000.

- Goel

*The list of contracts awarded by the Transportation Agency for Monterey County for services under \$50,000 approved by the Executive Director is submitted each month in accordance with the Agency's Procurement Policies to keep the Board informed.*

- 3. 1.5 Revised TAMC Contract Templates for Professional Services**

- 1. APPROVE** revised contract template for use in contracting for professional services; and
- 2. AUTHORIZE** Executive Director to sign and file Exhibit 9-A and Exhibit 9-B for TAMC's Disadvantaged Business Enterprises Program.

- Watson

*TAMC has approved a template agreement for contracts that are intended to conform closely with revised Caltrans requirements. Specific changes are*

***proposed to the existing standard contract template to comply with new Disadvantaged Business Enterprise (DBE) and Title VI requirements for contracts funded with federal funding.***

- 3. 1.6 APPROVE** Resolution 2021-14 providing authority for the Executive Director to execute amendment No. 1 to the fiscal year 2021/22 Overall Work Program and Budget.

- Muck

***This amendment will allow state Rural Planning Assistance and SB 1 Sustainable Communities grant funding from the prior fiscal year to be utilized in the current fiscal year and removes pass-through funding for statewide leadership training. New funding received to develop a Salinas Valley Safe Routes to School Plan is also included in this amendment.***

- 3. 1.7 APPROVE** a budget amendment replacing the Deputy Executive Director position with Director of Planning and Director of Programming and Project Delivery positions, and set the salary schedule for the new positions the same as the current salary range as for the Director of Finance and Administration.

- Muck

***Upon Executive Director Hale's retirement, the Board promoted Todd Muck from Deputy Executive Director to Executive Director. In order to fill the vacancy of the Deputy Executive Director, an organizational change is proposed to replace the Deputy Executive Director position with two new positions: Director of Planning and Director of Programming and Project Delivery. A budget amendment is required to modify the Agency's staff position classification list and salary ranges.***

- 3. 1.8 RECEIVE** the call for nominations for the 20th Annual Transportation Excellence awards to honor individuals, businesses, groups or projects for their efforts to improve the transportation system in Monterey County.

- Wright

***Transportation Agency would like to encourage and appreciate the efforts made by Monterey County residents, businesses and employees to improve transportation in Monterey County by awarding Transportation Excellence Awards. Staff encourages Board members to submit nominations, which are due by December 3, 2021. The awards ceremony will take place during the regular January 26, 2022 Transportation Agency Board meeting.***

**BICYCLE, PEDESTRIAN, TRANSIT, and SOCIAL SERVICES - No items this agenda**

**PLANNING - No items this agenda**

**PROJECT DELIVERY and PROGRAMMING**

**3. 4.1 On-Call Corridor Advisor Services Request for Qualifications**

1. **APPROVE** the scope of services for the request for qualifications for on-call corridor advisor services, subject to legal counsel approval;
2. **AUTHORIZE** staff to publish the request for qualifications and return to the Board of Directors with a recommendation for approval of a consultant, including the final scope of services;
3. **APPROVE** the use of Measure X funds for on-call corridor advisor services in an amount not to exceed \$500,000.00 to be used for projects that may include the State Route 156 Safety Improvements project, the State Route 68 Scenic Highway Improvement project, US 101 South of Salinas project, and other corridor projects as needed in Monterey County through June 30, 2026
4. **AUTHORIZE** the Executive Director to take such further actions as may be necessary to fulfill the intent of each project the corridor advisor is contracted to provide services, including modifications that do not significantly alter the scope of services.

- Bilse

***This on-call agreement will support the Transportation Agency staff efficiently construct projects in cooperation with Caltrans staff. These include Measure X funded projects that involve improvements along corridors including, but not limited to, State Route 156, State Route 68 and US 101 South of Salinas. The Corridor Advisor will advise the Transportation Agency on matters involving project delivery, project design, innovations, project funding, and the respective roles and responsibilities the partner agencies should assume to expedite project delivery.***

**3. 4.2 RideAmigos Contract Extension:**

1. **AUTHORIZE** the Executive Director to enter into Amendment No. 2 to extend the contract with Right Click Solutions, Inc., dba RideAmigos an additional year to December 31, 2022, and for an additional amount of \$27,879 not to exceed \$147,879 to continue providing ridesharing and trip planning software for TAMC's Go831 Program;
2. **APPROVE** the use of \$27,879 of Service Authority for Freeways and Expressways (SAFE) funds budgeted for this purpose; and
3. **AUTHORIZE** the Executive Director to make administrative changes to the contract if such changes do not decrease services or increase the Agency's net cost, pending approval by Agency counsel.

- Green

*TAMC contracted with RideAmigos in September 2017 to provide an online ridesharing platform for the Go831 Program. The contract was first amended in September 2019 to extend the contract for an additional two years to December 31, 2021, with a not-to-exceed amount of \$120,000. Amendment #2 would extend the contract for an additional year to December 2022 and add \$27,879 for a total not-to-exceed amount of \$147,879.*

## RAIL PROGRAM

- 3. 5.1 APPROVE** funds transfer agreement with Caltrans for Transit and Intercity Rail Capital Program funds allocated to Positive Train Control implementation on the Gilroy-Salinas rail corridor.

- Watson

*In 2018, Caltrans received a federal rail safety grant to fund implementation of Positive Train Control technology in the Oakland-San Luis Obispo rail corridor. TAMC approved using a portion of the Transit and Intercity Rail Capitol Program grant funds as a match to that federal grant. This agreement will enable Caltrans to use that state funding to move ahead on the safety project.*

## REGIONAL DEVELOPMENT IMPACT FEE - No items this agenda

### COMMITTEE MINUTES and CORRESPONDENCE

- 3. 7.1 ACCEPT** draft minutes of the Transportation Agency Committees:
- Executive Committee - draft minutes of October 6, 2021
  - Rail Policy Committee - [final minutes of September 13](#), and draft minutes October 4, 2021
  - [Bicycle and Pedestrian Facilities Advisory Committee](#) - draft minutes of October 6, 2021
  - [Technical Advisory Committee](#) - draft minutes of October 7, 2021
  - [Excellent Transportation Oversight Committee](#) - No meeting

- Rodriguez

- 3. 7.2 RECEIVE** correspondence to and from TAMC for the month of October 2021.

- Rodriguez

**END OF CONSENT AGENDA**

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## **ANNOUNCEMENTS**

Next Transportation Agency for Monterey County meeting will be a special AB 361 meeting  
on  
Wednesday, November 17, 2021  
**8:30 A.M.**

### Important Meeting Information

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice. For remote meetings, the public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at: <https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during remote meetings. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to [maria@tamcmonterey.org](mailto:maria@tamcmonterey.org) by 5:00pm the Monday before the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County  
[www.tamcmonterey.org](http://www.tamcmonterey.org)  
Office is closed and all employees are working remotely until further notice

TEL: 831-775-0903  
EMAIL: info@tamcmonterey.org

Agenda Items: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Board may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

Alternative Agenda Format and Auxiliary Aids: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.



## ***Memorandum***

**To:** Board of Directors  
**From:** Todd Muck, Executive Director  
**Meeting Date:** October 27, 2021  
**Subject:** **Employee of the Quarter**

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### **RECOMMENDED ACTION:**

**PRESENT** Transportation Agency Employee of the Quarter to Laurie Williamson.

### **SUMMARY:**

Laurie Williamson, Senior Engineer, has been selected by the employees of the Transportation Agency for Monterey County as the Employee of the Quarter for July-September 2020.

### **FINANCIAL IMPACT:**

None.

### **DISCUSSION:**

The Agency employees recognize Laurie for her professionalism, her positive attitude and her hard work overseeing construction of the Salinas Rail Extension Kick Start Project Package 1. They also appreciate her management of the Freeway Service Patrol and SAFE call box programs and her work on Regional Wayfinding Programs Signs Project and the US 101 South of Salinas Project.

### **ATTACHMENTS:**

- EOQ - Laurie Williamson

# EMPLOYEE OF THE QUARTER

*Laurie Williamson*

*It is hereby certified that Laurie Williamson, Senior Engineer, has been selected by her colleagues at the Transportation Agency for Monterey County as the Employee of the Quarter for July 1 – September 30, 2021.*

*The Agency employees recognize Laurie for her professionalism, her positive attitude and her hard work overseeing construction of the Salinas Rail Extension Kick Start Project Package 1.*

*They also appreciate her management of the Freeway Service Patrol and SAFE call box programs and her work on Regional Wayfinding Programs Signs Project and the US 101 South of Salinas Project.*

*On behalf of the Board of Directors and staff of the Transportation Agency for Monterey County, it is our great pleasure to recognize Laurie Williamson for her exemplary service.*

Recognized By

Acknowledged By

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TAMC Chair  
Edwin D. Smith

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Executive Director  
Todd A. Muck

Date: October 27, 2021



## Memorandum

**To:** Board of Directors  
**From:** Christina Watson, Principal Transportation Planner  
**Meeting Date:** October 27, 2021  
**Subject:** Legislative Update & Draft 2022 Program

### **RECOMMENDED ACTION:**

**RECEIVE** update on state and federal legislative issues and **APPROVE** the draft 2022 legislative program for distribution to committees.

### **SUMMARY:**

Each year, the Agency prepares a legislative program to guide its positions on state and federal proposals. The Executive Committee provided input on the draft 2022 legislative program. The draft, once released, will be circulated to committees for review and input, then a final version will be brought back to the Board for adoption.

### **FINANCIAL IMPACT:**

The legislative program continues a focus on preserving and seeking transportation funding.

### **DISCUSSION:**

On October 6, 2021, the Executive Committee received an update on state and federal legislative activities and provided input on priorities for the Agency for 2022. **Attachment 1** is the draft 2022 legislative program, showing changes from the 2021 adopted program (**web attachment 1**), for discussion at the meeting. Staff recommends the Board approve this draft program for distribution to the Rail Policy Committee, Bicycle and Pedestrian Facilities Advisory Committee, and Technical Advisory Committee in November. Staff will also meet with partner agencies locally and statewide to discuss items for the program. The Executive Committee will then receive an update and discuss the final draft program in January 2022, followed by presentation to the Board in January for adoption.

Agency state legislative analyst Gus Khouri will present an end-of-the-year report on state legislative activities. **Attachment 2** is the state legislative update and **Attachment 3** is the final state bill list. Key issues addressed in these attachments include the Brown Act exemptions for meetings during the pandemic emergency, the state budget, and broadband legislation. The bill list shows the current status of state legislation, whether the bills were enacted, vetoed, or two-year bills. Bills that TAMC supported that were signed into law include:

- Assembly Bill (AB) 361 (Rivas, Robert): Open meetings: local agencies: teleconferences
- Senate Bill (SB) 4 (Gonzalez): Communications: California Advanced Services Fund
- SB 28 (Caballero): Digital Infrastructure and Video Competition Act of 2006
- SB 69 (McGuire): North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency: Sonoma-Marín Area Rail Transit District
- SB 790 (Stern): Wildlife connectivity mitigation credits

Bills that TAMC supported that were vetoed include:

- AB 122 (Boerner Horvath): Vehicles: required stops: bicycles - this was the so-called "Idaho Stop" bill. In his veto message (**web attachment 2**), the Governor cited a concern that the bill could be confusing and cause more accidents.
- SB 792 (Glazer): Sales and use tax: retailers: reporting - this bill would require tracking the location of online purchases, which could have helped secure Measure X revenues. In his veto message (**web attachment 3**), the Governor called the bill duplicative, burdensome and costly.

**Attachment 4 and 5** are federal legislative updates outlining the status of transportation legislation negotiations as of September 17 and September 24, 2021. The federal government approved a continuing resolution for all twelve appropriations bills through December 3, keeping funding levels steady from the 2020/21 appropriations bills. Senator Alex Padilla is requesting \$2 million in congressionally directed funding for the US 101 South of Salinas project in the 2021/22 transportation appropriations bill. Congress also passed a short-term extension of the federal transportation authorization act, to the end of October, while infrastructure authorization negotiations continue. Agency federal legislative analyst Paul Schlesinger is standing by in case there is new information to present at the meeting.

**Web attachment 4** is an itinerary and **web attachment 3** is a screenshot of the Central Coast Coalition's first-ever federal legislative action day, held via zoom on September 30, 2021. TAMC was represented by 1st Vice Chair Mary Adams, her aide Colleen Courtney, Executive Director Todd Muck, and Principal Planner Christina Watson.

#### **ATTACHMENTS:**

- ▢ Draft 2022 Legislative Program
- ▢ State Legislative Update
- ▢ State bill list
- ▢ Federal Legislative Update, week of September 17
- ▢ Federal Legislative Update, week of September 24

#### **WEB ATTACHMENTS:**

1. [Adopted 2021 TAMC legislative program](#)
2. [Veto message for AB 122 \(Boerner Horvath\): Vehicles: required stops: bicycles](#)
3. [Veto message for SB 792 \(Glazer\): Sales and use tax: retailers: reporting](#)
4. [Central Coast Coalition Virtual Federal Advocacy Day Itinerary](#)
5. [Screenshot of meeting with Representative Jimmy Panetta](#)



## **DRAFT 2022 Legislative Program**

### **State Priorities**

- 1S.** Preserve funding for transportation projects, maximize formula funding to regions, and preserve regional discretion and priority-setting.
- 2S.** Pursue competitive grant or bond funding for highway safety, traffic congestion relief, trade corridors, passenger rail, public transportation, infrastructure resiliency, and bicycle and pedestrian routes for Monterey County projects.
- 3S.** Promote jobs-housing balance and alternative transportation modes as ways to reduce vehicles miles traveled, such as via funding reduced transit fares, while maintaining statewide equity between urban and rural areas.
- 4S.** Support funding for electric vehicle charging infrastructure, electric power storage capacity, and rebates for electric vehicle purchase.
- 5S.** Explore replacement funding mechanisms for transportation investments, such as a pay-by-the-mile user fee, public private partnerships, vehicle registration fee, or wholesale energy taxes, that are equitable to disadvantaged and rural areas.
- 6S.** Support funding to increase broadband infrastructure capacity to help bridge the digital divide, including promoting new server farms in rural areas, and to encourage telecommuting to reduce vehicle miles traveled.
- 7S.** Support the use of State rail funding to implement new state-supported passenger rail service on the Coast Route to help the State meet transportation and greenhouse gas emission reduction goals.
- 8S.** Support efforts to reauthorize Public Private Partnership authority, public tolling authority, and design-build authority, expand mode eligibility, and allow for regional control of such projects
- 9S.** Support legislation to increase safety and reduce fatalities by modifying laws establishing speed limits to be based on safety considerations, with attention to enforcement of speed limits.

- 10S. Support legislation to devote more funding to the oversubscribed Active Transportation Program.
- 11S. Support streamlining project delivery, including simplifying grant program applications, raising encroachment permit thresholds, and accelerating project permit approvals.
- 12S. Coordinate with the Monterey-Salinas Transit District (MST) to update Transportation Development Act (TDA) law.
- 13S. Support MST efforts to seek funding to implement the infrastructure needed to meet the deadlines of the Innovative Clean Transit (ICT) Regulation transition to a 100 percent zero-emission bus fleet by 2040.
- 14S. Support legislation that promotes transit-oriented development (such as via redevelopment or opportunity zones), complete streets, alternative commutes, multi-modal transportation, bikes on board trains and buses, and active transportation projects.
- 15S. ~~Reform~~ Modernize the Brown Act to enhance transparency and wider public access to allow the use of remote access to public meetings without requiring noticing of all remote Board or committee member locations, provided the public can participate via remote access software or in-person.
- 16S. Support member agencies' requests for state funding of regionally significant transportation projects and support partner agency legislative efforts as they interface with regional transportation priorities, when they are consistent with Transportation Agency for Monterey County priorities.





## DRAFT 2022 Legislative Program

### Federal Priorities

- 1F.** Support stabilizing and increasing transportation infrastructure funding sources to avoid the bankruptcy of the federal highway and transit trust funds in the multimodal transportation authorization bill:
1. Support an adequate level of funding for Monterey-Salinas Transit (MST) ~~to restore pre-COVID-19 service levels~~ through advocacy on a new transportation bill with appropriations sufficient to ensure immediate access to funding.
  2. Increase and index the gas tax to inflation.
  3. Explore innovative funding mechanisms, such as a vehicle registration fee, pay-by-the-mile user fee, public private partnerships, or wholesale energy taxes, that are equitable to disadvantaged and rural areas.
  4. Expand access to Transportation Infrastructure Finance and Innovation Act (TIFIA) loans.
  5. Remove procedural obstacles that impede expenditure of authorized federal funding, including cash flow options for small and rural grantees.
  6. Support ~~the return of~~ congressionally directed federal funding for Agency transportation priorities.
  7. Coordinate with military installations in Monterey County to seek funding for transportation projects with a nexus to those installations.
  8. Support ~~Monterey-Salinas Transit-MST~~ application for federal funding for the SURF! Bus Line in the Monterey Branch Line corridor.
  9. Support applications for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program for projects on the California Central Coast.
  10. Support funding for resilient infrastructure projects.

- 2F.** Allow the California Environmental Quality Act (CEQA) to substitute for the National Environmental Policy Act (NEPA), and expand the definition of Categorical Exclusions, while retaining environmental protections.
- 3F.** Advocate for the Federal Communications Commission to regulate broadband/internet access as a utility to enable the increase of broadband infrastructure capacity to help bridge the digital divide and to encourage telecommuting.
- 4F.** Support streamlining of federal rail funding and removal of funding barriers between commuter and intercity rail programs, with the goal of increasing integrated passenger rail service for the traveling public.
- 5F.** Support an adequate level of funding for Amtrak ~~to restore pre-COVID-19 service level~~ and support a fair share allocation to California for capital improvements and vehicle acquisition.
- 6F.** Support member agencies' requests for federal funding of regionally significant transportation projects and support partner agency legislative efforts as they interface with regional transportation priorities, when they are consistent with Transportation Agency for Monterey County priorities.



September 15, 2021

TO: Board Members, Transportation Agency for Monterey County

FROM: Gus Khouri, President, Khouri Consulting LLC

RE: **STATE LEGISLATIVE UPDATE – SEPTEMBER**

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### **General Update**

The Legislature adjourned the first year of the 2021-22 Session on September 10. The Governor has until October 10 to act on bills sent to him in the final weeks of the session. Majority vote bills go into effect January 1, 2022, urgency items become effective immediately upon enactment.

On September 14, more than 9.1 million votes were cast in the recall election of Governor Newsom. The recall effort failed by a resounding margin of 63.9% to 39.1% per unofficial results reported on the Secretary of State's website. County elections officials must report final official results to the Secretary of State by October 15, 2021. The Secretary of State will summarize and certify the county reports in the official Statement of Vote (Official Results) on October 22, 2021.

### **Brown Act Exemptions for Virtual Meetings**

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 in response to the COVID-19 pandemic, allowing local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically without violating the open meeting laws found in the Bagley-Keene Act or the Brown Act.

The Governor announced California's reopening as of June 15, 2021, lifting many COVID-19 restrictions. There was some lack of clarity on what reopening would entail for public agencies, and many agencies sought clarification from the Governor's office regarding guidelines for conducting public meetings.

On June 11, 2021, the Governor issued Executive Order N-08-21 with clarifying language concerning N-29-20 on conducting public meetings, allowing for virtual meetings to continue through September 30, 2021. Notwithstanding the issuance of another executive order, local jurisdictions would have to revert to meeting in person after that date.

AB 339 (Lee) is viewed as the main legislative vehicle to amend the Brown Act to enable meetings to continue to be held virtually, but AB 339 does not provide the desired flexibility, since it requires in-person and virtual options to be simultaneously provided for every meeting.

AB 361 (Rivas), which, until January 1, 2024, authorizes a local agency an exemption from the Brown Act to use teleconferencing capabilities during a state or local declared state of emergency, has made it to the Governor's desk. The bill has an urgency clause and would therefore take effect immediately upon the Governor's signature.

### **Fiscal Year 2021-22 State Budget Summary**

Governor Newsom signed AB 128 (Ting), the main FY 2021-22 budget bill, and SB 129 (Skinner), the supplemental budget bill, authorizing \$262.6 billion, including \$12.7B for transportation. SB 129 includes language pertaining to augmented funding for Active Transportation Program (ATP), \$500 million; Transit and Intercity Rail Capital Program (TIRCP), \$2.5 billion; and the State and Local Climate Adaptation funding, \$400 million, stating that money shall not be available for encumbrance or expenditure unless additional legislation is enacted by October 10, 2021. This language is directly related to the stalemate on exhausting the remaining \$4.2 billion Proposition 1A appropriation for high-speed rail. The legislature and Governor were unable to come to an agreement by the end of Session. As a result, the \$3.4 billion in General Fund money proposed for TIRCP, ATP, and State and Local Climate Adaptation are no longer available. Conversations will resume in January with the release of the 2022-23 State Budget and a General Fund augmentation for transportation programs may be reconsidered then.

### **Farebox Recovery Relief**

On July 16, Governor Newsom signed AB 149 (Committee on Budget). This bill extends statutory relief in meeting farebox recovery requirements for receiving State Transit Assistance (STA), Low Carbon Transit Operations Program (LCTOP), and State of Good Repair funds through fiscal year 22-23. It suspends Transportation Development Act (TDA) and STA penalties

for this duration. The bill adds a list of new exemptions from the farebox recovery calculation, including on-demand service and micro transit service beyond fixed-route service, costs for security, ticketing services, pensions, planning for improvements in transit operations, integration with other operators and agencies, transitioning to zero-emission operations, and for compliance with state and federal mandates.

### **Broadband Investments**

Through adoption of its 2021 State Legislative Platform, TAMC took a step in endorsing non-traditional congestion relief efforts, such as advocating for the deployment of expanded broadband service to help encourage telecommuting and reduce highway congestion.

On July 20, Governor Newsom signed SB 156 (Committee on Budget), which is the budget trailer bill that implements \$6 billion in broadband investments over three years, as follows:

- \$3.25 billion from federal American Rescue Plan Act funds for construction of state-owned open access middle mile broadband infrastructure for projects in rural and urban areas.
- \$2 billion for the Broadband Infrastructure Grant Account program over 3 years for last mile expenditures. Of this amount, at least \$1 billion must be used for last mile projects in rural counties, and \$1 billion is initially allocated to urban counties.
- \$750 million over three years to assist local governments and non-profits in financing broadband service projects.
- Authority to support Caltrans in the construction of middle-mile infrastructure on state rights of way, and for technical assistance to local governments seeking to deploy and connect local broadband networks.

AB 14 (Aguiar-Curry) and SB 4 (Gonzalez) are both on the Governor's desk and attempt to increase the amount of funding set aside (\$100 million) to increase internet speed to at least 100 mega bites per second and make it availability in rural and disadvantaged areas. The goal is to provide 98 percent of all Californians with reliable, high-speed internet service.

### **SB 1 Cycle 3 Competitive Program Update**

SB 1 Cycle 3 guidelines will be discussed later this Fall through December with tentative guideline adoption and the calls for projects in the various programs occurring in summer of 2022, and applications being due summer of 2023.

### Active Transportation Program (ATP)

The ATP was created in 2013 to consolidate five programs (Transportation Alternatives Program, Safe Routes to School Program, Bicycle Transportation Account Program, Recreational Trails Program, and Environmental Enhancement and Mitigation Program) to better leverage resources to provide multi-modal options. The CTC awarded \$450 million this March for Cycle 5.

### Solutions for Congested Corridors Program (SCCP)

The SCCP provides funding to achieve a balanced set of transportation, environmental, and community access improvements to reduce congestion throughout the state. The program makes \$250 million available annually programmed in 2-year increments for projects that implement specific transportation performance improvements.

### Local Partnership Program (LPP)

The LPP is intended to provide local and regional transportation agencies that have passed sales tax measures, developer fees, or other imposed transportation fees with a continuous appropriation of \$200 million annually from the Road Maintenance and Rehabilitation Account to fund road maintenance and rehabilitation, sound walls, and other transportation improvement projects. The Competitive program is funded at \$100 million annually.

### Trade Corridor Enhancement Program (TCEP)

The TCEP provides funding for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network as identified in California Freight Mobility Plan, and along other corridors that have a high volume of freight movement. There is approximately \$300 million provided per year programmed in 2-year increments for the competitive program.

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>AB 11 (Ward)</b>  <b>Climate Change: regional climate change authorities</b>	1/25/21  Two-year bill	This bill would require the Strategic Growth Council to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.	<b>Watch</b>  <b>Priority 2S</b>
<b>AB 14 (Aguilar-Curry)</b>  <b>Communications: broadband services: California Advanced Services Fund</b>	10/8/21  Signed by the Governor	This bill would authorize the Public Utilities Commission to impose the surcharge to fund the California Advanced Services Fund, capped at \$100 million annually, until December 31, 2032 instead of through 2022. The purpose of the bill is to provide broadband access to no less than 98% of all Californians.	<b>SUPPORT</b>  <b>Priority 6S</b> <b>Support letter 5/11/21</b>
<b>AB 34 (Murasutchi)</b>  <b>Broadband for All Act of 2022</b>	5/20/21  Held on Suspend	This bill would enact the Broadband for All Act of 2022, which, if approved by the voters on November 8, 2022, would authorize the issuance of \$10 billion in general obligation bonds for purposes of providing financial assistance to deploy broadband infrastructure and broadband services.	<b>SUPPORT</b>  <b>Priority 6S</b> <b>Support letter 5/11/21</b>
<b>AB 41 (Wood)</b>  <b>Broadband Infrastructure deployment</b>	10/8/21  Signed by the Governor	This bill would require Caltrans, as part of those projects that are specifically funded in this year’s Budget and are located in priority areas, to ensure that construction includes the installation of conduits capable of supporting optic communication cables.	<b>Watch</b>  <b>Priority 6S</b>

**TAMC Bill Matrix – October 2021**

Measure	Status	Bill Summary	Recommended Position
<b>AB 43 (Friedman)</b>  <b>Traffic Safety</b>	10/8/21  Signed by the Governor	This bill would require Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual to balance integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals. The bill would require the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes. The bill would allow for the re-calibration of speed limits of order to eliminate fatalities for motorists, bicyclists, and pedestrians. This bill has been amended to allow Caltrans and local jurisdictions to change speed limits on highways approaching schools or business districts.	<b>SUPPORT</b>  <b>Priority 9S</b> <b>Support letter</b> <b>4/6/21</b>
<b>AB 51 (Quirk)</b>  <b>Climate change: regional climate adaptation planning groups and plans</b>	1/11/21  Two-year bill	Existing law establishes the Integrated Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change. This bill would require the Strategic Growth Council to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council to develop criteria for regional climate adaptation plans.	<b>Watch</b>  <b>Priority 2S</b>
<b>AB 67 (Petrie-Norris)</b>  <b>Sea-level Rise: Working Group: economic analysis</b>	5/20/21  Held on Suspense	This bill would require a state agency to conduct a sea level rise analysis for any state-funded infrastructure project located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, and restrict funding as needed, pursuant to that methodology.	<b>Watch</b>  <b>Priority 2S</b>



**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>AB 72 (Petrie-Norris)</b>  <b>Environmental protection: coastal adaptation projects: natural infrastructure: regulatory review and permitting: report</b>	9/28/21  Signed by the Governor	This bill would enact the Coastal Adaptation Permitting Act of 2021. The bill would require the Natural Resources Agency to explore and authorize the implementation of options within the agency’s jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects. The bill would require the agency to submit a report to the Legislature with recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.	<b>Watch</b>  <b>Priority 2S</b>
<b>AB 111 (Boerner-Horvath)</b>  <b>Transportation: zero-emission vehicles</b>	3/23/21  Two-year bill	This bill would require the CalSTA Secretary to implement a Safe and Clean Truck Infrastructure Program to support the construction and operation of zero-emission medium- and heavy-duty vehicle parking and electric vehicle charging and hydrogen refueling infrastructure on public and private properties, and to encourage the use of zero-emission vehicles.	<b>Watch</b>  <b>Priority 2S</b>
<b>AB 117 (Boerner Horvath)</b>  <b>Electric Bicycles</b>	8/27/21  Held on Suspense	This bill, as amended, would specify that programs providing incentives for purchasing electric bicycles are eligible for funding under the Air Quality Improvement Program. This bill is superseded by SB 129, Chapter 69, Statutes of 2021, which contains \$10 million to establish the Electric Bicycle Incentives Project by no later than July 1, 2022, to provide financial incentives for purchasing electric bicycles.	<b>SUPPORT</b>  <b>Priority 14S</b> <b>Support letter 7/23/21</b>

**TAMC Bill Matrix – October 2021**

Measure	Status	Bill Summary	Recommended Position
<p><b>AB 122 (Boerner Horvath)</b></p> <p><b>Vehicles: required stops: bicycles</b></p>	<p>10/8/21</p> <p>Vetoed by the Governor</p>	<p>This bill requires a cyclist, when approaching a stop sign, to yield the right-of way to any vehicles or pedestrians that have entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and continue to yield the right-of-way to those vehicles or pedestrians until reasonably safe to proceed. The bill requires other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. AB 122 would legalize the bicycle safety stop (also known as the stop-as-yield). AB 122 will help all road users share the road more safely. The safety stop is proven to increase safety for people on bikes. Delaware had a 23% reduction in accidents involving people on bikes after legalizing the safety stop. The safety stop is legal in several other states: Idaho, Delaware, Oregon, Washington, Utah, Arkansas, North Dakota, and Colorado.</p>	<p><b>SUPPORT</b></p> <p><b>Priority 14S</b></p> <p><b>Support letter 9/13/2021</b></p>
<p><b>AB 128 (Committee on Budget)</b></p> <p><b>Budget Act of 2021</b></p>	<p>7/13/21</p> <p>Chapter 21, Statutes of 2021</p>	<p>This bill is the main budget bill, which contains over \$5.4 billion in funding for transportation infrastructure.</p>	<p><b>Watch</b></p> <p><b>Priority 1S</b></p>
<p><b>AB 149 (Committee on Budget)</b></p> <p><b>Transportation</b></p>	<p>7/16/21</p> <p>Chapter 81, Statutes of 2021</p>	<p>This bill extends the relief for fare box recovery requirements for receiving State Transit Assistance (STA), Low Carbon Transit Operations Program (LCTOP) and State of Good Repair (SOGR) funds, through fiscal year 22-23.</p>	<p><b>Watch</b></p> <p><b>Priority 1S</b></p>
<p><b>AB 339 (Lee)</b></p> <p><b>State and local government: open meetings</b></p>	<p>10/7/21</p> <p>Vetoed by the Governor</p>	<p>This bill requires all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option. In-person testimony would still be required. Postings for board members participating remotely would need to be posted.</p>	<p><b>Watch</b></p> <p><b>Priority 15S</b></p>

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>AB 361 (Rivas, Robert)</b>  <b>Open meetings: local agencies: teleconferences</b>	9/16/21  Chapter 165, Statutes of 2021	This bill provides exemptions from the Ralph M. Brown Act’s meeting requirements to allow local jurisdictions to meet virtually during emergencies, provided the legislative body makes certain determinations by majority vote, publishes proper notice, and provides opportunity for public comment.	<b>SUPPORT</b>  <b>Priority 15S</b> <b>Support letter</b> <b>7/23/21</b>
<b>AB 476 (Mullin)</b>  <b>Department of Transportation: state highways: transit bus pilot program</b>	3/17/21  Two-year bill	This bill would authorize the Caltrans to establish a pilot program, of up to 8 projects statewide, to authorize a transit operator or operators to operate transit buses on the shoulders of state highways, under a project selected under the program.	<b>Watch</b>  <b>Priority 14S</b>
<b>AB 703 (Rubio, Blanca)</b>  <b>Open meetings: local agencies: teleconferences</b>	2/25/21  Two-year bill	This bill is similar to AB 361, except that it would allow local jurisdictions to continue using teleconference capabilities, provided that access is granted to the public, without an emergency being called.	<b>SUPPORT</b>  <b>Priority 15S</b>
<b>AB 745 (Gipson)</b>  <b>Air pollution: Clean cars 4 all program</b>	5/20/21  Two-year bill	This bill would require the California State Air Resources Board, as a part of the Clean Cars 4 All Program, to provide vouchers for zero-emission vehicles to persons of low or moderate income living in disadvantaged communities to replace vehicles that have failed a smog check inspection. This item was addressed in the state budget by providing \$500 million through SB 129.	<b>SUPPORT</b>  <b>Priority 4S</b> <b>Support letter</b> <b>4/6/21</b>
<b>AB 786 (Cervantes)</b>  <b>CTC: Executive Director</b>	2/25/21  Two-year bill	This bill would require the Governor, rather than the California Transportation Commission (CTC), to appoint the CTC Executive Director. This bill is unnecessary. The Governor already appoints 9 out of the 11 Commissioners, who hire the Executive Director.	<b>OPPOSE</b>  <b>Priority 1S</b>

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>AB 955 (Quirk)</b>  <b>Highways: encroachment permits: broadband facilities</b>	10/8/21  Signed by the Governor	This bill would establish additional procedures for Caltrans’ review of an application for an encroachment permit for a broadband facility. Caltrans would have 30-days to process a permit.	<b>Watch</b>  <b>Priority 6S</b>
<b>AB 1049 (Davies)</b>  <b>Public Transportation Account: loan repayment</b>	3/4/21  Two-year bill	The Budget Acts of 2013 and 2014 authorized the transfer of up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund. This bill would require the \$54,000,000 in approved loans to be repaid to the Public Transportation Account and be available to help offset the loss of revenues incurred by transit operators during the COVID-19 pandemic.	<b>Watch</b>  <b>Priority 1S</b>
<b>AB 1069 (Lackey)</b>  <b>Zero-emission passenger vehicles: underrepresented communities</b>	3/4/21  Two-year bill	This bill would establish a goal of having 60% of all zero-emission vehicles be purchased by underrepresented communities, defined as individuals who self-identify as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, and/or who self-identify as gay, lesbian, bisexual, or transgender.	<b>Watch</b>  <b>Priority 4S</b>
<b>AB 1147 (Friedman)</b>  <b>Active Transportation Program</b>	10/8/21  Vetoed by the Governor	This bill requires each Metropolitan Planning Organization (MPO) to submit a 2035 target action plan by July 1, 2023 to identify barriers in meeting regional greenhouse gas (GHG) emissions reduction targets and establishes the Sustainable Communities Strategy (SCS) Block Grant Program. The Block Grant Program, upon appropriation by the Legislature, to each MPO with an approved 2035 target action plan to support efforts to meet each region’s GHG emissions reduction targets.	<b>Watch</b>  <b>Priority 14S</b>
<b>AB 1260 (Chen)</b>  <b>CEQA: exemptions: transportation-related projects</b>	8/27/21  Held on Suspense	This bill would provide a California Environmental Quality Act (CEQA) exemption for projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.	<b>SUPPORT</b>  <b>Priority 4S</b> <b>Support letter 5/11/21</b>

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>AB 1499 (Daly)</b>  <b>Transportation: design-build: highways</b>	9/22/21  Chapter 212, Statutes of 2021	This bill would extend the sunset date of January 1, 2024, to January 1, 2034, for the ability to utilize the design-build project delivery system for up to 10 projects on the state highway system.	<b>Watch</b>  <b>Priority 11S</b>
<b>SB 4 (Gonzalez)</b>  <b>Communications: California Advanced Services Fund</b>	10/8/21  Signed by the Governor	This bill would require the Governor’s Office of Business and Economic Development (“GO-Biz”) to coordinate with state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity. The purpose of the bill is improve internet speeds statewide. Appropriations amendments limit the amount collected statewide each year to \$100 million.	<b>SUPPORT</b>  <b>Priority 6S</b> <b>Support letter 5/11/21</b>
<b>SB 28 (Caballero)</b>  <b>Digital Infrastructure and Video Competition Act of 2006</b>	10/8/21  Signed by the Governor	This bill would repeal the requirement of the Digital Infrastructure and Video Competition Act of 2006 that franchise holders annually report the availability of and subscriptions to broadband and video service. The bill would instead require the Public Utilities Commission (PUC) to collect data on the actual locations served by franchise holders, adopt customer service requirements for franchise holders, and adjudicate any customer complaints. The purpose of the bill is to collect accurate information about whether rural communities are being serviced and have the PUC identify those communities that lack service.	<b>SUPPORT</b>  <b>Priority 6S</b> <b>Support letter 4/6/21</b>
<b>SB 69 (McGuire)</b>  <b>North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency: Sonoma-Marín Area Rail Transit District</b>	9/30/21  Chapter 423, Statutes of 2021	This bill reorganizes the North Coast Rail Authority (NCRA) into the Great Redwood Trail Agency (GRTA), transfers its authority related to freight and rail to the Sonoma-Marín Area Rail Transit District (SMART), and establishes GRTA’s new mission of developing the Great Redwood Trail. While not directly relevant to TAMC, we are part of the larger rail mega region with SMART and recommend supporting our partner agency in this effort, once the bill is amended for those purposes.	<b>SUPPORT</b>  <b>Priority 16S</b> <b>Support letter 8/26/21</b>

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>SB 129 (Skinner)</b>  <b>Budget Act of 2021</b>	7/12/21  Chapter 69, Statutes of 2021	This budget bill contains items related to transportation infrastructure including \$2.7 billion in zero-emission vehicle infrastructure, the Active Transportation Program (ATP), Transit and Intercity Rail Capital Program (TIRCP), and the State and Local Climate Adaptation funding, stating that money shall not be available for encumbrance or expenditure unless additional legislation is enacted by October 10, 2021. This language is directly related to the stalemate on exhausting the remaining \$4.2 billion Proposition 1A appropriation for high-speed rail.	<b>Watch</b>  <b>Priority 1S</b>
<b>SB 261 (Allen)</b>  <b>Regional transportation plans: sustainable communities strategies</b>	4/19/21  Two-year bill	This bill would require that the sustainable communities strategy be developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the Air Resources Board.	<b>Watch</b>  <b>Priority 1S</b>
<b>SB 339 (Wiener)</b>  <b>Road Usage Charge Pilot Program</b>	9/24/21  Chapter 308, Statutes of 2021	This bill extends by four years the Road Usage Charge (RUC) Technical Advisory Committee (TAC). The purpose of the TAC is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program.	<b>Watch</b>  <b>Priority 5S</b>
<b>SB 475 (Cortese)</b>  <b>Transportation planning: sustainable communities strategies</b>	3/18/2021  Two-year bill	This bill would require the California State Air Resources Board to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years.	<b>Watch</b>  <b>Priority 1S</b>
<b>SB 542 (Limón)</b>  <b>Vehicle license fees for zero-emission vehicles</b>	6/1/21  Two-year bill	Amended 3/25 to pertain to heavy/light duty truck license fees. As amended, the bill no longer impacts transportation funding programs, removing TAMC's opposition.	<b>Watch</b>  <b>Priority 1S</b>

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>SB 551 (Stern)</b>  <b>California Electric Vehicle Authority</b>	8/19/21  Held on Suspende	This bill would establish the California Electric Vehicle Authority to coordinate and streamline activities among state agencies to advance electric vehicle and zero-emission charging infrastructure deployment and ensure related equity, workforce development, and economic development priorities are addressed.	<b>SUPPORT</b>  <b>Priority 4S</b> <b>Support letter 4/6/21</b>
<b>SB 643 (Archuleta)</b>  <b>Fuel Cell Electric Vehicle Fueling Infrastructure</b>	10/7/21  Chapter 646, Statutes of 2021	This bill would require the California Energy Commission to prepare a statewide assessment of the fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles.	<b>Watch</b>  <b>Priority 4S</b>
<b>SB 671 (Gonzalez)</b>  <b>Clean Freight Corridor Efficiency Program</b>	10/8/21  Signed by the Governor	This bill would establish the Clean Freight Corridor Efficiency Program to establish criteria for identifying freight corridors-throughout the state that would be priority candidates for the deployment of zero-emission medium- and heavy-duty vehicles.	<b>Watch</b>  <b>Priority 2S</b>
<b>SB 674 (Durazo)</b>  <b>Public Contracts: workforce development: covered public contracts</b>	9/9/21  Two-year bill	This bill would require the Labor and Workforce Development Agency to create the California Jobs Plan and the United States Jobs Plan, which requires private entities bidding on covered public contracts over \$10 million related to the procurement, manufacturing, installation, and maintenance of transportation infrastructure, excluding contracts for road, bridge, or highway construction, to include as part of their application a form stating information about jobs created and retained.	<b>Watch</b>  <b>Priority 1S</b>
<b>SB 726 (Gonzalez)</b>  <b>Alternative fuel and vehicle technologies: transportation sustainability strategy</b>	9/7/21  Two-year bill	This bill would require the California State Resources Board and the State Energy Resources Conservation and Development Commission to develop a comprehensive transportation sustainability strategy. The bill would require the Board, as part of the 2027 update of the scoping plan, to set a greenhouse gas emissions reduction target for the transportation sector.	<b>Watch</b>  <b>Priority 1S</b>

**TAMC Bill Matrix – October 2021**

<b>Measure</b>	<b>Status</b>	<b>Bill Summary</b>	<b>Recommended Position</b>
<b>SB 735 (Rubio)</b>  <b>Vehicles: speed safety cameras</b>	4/13/2021  Two-year bill	The bill would authorize a local authority to use a traffic speed safety camera system to enforce speed limits in a school zone.	<b>SUPPORT</b>  <b>Priority 9S</b> <b>Support letter</b> <b>5/11/21</b>
<b>SB 771 (Becker)</b>  <b>Sales and Use Tax Law: zero emissions vehicle exemption</b>	5/26/21  Two-year bill	This bill would provide a state sales tax exemption on the purchase of an electric or a hybrid electric vehicle. The bill no longer impacts local sales tax revenue as amended, removing TAMC’s opposition.	<b>Watch</b>  <b>Priority 1S</b> <b>Oppose unless amended</b> <b>letter 4/6/21</b>
<b>SB 790 (Stern)</b>  <b>Wildlife connectivity mitigation credits</b>	10/8/21  Signed by the Governor	This bill authorizes the Department of Fish and Wildlife (DFW) to give Caltrans mitigation credit for wildlife crossing projects. The bill could be useful for addressing work on State Route 68. As amended, the bill prohibits, in each fiscal year, DFW from providing compensatory mitigation credits for more than 10 new projects or for more than 2 of those projects in each region.	<b>SUPPORT</b>  <b>Priority 11S</b> <b>Support letter</b> <b>5/27/21</b>
<b>SB 792 (Glazer)</b>  <b>Sales and use tax: retailers: reporting</b>	10/4/21  Vetoed by the Governor	This bill would require a retailer whose annual sales of tangible personal property transacted online exceeded \$50,000,000 for the previous calendar year to track and report to the department the city or ZIP code where the purchaser resides for each sale within the state that is transacted online. Tracking the location of online purchases may help Measure X revenues.	<b>SUPPORT</b>  <b>Priority 1S</b> <b>Support letter</b> <b>4/6/21</b>



# ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS FIRM



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## THIS WEEK IN WASHINGTON

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*Week of September 13-17, 2021*

### FEDERAL UPDATE

The House was again in a “committee work period” this week, with several committees concluding work on their respective legislative proposals for the budget reconciliation bill as further detailed below. Both the House and Senate will be in session next week, with the House now expected to vote on a continuing resolution (CR) to fund the federal government (likely through early December), thereby avoiding a government shutdown if no extension is passed before the end of the Fiscal Year (FY) on September 30<sup>th</sup>. Also of note, with a looming debt limit crisis that would likely occur by mid-October without an increase to, or suspension of, the debt ceiling, Democratic leadership is also considering attaching a temporary suspension to the CR. The Senate will also be in session next week and will continue with consideration of several of President Biden’s judicial nominees. Although the Senate Appropriations Committee had planned to markup several of its pending appropriations bills next week, earlier today Committee Chairman Pat Leahy (D-VT) abruptly postponed the markups citing a lack of progress on negotiations with Republicans over topline levels for defense and nondefense discretionary spending.

#### **BUDGET RECONCILIATION**

As referenced above, eight House Committees tasked with drafting portions of the reconciliation package all completed their respective markups this week (with the other five having previously marked up their sections) and all submitted their sections to the House Budget Committee by the September 15th deadline. Earlier this week, the House Agriculture Committee completed their markup session that began last Friday, the Financial Services and Energy & Commerce Committee marked up their proposals that were unveiled last week, and the House Homeland Security, Judiciary, Veterans Affairs, and Transportation & Infrastructure Committees held markups of their respective proposals that were unveiled late last Friday evening. Of particular note, the Energy & Commerce Committee’s title that would allow Medicare to negotiate certain drug prices to lower out-of-pocket costs was stalled when three Democrats – Reps. Scott Peters (D-CA), Kurt Schrader (D-OR), and Kathleen Rice (D-NY) - joined all Republicans on the Committee in voting against the measure over concerns it could discourage private investments into the research and development of new drugs. As outlined below, the Ways & Means Committee advanced a similar drug pricing provision this week as part of its own reconciliation proposal, although as negotiations within the Democratic caucus continue on this and other components of the broader package, the drug pricing provision could be further amended by the Rules Committee before the full package reaches the floor.

The Ways & Means Committee this week unveiled and marked up several health care expansion provisions similar to those proposed by the Energy & Commerce Committee, as well as proposals related to clean energy, infrastructure and social safety net programs, which when combined with the proposals marked up by the panel last week would cost approximately \$1.3 trillion over 10 years (partially based on a projected economic growth dividend). The Committee also unveiled and marked up several tax cuts and increases this week that would raise approximately \$2.2 trillion over 10 years according to the Joint Committee on Taxation (JCT). These include a top corporate tax rate of 26.5 percent for companies making more than \$5 million, a 25-percent rate on long-term capital gains and a top individual income rate of 39.6-percent starting at \$400,000 in annual income and an extra 3 percent surcharge beginning at \$5 million. Of note, the tax proposals did not include a full or even partial repeal of the \$10,000 cap on

the state and local tax (SALT) deduction established by the 2017 Tax Cuts and Jobs Act, although there are ongoing efforts by some Democrats in Congress to include some form of SALT relief in the final budget reconciliation bill.

The House Budget Committee is expected to package the legislative proposals from each House Committee as early next week. Earlier this summer, House Speaker Nancy Pelosi (D-CA) indicated she would not bring the reconciliation bill to the floor before resolving differences with the reconciliation proposals from the Senate. While no formal proposals have come out of the Senate Committees at this point, this week Senate leadership began floating several policy changes to the proposals from the House Committees, including but not limited to a shorter extension of the child tax credit, restructured funding for child care and the Civilian Climate Corps, and replacing the clean energy tax incentives included in the Ways & Means Committee proposals with Senate Finance Committee legislation (*Clean Energy for America Act*; *fact sheet available [here](#)*) that was marked up earlier this year to consolidate 40 existing energy-related tax breaks into three separate tax clean energy tax incentives.

For your reference, we have included below several highlights from the various Committee proposals unveiled and marked up this week:

### ***House Transportation & Infrastructure Committee (bill text available [here](#); section-by-section available [here](#))***

#### **Highways & Transit**

- **\$10 billion** for a joint effort through the Secretary of Housing and Urban Development (HUD) and Federal Transit Administrator to support access to affordable housing, job and community services, and improve mobility of low-income individuals and residents of persistent poverty areas through the establishment of new transit routes, expansion of service areas, improved frequency on existing routes; the provision of fare-free and reduced-fare transit service; state of good repair for transit facilities; research and workforce activities; route planning; and projects to improve accessibility.
- **\$4 billion** for Community Climate Incentive Grants to reduce surface transportation greenhouse gas emissions, of which **\$950 million** for incentive grants to states to make progress in reducing emissions and adopting strategies to achieve net-zero surface transportation emissions by 2050 and **\$3 billion** would be for grants to non-state entities for projects to reduce carbon emissions.
- **\$4 billion** for Neighborhood Access and Equity Grants to support neighborhood equity, safety, and affordable transportation access, of which **\$3.95 billion** would be for competitive grants through FHWA to reconnect communities divided by infrastructure barriers and mitigate negative impacts of transportation facilities or construction projects on disadvantaged or underserved communities, and support equitable transportation planning and community engagement activities. **\$1.58 billion** would be set aside for disadvantaged and underserved communities, and communities that have taken steps to ensure residents will not be displaced, and **\$50 million** would be for the FHWA to provide technical assistance to local governments.
- **\$6 billion** to “advance local surface transportation priorities”

#### **Rail**

- **\$10 billion** for passenger rail improvement, modernization and emission reduction grants; for high-speed rail corridor assistance, supporting the planning and development of public high-speed rail projects.
- **\$150 million** for Railroad Rehabilitation and Improvement Financing Credit Assistance to support additional railroad infrastructure development.

#### **Federal Emergency Management Agency (FEMA)**

- **\$300 million** for FEMA grants to state, local, tribal and territorial governments to update and enforce hazard resistant building codes and standards
- **\$500 million** for the Hazard Mitigation Revolving Loan Fund

- **\$25 million** to upgrade the Integrated Public Alert and Warning System (IPAWS) for the implementation of Next Generation Warning Systems for public broadcasters
- **\$425 million** for grants (limited to \$4 million) to construct, retrofit, and update planning requirements for state, local, and tribal emergency operations centers
- **\$200 million** for the construction, renovation, retrofit, technological enhancement, and updated planning requirements of federal emergency training centers and federal emergency operations centers

#### Economic Development

- **\$5.5 billion** for the Economic Development Administration (EDA), including:
  - **\$4 billion** to invest in the creation of regional innovation hubs;
  - **\$1 billion** for the EDA's Economic Adjustment Assistance program to fund pre-developed activities and provide assistance to energy and industrial transition communities; and,
  - **\$500 million** for Public Works projects
- **\$4 billion** to establish a formula-based grant pilot program at EDA to improve eligible area's prime age employment rate by providing long-term assistance to persistently distressed communities

#### Water Resources

- **\$2 billion** for sewer overflow and stormwater reuse municipal grants, with greater federal cost share for projects that serve financially distressed communities
- **\$495 million** in critical investments to support small, rural, and other economically-challenged communities in meeting the technical and financial requirements of the Clean Water Act, as well as to invest in maintaining an adequate supply of trained personnel to operate and maintain existing and future sewage treatment plants
- **\$125 million** for alternate water source project grants including groundwater and potable reuse projects
- **\$450 million** for the installation, repair, or replacement of domestic septic systems, including investment in connecting households with failing septic systems to public sewer systems. This section prioritizes this investment to low-income households that lack access to sewage treatment technologies, including households that currently use cesspools to capture sewage
- **\$5 million** for an assessment of wastewater system capital improvement needs of all treatment works in the United States that are eligible for assistance from state water pollution control revolving funds

*House Ways & Means Committee (Subtitles F,G,H,J bill text [here](#); Subtitles F,G,H,J section-by-section [here](#); Subtitle I bill text [here](#); Subtitle I section-by-section [here](#))*

#### Infrastructure Financing

- Revives Obama-era "Build America Bonds" (rebranded as "qualified infrastructure bonds") that subsidize state and local governments to issue taxable municipal bonds that pay out higher yields to investors than traditional tax-exempt municipal bonds. Issuers may elect to have an otherwise tax-exempt bond treated as a qualified infrastructure bond, the interest on a qualified infrastructure bond is taxable to the bondholder and the issuer of the bond is allowed a credit equal to the applicable percentage of each interest payment (depending on calendar year).
- Restores the tax-free status of advance refunding bonds (repealed in 2017 Tax Cuts and Jobs Act) for state and local governments to refinance older debt at lower interest rates.

- Raises the \$10 million annual cap on tax-exempt bonds during the calendar year for infrastructure and other state and local projects sold directly to the local banks to \$30 million.
- Exempts water and sewer projects from the private activity bond annual issuance cap.
- Expands the definition of exempt facility bond eligible for tax-exempt private activity bond financing to include any bond issued if 95-percent or more of the net proceeds are to be used to provide zero-emission vehicle infrastructure.
- Establishes a 30% tax credit for state, local and tribal governments for the operations and maintenance costs of government-owned broadband.
- Expands and makes permanent the “New Market Tax Credit” for investments in low-income communities.
- Expands the low-income housing tax credit (LIHTC) through increasing annual LIHTC allocations, temporarily reducing the tax-exempt private activity bond (PAB) financed by threshold from 50% to 25% for buildings financed by obligations issued in 2022-28, and providing a 50% boost to units serving extremely low-income tenants as long as 20% of units in the building are reserved for households earning no more than 30% of the area median gross income or the federal poverty line.
- Establishes a new tax credit of up to 35% for the rehabilitation of deteriorated homes in distressed neighborhoods.

#### Green Energy

- Provides a refundable income tax credit of \$4,000 for new qualified plug-in electric vehicles placed into service during the taxable year, plus an additional \$3,500 if the qualified vehicle is placed into service prior to Jan. 1, 2027.
- Extends and increases the nonbusiness energy property tax credit, including increasing the credit for installing energy efficiency improvements from 10% to 30%.
- Extends the credit for the cost of qualified residential energy efficient property expenditures.
- Expands the energy efficient commercial buildings deduction by increasing the maximum deduction.
- Extends and increases the new energy efficient homes credit through 2031; \$2,500 credit for energy efficient single family and manufactured new homes.
- Creates a new refundable credit for the purchase of used plug-in electric cars (\$1,250 with additional incentives for battery capacity).
- Creates a new credit for qualified commercial electric vehicles (30 percent of the cost of the vehicle)
- Extends the tax credit for the purchase of qualified fuel cell vehicles.
- Extends the alternative fuel vehicle refueling property credit through 2031 and expands the credit for zero-emission charging infrastructure.
- Reinstates and expands the qualified bicycle commuting benefit and increases the benefit from \$20 per month to \$52.50 per month.

- Establishes a new 15% refundable tax credit for qualified electric bicycles placed into service before January 1, 2032.
- Creates a capped refundable competitive credit of \$1 billion for institutions of higher education for environmental justice programs.
- Reinstates the Hazardous Substance Superfund Financing Rate on crude oil and imported petroleum products at the rate of 16.4 cents/per gallon.

#### Social Safety Net Programs

- **Child Tax Credit:** Provides a one-year extension of the child tax credit (CTC) and advance payment through 2022 and increases the safe harbor amount to \$3,000 (\$3,600 for a child under the age of 6) in cases where repayment may be required, and establishes a monthly CTC and advance payment through 2025 in which each qualifying child aged 6 years or younger would receive \$300 and each qualified child aged 6-17 would receive \$250, phased out for households with incomes above \$150,000 (for joint filers \$400,000).
- **Child and Dependent Care Tax Credit:** makes the modifications to the child and dependent care tax credit (CDCTC) made for 2021 in the American Rescue Plan Act permanent. These modifications included making the credit fully refundable, increasing the maximum credit rate to 50 percent, and increasing the phase-out threshold to \$125,000 instead of \$15,000.
- **Supporting Caregivers:** provides a non-refundable credit, up to \$4,000, equal to 50 percent of the qualified expenses paid or incurred by a qualified care recipient during the taxable year through 2025
- **Earned Income Tax Credit:** makes the temporary “childless Earned Income Tax Credit (EITC)” expansion included in the American Rescue Plan permanent and increases the childless EITC credit and phase-out percentage from 7.65 to 15.13 percent
- **Higher Education:** provides a 40% general business credit for qualified cash contributions to public universities in connection with a qualifying research infrastructure program; provides a reduction in private college and universities’ investment income excise tax liability determined by the amount of qualified undergraduate scholarship and grant aid are provided by the institution relative the aggregate undergraduate tuition and fees during the taxable year; excludes Federal Pell Grants from gross income for purposes of the American Opportunity Tax Credit (AOTC); and repeals the prohibition excluding students convicted of state or felony drug offenses from claiming the AOTC.

#### Taxes

- **Corporate Tax Rate:** Replaces the flat corporate tax rate with a graduated rate structure of 18% for the first \$400,000 of income, 21 percent on income up to \$5 million, and 26.5 percent on income thereafter; the graduated rate would phase out for corporations making more than \$10 million and personal services corporations would not be eligible for graduated rates.
- **Tax Increases for High-Income Individuals:** increases the top marginal individual income tax to 39.6% applied to unmarried individuals with taxable income over \$400,000, heads of households with taxable income over \$425,000, married couples filing jointly with taxable income over \$450,000, married couples filing separate returns with taxable income over \$225,000, and estates and trusts with taxable income over \$12,500; increases the capital gains rate to 25%; and owners of “pass-through businesses” would pay an extra 3.8 percent tax and lose access to a 20 percent deduction once they make over \$400,000 per year (\$500,000 for married couples filing jointly)
- **\$78.9 billion** for the Internal Revenue Service (IRS) to strengthen tax enforcement activities, increase voluntary compliance, and modernize information technology to support these activities

### Drug Pricing

- Requires the Department of Health and Human Services (HHS) to negotiate with drug manufacturers to lower the cost of prescription drugs, including high priced and commonly used drugs like insulin, and caps out-of-pocket costs for Medicare Part D beneficiaries at \$2,000 per year

### *House Judiciary Committee (bill text available [here](#))*

- **\$2.5 billion** for the Department of Justice (DOJ) to fund evidence-informed strategies to reduce community violence and fund community violence intervention programs that address the cycles of violence in communities (Office of Justice Programs, Community Oriented Policing Services, Office on Violence Against Women).
- Funding to provide a path to legal permanent residence (LPR) for Dreamers, Temporary Protected Status holders, and essential workers.
- Restores availability of immigrant visas lost due to the COVID-19 pandemic and bureaucratic delays, and “recaptures” green cards that went unused from 1992 and 2021 to reduce visa backlogs that stretch years.
- **\$2.8 billion** for U.S. Citizenship and Immigration Services (USCIS) to build capacity to reduce case processing backlogs.

### *House Veterans Affairs Committee (bill text available [here](#))*

- **\$15.2 billion** for VA infrastructure improvements and general operations of VA hospitals and national cemeteries through 2031, taking into consideration the integration of climate resiliency into infrastructure as well as the needs of underserved areas and underserved veterans populations.
- **\$455 million** for enhanced-use leases, in which the VA out-leases its underutilized real estate holdings to the private sector for up to 75 years and properties are developed into housing for homeless and at-risk veterans and their families.
- **\$1.8 billion** for the VA to lease to medical facilities for the treatment of veterans.
- **\$150 million** for costs associated to records scanning and benefits claims processing to address the backlog of benefits claims.

# ALCALDE & FAY

## GOVERNMENT & PUBLIC AFFAIRS FIRM



## THIS WEEK IN WASHINGTON

*Week of September 20-24, 2021*

### FEDERAL UPDATE

Both the House and Senate were in session this week, with negotiations among Democrats continuing on several key pending legislative items, as outlined below, and the House taking the first step to avoiding a government shutdown by extending funding for the federal government beyond the end of the current fiscal year on September 30th.

#### **FISCAL YEAR (FY) 2022 APPROPRIATIONS & DEBT CEILING SUSPENSION**

As referenced above, the House this week passed a Continuing Resolution (CR) to fund the federal government beyond next Thursday's deadline, although as outlined below, the CR in its current form is likely doomed in the Senate. Approved by a party-line vote of 220-211, the CR (H.R. 5305; [bill text available here](#); [summary available here](#)) would extend funding at existing levels through December 3rd for the majority of the federal government, while also providing nearly \$35 billion in supplemental and emergency spending, including \$6.3 billion in supplemental spending to support the resettlement of Afghan refugees and \$28.6 billion to respond to recent natural disasters and extreme weather events such as hurricanes, droughts, and wildfires. As outlined in the section-by-section summary, the CR includes \$10 billion for the Department of Agriculture to cover losses from natural disasters in both 2020 and 2021, \$3 billion for the U.S. Army Corps of Engineers to accelerate construction of flood and storm damage reduction projects, \$2.08 billion to repair damages to Corps projects caused by natural disasters, and \$1.36 billion for U.S. Forest Service expenses related to natural disasters, including wildfires, in 2019, 2020, and 2021.

Of particular note, faced with a looming debt limit crisis projected to occur by mid-October if no action is taken on the debt ceiling, the House-passed CR includes a suspension of the debt ceiling through December 16, 2022. The suspension's inclusion means the CR cannot pass the Senate, as Senate Minority Leader Mitch McConnell (R-KY), along with 45 Senate Republicans, have said they will not support raising or suspending the debt limit due to Democrats pursuing "massive and unprecedented" spending without seeking Republican input. McConnell has suggested that if Democrats want to advance their agenda using the budget reconciliation process then, with control of Congress and the White House, Democrats can and should also address the debt limit through their pending budget reconciliation bill. Doing so, however, would present procedural hurdles related to amending the existing budget resolution to address the debt ceiling, and would also likely require Democrats to increase the debt limit by a specific amount, rather than providing a temporary suspension, which would likely be less politically palatable for many moderate Democrats as opposed to simply voting to suspend.

Also of note, the House-passed CR does not include an extension of the current surface transportation authorization (*FAST Act*); the current one-year extension of the FAST Act is set to expire on September 30th and the CR's lack of an extension puts more pressure on the House to pass the Senate-passed infrastructure package (outlined below) that includes a five-year, \$567 billion surface transportation reauthorization.

#### **INFRASTRUCTURE & BUDGET RECONCILIATION**

As previously reported, House Democratic Leadership struck a deal with moderate House Democrats in August whereby leadership promised that the nearly \$1.2 trillion bipartisan *Infrastructure Investment and Jobs Act* (IIJA), that includes \$550 billion in new spending and a five-year surface transportation reauthorization, would be taken up on

the House floor no later than this Monday, September 27<sup>th</sup>, and in return moderates would vote in support of the FY 2022 budget resolution to initiate the budget reconciliation process. Many progressive House Democrats, however, have threatened to oppose the IIJA if the massive budget reconciliation bill is not considered prior to or in tandem with the IIJA, worried that moderates might reduce the size of the reconciliation package once the IIJA was approved. House Majority Leader Steny Hoyer (D-MD) indicated earlier today that leadership still plans to bring IIJA to the floor on Monday, and that the House will plan to consider the budget reconciliation bill, as detailed further below.

If IIJA were to fail in the House next week, the path forward on surface transportation reauthorization remains unclear as an extension was not included in the stopgap funding measure that passed the House this week. House Transportation & Infrastructure Committee Chairman Peter DeFazio (D-OR) and Senate Environment and Public Works (EPW) Committee Chairman Tom Carper (D-DE), however, have indicated they are exploring options for a short-term reauthorization to avoid a lapse in surface transportation authority and a halt in highway projects across the country.

### ***Budget Reconciliation***

As referenced above, House Democratic leadership indicated they are planning to bring Democrats' \$3.5 trillion budget reconciliation bill containing several domestic policy priorities of the Biden White House to the floor next week. On Thursday, House Budget Committee Chairman announced his committee will meet tomorrow, Saturday September 24<sup>th</sup>, to markup and package the 13 House Committees' policy proposals for reconciliation into one bill. Progress on the bill stalled this week over policy disputes within the Democratic Caucus, including those related to the overall cost of the package as well as specific tax and revenue provisions. President Biden met with Democratic leadership and dozens of House and Senate Democrats this week seeking to reach a compromise on the reconciliation package, and while no immediate progress was made during these meetings we expect negotiations to continue through the weekend.





## Memorandum

**To:** Board of Directors  
**From:** Doug Bipse, Principal Engineer  
**Meeting Date:** October 27, 2021  
**Subject:** **Monterey Salinas Transit (MST) Comprehensive Operations Analysis**

### **RECOMMENDED ACTION:**

**RECEIVE** presentation on Monterey-Salinas Transit's Draft Comprehensive Operational Analysis and Network Re-Design.

### **SUMMARY:**

Monterey-Salinas Transit recently completed a draft Comprehensive Operational Analysis and Network Re-Design, which serves as a comprehensive effort to revamp the entire public transit system in Monterey County while facilitating MST's COVID-19 recovery efforts. The Plan is currently available for public review and comment.

### **FINANCIAL IMPACT:**

TAMC provides a substantial amount of funding to Monterey-Salinas Transit for operations and capital expenses through the Local Transportation Fund and various state and federal funding programs. The analysis presents three different funding scenarios for MST's recovery from the pandemic, which will inform the capacity level that MST operates at. Development of the Comprehensive Operational Analysis was funded by COVID-19 stimulus funds received by MST.

### **DISCUSSION:**

Monterey-Salinas Transit (MST) is considering significant changes to its bus network in the course of the Comprehensive Operational Analysis (COA) (**web attachment 1**). Many transit agencies review their entire network every five to ten years, to make sure their services align with the community's needs. The last time MST undertook such a comprehensive study was in the late 1990s. The result of the existing network is that many overlapping lines operate at very low frequencies. This means that it can take a very long time to get from destination A to B, even when those locations are nearby. Additionally, over the last 25 years, Monterey County has experienced major shifts in where people live and work and there is unmet demand for service in the City of Salinas.

The COVID-19 pandemic has brought more focus onto equity issues related to transit. MST is utilizing the Comprehensive Operational Analysis as an opportunity to establish the way out of pandemic-era planning, and to facilitate MST's recovery from the impacts of the pandemic.

The Comprehensive Operational Analysis includes the following components:

- An initial assessment of the issues faced by the existing network, detailed in the "Choices Report"
- A consultation with stakeholders and members of the public about their values and priorities for transit, and with bus riders about their experience with the existing system.

- Direction from the MST Board of Directors' Operations Performance Committee to make changes that respond to the concerns heard.

In May 2021, the MST Board Operations Performance Committee directed MST staff to focus on the following three priority areas for the Plan:

- Ridership over coverage: focusing better and more frequent service where more people live and work rather than spreading minimal service to as many areas of the County as possible
- Equity over equality: targeting the areas that have the greatest need for public transit rather than spreading service equally among the population
- Regional balance of transit service: 40% service to Peninsula area, 40% service to Salinas, and the remaining 20% to other areas.

Through the development of the Comprehensive Operational Analysis and Draft Network Plan, MST is considering three different funding scenarios:

- Low Scenario - This is the contingency scenario. It assumes either general fund sources (i.e., fares, State, non-pandemic federal funds, etc...) recover very slowly from the pandemic, or insufficient workforce is available to operate at full capacity, or both.
- Medium Scenario - This assumes regular general fund sources recover to pre-pandemic levels by the time MST's federal pandemic recovery funds run out. This funding scenario also aligns with estimates in MST's FY21/22-FY22/23 operating budget and staffing levels.
- High Scenario - This scenario assumes voters approve a new sales tax including 1/8-cent for service increases, or another similarly sized new source of funding is generated for increased service levels.

MST will provide a presentation on the draft Comprehensive Operational Analysis and provide an overview of the changes proposed under the three different funding scenarios and the timeline for implementation of the re-designed network. In addition to providing public comments, participation in the MST Community Survey (**web attachment 2**) is encouraged.

#### **WEB ATTACHMENTS:**

1. [MST website materials on the Comprehensive Operational Analysis, including the draft Plan and maps](#)
2. [MST Community Survey](#)



## **Memorandum**

**To:** Board of Directors  
**From:** Michael Zeller, Principal Transportation Planner  
**Meeting Date:** October 27, 2021  
**Subject:** **2022 Regional Transportation Improvement Program**

### **RECOMMENDED ACTION:**

**RECEIVE** update and **PROVIDE FEEDBACK** on the funding proposal for the 2022 Regional Transportation Improvement Program.

### **SUMMARY:**

To ensure efficient coordination among various fund sources, the 2021 Integrated Funding Plan identifies projects that are strong candidates for specific Senate Bill 1 grants, State Transportation Improvement Program funds, Measure X, and other matching funds, and can be brought to construction over the next five years. As a subset of that plan, the Regional Transportation Improvement Program specifies the region's proposed use of certain state funds to the California Transportation Commission.

### **FINANCIAL IMPACT:**

The Transportation Agency for Monterey County's target share per the 2022 State Transportation Improvement Program Fund Estimate is \$8.973 million.

### **DISCUSSION:**

Several of the strategic goals identified by the Transportation Agency Board of Directors are to deliver the Measure X regional program of projects, while strategically utilizing debt financing to expedite delivery, and leveraging as much matching funds as possible. With the passage of California Senate Bill 1 (Beall), new transportation funding programs were created from which the Transportation Agency will potentially be able to leverage Measure X and other existing fund sources. To ensure coordination between the various fund sources, which all have different requirements and eligibility, the Transportation Agency prepared the 2021 Integrated Funding Plan that coincides with the 2022 State Transportation Improvement Program cycle.

The Regional Transportation Improvement Program (RTIP) is a program of highway, local road, transit and active transportation projects that a region plans to fund with State and Federal revenue programmed by the California Transportation Commission in the State Transportation Improvement Program (STIP). The RTIP is developed biennially by the regions and is due to the Commission by December 15 of every odd numbered year.

Staff's funding proposal for the 2022 Regional Transportation Improvement Program reflects TAMC's dedication to improving statewide and regional travel by constructing high-priority highway, regional road, rail, and bicycle and pedestrian transportation projects throughout the region. To that end, the Transportation Agency selected projects to program in the 2022 Regional Transportation Improvement Program that are either ready for construction or moving quickly through pre-construction phases; are regional priority projects in Measure X with multimodal

features; are in the adopted or draft Sustainable Communities Strategy; and are excellent candidates for the Senate Bill 1 grant programs.

The 2021 Integrated Funding Plan project list was approved by the Transportation Agency Board at the May 26, 2021 meeting. The attached project list (**Attachment 1**) is a modified version showing the new project funding information. A summary of staff's new funding recommendations follows (new programming is underlined):

- **Scenic State Route 68 Corridor:** This project received \$3,400,000 of State Transportation Improvement Program funds in fiscal year 2018/19, along with \$2.6 million of federal Highway Infrastructure Program funds, for the environmental phase. Caltrans has informed Agency staff that an additional \$4.835 million will be necessary to complete the environmental phase to design and conduct environmental assessments on the roundabouts proposed for the corridor. Staff is proposing to use \$799,000 of unprogrammed federal Highway Infrastructure Program funds, \$2.119 million of 2022 State Transportation Improvement Program funds, and \$1.917 million of unprogrammed State Local Partnership Program formula funds to cover this amount. The project also has an additional \$18.6 million of State Transportation Improvement Program funds currently programmed in fiscal year 2022/23 for the final design (\$6.518 million) and right-of-way (\$12.085 million) phases. To cover the cost increases for final design, staff is proposing to re-program the right-of-way funds to final design and add \$4.881 million of 2022 State Transportation Improvement Program funds for a total amount of \$23.484 million and shift these funds to fiscal year 2023/24 to align with the current project schedule.
- **US 101 South of Salinas Corridor:** This project is currently programmed with \$8,611,000 of State Transportation Improvement Program funds for the environmental phase in fiscal year 2021/22. Staff is proposing to program \$1.973 million of 2022 State Transportation Improvement Program funds in fiscal year 2022/23 to fully-fund the environmental phase. Caltrans has the option to request these funds in an earlier fiscal year if the project moves ahead of schedule.

In addition to the new funding listed above, staff is proposing to carry-over the existing funding that is programmed for the State Route 156 / Castroville Boulevard Interchange Project and Packages 2 and 3 of the Salinas Rail Extension project. Agency staff will revise the plan based on comments received and prepare a revised proposal. At the December Board meeting, Agency staff will bring the finalized proposal forward as the Regional Transportation Improvement Program, which is the document the Agency is required to submit in order to receive the County's share of State Transportation Improvement Program funds. This document is required to be submitted to the California Transportation Commission by December 15th to have the Commission consider our funding proposal.

#### **ATTACHMENTS:**

- 2022 Regional Transportation Improvement Program - Staff Funding Proposal

**Transportation Agency for Monterey County**  
**2021 Integrated Funding Plan (all dollars in \$1,000s)**  
 Revised for 2022 Regional Transportation Improvement Program



	Prior	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	Funding
<b>State Route 68 Safety &amp; Traffic Flow</b>	<b>Env't</b>		<b>Env't</b>	<b>Design</b>				
State Transportation Improvement Program	\$ 3,400		-->	\$ 18,603				\$ 22,003
Highway Infrastructure Program	\$ 2,594							\$ 2,594
Measure X	\$ 640							\$ 640
State Transportation Improvement Program - 2022			\$ 2,119	\$ 4,881				\$ 7,000
SB1 Local Partnership Formula - FY21/22			\$ 1,917					\$ 1,917
Highway Infrastructure Program - FY21/22			\$ 799					\$ 799
	\$ 6,634	\$ -	\$ 4,835	\$ 23,484	\$ -	\$ -	\$ -	\$ 34,953
<b>State Route 156 - A: Castroville Boulevard Interchange</b>	<b>Design &amp; ROW</b>	<b>Con</b>						
State Transportation Improvement Program	\$ 25,700	\$ 4,111						\$ 29,811
Federal DEMO	\$ 312							\$ 312
Measure X		\$ 389						\$ 389
Developer Fees		\$ 5,000						\$ 5,000
SB 1 Trade Corridors		\$ 20,000						\$ 20,000
	\$ 26,012	\$ 29,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,512
<b>US 101 Safety Improvements - South County</b>	<b>Study</b>	<b>Env't</b>	<b>Env't</b>					
Measure X	\$ 440							\$ 440
State Transportation Improvement Program		\$ 8,611						\$ 8,611
State Transportation Improvement Program - 2022			\$ 1,973					\$ 1,973
	\$ 440	\$ 8,611	\$ 1,973	\$ -	\$ -	\$ -	\$ -	\$ 11,024
<b>Salinas Rail Extension - Packages 2 (Layover) &amp; 3 (Gilroy)</b>	<b>Design</b>		<b>Con</b>					
State Transportation Improvement Program			\$ 12,573					\$ 12,573
Traffic Congestion Relief Program	\$ 5,500		\$ 15,742					\$ 21,242
SB 1 TIRCP			\$ 8,033					\$ 8,033
TAMC Reserve	\$ 437							\$ 437
	\$ 5,937	\$ -	\$ 36,348	\$ -	\$ -	\$ -	\$ -	\$ 42,285
<b>Planning, Programming, and Monitoring</b>								
State Transportation Improvement Program	\$ 201	\$ 313	\$ 201	\$ 201	\$ 202			\$ 1,118
State Transportation Improvement Program - 2022			\$ 39	\$ 39	\$ 38	\$ 240	\$ 239	\$ 595
<b>Total</b>	<b>\$ 201</b>	<b>\$ 313</b>	<b>\$ 240</b>	<b>\$ 240</b>	<b>\$ 240</b>	<b>\$ 240</b>	<b>\$ 239</b>	<b>\$ 1,713</b>



# PROJECT UPDATE – MONTEREY COUNTY

PREPARED FOR THE OCTOBER 27, 2021 TRANSPORTATION AGENCY FOR MONTEREY COUNTY AGENCY MEETING

## CONSTRUCTION PROJECTS

	Project	Location & Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Contractor	Comments
1.	<b>North District Crosswalk Enhancements</b> (1G760)	Various locations throughout Monterey and Santa Cruz (SRs 1, 9, 68, 129, 152, 183)	Electrical/ Signs/ Flashing Beacons/ Markings/ Pavements	Fall 2021 /Spring 2022	\$1 million	Minor	Mike Lew (RJ)	Alfaro Communications Construction Inc., Compton, CA	Contract was accepted on 8/10/2021.
2.	<b>US 101 King City Combined Projects</b> (1F75U4)	Near King City from South of Wild Horse Road to Teague Avenue (PM 36.9/47.7)	Pavement Rehabilitation, Seismic Retrofit with widening and median barrier	Spring 2019 - Summer 2023	\$77.7 million	SHOPP	Aaron Henkel (TL)	OHL, USA, Irvine, CA	Construction underway. Lanes have been reduced to 1 lane each direction from First Street to north of Jolon Road. The work is starting in the # 2 (right) lanes.
3.	<b>US 101 Salinas Rehabilitation</b> (1C890)	East Market Street overcrossing to just south of Russell/Espinosa Road (PM 87.31/R91.5)	Roadway rehabilitation	Spring 2019 – Summer 2021	\$37 million	SHOPP	Aaron Henkel (TL)	Granite Rock Company, Watsonville, CA	Major construction is complete.
4.	<b>TMS Detection Repair</b> (1H990)	Various locations throughout District 5 (SRs 1, 17, 68, 156, 101) (PM Various)	Replace failed TMS Detection	Winter 2021/22	\$3 million	SB1 SHOPP	Nick Heisdorf	Traffic Loops Crackfilling Anaheim, CA	Construction is currently underway.
5.	<b>US 101 Monterey-San Benito Co Roadside Safety Improvements</b> (1F900)	In Monterey and San Benito Counties North Gonzales to SCL Line (PM 73.0/96.8)	Roadside safety improvements	Fall 2021 - Spring 2022	\$4.5 million	SHOPP	Terry Thompson (CM Patrick Dussell)	Teichert, Salinas, CA	Construction is currently underway.



# PROJECT UPDATE – MONTEREY COUNTY

PREPARED FOR THE OCTOBER 27, 2021 TRANSPORTATION AGENCY FOR MONTEREY COUNTY AGENCY MEETING

## CONSTRUCTION PROJECTS

	Project	Location & Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Contractor	Comments
6.	<b>US 101 Camp Roberts SRRA Infrastructure Upgrade</b>  (1H020)	Northbound and southbound at the Camp Roberts Rest Area  (PM R2.9/R5.3)	Safety roadside rest area infrastructure upgrade	Winter 2021	\$5.5 million	SHOPP	Barak Miles	Newton Construction	Awarded and Approved.
7.	<b>US 101 San Antonio River Bridge-Seismic Retrofit</b>  (1F820)	Near King City at the San Antonio River Bridge  (PM R6.7)	Seismic retrofit 2 bridges	Winter 2020 – Fall 2021	\$6.3 million	SHOPP	Luis Duazo	CONSTRUCTION	Project was awarded September 2020. Construction to be completed by 8/13/21.
8.	<b>Highway 1 Replace Culvert Near Limekiln Creek</b>  (0Q500)	Near Lucia south of Limekiln Bridge  (PM 20.4)	Replace culvert and repair erosion	Winter 2021	\$850,000	SHOPP	Carla Yu	Serafix Engineering Contractor	Construction has begun. Anticipated to complete in November 2021.
9.	<b>Highway 1 Garrapata Creek Bridge Rehab</b>  (1H460)	At Garrapata Creek Bridge  (PM 63.0)	Electrochemical Chloride Extraction (ECE) of bridge structure	Summer 2021- Summer 2023	\$8.6 million	SHOPP	Carla Yu	Future Contractors and Engineers, Irvine, CA	Contract Approval was achieved July 20, 2021. Construction has begun.



# PROJECT UPDATE – MONTEREY COUNTY

PREPARED FOR THE OCTOBER 27, 2021 TRANSPORTATION AGENCY FOR MONTEREY COUNTY AGENCY MEETING

## PROJECTS IN DEVELOPMENT

	Project	Location & Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
10.	<b>Highway 1 Orient Express Tieback Wall</b> <b>(1K010)</b>	Near Lucia south of Big Creek Bridge  (27.5/27.7)	Construct tieback wall, restore roadway and facilities, place Water Pollution Control BMPs, and erosion control	Spring/Summer 2023	\$6.2 million	SHOPP	Aaron Henkel	PA&ED	The schedule was moved out to further identify biological and cultural concerns within the project limits. PA&ED: Moved to 9/1/22
11.	<b>Highway 1 Castro Canyon Bridge Rail Upgrade</b> <b>(1H490)</b>	At Castro Canyon Bridge  (PM 43.1)	Replace bridge rail	Spring/Summer 2023	\$3 million	SHOPP	Aaron Henkel	PS&E	Project is now in the Design phase. Presentation to LUAC has been completed and revisions being processed.
12.	<b>Highway 1 Coastlands Wall Permanent Restoration</b> <b>(1M460)</b>	Near Big Sur at 1.0 Miles south of Pfeiffer Canyon Bridge  (PM -44.5/44.45)	Permanent Restoration/Tieback retaining wall	Spring/Summer 2022	\$1.7 million	SHOPP	Carla Yu	PS&E	Project Ready To List on 9/30/2021 and will be on the December 2021 CTC agenda.
13.	<b>Highway 1 Little Sur Retaining Wall</b> <b>(1K050)</b>	Between Little Sur River and North of Big Sur  (PM 55.9/55.9)	Construct earth retaining system	Fall 2022	\$2 million	SHOPP	Carla Yu	PS&E	Project delivery was accelerated from May 2022 to RTL in June 2021, 11 months ahead of schedule. Project award recommendation was approved 10/6/2021. Project is expected to start construction November 2021.
14.	<b>Highway 1 Garrapata Creek Bridge Rail Replacement</b> <b>(1H800)</b>	At Garrapata Creek Bridge  (PM 62.97)	Bridge rail rehabilitation	Fall 2023	\$3 million	SHOPP	Carla Yu	PS&E	Project is “long lead” with a longer than normal environmental study period needed to develop a context sensitive solution for the bridge rail with historic structures were completed in May 2021. Project is in Design phase and CA Type 86H rail is undergoing crash testing. First ADAC meeting held 10/5/2021.





# PROJECT UPDATE – MONTEREY COUNTY

PREPARED FOR THE OCTOBER 27, 2021 TRANSPORTATION AGENCY FOR MONTEREY COUNTY AGENCY MEETING

PROJECTS IN DEVELOPMENT									
	Project	Location & Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
15.	<b>Highway 68 Hwy 68 Curve Correction</b> <b>(1J460)</b>	Near Pacific Grove West of Community Hospital Entrance  (PM 0/0)	Improve superelevation, widen shoulders, install rumble strip	Fall 2023	\$3.2 million	SHOPP	Aaron Henkel	PS&E	Project is in the design phase.
16.	<b>Highway 68 Route 68 Drainage Improvements</b> <b>(1J880)</b>	From west of Sunset Dr to Toro Park  (PM 0.2/15.7)	Drainage improvement, replace lighting, and install count stations	Winter 2024	\$5 million	SHOPP	Carla Yu	PA&ED	PA&ED has begun. Target completion of Environmental phase is June 2022.
17.	<b>Highway 68 Pacific Grove ADA Pathway</b> <b>(1H220)</b>	From 17 Mile Drive to Congress Avenue  (PM 0.5/0.8)	Provide accessible pathway	Winter 2022	\$0.75 million	SHOPP	Mike Lew	PS&E	Project is expected to RTL in the Fall 2021.
18.	<b>Highway 68 Pacific Grove CAPM</b> <b>(1H000)</b>	From Forest Avenue to the SR 1/68 Junction  (PM 1.1/L4.3)	Pavement preservation	Winter 2022	\$6 million	SHOPP	Carla Yu	DESIGN	RTL was achieved June 30, 2021, project advertised on 9/13/2021.
19.	<b>US 101 North Soledad OH Deck Replacement</b> <b>(0F970)</b>	North Soledad Bridge  (PM 62.1/63.2)	Bridge deck rehabilitation	Summer 2022 – Summer 2023	\$5.0 million	SHOPP	Jackson Ho	PS&E/RW	Project team is working on a high risk accelerated schedule towards M500 by 3/30/2022. RTL targeted for 10/4/2021. Waiting for UPRR and CPUC approvals to RTL.
20.	<b>US 101 Spence Rd Acceleration Lane</b> <b>(1M760)</b>	South of Salinas at Spence Rd  (PM 81.03)	Extend NB acceleration lane	Winter 2024	\$1 million	MINOR	Aaron Henkel	PAED	Draft Project Report is in review. On Schedule to meet PA&ED Fall of 2021.



# PROJECT UPDATE – MONTEREY COUNTY

PREPARED FOR THE OCTOBER 27, 2021 TRANSPORTATION AGENCY FOR MONTEREY COUNTY AGENCY MEETING

PROJECTS IN DEVELOPMENT									
	Project	Location & Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
21.	<b>US 101 Market Street Northbound On-ramp Improvements</b>  (1H050)	Near Salinas from East Market Street to South of Sherwood Drive  (PM 87.4/87.8)	Roadway and Retaining Wall	Summer 2022- Winter 2023	\$4.7 million	SHOPP	Jackson Ho	Design	Target RTL by Winter 2021. Construction is scheduled to begin in Summer 2022.
22.	<b>US 101 Prunedale Rehab</b>  (1H690)	Near Prunedale North of Boronda Road overcrossing to Monterey/San Benito County Line  (PM R91.5/101.3)	Pavement rehabilitation	Winter 2022- Spring 2024	\$41.5 million	SB 1 SHOPP	Jackson Ho	PA&ED	Design Consultant and team are working towards 60% PS&E package.
23.	<b>Highway 156 Castroville Overhead</b>  (0A090)	On SR 156 between the SR 183/156 separation and Castroville Boulevard  (PM R1.1/R2.1)	Replace Bridge Railing	Spring 2022	\$5.5 million	SHOPP	Jackson Ho	PS&E/RW	Bid opened on 9/30/21. Working on Supplemental Funds to Award request. Construction targeted for Spring of 2022.
24.	<b>Highway 156 Castroville Boulevard Interchange</b>  (31601)	Castroville Boulevard and Highway 156  (R1.6/1.4)	Construct a new interchange	Fall 2022	\$24.0 million	STIP Measure X Federal Demo	Mike Lew	PS&E/RW	The Design Phase (PS&E) is well underway. The Project team is working on 95% plans submittal expected in the next month or two. Also, Environmental team continues to work on permits.
25.	<b>Highway 183 Salinas to Castroville CAPM</b>  (1K430)	South of Old Cemetery Rd near Salinas south of Del Monte Ave at Castroville  (PM 2.1/8.3)	Roadway rehabilitation, TMS elements, lighting, and sign panel replacement	Winter 2023	\$5.1 million	SHOPP	Aaron Henkel	PAED	The Environmental Phase (PA&ED) which is underway. PA&ED is scheduled to be completed 9/7/2021



# PROJECT UPDATE – MONTEREY COUNTY

PREPARED FOR THE OCTOBER 27, 2021 TRANSPORTATION AGENCY FOR MONTEREY COUNTY AGENCY MEETING

## PROJECTS IN DEVELOPMENT

	Project	Location & Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
26.	<b>Highway 183 Castroville Improvement Project</b>  (1H650)	Community of Castroville from Del Monte Ave. to Washington St  (PM R8.4/9.8)	Asset Management Pilot Project	Fall 2023- Summer 2025	\$20 million	SHOPP	Jackson Ho	PS&E	Environmental document completed July 7, 2021. New project manager assigned in August. PS&E and RW phase are being started. PS&E phase is being started. RW appraisal work continuing.
27.	<b>Highway 218 Seaside ADA</b>  (1H230)	From Del Monte Road to Fremont Boulevard  (PM R0.2/L0.9)	ADA compliant pedestrian access	Summer 2022	\$1.2 million	SHOPP	Jackson Ho	PS&E	Team is working towards RTL December 2021.

### ACRONYMS USED IN THIS REPORT:

ADA	Americans With Disabilities Act
EIR	Environmental Impact Report
PA&ED	Project Approval and Environmental Document
PID	Project Initiation Document
PS&E	Plans, Specifications, and Estimates
SB	Senate Bill, the Road Repair and Accountability Act of 2017
SCL	Santa Clara County Line
SHOPP	Statewide Highway Operation and Protection Program
SR	State Route
TMS	Traffic Management System



## ***Memorandum***

**To:** Board of Directors  
**From:** Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board  
**Meeting Date:** October 27, 2021  
**Subject:** TAMC draft minutes of September 22, 2021

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### **RECOMMENDED ACTION:**

**APPROVE** the Transportation Agency for Monterey County Board draft minutes of September 22, 2021.

### **ATTACHMENTS:**

- ▣ Draft September TAMC Board Minutes

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**  
**SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS**  
**MONTEREY COUNTY REGIONAL DEVELOPMENT IMPACT FEE**  
**JOINT POWERS AGENCY**  
**DRAFT MINUTES OF SEPTEMBER 22, 2021, TAMC BOARD MEETING**  
Via Zoom Meeting Video/Audio Conference Call

<b>TAMC BOARD MEMBERS</b>	<b>DEC 20</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>JUL 21</b>	<b>AUG 21</b>	<b>SEP 21</b>
L. Alejo, Supr. Dist. 1, <b>Past Chair</b> (L. Gonzales; J. Gomez)	P	P	P	P	P	P	P	P(T)	P	P
J. Phillips, Supr. Dist. 2, (J. Stratton)	P	P	P	P	P(A)	P	P(A)	P	P(A)	P
C. Lopez, Supr. Dist. 3, <b>County Rep</b> (P. Barba)	P	P	P(A)	P(A)	P(A)	P	P(A)	P	P	P(A)
W. Askew, Supr. Dist. 4 (Y. Anderson)	P	P	P(A)	P	P	P(A)	P(A)	P	P	P(A)
M. Adams, Supr. Dist. 5, <b>1st Vice Chair</b> (S. Hardgrave, C. Courtney)	P(A)	P	P	P	P	P(A)	P	P	P	P
D. Potter, Carmel-by-the-Sea (J. Baron)	P	P	P	P	P	P	P	P	E	P(A)
A. Kerr, Del Rey Oaks (P. Lintell)	P	P	P	P	P	P	P	P	P	P
J. Rios, Gonzales (L. Worthy)	P	P	P	P	P	E	P	P	P(A)	P
B. White, Greenfield (A. Tipton)	P	P	P	P	P(A)	P	P	P	A	A
M. LeBarre, King City, <b>2<sup>nd</sup> Vice Chair</b> (C. DeLeon)	P	P	P	P	P	P	P	P	P	P
C. Medina Dirksen, Marina (B. Delgado)	P(A)	P	P	A	P	P	P(A)	P	P	P
E. Smith, Monterey, <b>Chair</b> (D. Albert; A. Renny)	P	P	P	P	P	P	P	P	P	P
C. Poduri, Pacific Grove, (B. Peake)	P	P	P	P	P	P	P	P	P	P
K. Craig, Salinas, <b>City Representative</b> (C. Cromeenes)	A	P	P	P	P(A)	P	P	P(A)	P	P
Gregory Hawthorne, Sand City (J. Blackwelder; K. Cruz)	A	A	P(A)	P	P	P(A)	P	A	P	A
I. Oglesby, Seaside (D. Pacheco)	P	P	P	P	P	P	P	P	P	P
A. Chavez, Soledad (A. Velazquez)	P	P	P	P	P	P	P	P	A	P

<b>Ex Officio Members:</b>	<b>DEC 20</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>JUL 21</b>	<b>AUG 21</b>	<b>SEP 21</b>
M. Twomey, AMBAG (H. Adamson, <del>B. Patel</del> , <del>S. Vienna</del> )	P(A)	P(A)	P(A)	P	P	P	P	P	P(A)	P
T. Gubbins, Caltrans, Dist. 5 (S. Eades, <del>O. Monroy-Ochoa</del> , <del>J. Olejnik</del> , <del>K. McClendon</del> )	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	E	P(A)	P(A)
R. Stedman, Monterey Bay Air Resources District (A. Romero, D. Frisbey, A. Clymo)	A	A	P	P	A	P	A	E	P	P
B. Sabo, Monterey Regional Airport District	P	P	P	P	P	P	P	E	P	P
C. Sedoryk, Monterey-Salinas Transit ( <del>L. Rheinheimer</del> , M. Overmeyer)	P	P	P	P	P	P(A)	P(A)	E	P(A)	P
Aurelio Gonzalez-Gomez, Watsonville	A	A	A	A	A	A	A	E	A	A
E. Ochoa, CSUMB ( <del>A. Lewis</del> , L. Samuels)	A	P(A)	A	P(A)	P(A)	A	A	E	A	A

*P = present; P(A) = alternate present; E = excused absence; A = unnoticed absence*

<b>TAMC STAFF</b>	<b>DEC 21</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>JUL 21</b>	<b>AUG 21</b>	<b>SEP 21</b>
D. Bilsle, Transportation Engineer				P	P	P	P	E	E	P
T. Burke-Vasquez, GO831 Coordinator	P	P	P	P	P	P	P	E	P	P
D. Delfino, Finance Officer/Analyst	P	P	P	P	P	P	P	E	E	P
R. Goel, Dir. Finance & Administration	P	P	P	P	P	P	P	P	P	P
A. Green, Principal Trans. Planner	P	P	P	P	P	P	P	E	P	P
D. Hale, Executive Director	P	P	P	P	P	P	P	P	P	P
K. Hansen, Legal Counsel	P	P	P	P	P	P	P	P	P	P
A. Hernandez, Transportation Planner									P	P
M. Jacobsen, Associate Trans. Planner	P	P	P	P	P	P	P	E	P	P
M. Montiel, Administrative Assistant	P	P	P	P	P	P	P	E	P	P
T. Muck, Deputy Executive Director	P	P	P	P	P	P	P	P	P	P
E. Rodriguez, Clerk of the Board/ Senior Administrative Assistant	P	P	P	P	P	P	P	E	P	E
L. Terry, Accountant Assistant	P	P	P	P	E	P	P	E	P	
C. Watson, Principal Trans. Planner	P	P	P	P	P	P	P	E	P	P
L. Williamson, Senior Trans. Engineer	P	P	P	P	P	P	P	E	P	P
T. Wright, Community Outreach	P	P	P	P	P	P	P	E	P	P
M. Zeller, Principal Trans. Planner	P	P	P	P	P	P	P	E	P	P

**OTHERS PRESENT**

Eric Petersen

Public

**1. CALL TO ORDER**

Chair Smith called the meeting to order at 9:00 a.m. Maria Montiel, Administrative Assistant, called the roll and confirmed a quorum was established. Executive Director Debbie Hale led the pledge of allegiance.

**AB 361 BROWN ACT TAMC RESOLUTION 2021-13**

**M/S/C** Alejo/LeBarre/unanimous

Approved TAMC Resolution 2021-13 regarding the Ralph M. Brown Act and making an urgency finding of imminent risk to health and safety of in-person meetings as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom. This action was taken in order to allow remote Board and committee meetings to continue.

Board members approved the resolution as presented, with the removal of the paragraph on page two of the resolution related to the Board of Supervisors having “recently adopted an indoor mask requirement for all persons regardless of vaccination status.” Board member Alejo noted that the Board of Supervisors hadn’t yet approved the mask requirement.

**2. PUBLIC COMMENTS**

None this month.

**3.****M/S/C CONSENT AGENDA**

Kerr/Oglesby/unanimous

The Board approved the consent agenda as follows:

Item 3.4.1 was pulled for comment by Board member LeBarre thanked Robin Lee and Laurie Eavey for serving on the Measure X Transportation Safety & Investment Plan Citizens Oversight Committee.

***ADMINISTRATION and BUDGET***

**3.1.1** Approved minutes of the Transportation Agency for Monterey County, the Service Authority for Freeways and Expressways, and the Monterey County Regional Development Impact Fee Joint Powers Agency for Monterey County meeting of August 25, 2021.

**3.1.2** Accepted the list of checks written for the month of August 2021 and credit card statements for the month of July 2021.

**3.1.3** Regarding Executive Director Employment Agreement:

Approved agreement with Todd A. Muck to perform services of TAMC Executive Director, beginning on September 25, 2021; and Authorized TAMC Chair to sign Agreement.

**BICYCLE, PEDESTRIAN, TRANSIT and SOCIAL SERVICES**

- 3.2.1** Adopted Resolution 2021-11 allocating \$853,438 of Fiscal Year 2021-22 SB 1 State of Good Repair funds to Monterey-Salinas Transit to help fund future bus procurement and install a back-up generator at the administrative office.

**PLANNING**

- 3.3.1** Received update on state and federal legislative activities.

**PROJECT DELIVERY and PROGRAMMING**

- 3.4.1** Approved the appointment of Robin Lee to serve as the pedestrian advocate representative and Laurie Eavey to serve as the alternate pedestrian advocate representative on behalf of Communities for Sustainable Monterey County on the Measure X Transportation Safety & Investment Plan Citizens Oversight Committee.

- 3.4.2** Adopted the Addendum to the Final Environmental Impact Report for the Fort Ord Regional Trail and Greenway project.

- 3.4.3** Regarding Fort Ord Regional Trail and Greenway - GHD Contract Amendment #1:

1. Approved and Authorized the Executive Director to execute contract amendment #1 with GHD, subject to approval by Agency Counsel, in an amount not to exceed \$117,830, for a total not-to-exceed contract amount of \$2,792,113, to conduct additional public outreach and engagement;
2. Authorized the use of Measure X funds budgeted to this project;
3. Authorized the Executive Director to take such other further actions as may be necessary to fulfill the intent of the contract, including approvals of future modifications or amendments that do not significantly alter the scope of work, or change the approved contract term or amount; and
4. Approved sole source finding.

- 3.4.4** Regarding Property Cleanup Services Contract:

1. Approved and Authorized the Executive Director to execute a contract with Smith & Enright for an amount not to exceed \$120,000.00 to provide on-call property cleanup services over a four-year period;
2. Approved the use of \$120,000.00 in Right-of-Way Lease Revenue funds for this purpose; and
3. Authorized the Executive Director to take such other further actions as may be necessary to fulfill the intent of the contract, including approvals of future modifications or amendments that do not significantly alter the scope of work or change the approved contract term or amount.



**RAIL PROGRAM**

- 3.5.1** Approved land transfer agreement with the City of Salinas for the properties acquired for the rail station improvements at Lincoln Avenue and West Market Street.
- 3.5.2** Regarding Monterey County Rail Extension - Union Pacific Property Acquisition Request for Proposals:
  - 1. Approved the scope of work for the request for proposals for real estate acquisition, appraisal, and legal services for Union Pacific Railroad properties for the Monterey County Rail Extension project, subject to legal counsel approval;
  - 2. Authorized staff to publish the request for proposals and return to the Board of Directors with a recommendation for approval of a consultant, including the final scope of work;
  - 3. Approved the use of Traffic Congestion Relief Program funds for this project; and
  - 4. Authorized the Executive Director to take such further actions as may be necessary to fulfill the intent of the program, including modifications that do not significantly alter the scope of work.
- 3.5.3** Regarding Salinas Rail Project Packages 2 & 3 - HDR Engineering Contract Amendment #2:
  - 1. Approved and Authorized the Executive Director to execute contract amendment #2 with HDR Engineering Inc., subject to approval by Agency Counsel, in an amount not to exceed \$284,938, for a total not-to-exceed contract amount of \$3,939,610, to complete the design work for Package 2, Salinas layover facility and Package 3, Gilroy track connections;
  - 2. Authorized the use of reserves or state funds budgeted to this project that may become available;
  - 3. Authorized the Executive Director to take such other further actions as may be necessary to fulfill the intent of the contract, including approvals of future modifications or amendments that do not significantly alter the scope of work, or change the approved contract term or amount; and
  - 4. Approved sole source finding.

**REGIONAL DEVELOPMENT IMPACT FEE**

- 3.6.1** No items this month.

**COMMITTEE MINUTES AND CORRESPONDENCE**

- 3.7.1** Accepted draft minutes from Transportation Agency committees:
- Executive Committee - draft minutes of September 1, 2021
  - Rail Policy Committee - draft minutes of September 13, 2021
  - Bicycle and Pedestrian Facilities Advisory Committee - draft minutes of September 1, 2021
  - Technical Advisory Committee - draft minutes of September 2, 2021
  - Excellent Transportation Oversight Committee – No meeting this month.
- 3.7.2** Received Transportation Agency for Monterey County correspondence for September 2021.
- 

**4. MEASURE X QUARTERLY REVENUE FORECAST**

The TAMC Board of Directors received an update on the quarterly Measure X Revenue forecasts and the status of regional Measure X projects.

Mike Zeller, Principal Transportation Planner, reported that adjusted Measure X revenues from January 2021 through March 2021 were 8.6% above the same period in 2020. The net effect is that despite the pandemic, Measure X sales tax revenues exceeded prior projections of \$20 million per year this past fiscal year, and are forecast to remain steady in subsequent years. The existing Measure X program fund balance along with new revenues will allow the program of projects to stay on schedule to meet local match requirements over the next five years. Mr. Zeller noted that the Measure X regional projects that are expected to start construction during the five-year time frame include: the Imjin Road Widening project, which uses \$18.1 million of Measure X funds as match to a \$19 million Senate Bill 1 Local Partnership Program grant; the Highway 218 Segment of the Fort Ord Regional Trail and Greenway, which uses \$1.0 million of Measure X funds as a match to a \$9.2 million Active Transportation Program grant; and the State Route 156 / Castroville Boulevard project, which received a \$20 million Senate Bill 1 Trade Corridors grant that is matched with \$389,000 of Measure X and \$5 million of regional developer fees.

Board member LeBarre noted that Monterey-Salinas Transit South County Maintenance Facility project was the first in the nation to access rural community grant funds.

Bill Sabo, Monterey Regional Airport District asked if the \$85 million for the Scenic State Route 68 if was only for the environmental aspect, since the airport has a substantial interest the traffic movement along that corridor. Mike Zeller replied that the \$85 million is the cost estimate through construction for the entire corridor, but these costs are preliminary. He noted that the environmental phase will require additional work needed to evaluate the roundabouts and conduct technical studies. Deputy Executive Director Todd Muck noted that staff is actively managing and working to resolve with Caltrans and noted that a six-month delay and cost increase will be brought to the TAMC Board next month.

Board member Phillips expressed his gratitude for the work on State Route 156 – Castroville Boulevard project.

**5. FREEWAY SERVICE PATROL ANNUAL REPORT FY 2018-2019**

The TAMC Board of Directors received the FY2018-19 Freeway Service Patrol Annual report, which summarized the program's performance and compared it with the previous two fiscal years.

Laurie Williamson, Senior Transportation Engineer, reported on the Freeway Service Patrol Annual Report for fiscal year 2018-2019, which is based on the latest year of complete data available from the State. In 2018-19, the tow truck program provided an average benefit of \$6.00 for every \$1.00 invested in the program, or an annual savings of 66,550 vehicle hours of delay, 114,399 gallons of fuel savings, and a reduction of 1,006,713 kilograms per year in carbon dioxide. In the last three fiscal years, there were a total of 9,846 assists. The Freeway Service Patrol operators provided a high level of service, as demonstrated by user surveys, where most respondents rate the service they received as excellent.

The Freeway Service Patrol program is managed by a partnership of the Transportation Agency for Monterey County, the California Department of Transportation, and the California Highway Patrol.

Board member LaBarre asked who sets the beat locations. Ms. Williamson replied that TAMC sets the beat locations, but there is a minimum benefit-cost ratio (based on the number of assists made) that must be met in order to receive funding from the State of California.

**6. REPORTS FROM TRANSPORTATION PROVIDERS**

**Caltrans, District 5** – Scott Eades, Deputy Transportation of Planning, announced that the Caltrans Sustainable Transportation Planning Grants released a call for applications on September 7. Grant applications are due October 27, 2021, and announcement of grant recipient will be announced in Spring of 2022. For more information on the Caltrans Sustainable Transportation Planning Grants: <https://dot.ca.gov/programs/transportation-planning/regional-planning/sustainable-transportation-planning-grants>

Mr. Eades also reported on the Clean California Initiative which is a statewide effort to remove trash on the highways. For more general information on Clean California the website is at: <https://cleancalifornia.dot.ca.gov/about>. In conclusion, Mr. Eades announced the local Clean California Grant program draft guidelines have been released and posted and a workshop will be held on October 7, 2021 at 8:30 a.m. The call for projects will be issued in December 2021 and he expects the application deadline in February 2022.

Mayor Craig requested that Caltrans have consistent clean-up of the highway onramps and offramps and asked that they consider monthly or quarterly clean-ups instead of once a year.

**Monterey Regional Airport District** – Bill Sabo, Airport District Board Member reported that the airport is has strong local boardings, with travel equal to pre-pandemic levels. He noted that the airport is waiting for passage of the infrastructure bill which has a substantial component for terminal construction and improvements that the Airport will use to make much-needed upgrades.

**Monterey Salinas Transit District** – Carl Sedoryk, CEO, announced that MST is still below pre-pandemic boardings, but noted that each week there is an increase in ridership. Mr. Sedoryk mentioned that increasing ridership to CSUMB, Hartnell College and Monterey Peninsula College has occurred this past month due to these schools holding partial in-person classes. He added that MST is critically short of drivers and asked Board members to refer interested applicants to their website at [mst.org](http://mst.org). Mr. Sedoryk announced that MST is in the process of taking public comment on its Comprehensive Operational Analysis, which re-evaluates where and how often buses should run: visit [mst.org](http://mst.org) for more information. In conclusion, he announced that there will be a ribbon-cutting on King City South County Maintenance Facility in October.

**Monterey Bay Air Resources District** – Richard Stedman thanked the Transportation Agency for its assistance in publicizing the District’s Rebate Incentive Program on electric vehicles. He also noted that the Air District has been working tirelessly to secure funding for electric vehicle charging stations, particularly in low-income and rural communities. In conclusion, he announced that the Air District is working to add a new e-bike incentive for low-income individuals.

**7. REPORTS ON MEETINGS ATTENDED BY BOARD MEMBERS AT AGENCY EXPENSE**

Board member LeBarre announced that he attended the California Association of Councils of Governments (CALCOG) meeting last Friday as the TAMC representative on its Board of Directors. He noted that new CalCOG president is Fred Strong, a Paso Robles councilmember who is a member of the Coast Rail Council, and is very supportive of the Salinas Rail project. Mr. LeBarre added that CALCOG is working with a company to provide bulk services to CALCOG members, such as becoming a procurement agent to allow members to participate in low-cost savings and benefits. In conclusion, he announced that CALCOG Board members were asked for direction on how to amend the Brown Act more permanently to account for new technology and remote participation in meetings.

**8. EXECUTIVE DIRECTOR’S REPORT**

Executive Director Hale announced that the Salinas Safe Routes to School is installing temporary pedestrian improvements and bicycle lanes on East Alisal Street, which will be in place October 14th – November 10<sup>th</sup>. During that time, East Alisal Street will be reconfigured to one vehicle lane in each direction to create space for bicycle lanes and pedestrian improvements. She invited everyone to attend the East Alisal Pop-Up Ribbon-Cutting event on Thursday Oct 21 from 5-7pm. Ms. Hale announced the Ciclovía Salinas will be on October 17. She also announced that TAMC will be kicking-off walking school buses in South County cities in Gonzales, Soledad and Greenfield on October 5, 6

and 7th. She noted that at these events school children will walk with Paw Patrol characters along safe walking routes and will get a healthy snack when they get to school.

Ms. Hale announced the Monterey County Walk-it-Out October Challenge to encourage more walking to short-distance destinations; visit the Go831.org website for more information.

Ms. Hale introduced TAMC's newest planner Aaron Hernandez who is a recent Cal Poly Pomona grad and a resident of San Ardo.

Ms. Hale also announced with regret that Planner Madilyn Jacobsen is leaving the Transportation Agency and will be working on planning at Caltrans District 5. She thanked Ms. Jacobsen for her excellent work at TAMC. Ms. Jacobsen expressed her gratitude for her work in Monterey County in the past few years with the Transportation Agency. She noted that she will continue serve Monterey County in her work at Caltrans District 5 on complete streets.

In conclusion, Executive Director Debbie Hale expressed that over her 20 year career at TAMC the Agency has accomplished a great deal. These accomplishments include building safety improvements along US 101 and at Highway 1 at Salinas Road, becoming a Self-Help County to help leverage funds for even more highway safety, multimodal and local road improvements; and, helping the visionary Fort Ord Regional Trail and Greenway trail project get one step closer to reality. She noted the impressive improvements that the Holman Highway 68 roundabout has made to traffic flow and safety in that corridor and she looks forward to a future roundabouts on Highway 68 between Monterey and Salinas. She thanked all the Board members, past and present, for helping the Transportation Agency to be the success it is today.

Board member Alejo thanked Ms. Hale and noted she is a dedicated leader who is leaving with an excellent staff and strong new leadership at the Agency. Mayor Oglesby expressed his gratitude for Ms Hale's service and dedication to improving regional transportation, and indicated his appreciation for all that she helped to accomplish in the City of Seaside.

**9. ANNOUNCEMENTS AND/OR COMMENTS**

None this month.

**10. ADJOURNMENT**

Chair Smith adjourned the meeting at 10:48 a.m.



## ***Memorandum***

**To:** Board of Directors  
**From:** Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board  
**Meeting Date:** October 27, 2021  
**Subject:** TAMC Special Meeting draft minutes of October 20, 2021

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### **RECOMMENDED ACTION:**

**APPROVE** the Transportation Agency for Monterey County Board Special Meeting draft minutes of October 20, 2021.

### **ATTACHMENTS:**

- ▢ TAMC Board Special Meeting draft minutes of October 20, 2021

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**  
**SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS**  
**MONTEREY COUNTY REGIONAL DEVELOPMENT IMPACT FEE**  
**JOINT POWERS AGENCY**  
**DRAFT MINUTES OF OCTOBER 20, 2021, TAMC BOARD SPECIAL MEETING**  
Via Zoom Meeting Video/Audio Conference Call

<b>TAMC BOARD MEMBERS</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>JUL 21</b>	<b>AUG 21</b>	<b>SEP 21</b>	<b>OCT 20</b>
L. Alejo, Supr. Dist. 1, <b>Past Chair</b> (L. Gonzales; J. Gomez)	P	P	P	P	P	P	P(T)	P	P	P
J. Phillips, Supr. Dist. 2, (J. Stratton)	P	P	P	P(A)	P	P(A)	P	P(A)	P	P(A)
C. Lopez, Supr. Dist. 3, <b>County Rep</b> (P. Barba)	P	P(A)	P(A)	P(A)	P	P(A)	P	P	P(A)	P
W. Askew, Supr. Dist. 4 (Y. Anderson)	P	P(A)	P	P	P(A)	P(A)	P	P	P(A)	P(A)
M. Adams, Supr. Dist. 5, <b>1st Vice Chair</b> (S. Hardgrave, C. Courtney)	P	P	P	P	P(A)	P	P	P	P	P
D. Potter, Carmel-by-the-Sea (J. Baron)	P	P	P	P	P	P	P	E	P(A)	E
A. Kerr, Del Rey Oaks (P. Lintell)	P	P	P	P	P	P	P	P	P	P
J. Rios, Gonzales (L. Worthy)	P	P	P	P	E	P	P	P(A)	P	P
B. White, Greenfield (A. Tipton)	P	P	P	P(A)	P	P	P	A	A	P
M. LeBarre, King City, <b>2<sup>nd</sup> Vice Chair</b> (C. DeLeon)	P	P	P	P	P	P	P	P	P	E
C. Medina Dirksen, Marina (B. Delgado)	P	P	A	P	P	P(A)	P	P	P	A
E. Smith, Monterey, <b>Chair</b> (D. Albert; A. Renny)	P	P	P	P	P	P	P	P	P	P
C. Poduri, Pacific Grove, (B. Peake)	P	P	P	P	P	P	P	P	P	P
K. Craig, Salinas, <b>City Representative</b> (C. Cromeenes)	P	P	P	P(A)	P	P	P(A)	P	P	P
Gregory Hawthorne, Sand City (J. Blackwelder; K. Cruz)	A	P(A)	P	P	P(A)	P	A	P	A	A
I. Oglesby, Seaside (D. Pacheco)	P	P	P	P	P	P	P	P	P	P
A. Chavez, Soledad (A. Velazquez)	P	P	P	P	P	P	P	A	P	P

<b>Ex Officio Members:</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>JUL 21</b>	<b>AUG 21</b>	<b>SEP 21</b>	<b>OCT 20</b>
M. Twomey, AMBAG (H. Adamson, <del>B. Patel</del> , S. Vienna)	P(A)	P(A)	P	P	P	P	P	P(A)	P	A
T. Gubbins, Caltrans, Dist. 5 (S. Eades, <del>O. Monroy Ochoa</del> , J. Olejnik, <del>K. McClendon</del> )	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	E	P(A)	P(A)	A
R. Stedman, Monterey Bay Air Resources District (A. Romero, D. Frisbey, A. Clymo)	A	P	P	A	P	A	E	P	P	A
B. Sabo, Monterey Regional Airport District	P	P	P	P	P	P	E	P	P	A
C. Sedoryk, Monterey-Salinas Transit ( <del>L. Rheinheimer</del> , M. Overmeyer)	P	P	P	P	P(A)	P(A)	E	P(A)	P	A
Aurelio Gonzalez-Gomez, Watsonville	A	A	A	A	A	A	E	A	A	A
E. Ochoa, CSUMB ( <del>A. Lewis</del> , L. Samuels)	P(A)	A	P(A)	P(A)	A	A	E	A	A	A
<b>TAMC STAFF</b>										
<b>TAMC STAFF</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>JUL 21</b>	<b>AUG 21</b>	<b>SEP 21</b>	<b>OCT 20</b>
D. Bilsle, Transportation Engineer			P	P	P	P	E	E	P	E
T. Burke-Vasquez, GO831 Coordinator	P	P	P	P	P	P	E	P	P	E
D. Delfino, Finance Officer/Analyst	P	P	P	P	P	P	E	E	P	E
R. Goel, Dir. Finance & Administration	P	P	P	P	P	P	P	P	P	P
A. Green, Principal Trans. Planner	P	P	P	P	P	P	E	P	P	E
K. Hansen, Legal Counsel	P	P	P	P	P	P	P	P	P	P
A. Hernandez, Transportation Planner								P	P	E
M. Montiel, Administrative Assistant	P	P	P	P	P	P	E	P	P	E
T. Muck, Executive Director	P	P	P	P	P	P	P	P	P	P
E. Rodriguez, Clerk of the Board/ Senior Administrative Assistant	P	P	P	P	P	P	E	P	E	P
L. Terry, Accountant Assistant	P	P	P	E	P	P	E	P		E
C. Watson, Principal Trans. Planner	P	P	P	P	P	P	E	P	P	E
L. Williamson, Senior Trans. Engineer	P	P	P	P	P	P	E	P	P	E
T. Wright, Community Outreach	P	P	P	P	P	P	E	P	P	E
M. Zeller, Principal Trans. Planner	P	P	P	P	P	P	E	P	P	P

**OTHERS PRESENT**



**1. CALL TO ORDER**

Chair Smith called the meeting to order at 8:30 a.m. Elouise Rodriguez, Clerk of the Board, called the roll and confirmed a quorum was established.

**2. PUBLIC COMMENTS**

None this month.

**3. AB 361 FINDINGS**

**M/S/C** Oglesby/Kerr/unanimously

by/

The Board considered finding, pursuant to AB 361, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; the TAMC Board of Directors has reconsidered the circumstances of the state of emergency; and the state of emergency continues to directly impact the ability of the members to meet in person.

Agency counsel Hansen reported It is recommended that the TAMC Board of Directors find, pursuant to AB 361, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; the TAMC Board of Directors has reconsidered the circumstances of the state of emergency; and, the state of emergency continues to directly impact the ability of the members to meet in person.

The Monterey County Health Officer has recommended social distancing measures for meetings of legislative bodies, and additionally, the TAMC Board of Directors passed a resolution also making these findings on September 22, 2021, so the Board of Directors and the Board's advisory committees have been able to meet remotely since September. In order to continue meeting, in addition to the resolution, the Board of Directors must continually make the findings outlined above every 30 days.

Accordingly, staff recommends making the appropriate findings. This action should occur within every 30 days, per AB 361, in order to keep meeting remotely; additional special meetings may be necessary for that purpose. These findings apply to the TAMC Board and all TAMC Board advisory committees.

**4. ANNOUNCEMENTS AND/OR COMMENTS**

Executive Director Muck announced future special meeting dates of November 17, 2021; December 15, 2021, and January 12, 2022; noting the Agency will continue scheduling special meetings to comply with AB 361's 30-day requirement as long as the Governor's proclaimed state of emergency is still in effect.

**5. ADJOURNMENT**

Chair Smith adjourned the meeting at 8:42 a.m.



## ***Memorandum***

**To:** Board of Directors  
**From:** Dave Delfino, Finance Officer / Analyst  
**Meeting Date:** October 27, 2021  
**Subject:** TAMC payments for the month of September 2021

### **RECOMMENDED ACTION:**

**ACCEPT** the list of checks written for the month of September 2021 and credit card statements for the month of August 2021.

### **SUMMARY:**

The list of checks and copies of credit card statements are submitted to the Transportation Agency Board each month in accordance with the recommendation from the Transportation Agency's independent Certified Public Accountant to keep the Board informed about the Transportation Agency's financial transactions.

### **FINANCIAL IMPACT:**

The checks processed this period total \$ 776,908.14 which, included checks written for September 2021 and payments of the August 2021 Platinum Plus Credit Card statements.

### **DISCUSSION:**

During the month of September 2021 normal operating checks were written, as well as two checks totaling \$269,487.43 to HDR Engineering Inc. for engineering services, a check for \$13,812.50 to MNS Engineers, Inc. for construction management services and a check for \$2,659.73 to Union Pacific Railroad Company for preliminary engineering services all for the Salinas Rail Extension Kick-Start Project, two checks totaling \$43,369.96 to AECOM Technical Services, Inc. for services for the Monterey Regional Conversation Investment Strategy and for the Rail Integration Study, a check for \$34,770.55 to Alliant Insurance Services for liability insurance for the Agency, the Regional Development Impact Fee and the Monterey County SAFE, a check for \$846.00 to Boots Road Group LLC for design services for the SRTS and the RTP report, a check for \$54,926.56 to California Towing and Transport for Freeway Service Patrol towing services from April to June 2021, a check for \$3,811.71 to RAPS for costs for the recruitment for the Executive Director position, a check for \$21,646.82 to Dell Marketing LLC for staff laptops for work from home use and a check for \$82,185.89 to the California Department of Transportation for the 2014 Incurred Cost Audit.

### **ATTACHMENTS:**

- ▣ Checks September 2021
- ▣ Credit Cards August 2021

**Transportation Agency for Monterey County (TAMC)  
 Union Bank Operating Account  
 September 2021**

DATE	ITEM NAME	CHECK	DEPOSIT	DESCRIPTION
09/01/2021 20122	AECOM Technical Services, Inc.	13,515.65		Rail Network Integration Study
09/01/2021 20123	Californian	203.35		Advertising for Wayfinding Vendor
09/01/2021 20124	Clinica de Salud del Valle de Salinas	466.93		Electricity for Electric Vehicles
09/01/2021 20125	De Lage Landen Financial Services	348.28		Office Copier Lease
09/01/2021 20126	HDR Engineering Inc.	97,086.71		Engineering Services Salinas Rail Extension Kick-Start Project
09/01/2021 20127	RAPS	3,811.71		Costs for Recruitment for Executive Director
09/01/2021 20128	Smile Business Products Inc.	125.95		Office Copier Expenses
09/01/2021 20129	Smith & Enright Landscaping Inc.	1,950.00		Weed Abate for Salinas Rail Properties
09/01/2021 20130	VSP	204.23		Employee Benefits
09/01/2021 20131	VTA	2,495.00		Permits for Access to Gilroy Rail Property
09/01/2021 20132	AT & T (Carol Stream, Il.)	426.09		Telecommunications, Call Box and Rideshare - Phone Service
09/01/2021 20133	Verizon Wireless	67.94		Call Box - Phone Service
09/01/2021 20134	Smith & Enright Landscaping Inc.	235.00		Branch Line Trash Removal
09/02/2021 20135	Alvarez Technology Group, Inc. (CA)	2,463.60		Computer Support
09/02/2021 20136	Dell Marketing L.P.	21,646.82		Laptops for Work from Home
09/02/2021 20137	Khoury Consulting LLC	4,000.00		Legislative Consultant
09/02/2021 20138	The Maynard Group	357.61		Telecommunication Equipment
09/02/2021 20139	AECOM Technical Services, Inc.	29,854.31		Rail Network Integration Study
09/03/2021 EFT	CalPers Health Benefits	11,979.82		Employee Benefit
09/03/2021 EFT	Payroll	47,347.72		Payroll
09/03/2021 EFT	United States Treasury	11,617.44		Payroll Taxes & Withholding
09/03/2021 EFT	EDD	4,696.70		Payroll Taxes & Withholding
09/03/2021 EFT	EDD	36.23		Payroll Taxes & Withholding
09/03/2021 EFT	Pers Retirement	9,692.23		Employee Benefits
09/03/2021 EFT	Pers Retirement PEPRA	1,673.60		Employee Benefits
09/03/2021 EFT	CalPERS	7,911.41		Employee Benefits
09/07/2021 20140	AAMCOM LLC	243.60		Call Box Answering Service
09/07/2021 20141	California Towing and Transport	54,926.56		Freeway Service Patrol
09/07/2021 20142	Case Systems Inc.	4,170.53		SAFE Call Box - Maintenance
09/07/2021 20143	Office of the County Counsel	3,388.00		Legal Services
09/07/2021 20144	Delta Dental	953.64		Employee Benefits
09/17/2021 EFT	Payroll	47,278.52		Payroll
09/17/2021 EFT	United States Treasury	11,614.32		Payroll Taxes & Withholding
09/17/2021 EFT	EDD	4,644.76		Payroll Taxes & Withholding
09/17/2021 EFT	EDD	6.08		Payroll Taxes & Withholding
09/17/2021 EFT	Pers Retirement	9,551.20		Employee Benefits
09/17/2021 EFT	Pers Retirement PEPRA	1,673.60		Employee Benefits
09/17/2021 EFT	CalPERS	7,848.32		Employee Benefits
09/17/2021 EFT	Christina Watson	796.21		125 Plan Reimbursement
09/20/2021 20145	Alliant Insurance	34,770.55		Liability Insurance for TAMC, Regional Development Impact Fee and SAFE

**Transportation Agency for Monterey County (TAMC)**  
**Union Bank Operating Account**  
**September 2021**

DATE	ITEM NAME	CHECK	DEPOSIT	DESCRIPTION
09/20/2021	20146 Alvarez Technology Group (TX)	680.09		Computer Equipment Lease
09/20/2021	20147 Boots Road Group LLC	846.00		Graphic Design Services for SRTS and RTP Report
09/20/2021	20148 Business Card	352.99		Office Supplies, Staff Travel & Professional Training
09/20/2021	20149 California Towing and Transport	1,485.00		Towing for Monterey Branch Line
09/20/2021	20150 Californian	170.33		Advertising for Wayfinding Vendor
09/20/2021	20151 Comcast	145.06		Telecommunication
09/20/2021	20152 HDR Engineering Inc.	172,400.72		Engineering Services Salinas Rail Extension Kick-Start Project
09/20/2021	20153 MNS Engineers, INC.	13,812.50		Construction Management Services for Salinas Rail Extension Kick-Start Project
09/20/2021	20154 Oppidea, LLC	2,335.00		Accounting Services
09/20/2021	20155 Pacific Gas & Electric	3.11		Electricity
09/20/2021	20156 Smile Business Products Inc.	126.47		Office Copier Expenses
09/20/2021	20157 Union Pacific Railroad Company	2,659.73		Rail Services Salinas Rail Extension Kick-Start Project
09/20/2021	EFT State of California		52,878.69	RPA 4th Quarter 20/21
09/24/2021	DEP Various		760.00	Reimbursement for Retirement
09/24/2021	EFT Graniterock		8,279.65	Railroad Right of Way Rent
09/24/2021	DEP Monterey Motors,Lexus, Cardinale and Marina Concrete		11,840.96	Railroad Right of Way Rent
09/27/2021	EFT Union Bank	36.24		Bank Service Charges
09/27/2021	EFT State of California		71,888.03	PPM 4th Quarter 20/21
09/28/2021	EFT Union Bank	10.00		Bank Service Charges
09/29/2021	20158 Alvarez Technology Group, Inc. (CA)	564.51		Computer Support
09/29/2021	20159 California Department of Transportation	82,185.89		Audit Reimbursement
09/29/2021	20160 Clinica de Salud del Valle de Salinas	8,393.07		Rent
09/29/2021	20161 De Lage Landen Financial Services	285.75		Office Copier Lease
09/29/2021	20162 Lincoln National Life Insurance Co.	772.28		Employee Benefits
09/29/2021	20163 Office of the County Counsel	5,192.00		Legal Services
09/29/2021	20164 RailPros	9,420.00		Rail Services Salinas Rail Extension Kick-Start Project
09/29/2021	20165 Sentry Alarm Systems	283.50		Office Security
09/29/2021	20166 Verizon Wireless	54.80		Call Box-Phone Service
09/29/2021	20167 VSP	193.85		Employee Benefits
09/29/2021	EFT Dave Delfino	75.00		Auto Expense Reimbursed
09/29/2021	EFT Debbie Hale	1,399.97		125 Plan Reimbursement
09/29/2021	EFT Maria Montiel	60.00		Reimbursed Expense
09/29/2021	EFT Madilyn Jacobsen	8.60		125 Plan Reimbursement
09/29/2021	EFT United States Treasury	12,076.80		Payroll Taxes & Withholding
09/29/2021	EFT EDD	4,798.66		Payroll Taxes & Withholding
09/30/2021	DEP Saroyan and Lithia		3,131.39	Railroad Right of Way Rent
09/30/2021	DEP State of California		33,503.64	SAFE - Revenue July 2021
<b>TOTAL</b>		<b>776,908.14</b>	<b>182,282.36</b>	

ELOUISE RODRIGUEZ

Platinum Plus® for Business

August 05, 2021 - September 04, 2021

Cardholder Statement

**Account Information:**  
www.bankofamerica.com

**Mail Billing Inquiries to:**  
BANK OF AMERICA  
PO BOX 660441  
DALLAS, TX 75266-0441

**Mail Payments to:**  
BUSINESS CARD  
PO BOX 15796  
WILMINGTON, DE 19886-5796

**Customer Service:**  
1.800.673.1044, 24 Hours

**Outside the U.S.:**  
1.509.353.6656, 24 Hours

**For Lost or Stolen Card:**  
1.800.673.1044, 24 Hours

**Business Offers:**  
www.bankofamerica.com/mybusinesscenter

**Payment Information**

New Balance Total ..... \$290.00  
**Minimum Payment Due** ..... **\$25.00**  
**Payment Due Date** ..... **09/30/21**

**Late Payment Warning:** If we do not receive your minimum payment by the date listed above. You may have to pay a fee based on the outstanding balance on the fee assessment date:  
 \$19.00 for balance less than \$100.01  
 \$29.00 for balance less than \$1,000.01  
 \$39.00 for balance less than \$5,000.01  
 \$49.00 for balance equal to or greater than \$5,000.01

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance.

**Account Summary**

Previous Balance ..... \$245.00  
 Payments and Other Credits ..... -\$245.00  
 Balance Transfer Activity ..... \$0.00  
 Cash Advance Activity ..... \$0.00  
 Purchases and Other Charges ..... \$290.00  
**Fees Charged** ..... **\$0.00**  
**Finance Charge** ..... **\$0.00**  
 New Balance Total ..... \$290.00

Credit Limit ..... \$7,600  
 Credit Available ..... \$7,310.00  
 Statement Closing Date ..... 09/04/21  
 Days in Billing Cycle ..... 31

**Transactions**

Posting Date	Transaction Date	Description	Reference Number	Amount
<b>Payments and Other Credits</b>				
08/23	08/20	PAYMENT - THANK YOU		
<b>TOTAL PAYMENTS AND OTHER CREDITS FOR THIS PERIOD</b>				<b>- 245.00</b>
<b>Purchases and Other Charges</b>				
08/09	08/06	DEVICE MAGIC INC RALEIGH, NC		150.00
08/09	08/08	QUICKBOOKSTIME 8888362720 ID		140.00
<b>TOTAL PURCHASES AND OTHER CHARGES FOR THIS PERIOD</b>				<b>\$290.00</b>

BUSINESS CARD  
 PO BOX 15796  
 WILMINGTON, DE 19886-5796

ELOUISE RODRIGUEZ  
 TAMC  
 ATTN DAVE DELFINO  
 55 PLAZA CIR STE B  
 SALINAS, CA 93901-2952

Account Number  
 August 05, 2021 - September 04, 2021

New Balance Total ..... \$290.00  
**Minimum Payment Due** ..... **\$25.00**  
**Payment Due Date** ..... **09/30/21**

Enter payment amount

\$

For change of address/phone number, see reverse side.

Mail this coupon along with your check payable to:  
**BUSINESS CARD,**  
 or make your payment online at  
 www.bankofamerica.com

Credit Cards August 2021



DEBRA L HALE

Platinum Plus® for Business

August 05, 2021 - September 04, 2021

Cardholder Statement

Account Information:  
www.bankofamerica.com

Mail Billing Inquiries to:  
BANK OF AMERICA  
PO BOX 660441  
DALLAS, TX 75266-0441

Mail Payments to:  
BUSINESS CARD  
PO BOX 15796  
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1.509.353.6656, 24 Hours

For Lost or Stolen Card:  
1.800.673.1044, 24 Hours

Business Offers:  
www.bankofamerica.com/mybusinesscenter

Payment Information

New Balance Total ..... \$62.99

Minimum Payment Due ..... **\$25.00**

Payment Due Date ..... **09/30/21**

Late Payment Warning: If we do not receive your minimum payment by the date listed above. You may have to pay a fee based on the outstanding balance on the fee assessment date:  
\$19.00 for balance less than \$100.01  
\$29.00 for balance less than \$1,000.01  
\$39.00 for balance less than \$5,000.01  
\$49.00 for balance equal to or greater than \$5,000.01

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance.

Account Summary

Previous Balance ..... \$62.99

Payments and Other Credits ..... **-\$62.99**

Balance Transfer Activity ..... \$0.00

Cash Advance Activity ..... \$0.00

Purchases and Other Charges ..... \$62.99

Fees Charged ..... **\$0.00**

Finance Charge ..... **\$0.00**

New Balance Total ..... \$62.99

Credit Limit ..... \$5,000

Credit Available ..... \$4,937.01

Statement Closing Date ..... 09/04/21

Days in Billing Cycle ..... 31

Transactions

Posting Date	Transaction Date	Description	Reference Number	Amount
08/23	08/20	Payments and Other Credits PAYMENT - THANK YOU		
		<b>TOTAL PAYMENTS AND OTHER CREDITS FOR THIS PERIOD</b>		<b>- 62.99</b>
		<b>Purchases and Other Charges</b>		<b>-\$62.99</b>
08/30	08/27	MAILCHIMP *MONTHLY MAILCHIMP.COMGA		62.99
		<b>TOTAL PURCHASES AND OTHER CHARGES FOR THIS PERIOD</b>		<b>\$62.99</b>

BUSINESS CARD  
PO BOX 15796  
WILMINGTON, DE 19886-5796

DEBRA L HALE  
TAMC  
ATTN RITA GOEL  
55 PLAZA CIR STE B  
SALINAS, CA 93901-2952

Account Number:  
August 05, 2021 - September 04, 2021

New Balance Total ..... \$62.99

Minimum Payment Due ..... **\$25.00**

Payment Due Date ..... **09/30/21**

Enter payment amount

\$

For change of address/phone number, see reverse side.

Mail this coupon along with your check payable to:  
BUSINESS CARD,  
or make your payment online at  
www.bankofamerica.com



## **Memorandum**

**To:** Board of Directors  
**From:** Rita Goel, Director of Finance & Administration  
**Meeting Date:** October 27, 2021  
**Subject:** **Contracts Awarded under \$50,000**

---

### **RECOMMENDED ACTION:**

**RECEIVE** list of contracts awarded under \$50,000.

### **SUMMARY:**

The list of contracts awarded by the Transportation Agency for Monterey County for services under \$50,000 approved by the Executive Director is submitted each month in accordance with the Agency's Procurement Policies to keep the Board informed.

### **FINANCIAL IMPACT:**

The revenue source for each specific contract is in the approved Agency budget or has been approved by a specific Agency Board action.

### **DISCUSSION:**

The Procurement Policies of the Transportation Agency for Monterey County state that contracts for services and annual extensions of such contracts for \$50,000 or less may be approved by the Executive Director, if the revenue source for the specific contract is in the approved Agency budget or is approved by a specific Agency Board action. The policies also require the Executive Director to submit a report to the Board identifying any contracts valued at \$50,000 and under, entered into in the preceding quarter.

The attached list of contracts awarded by the Transportation Agency for Monterey County for services under \$50,000 approved by the Executive Director is submitted each month to keep the Board informed.

### **ATTACHMENTS:**

- Contracts under \$50000.00

**Contracts for services and annual extensions of such contracts for \$50,000 or less may be approved by the Executive Director, if the revenue source for the specific contract is in the approved Agency budget or is approved by a specific Agency Board action.**

**The Executive Director shall include a quarterly report to the Board identifying any contracts valued at \$50,000 and under, entered into in the preceding quarter.**

**Contracts Under \$50,000  
(but greater than \$5,000)  
Board Report date: October 2021**

<b>Staff</b>	<b>Consulting Firm/ Agency</b>	<b>Contract Activity</b>	<b>Start Date</b>	<b>End Date</b>	<b>Contract amount</b>	<b>Work Element</b>	<b>Fund Source</b>
Christina	Caltrain Joint Powers Board (JPB)	Salinas Rail Extension Design Review, Amendment 1	10/1/21	N/A	\$24,570	6803.2	RSTP





## Memorandum

**To:** Board of Directors  
**From:** Christina Watson, Principal Transportation Planner  
**Meeting Date:** October 27, 2021  
**Subject:** Revised TAMC Contract Template

### **RECOMMENDED ACTION:**

#### **Revised TAMC Contract Templates for Professional Services**

1. **APPROVE** revised contract template for use in contracting for professional services; and
2. **AUTHORIZE** Executive Director to sign and file Exhibit 9-A and Exhibit 9-B for TAMC's Disadvantaged Business Enterprises Program.

### **SUMMARY:**

TAMC has approved a template agreement for contracts that are intended to conform closely with revised Caltrans requirements. Specific changes are proposed to the existing standard contract template to comply with new Disadvantaged Business Enterprise (DBE) and Title VI requirements for contracts funded with federal funding.

### **FINANCIAL IMPACT:**

Approving a revised contract template protects TAMC in the context of changing state and federal contracting rules. There is no direct financial impact from this action.

### **DISCUSSION:**

The US Department of Transportation's Disadvantaged Business Enterprise (DBE) program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit, airport, and highway safety financial assistance transportation contracting markets nationwide. The primary remedial goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.

For TAMC contracts utilizing federal funds, the contract template has been updated to include new required language pertaining to DBE and Title VI. Specifically:

- Paragraph 5: Prompt Payment: TAMC requires consultant to pay any subcontractors within fifteen (15) days after receiving each progress payment. (This requirement also shows up in paragraphs 6 and 23.)
- Paragraph 19: Statement of Compliance/Non-Discrimination: paragraph (e) adds Exhibit E: Title VI Exhibit for Federal Contracts

Highlighted sections in the contract template indicate areas for the project manager to edit based on the type of

funding and project. This contract template is not used for construction contracts. Any contracts over the \$50,000 threshold will continue to be brought to the Board on an individual basis for approval, and any contracts let under the Executive Director's \$50,000 threshold for approval will be listed in the appropriate Board report. Staff recommends the Board approve this template for future contracts and authorize the Executive Director to sign and file Exhibit 9-A and Exhibit 9-B for TAMC's Disadvantaged Business Enterprises Program.

**ATTACHMENTS:**

- ▢ Draft TAMC Contract Template
- ▢ Exhibit 9-A: DBE Implementation Agreement for Local Agencies
- ▢ Exhibit 9-B: Local Agency DBE Annual Submittal Form

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**  
**AND [REDACTED]**  
**AGREEMENT FOR PROFESSIONAL SERVICES**  
**RELATED TO [PROJECT TITLE]**  
**APPROVED BY THE TAMC BOARD ON: [REDACTED]**

This is an agreement between the Transportation Agency for Monterey County, hereinafter called "TAMC," and [Consultant's Name], a [indicate legal status of entity, e.g., a California corporation, an individual dba . . ., a California partnership], [Consultant's address], hereinafter called "Consultant."

The parties agree as follows:

1. Term of Agreement. The term of this Agreement shall begin upon [START DATE], contingent upon approval by the TAMC Board, and Consultant shall commence work only after a Notice to Proceed has been issued by TAMC's Project Manager specified in Paragraph 35. Unless earlier terminated as provided herein, this Agreement shall remain in force until [FINAL DATE – JUNE 30 OR DECEMBER 31]. Consultant acknowledges that this Agreement is not binding until it is fully executed and approved by TAMC.
2. Payments to Consultant; maximum liability. Subject to the limitations set forth herein, TAMC shall pay to Consultant the amounts provided in Exhibit B: Budget, upon receipt and acceptance of deliverables listed therein. Each payment by TAMC shall be for a specific deliverable or services outlined in Exhibit A: Scope of Work and Schedule. The maximum amount payable to the Consultant under this Agreement is set forth in Exhibit B: Budget and shall not exceed the amount of [REDACTED] Dollars (\$XXXX). If there is any conflict between the terms of this Agreement and the terms of either Exhibit A (Scope of Work and Schedule) or Exhibit B (Budget), the terms of this Agreement shall prevail. TAMC does not guarantee any minimum amount of dollars to be spent under this Agreement.
3. Employment of Consultant. TAMC hereby engages Consultant and Consultant hereby agrees to perform the services set forth in Exhibit A: Scope of Work and Schedule, in conformity with the terms of this Agreement. Consultant will complete all work in accordance with the work schedule set forth in Exhibit A: Scope of Work and Schedule.

(a) The project title for this work is as follows:

[PROJECT TITLE]

(b) Consultant represents that Consultant and its agents, subconsultants and employees performing work hereunder are specially trained, experienced, competent, and

appropriately licensed to perform the work and deliver the services required by this Agreement.

- (c) Consultant, its agents, subconsultants, and employees, shall perform all work in a safe, skillful, and professional manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements. Consultant shall ensure for itself and for any subconsultants under this Agreement that the applicable requirements of Labor Code section 1725.5, concerning the registration of contractors for public works, shall be in force and maintained for the term of this Agreement.
- (d) Consultant shall furnish, at its own expense, all materials and equipment necessary to carry out the terms of this Agreement, except as otherwise provided herein. Consultant shall not use TAMC premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations hereunder.
- (e) Consultant's project manager shall be specified in Exhibit A. If Consultant desires to change the project manager, Consultant shall get written approval from the TAMC Executive Director of the new project manager.
- (f) Consultant shall submit progress reports at least once a month. The report should be sufficiently detailed for the TAMC Project Manager: to determine if Consultant is performing to expectations and if the work is on schedule; to communicate interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- (g) Consultant's Project Manager shall meet with TAMC's Project Manager, as needed, to discuss progress on the contract.

4. Payment Provisions and Allowable Costs:

- (a) The following Standard Payment Provisions apply to all contracts, regardless of the Method of Payment specified in Paragraph (b):
  - i. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this Agreement.

- ii. Reimbursement for travel costs, if eligible under the Method of Payment as specified below, shall not exceed the Short-Term Travel Lodging Rates and Requirements listed on the Caltrans website, according to the Code of Regulations (CCR), Administrative Code, Title 2.
- iii. When milestone or task-by-task cost estimates are included in the Budget, Consultant shall seek approval from the TAMC Project Manager prior to any adjustment to compensation across work tasks. If TAMC determines that a change to the Scope of Work and Schedule is required, such changes shall be approved and documented in writing by the TAMC Project Manager.
- iv. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. If Consultant fails to submit the required deliverable items according to the schedule set forth in Exhibit A: Scope of Work and Schedule (or task order, as applicable), TAMC shall have the right to delay payment or terminate this Agreement in accordance with the provisions of Paragraph 6, Termination.
- v. Invoices shall be mailed to TAMC's Finance Officer, specified in Paragraph 35, at the address contained in Paragraph 36 (Notices). Invoices shall be submitted no later than 45 calendar days after the performance of work for which Consultant is billing. Invoices shall detail the work performed on each milestone or task. Invoices shall follow the format stipulated in Exhibit B: Budget and the Invoice Cover Sheet Format attached hereto as Exhibit C and shall reference this Agreement's project title as specified in Section 3, and the Task Order title, if applicable. Consultant will be reimbursed as promptly as fiscal procedures will permit, upon receipt by TAMC's Finance Officer of itemized invoices.
- vi. The final invoice must contain the final cost and all credits due TAMC including any equipment purchased under the provisions of Paragraph 27 (Equipment Purchase) of this Agreement and shall be submitted within 60 calendar days after completion of Consultant's work under this agreement, or a given Task Order, as applicable.
- vii. No additional compensation will be paid to Consultant unless there is a change in the scope of the work. Changes in the scope of work that do not increase compensation may be approved by the TAMC Project Manager. Changes in the scope of work that would increase compensation must be authorized by an amendment to this Agreement approved by the TAMC Board of Directors.

- viii. Salary increases will be reimbursable only for Actual Cost Plus Fixed Fee or Rates of Compensation contracts and only if the increase is specified in Exhibit B: Budget. For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.
- ix. The total amount payable by TAMC resulting from this Agreement shall not exceed the amount specified in Section 2 of this Agreement.
- x. All subcontracts in excess of \$25,000 shall contain the above provisions.

(b) Method of Payment: The method of payment for this Agreement will be based on: [Select One, Line Out Methods Not Used and paragraphs below related to non-utilized payment methods] Actual Cost Plus a Fixed Fee; Lump Sum; Rates of Compensation.

[Actual Cost Plus a Fixed Fee provisions:]

- i. TAMC will reimburse Consultant for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by Consultant in performance of the work. Consultant will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, equipment rental, overhead, and other estimated costs set forth in Exhibit B: Budget.
- ii. In no event, will Consultant be reimbursed for overhead costs at a rate that exceeds the approved overhead rate set forth in Exhibit B.
- iii. In addition to the allowable incurred costs, TAMC will pay Consultant a fixed fee as specified in Exhibit B: Budget. The fixed fee is nonadjustable for the term of the Agreement, unless such adjustment is made by written amendment of this Agreement.

[Lump Sum provisions:]

- i. The total lump sum price paid to Consultant will include compensation for all work and deliverables, including any travel and equipment described in Exhibit A: Scope of Work for this Agreement. No additional compensation shall be paid, unless a change of Scope of Work is authorized by an amendment approved by the TAMC Board of Directors pursuant to Paragraph 4(a), above.
- ii. Progress payments will be made upon completion of deliverables and acceptance

by the TAMC Project Manager, as specified in Exhibit B: Budget, and Paragraph 4(a), above.

[Rates of Compensation provisions:]

- i. Consultant will be reimbursed for hours worked at the hourly rates specified in Exhibit B to this Agreement, which rates shall be inclusive of direct salary costs, employee benefits, overhead and fees, if any. These rates are not adjustable for the performance period set forth in this Agreement beyond that specified in Exhibit B.
- ii. In addition, Consultant will be reimbursed for incurred (actual) direct costs other than salary costs that are in Exhibit B: Budget.

[Include Section (c) below if a contract is to be conducted using task orders]

(c) Task Order Provisions: Work on this contract shall be directed via Task Orders, as follows:

- i. Once a specific project to be performed under this Agreement is identified by TAMC, TAMC's Project Manager will prepare a draft Task Order without the cost estimate. The draft Task Order will identify the scope of services, expected results, project deliverables, period of performance, project schedule and a TAMC Task Manager. The draft Task Order will be delivered to Consultant for review. Consultant shall return the draft Task Order within ten (10) calendar days, along with a Cost Estimate, including a written estimate of the number of hours and hourly rates per staff person, any anticipated reimbursable expenses, overhead, fee (if any), and a total dollar amount for the Task. After agreement has been reached on the negotiable items and total not-to-exceed cost, a finalized Task Order with the finalized Task Order Budget shall be signed by both TAMC and Consultant.
- ii. If no agreement on the Task Order is reached within a reasonable amount of time, TAMC may take such other actions as TAMC deems appropriate to accomplish the Task.
- iii. Task Orders may be negotiated for a lump sum (Firm Fixed Price) or for specific rates of compensation, as designated above in the Method of Payment section, both of which must be based on the labor and other rates set forth in Exhibit B: Budget. A Task Order is of no force or effect until returned to TAMC and signed by an authorized representative of TAMC. No expenditures are authorized on a

project or task, and work shall not commence until a Task Order for that project/task has been executed by TAMC.

- iv. The period of performance for Task Orders shall be in accordance with the dates specified in the Task Order. No Task Order will be written which extends beyond the expiration of this Agreement.
- v. The total amount payable by TAMC for an individual Task Order shall not exceed the amount agreed to in the Task Order Budget, unless authorized by a written amendment.
- vi. If the Consultant fails to satisfactorily complete a deliverable according to the schedule set forth in a Task Order, no payment will be made until the deliverable has been satisfactorily completed.
- vii. Task Orders may not be used to amend this Agreement and may not exceed the scope of work, or the term, of this Agreement.
- viii. The total amount payable by TAMC under all Task Orders resulting from this Agreement shall not exceed the amount specified in Section 2 of this Agreement. It is understood and agreed that there is no guarantee, either expressed or implied, that this total dollar amount will be authorized under this Agreement through Task Orders.

5. Prompt Payment. **[FOR FEDERAL CONTRACTS]**

- (a) Prompt Progress Payment to Subconsultants: TAMC requires Consultant to pay any subconsultants within fifteen (15) days after receiving each progress payment. Any delay or postponement of payment may take place only for good cause and with TAMC's prior written approval. Any violation of these provisions shall subject the violating Consultant to the penalties, sanctions and remedies specified in Section 3321 of the California Civil Code (CCC). This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by Consultant, deficient subconsultant performance, and/or noncompliance by a subconsultant. This clause applies to both DBE and non-DBE subconsultants.



6. Retention of Funds.

- (a) [Select One of these Three Retention Provisions- delete the others]:

No Retainage by TAMC or Consultant: No retainage will be withheld by TAMC from progress payments due Consultant. Retainage by Consultant or subconsultants is prohibited, and no retainage will be held by Consultant from progress due subconsultants. Any violation of this provision shall subject the violating Consultant or subconsultants to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 3321 of the CCC. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by Consultant or deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both Disadvantaged Business Enterprise (DBE) and non-DBE consultants and subconsultants.

[ - OR - ]

No Retainage by TAMC; Retainage by Prime Consultant: No retainage will be withheld by TAMC from progress payments due Consultant. Any retainage held by Consultant from progress payments due subconsultants shall be promptly paid in full to subconsultants within fifteen (15) days after the subconsultant's work is satisfactorily completed. Federal law (49 CFR 26.29) requires that any delay or postponement of payment over fifteen (15) days may take place only for good cause and with TAMC's prior written approval. Any violation of this provision shall subject the violating Consultant or subconsultant to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code and Section 3321 of the CCC. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by the prime consultant or deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE consultants and subconsultants.

[ -- OR -- ]

Retainage by TAMC: TAMC shall hold an X% retainage from Consultant and shall make prompt and regular incremental acceptances of portions, as determined by TAMC, of the contract work, and pay retainage to Consultant based on these acceptances. Consultant, or subconsultant, shall return all monies withheld in retention from a subconsultant

within fifteen (15) days after receiving payment for work satisfactorily completed and accepted, including incremental acceptances of portions of the contract work, by TAMC. Federal law (49 CFR 26.29) requires that any delay or postponement of payment over fifteen (15) days may take place only for good cause and with TAMC's prior written approval. Any violation of this provision shall subject the violating Consultant or subconsultant to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code and Section 3321 of the CCC. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by Consultant or deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE consultants and subconsultants.

- (b) Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this section.

## 7. Termination.

- (a) TAMC reserves the right to terminate this Agreement upon thirty (30) calendar days' written notice to Consultant with the reasons for termination stated in the notice.
- (b) TAMC may also terminate this Agreement at any time for good cause effective immediately upon written notice to Consultant. "Good cause" includes, without limitation, the failure of Consultant to perform the required services at the time and in the manner provided herein, as well as failure to comply with the provisions of Paragraphs 13 and 14, relating to audits, below. Notwithstanding TAMC's right to terminate for good cause effective immediately upon written notice thereof, TAMC shall provide prior notice to Consultant of any ground for termination then being considered, and also provide Consultant with a good faith opportunity to avoid termination, as reasonably determined by TAMC in its absolute discretion. If TAMC terminates this Agreement for good cause, TAMC may be relieved of the payment of any consideration to Consultant, and TAMC may proceed with the work in any manner, which it deems proper. Costs incurred by TAMC thereby shall be deducted from any sum otherwise due Consultant.
- (c) The maximum amount for which TAMC shall be liable if this Agreement is terminated is zero (0) dollars.
- (d) It is also mutually understood between TAMC and Consultant that this Agreement may have been written before ascertaining the availability of funds, or appropriation of funds,

for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the Agreement were executed after that determination was made. This Agreement is valid and enforceable only if sufficient funds are made available to TAMC for the purpose of this Agreement. It is mutually agreed that if sufficient funds are not appropriated, this Agreement may be amended to reflect any reduction in funds. TAMC retains the right to direct Consultant immediately to stop work and to terminate this Agreement for convenience, pursuant to Paragraph 6(a) above, in order to address any reduction of funds.

- (e) Termination of this Agreement shall not terminate Consultant's duty to defend, indemnify and hold harmless TAMC, as provided in Paragraphs 8 and 20.

#### 8. Cost Principles and Administrative Requirements

- (a) Consultant agrees that the contract Cost Principles and Procedures, 48 Code of Federal Regulations (CFR), Chapter 1, Part 31.000 *et seq.*, Federal Acquisition Regulations System, shall be used to determine the cost allowability of individual items.
- (b) Consultant also agrees to comply with federal procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.
- (c) Any costs for which payment has been made to Consultant under this Agreement that are determined by subsequent audit to be unallowable under 2 CFR Part 200 are subject to repayment by Consultant to TAMC.
- (d) Consultants and subconsultants shall maintain accounting systems related to the work to be performed pursuant to this Agreement that conform to Generally Accepted Accounting Principles (GAAP).
- (e) All subcontracts in excess of \$25,000 shall contain the above provisions.

#### 9. Indemnification. [Select one: if A&E contract, use Design Indemnification Services language]

- (a) To the fullest extent permitted by law, including California Civil Code sections 2782 and 2782.6, Consultant shall defend (with legal counsel reasonably acceptable to TAMC), indemnify and hold harmless TAMC, its officers, agents, and employees, from and against any and all claims, losses, costs, damages, injuries (including injury to or death of an employee of Consultant or its subconsultants), expenses and liabilities of every kind, nature and description (including incidental and consequential damages, court costs, attorneys' fees, litigation expenses and fees of expert consultants or expert witnesses

incurred in connection therewith and costs of investigation) that arise out of, pertain to, or relate to, directly or indirectly, in whole or in part, the negligence, recklessness, or willful misconduct of Consultant, any subconsultant, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify TAMC, its officers, agents, and employees, shall not apply to the extent that such Liabilities are caused in part by the sole negligence, active negligence, or willful misconduct of TAMC, its officers, agents, and employees. To the extent there is an obligation to indemnify under this Paragraph, Consultant shall be responsible for incidental and consequential damages resulting directly or indirectly, in whole or in part, from Consultant's negligence, recklessness, or willful misconduct.

- (b) Notwithstanding any other provision of this Agreement, Consultant's obligation to defend, indemnify and hold harmless TAMC shall survive the termination or expiration of the Agreement for a term to include the applicable statute of limitations related to the Consultant's performance pursuant to the Agreement.

[OR – For Design Professional Services]

- (a) For the purposes of the following indemnification provisions ("Indemnification Provisions"), "design professional" has the same meaning as set forth in California Civil Code section 2782.8. If any term, provision or application of these Indemnification Provisions is found to be invalid, in violation of public policy, or unenforceable to any extent, such finding shall not invalidate any other term or provision of these Indemnification Provisions, and such other terms and provisions shall continue in full force and effect. If there is any conflict between the terms, provisions or application of these Indemnification Provisions and the provisions of California Civil Code sections 2782 and 2782.8, the broadest indemnity protection for TAMC under these Indemnification Provisions that is permitted by law shall be provided by Consultant.
- (b) Indemnification for Design Professional Services Claims: Consultant shall indemnify, defend, and hold harmless TAMC, its governing board, officers, agents, and employees, from and against any all claims that arise out of, or pertain to, or related to the negligence, recklessness, or willful misconduct of Consultant, any subconsultant, anyone directly or indirectly employed by them, or anyone that they control in the performance of design professional services under this Agreement, excepting only liability arising from the sole negligence, active negligence, or willful misconduct of TAMC, or defect in a design furnished by TAMC, but in no event shall the amount of such Consultant's liability exceed such Consultant's proportionate percentage of fault as determined by a court, arbitrator

or mediator, or as set out in a settlement agreement. In the event one (1) or more defendants to any action involving such claim or claims against TAMC is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, such Consultant shall meet and confer with the other parties to such action regarding unpaid defense costs.

- (c) Indemnification for All Other Claims or Loss: For any claims, losses, costs, damages, injuries, other than claims arising out of Consultant's performance of design professional services under this Agreement, Consultant shall defend (with legal counsel reasonably acceptable to TAMC), indemnify and hold harmless TAMC, its governing board, officers, agents, and employees, from and against any claims, losses, costs, damages, injuries (including injury to or death of an employee of Consultant or its subconsultants), expenses and liabilities of every kind, nature and description (including incidental and consequential damages, court costs, attorneys' fees, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) that arise out of, pertain to, or relate to, directly or indirectly, in whole or in part, the negligence, recklessness, or willful misconduct of Consultant, any subconsultant, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify TAMC, its officers, agents, and employees, shall not apply to the extent that such Liabilities are caused in part by the sole negligence, active negligence, or willful misconduct of TAMC, or a defect in a design furnished by TAMC. To the extent there is an obligation to indemnify under this subparagraph 8(c), Consultant shall be responsible for incidental and consequential damages resulting directly or indirectly, in whole or in part, from Consultant's negligence, recklessness, or willful misconduct.
- (d) Notwithstanding any other provision of this Agreement, Consultant's obligation to defend, indemnify and hold harmless TAMC as expressed in these Indemnification Provisions shall survive the termination or expiration of the Agreement for a term to include the applicable statute of limitations related to the Consultant's performance pursuant to the Agreement.

## 10. Insurance.

(a) Without limiting Consultant's duty to indemnify as set forth in this Agreement, Consultant shall maintain, at no additional cost to TAMC, throughout the term of this Agreement a policy or policies of insurance with the following coverage and minimum limits of liability [check as applicable – consult with attorney if unsure]:

- Commercial general liability insurance, including but not limited to premises, personal injury, products, and completed operations, with a combined single limit of One Million Dollars (\$1,000,000) per occurrence.
- Professional liability insurance in the amount of not less than One Million Dollars (\$1,000,000) per claim and Three Million Dollars (\$3,000,000) in the aggregate, to cover liability for malpractice or errors or omissions made in the course of rendering professional services. If professional liability insurance is written on a "claims made" basis rather than an "occurrence" basis, Consultant shall, upon the expiration or termination of this Agreement, obtain extended reporting coverage ("tail coverage") with the same liability limits. Any such tail coverage shall continue for at least three years following the surviving term of Consultant's obligation to defend, indemnify and hold harmless TAMC as set for in Paragraph 8.
- Comprehensive automobile insurance covering all motor vehicles, including owned, leased, hired and non-owned vehicles used in providing services under this Agreement, with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence.

(b) All insurance required under this Agreement shall be with a company acceptable to TAMC and authorized by law to transact insurance business in the State of California. Unless otherwise provided in this Agreement, all such insurance shall be written on an occurrence basis; or, if any policy cannot be written on an occurrence basis, such policy shall continue in effect for a period of two years following the date of Consultant's completion of performance hereunder.

(c) Each policy of insurance required under this Agreement shall provide that TAMC shall be given written notice at least thirty days in advance of any change, cancellation or non-renewal thereof. Each policy shall provide identical coverage for each subconsultant performing work under this Agreement or be accompanied by a certificate of insurance for each subconsultant showing identical insurance coverage.

(d) Commercial general liability and automobile liability policies shall provide an endorsement naming TAMC, its officers, agents, and employees, as additional insureds and shall further provide that such insurance is primary to any insurance or self-insurance maintained by TAMC, and that no insurance of any additional insured shall be called upon to contribute to a loss covered by Consultant's insurance.

(e) TAMC shall not be responsible for any premiums or assessments on the policy.

11. Workers' Compensation Insurance. If during the performance of this Agreement, Consultant employs one or more employees, then Consultant shall maintain a workers' compensation plan covering all of its employees as required by Labor Code Sec. 3700, either (a) through workers' compensation insurance issued by an insurance company, with coverage meeting the statutory limits and with a minimum of One Million Dollars (\$1,000,000) per occurrence for employer's liability, or (b) through a plan of self-insurance certified by the State Director of Industrial Relations, with equivalent coverage. If Consultant elects to be self-insured, the certificate of insurance otherwise required by this Agreement shall be replaced with consent to self-insure issued by the State Director of Industrial Relations. The provisions of this paragraph apply to any subconsultant employing one or more employees, and Consultant shall be responsible for all subconsultants' compliance herewith.

12. Safety Provisions.

(a) Consultant shall comply with Division of Occupational Safety and Health (CAL-OSHA) regulations applicable to Consultant regarding necessary safety equipment or procedures. Consultant shall comply with safety instructions issued by TAMC Safety Officer and other TAMC representatives. Consultant personnel shall wear hard hats and safety vests at all times while working on a construction project site.

(b) If applicable to work to be performed by Consultant identified in the Scope of Work (Exhibit A), and pursuant to the authority contained in Section 591 of the Vehicle Code, TAMC has determined that such areas are within the limits of the project and are open to public traffic. Consultant shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. Consultant shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

(c) Any subcontract entered into as a result of this Agreement, shall contain all of the provisions of this Section.

- (d) Consultant must have a CAL-OSHA permit(s), as outlined in California Labor Code Sections 6500 and 6705, prior to the initiation of any practices, work, method, operation, or process related to the construction or excavation of trenches which are five feet or deeper.

13. Certificate of Insurance and Taxpayer Identification. Prior to the execution of this Agreement by TAMC, Consultant shall submit a completed federal W-9 form, Request for Taxpayer Identification Number and Certification, and file certificates of insurance with TAMC's Finance Officer evidencing that Consultant has in effect the insurance required by this Agreement. Consultant shall file a new or amended certificate promptly after any change is made in any insurance policy, which would alter the information on the certificate then on file. Acceptance or approval of insurance shall in no way modify any indemnification provision of this Agreement.

14. Retention of Records/Audit.

- (a) For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Agreement pursuant to Government Code 8546.7, Consultant, subconsultants, and TAMC shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Agreement, including but not limited to, the costs of administering the Agreement. All parties shall make such materials available at their respective offices at all reasonable times during the Agreement period and for three years from the date of final payment under the Agreement. The state, State Auditor, TAMC, Federal Highway Administration (FHWA), or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of Consultant and its certified public accountants (CPA) work papers that are pertinent to the Agreement and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.

- (b) Subcontracts in excess of \$25,000 shall contain this provision.

15. Audit Review Procedures.

- (a) Any dispute concerning a question of fact arising under an interim or post audit of this Agreement that is not disposed of by agreement, shall be reviewed by TAMC'S Finance Officer.



- (b) Not later than 30 days after issuance of the final audit report, Consultant may request a review by TAMC'S Finance Officer of unresolved audit issues. The request for review will be submitted in writing.
- (c) Neither the pendency of a dispute nor its consideration by TAMC will excuse Consultant from full and timely performance, in accordance with the terms of this Agreement.

[The following AUDIT CLAUSE must be inserted into all contracts of \$150,000 or greater:]

- (d) Consultant and subconsultant contracts, including cost proposals and ICR, are subject to audits or reviews such as, but not limited to, a contract audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the contract, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is Consultant's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The contract, cost proposal, and ICR shall be adjusted by Consultant and approved by TAMC project manager to conform to the audit or review recommendations. Consultant agrees that individual terms of costs identified in the audit report shall be incorporated into the Agreement by this reference if directed by TAMC at its sole discretion. Refusal by Consultant to incorporate audit or review recommendations, or to ensure that the federal, state or local governments have access to CPA work papers, will be considered a breach of contract terms and cause for termination of the Agreement and disallowance of prior reimbursed costs.

[An additional AUDIT CLAUSE must be inserted into all contracts of \$3,500,000 or greater; confer with legal counsel for language.]

- 16. Inspection of Work. Consultant and any subconsultant shall permit TAMC, the State, and the FHWA (if federal participating funds are used in this Agreement) to review and inspect the project activities and files at all reasonable times during the performance period of this Agreement including review and inspection on a daily basis.
- 17. Confidentiality; Return of Records. Consultant and its officers, employees, agents, and subconsultants shall comply with all federal, State and local laws providing for the confidentiality of records and other information. Consultant shall not disclose any confidential information received from TAMC or prepared in connection with the performance of this Agreement without the express permission of TAMC. Consultant shall promptly transmit to TAMC all requests for disclosure of any such confidential information. Consultant shall not use any confidential

information gained through the performance of this Agreement except for the purpose of carrying out Consultant's obligations hereunder. When this Agreement expires or terminates, Consultant shall return to TAMC all records, which Consultant utilized or received from TAMC to perform services under this Agreement.

18. Amendments and Modifications. No modification or amendment of this Agreement shall be valid unless it is set forth in writing and executed by the parties hereto.

19. Statement of Compliance/Non-Discrimination.

- (a) Consultant's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that Consultant has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.
- (b) During the performance of this Agreement, Consultant and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Consultant and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

[If federal funding, add (c), (d), and (e)]

- (c) Consultant shall comply with regulations relative to Title VI (nondiscrimination in federally-assisted programs of the Department of Transportation – Title 49 Code of Federal Regulations, Part 21 - Effectuation of Title VI of the 1964 Civil Rights Act). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race,

color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.

- (d) Consultant, with regard to the work performed by it during the Agreement shall act in accordance with Title VI. Specifically, the Consultant shall not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the U.S. DOT's Regulations, including employment practices when the Agreement covers a program whose goal is employment.
- (e) During the performance of this contract, Consultant, for itself, its assignees and successors in interest agrees to comply with the nondiscrimination statutes and authorities listed in **Exhibit E**.

20. Harassment. TAMC maintains a strict policy prohibiting unlawful harassment, including sexual harassment, in any form, including verbal, physical and visual harassment by any employee, supervisor, manager, officer or Board member, or agent of the employer. Vendors, contractors, and consultants shall not engage in conduct that has an effect of unreasonably interfering with a TAMC employee's work performance or creates an intimidating, hostile or offensive work environment.

21. ADA Access. TAMC is committed to accessibility, including California State Web Content Accessibility Guidelines and Federal law and regulations related to the Americans with Disabilities Act. Consultant shall review and follow TAMC's adopted ADA Best Practices for Documents and Outreach with regard to conducting public outreach, developing outreach materials, and producing public documents and content for TAMC and its website.

22. Independent Contractor. In its performance under this Agreement, Consultant is at all times acting and performing as an independent contractor and not as an employee of TAMC or any of its member jurisdictions. No offer or obligation of employment is intended in any manner, and Consultant shall not become entitled by virtue of this Agreement to receive any form of benefits accorded to employees including without limitation leave time, health insurance, workers' compensation coverage, disability benefits, and retirement contributions. Consultant shall be solely liable for and obligated to pay directly all applicable taxes, including without limitation federal and State income taxes and social security arising out of Consultant's performance of this Agreement. In connection therewith, Consultant shall defend, indemnify, and hold harmless

TAMC from any and all liability, which TAMC may incur because of Consultant's failure to make such payments.

23. Delegation of Duties; Subcontracting.

- (a) Nothing contained in this Agreement or otherwise, shall create any contractual relation between TAMC and any subconsultant(s), and no subcontract shall relieve Consultant of its responsibilities and obligations hereunder. Consultant agrees to be as fully responsible to TAMC for the acts and omissions of its subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by Consultant. Consultant's obligation to pay its subconsultant(s) is an independent obligation from TAMC'S obligation to make payments to the Consultant.
- (b) Consultant shall perform the work contemplated with resources available within its own organization and no portion of the work pertinent to this Agreement shall be subcontracted without written authorization by TAMC's Executive Director, except that, which is expressly identified in the approved Budget/Cost Proposal.
- (c) [FOR FEDERALLY FUNDED CONTRACTS] Consultant shall pay its subconsultants no later than fifteen (15) calendar days from receipt of each payment made to Consultant by TAMC.
- (d) Any subcontract in excess of \$25,000 entered into as a result of this Agreement shall contain all the provisions stipulated in this Agreement to be applicable to subconsultants.
- (e) Any substitution of subconsultant(s) must be approved in writing by TAMC's Executive Director prior to the start of work by the subconsultant(s).
- (f) Any work performed by a subconsultant shall be done in conformance with this Agreement, and TAMC shall pay Consultant for the work but not for any markup, including subcontract management, supervisions, administrative and other expenses, or reimbursable costs.

#### 24. Ownership of Data.

- (a) Upon completion of all work under this Agreement, ownership and title to all reports, documents, plans, specifications, and estimates produce as part of this Agreement will automatically be vested in TAMC; and no further agreement will be necessary to transfer ownership to TAMC. Consultant shall furnish TAMC all necessary copies of data needed to complete the review and approval process.
- (b) It is understood and agreed that all calculations, drawings and specifications, whether in hard copy or machine-readable form, are intended for one-time use in the connection with the project for which this Agreement has been entered into.
- (c) Consultant is not liable for claims, liabilities, or losses arising out of, or connected with the modification, or misuse by TAMC of the machine-readable information and data provided by Consultant under this Agreement; further, Consultant is not liable for claims, liabilities, or losses arising out of, or connected with any use by TAMC of the project documentation on other projects for additions to this project, or for the completion of this project by others, except only such use as may be authorized in writing by Consultant.
- (d) Applicable patent rights provisions regarding rights to inventions shall be included in the Agreements as appropriate (48 CFR 27, Subpart 27.3 - Patent Rights under Government Contracts for federal-aid contracts).
- (e) TAMC may permit copywriting reports or other agreement products. If copyrights are permitted, FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish or otherwise use the data, and may authorize others to use the work for government purposes.
- (f) Any subcontract in excess of \$25,000 entered into as a result of this Agreement, shall contain all of the provisions of this Article.

#### 25. Confidentiality of Data.

- (a) All financial, statistical, personal, technical, or other data and information relative to TAMC's operations, which are designated confidential by TAMC and made available to Consultant in order to carry out this Agreement, shall be protected by Consultant from unauthorized use and disclosure.

- (b) Permission to disclose information on one occasion, or public hearing held by TAMC relating to the Agreement, shall not authorize Consultant to further disclose such information, or disseminate the same on any other occasion.
- (c) Consultant shall not comment publicly to the press or any other media regarding the Agreement or TAMC's actions on the same, except to TAMC's staff, Consultant's own personnel involved in the performance of this Agreement, and at public hearings or in response to questions from a Legislative committee.
- (d) Consultant shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this Agreement without prior review of the contents thereof by TAMC, and receipt of TAMC'S written permission.
- (e) Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this Article.

26. Compliance with Terms of Federal or State Grant. If any part of this Agreement has been or will be funded pursuant to a grant from the federal or State government in which TAMC is the grantee, Consultant shall comply with all provisions of such grant applicable to Consultant's work hereunder, and said provisions shall be deemed a part of this Agreement as though fully set forth herein.

27. Use of United States –flag Vessels. If this Agreement relates to a federally funded construction contract, the Consultant agrees:

- (a) To utilize privately owned United State-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this Agreement, to the extent such vessels are available at fair and reasonable rates for Unites States-flag commercial vessels.
- (b) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (a) of this section to both the TAMC Project Manager (through the prime contractor in the case of subcontractor bills-of lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

- (c) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this Agreement.

28. Prevailing Wages.

- (a) Consultant shall comply with all prevailing wage requirements, including California Labor Code section 1770, et seq., and any Federal or local laws or ordinances, that may be applicable to the work to be performed pursuant to this Agreement.
- (b) Any subcontract entered into as a result of this Agreement, if for more than \$25,000 for public works, shall contain all the provisions of this Paragraph 26.
- (c) When prevailing wages may apply to the services described in the Scope of Work, transportation and subsistence costs shall be reimbursed at the minimum rates set by the Department of Industrial Relations (DIR) as outlined in the applicable Prevailing Wage Determination found on the DIR website.

29. Equipment, Supplies or Consultant Services Purchases.

- (a) Prior authorization in writing by TAMC's Project Manager shall be required before Consultant enters into any unbudgeted purchase order, or subcontract exceeding Five Thousand Dollars (\$5,000) for supplies, equipment, or unbudgeted Consultant services. Consultant shall provide an evaluation of desirability of incurring such costs.
- (b) For purchase of any items, service or consulting work not covered in Consultant's Cost Proposal and exceeding Five Thousand Dollars (\$5,000), prior authorization is required by TAMC's Project Manager; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.
- (c) Any equipment purchased as a result of this Agreement is subject to the following:
  - i. Consultant shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of Five Thousand Dollars (\$5,000) or more. If the purchased equipment needs replacement and is sold or traded in, TAMC shall receive a proper refund or credit for such equipment at the conclusion of the Agreement, or if the Agreement is terminated, Consultant may either keep the equipment and credit TAMC in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established TAMC procedures for such sales and then credit TAMC in an amount equal to that sales

price. If Consultant elects to keep the equipment, fair market value shall be determined at Consultant's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from and appraiser mutually acceptable to TAMC and Consultant; if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by TAMC.

- ii. Consultant acknowledges that, if federal funds are used in this Agreement, 49 CFR, Part 1201 requires a credit to Federal funds when participating equipment with a fair market value greater than Five Thousand Dollars (\$5,000) is credited to the project for which this Agreement was entered into.

- (d) Consultant shall include these provisions into any subcontract in excess of Twenty-Five Thousand Dollars (\$25,000).

30. Conflict of Interest.

- (a) Consultant shall disclose any financial, business, or other relationship with TAMC that may have an impact upon the outcome of this Agreement, or any ensuing TAMC construction project. Consultant shall also list current clients who may have a financial interest in the outcome of this Agreement, or any ensuing TAMC construction project, which will follow.
- (b) Consultant hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this Agreement.
- (c) Any subcontract in excess of \$25,000 entered into as a result of this Agreement, shall contain all of the provisions of this Article.

31. Governing Laws. This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.

32. Construction of Agreement. The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and



paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

- 33. Waiver. Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.
- 34. Successors and Assigns. This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.
- 35. Time is of the Essence. The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.
- 36. Contract Administrators. Consultant's designated principal responsible for administering Consultant's work under this Agreement shall be listed in Exhibit A; TAMC's designated administrator of this Agreement shall be Debra L. Hale, Executive Director. TAMC's Project Manager under this Agreement shall be [NAME], and TAMC's Finance Officer shall be Dave Delfino.
- 37. Notices. Notices required under this Agreement shall be delivered personally or by electronic facsimile, e-mail, or by first class or certified mail with postage prepaid. Notice shall be deemed effective upon personal delivery, facsimile transmission, or email-receipt, or on the third day after deposit with the U.S. Postal Service. Consultant shall give TAMC prompt notice of any change of address. Unless otherwise changed according to these notice provisions, notices shall be addressed as follows:

To TAMC:      Todd A. Muck  
                         Executive Director  
                         55-B Plaza Circle  
                         Salinas, CA 93901  
Tel:      831-775-0903  
Fax:      831-775-0897  
Email: [todd@tamcmonterey.org](mailto:todd@tamcmonterey.org)

To Consultant:  
  
Tel:  
Fax:  
Email:

- 38. Non-exclusive Agreement. This Agreement is non-exclusive and both parties reserve the right to contract with other entities for the same or similar services.

39. Execution of Agreement. Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

40. Debarment and Suspension Certification.

- (a) Consultant's signature affixed below shall constitute a certification under penalty of perjury under the laws of the State of California that the Consultant has complied with Title 2 CFR, Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (non-procurement)," which certifies that Consultant or any person associated with Consultant in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by an federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to the TAMC.
- (b) Exceptions will not necessarily result in denial of recommendation for award but will be considered in determining Consultant responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.
- (c) Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highway Administration.

41. Rebates, Kickbacks or Other Unlawful Consideration Prohibited. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any TAMC employee. TAMC shall have the right, in its sole and absolute discretion to do any of the following for breach or violation of this warranty: to terminate the Agreement without liability; to pay for the value of the work actually performed; or to deduct from the compensation to be paid under this Agreement (or otherwise recover) the full amount of any such rebate, kickback or unlawful consideration.

42. Prohibition of Expending Local Agency, State or Federal Funds for Lobbying.

- (a) Consultant certifies to the best of his, her or its knowledge and belief that:
- i. No State, Federal or local agency appropriated funds have been paid, or will be paid, by or on behalf of Consultant to any person for influencing or attempting to influence an officer or employee of any state or federal agency; a member of the State Legislature or United States Congress; an officer or employee of the State Legislature or United States Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding of any State or Federal contract; in connection with the making of any State or Federal grant; in connection with the making of any State or Federal loan; in connection with the entering into of any cooperative agreement, and in connection with the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan or cooperative agreement.
  - ii. If any funds other than Federal appropriated funds have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress; or an employee of a Member of Congress, in connection with this contract, grant, loan or cooperative agreement, then Consultant shall complete and submit a Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (b) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Consultant acknowledges that any person who fails to file the required certification shall be subject to a civil penalty of not less than Ten Thousand Dollars (\$10,000) and not more than One Hundred Thousand Dollars (\$100,000) for such failure.
- (c) By signing this Agreement, Consultant also agrees that Consultant will require that the language of this certification will be included in all lower-tier subcontracts which exceed One Hundred Thousand Dollars (\$100,000), and that all recipients of such subcontracts shall certify and disclose accordingly.

43. Exhibits. The following Exhibits are attached hereto and incorporated by reference:

Exhibit A – Scope of Work and Schedule

Exhibit B – Budget

Exhibit C – Invoice Cover Sheet Format

Exhibit D – ADA Best Practices for Documents and Outreach

Exhibit E –Title VI Exhibit for Federal Contracts

44. Entire Agreement. This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

IN WITNESS WHEREOF, TAMC and Consultant execute this agreement as follows:

TAMC

[CONSULTANT]

By: \_\_\_\_\_

By: \_\_\_\_\_

Todd A. Muck  
Executive Director

Name:  
Title:

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Name:  
Title:

Dated: \_\_\_\_\_

INSTRUCTIONS: If Consultant is a corporation (including limited liability and nonprofit corporations), the full legal name of the corporation shall be set forth together with the signatures of two specified officers. If Consultant is a partnership, the name of the partnership shall be set forth together with the signature of a partner with authority to execute this Agreement on behalf of the partnership. If Consultant is contracting in an individual capacity, the individual shall set forth the name of his or her business, if any, and shall personally sign the Agreement.

\*\*\*\*\*

Approved as to form:

\_\_\_\_\_

TAMC Counsel

Dated: \_\_\_\_\_

For TAMC internal use:

Work Element number to be used for the contract: \_\_\_\_\_

## **EXHIBIT A: Scope of Work and Schedule**

**Project Title:**

**Consultant Project Manager:**

**Scope of Work**

(by task, including Deliverables)

**Project Schedule**

**EXHIBIT B: Budget**

**EXHIBIT C: Invoice Cover Page Format**

[Project Title]

[Consultant Firm Name]

**Invoice #**

---

**Invoice Date**

---

**Invoice Period**

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Task #	Task Name	Task Budget	Previously billed	Current invoice	Remaining Funds	% billed to-date	% Task Complete	Work performed this period
1								
2								
3								
4								
	TOTAL							



## Exhibit D: ADA Best Practices for Documents and Outreach

The following are best practices that TAMC commits to complying with, and asks that all final and public draft documents comply, as they align with best practices for web-content accessibility:

### Public Outreach Guidance

- Offer alternative ways to engage in outreach for the hard-of-hearing and the blind
  - Example: Have Talk-to-Text capacity available to engage with the hard of hearing
- Ensure public meeting rooms are set up in a way that is wheelchair accessible
- Ensure an alternative to a podium or stage is available in the event an individual cannot participate that way
- Have at least one wireless microphone available to help ensure public comments are projected in the meeting
- Develop public workshop handouts in font size 14 (minimum)
  - Handouts could include a project summary sheet, survey, comment card, etc.

### Developing ADA Accessible Documents

- Use Calibri, Helvetica, or Arial Font Type
- Ensure final document content is at least font size 12 (minimum)
- Utilize proper features in Microsoft Word, including, but not limited to:
  - Alt Text for Images and Tables
  - “Styles” Feature to add emphasis or titles
  - Built in “Spacing” feature
- Indicate at the bottom of a Final Document’s Title Page, an ADA Notice stating:
  - **ADA Notice:** For individuals with sensory disabilities, this document is available in alternate formats. For information call (831) 775-0903 or email [ada@tamcmonterey.org](mailto:ada@tamcmonterey.org).

### Web Content Accessibility Guidelines

The Web Content Accessibility Guidance (WCAG) was integrated into Section 508 of the American with Disabilities Act in January 2018 as the industry standard in accessibility.

Guidance and Success Criteria from the WCAG are organized into the following four principles:

1. Perceivable
  - Provide text alternatives for non-text content.
  - Provide captions and other alternatives for multimedia.

- Create content that can be presented in different ways, including by assistive technologies, without losing meaning.
  - Make it easier for users to see and hear content.
2. Operable
- Make all functionality available from a keyboard.
  - Give users enough time to read and use content.
  - Do not use content that causes seizures.
  - Help users navigate and find content.
3. Understandable
- Make text readable and understandable.
  - Make content appear and operate in predictable ways
  - Help users avoid and correct mistakes.
4. Robust
- Maximize compatibility with current and future user tools

*A few key aspects that relate to content to be posted onto the TAMC website include:*

- Integrating alternative text for images and maps
- Using distinguishable colors and design techniques that are comprehensible for the color-blind

For a complete list of WCAG's Guidance, see: <https://www.w3.org/TR/WCAG20/>

If Consultant or subconsultant needs clarification on an ADA best practices, please contact [ada@tamcmonterey.org](mailto:ada@tamcmonterey.org).

## Exhibit E: Title VI Exhibit for Federal Contracts

(US DOT Order 1050.2A)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); and
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/title-vi/appendix-e-of-the-title-v-i-assurances.pdf>

**Exhibit 9-A: DBE Implementation Agreement for Local Agencies****CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
DISADVANTAGED BUSINESS ENTERPRISE (DBE) IMPLEMENTATION AGREEMENT**

For the City/County of \_\_\_\_\_, hereinafter referred to as "SUB-RECIPIENT."

**I. Definition of Terms**

The terms used in this agreement have the meanings defined in 49 CFR 26.5.

**II. Objective/Policy Statement (49 CFR 26.1 and 26.23)**

SUB-RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, SUB-RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement (hereinafter referred to as Agreement). SUB-RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to Local Agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR 26 requirements. It is the policy of SUB-RECIPIENT to ensure that DBEs, as defined in 49 CFR 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also SUB-RECIPIENT's policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that the DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in Federal-aid contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

**III. Nondiscrimination (49 CFR 26.7)**

SUB-RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. In administering the Local Agency components of the DBE Program Plan, SUB-RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

**IV. Annual DBE Submittal Form (49 CFR 26.21)**

SUB-RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed Local Agency DBE Annual Submittal Form (Exhibit 9-B), by June 30 of each year for the following Federal Fiscal Year (FFY). This form must include the name, phone number, email address of the designated Disadvantaged Business Enterprise Liaison Officer (DBELO), and the choice of Prompt Pay Provision to be used by SUB-RECIPIENT for the following FFY.

**V. Race-Neutral Means of Meeting Caltrans Overall Statewide Annual DBE Goal (49 CFR 26.51(a))**

Caltrans expects SUB-RECIPIENT to meet the maximum feasible portion of Caltrans Overall Statewide Annual DBE Goal through race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes when a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts). Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate the participation of DBE and other small businesses (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on SUB-RECIPIENT mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory through print and electronic means to the widest feasible universe of potential prime contractors; and

9. Assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media.

**VI. Race-Conscious Means of Meeting Caltrans Overall Statewide Annual DBE Goal (49 CFR 26.51(d))**

SUB-RECIPIENT must establish DBE contract goals to meet any portion of Caltrans Overall Statewide Annual DBE Goal that cannot be achieved through race-neutral means.

**VII. Quotas (49 CFR 26.43)**

SUB-RECIPIENT will not use quotas or set-asides in any way in the administration of the Local Agency component of the DBE Program Plan.

**VIII. DBE Liaison Officer (DBELO) (49 CFR 26.25)**

SUB-RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan as it pertains to the SUB-RECIPIENT, and ensures that the SUB-RECIPIENT is fully and properly advised concerning DBE Program Plan matters. [Specify resources available to the DBELO; e.g., the DBELO has a staff of two professional employees assigned to the DBE program on a full-time basis and two support personnel who devote a portion of their time to the program.] The name, address, telephone number, email address, and an organization chart displaying the DBELO's position in the organization are found in Attachment \_\_\_\_\_ to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the SUB-RECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine DBE contract goals.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

**IX. Federal Financial Assistance Agreement Assurance (49 CFR 26.13)**

Each agreement SUB-RECIPIENT signs with Caltrans must include the following assurance: The SUB-RECIPIENT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR 26. The SUB-RECIPIENT shall take all necessary and reasonable steps under 49 CFR 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The SUB-RECIPIENT's DBE Program, as required by 49 CFR 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the SUB-RECIPIENT of its failure to carry out its approved program, Caltrans may impose sanctions as provided for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Each contract Sub-recipient signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Sub-recipient deems appropriate.

**X. DBE Financial Institutions (49 CFR 26.27)**

SUB-RECIPIENT must investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

**XI. Directory (49 CFR 26.31)**

SUB-RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's [website](#).

**XII. Required Contract Clauses (49 CFR 26.13 and 26.29)**

For the purpose of this section, contractor also means consultant, and subcontractor also includes subconsultant. For prompt payment, the following State regulations are referenced: the California Business and Professions Code (CBPC), California Public Contract Code (CPC) and California Civil Code (CCC).

SUB-RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:



## A. Contract Assurance

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as SUB-RECIPIENT deems appropriate.

**NOTE:** This language is to be used verbatim, as is stated in Exhibit 12-G: Required Federal-aid Contract Language. See also 49 CFR 26.13(b).

## B. Prompt Payment

### Prompt Progress Payment to Subcontractors

The Local Agency shall require contractors and subcontractors [to pay their subcontractors within seven \(7\) days for construction contracts, and within fifteen \(15\) days for consultant contracts, after receiving each progress payment](#). Any delay or postponement of payment may take place only for good cause and with the Local Agency's prior written approval. Any violation of [these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions and remedies specified in Section 7108.5 of the CBPC and Section 10262 of the CPCC for construction contract, and Section 3321 of the CCC for consultant contract](#). This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

### Prompt Payment of Withheld Funds to Subcontractors

The Local Agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within [seven \(7\) days for construction contracts, or within fifteen \(15\) days for consultant contracts](#) after the subcontractor's work is satisfactorily completed and accepted. This shall be accompanied by including; either (1), (2), or (3) of the following provisions [Local Agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the Local Agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the Local Agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the [CBPC and Section 10262 of the CPCC for construction contracts, and Section 3321 of the CCC for consultant contracts](#). This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the Local Agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor [within seven \(7\) days for construction contracts, or within fifteen \(15\) days for consultant contracts](#) after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the Local Agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the [CBPC and Section 10262 of the CPCC for construction contracts, and Section 3321 of the CCC for consultant contracts](#). This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
  
3. The Local Agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the Local Agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within [seven \(7\) days for construction contracts, or within fifteen \(15\) days for consultant contracts](#) after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the Local Agency. Any delay or postponement of payment may take place only for good cause and with the Local Agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the [CBPC and Section 10262 of the CPCC for construction contracts, and Section 3321 of the CCC for consultant contracts](#). This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

[Any violation of these provisions shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified therein. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.](#)

### **XIII. Local Assistance Procedures Manual (LAPM)**

The SUB-RECIPIENT will advertise, award and administer Federal-aid contracts in accordance with the current [Local Assistance Procedures Manual \(LAPM\)](#) including [Forms and Exhibits](#).

**XIV. Vehicle Manufacturers/Specialized Equipment (§26.49)**

If Federal-aid contracts will include vehicle/specialized equipment procurements, SUB-RECIPIENT will require each vendor, as a condition of being authorized to bid or propose on vehicle/specialized equipment procurements, to certify that it has complied with the requirements of 49 CFR 26.69.

**XV. Reporting to the DLAE**

SUB-RECIPIENT will promptly submit a copy of the Consultant Proposal DBE Commitment (Exhibit 10-O1) at the time of award of the consultant contract.

SUB-RECIPIENT will promptly submit a copy of Consultant Contract DBE Information (Exhibit 10-O2) or the Local Agency Bidder DBE Commitment (Construction Contracts) (Exhibit 15-G) to the DLAE within 30 days after execution of consultant or construction contract.

SUB-RECIPIENT will promptly submit a copy of the Final Report-Utilization of DBE, First-Tier Subcontractors (Exhibit 17-F) of the LAPM, immediately upon completion of each consultant or construction contract.

**XVI. Certification (§26.83(a))**

SUB-RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program (CUCP) will participate as DBEs on Federal-aid contracts.

**XVII. Confidentiality**

SUB-RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

**XVIII. Prompt Payment from the Local Agency to the Contractors (California Public Contract Code §20104.50)**

The Local Agency shall make any progress payment within **30 days** after receipt of an undisputed and properly submitted payment request from a contractor on a construction contract. If the Local Agency fails to pay promptly, the Local Agency shall pay interest to the contractor, which accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied. Upon receipt of a payment request, the Local Agency shall act in accordance with both of the following:

- (1) Each payment request shall be reviewed by the Local Agency as soon as practicable after receipt for the purpose of determining that the payment request is a proper payment request.
- (2) Any payment request determined not to be a proper payment request suitable for payment shall be returned to the contractor as soon as practicable, but not later than **seven (7) days**, after receipt. A request returned pursuant to this paragraph shall be accompanied by a document setting forth in writing the reasons why the payment request is not proper.

By: \_\_\_\_\_

(Signature)

Date: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

(Print Name and Title)

ADMINISTERING AGENCY

(Authorized Governing Body Representative)

This California Department of Transportation's Disadvantaged Business Enterprise Program  
Implementation Agreement is accepted by:

\_\_\_\_\_  
(Signature of DLAE)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of DLAE)

**Distribution:** (1) Original – DLAE  
(2) Signed copy by the DLAE – Local Agency

**Exhibit 9-B: Local Agency DBE Annual Submittal Form**

TO: CALTRANS DISTRICT \_\_\_\_\_  
District Local Assistance Engineer

The information for Exhibit 9-B presented herein is in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Program Plan.

The City/County/Region of \_\_\_\_\_  
submits our annual 9-B information for the Federal Fiscal Year \_\_\_\_ / \_\_\_\_, beginning on October 1 and ending on September 30.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Planned Race-neutral Measures

Prompt Pay

49 CFR 26.29(b) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Prompt Pay Enforcement Mechanism

49 CFR 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the Local Agency's prior written approval.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name and Title)  
ADMINISTERING AGENCY  
(Authorized Governing Body Representative)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Signature of Caltrans District Local Assistance Engineer)

\_\_\_\_\_  
(Date)

**Distribution:** (1) Original – DLAE  
(2) Signed copy by the DLAE – Local Agency

**(Attachment)****Prompt Payment of Withheld Funds to Subcontractors**

Federal regulation (49 CFR 26.29(b)) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the Local Agency to ensure prompt and full payment of any retainage.

- Method 1:** No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code [for construction contracts](#), and [Section 3321 of the California Civil Code for consultant contracts](#). This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- Method 2:** No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in seven (7) days [for construction contracts and fifteen \(15\) days for consultant contracts](#) after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code [for construction contracts](#), and [Section 3321 of the California Civil Code for consultant contracts](#). This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- Method 3:** The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within seven (7) days [for construction contracts and fifteen \(15\) days for consultant contracts](#) after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code [for construction contracts](#), and [Section 3321 of the California Civil Code for consultant contracts](#). This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.



## **Memorandum**

**To:** Board of Directors  
**From:** Todd Muck, Executive Director  
**Meeting Date:** October 27, 2021  
**Subject:** Overall Work Program and Budget Amendment #1

### **RECOMMENDED ACTION:**

**APPROVE** Resolution 2021-14 providing authority for the Executive Director to execute amendment No. 1 to the fiscal year 2021/22 Overall Work Program and Budget.

### **SUMMARY:**

This amendment will allow state Rural Planning Assistance and SB 1 Sustainable Communities grant funding from the prior fiscal year to be utilized in the current fiscal year and removes pass-through funding for statewide leadership training. New funding received to develop a Salinas Valley Safe Routes to School Plan is also included in this amendment.

### **FINANCIAL IMPACT:**

Amendment No. 1 adds \$33,910 Rural Planning Assistance funds and \$250,365 SB 1 Sustainable Communities grant funds carried over from the prior fiscal year. \$25,000 of Rural Planning Assistance historically passed-through to CalCOG for statewide leadership training is being removed.

This amendment also adds a \$664,127 Sustainable Transportation Planning Grant awarded to the Transportation Agency for the Salinas Valley Safe Routes to School Plan. \$126,501 of Measure X funds have been allocated to match these state funds for a total project cost of \$790,628. Overall Work Program Amendment No. 1 adds \$173,568 state grant funds and \$33,060 Measure X matching funds for a total of \$206,628 to the fiscal year 2021/22 budget to initiate work on the plan. The remainder of the grant will be programmed in FY 2022/23 and FY 2023/24.

### **DISCUSSION:**

The annual Transportation Agency Overall Work Program describes the activities to be accomplished during the fiscal year beginning July 1 and ending June 30. Adopting an annual work program is mandatory to utilize Rural Planning Assistance funds and discretionary planning grants that the Transportation Agency receives from Caltrans. Carryover amounts and new funding need to be amended into the Overall Work Program and Budget before associated tasks can be initiated.

The Transportation Agency receives an annual allocation of Rural Planning Assistance funds and has the flexibility to program these funds to eligible activities as it deems appropriate. Carry-over funds from the prior fiscal year can likewise be allocated as needed and approved by Caltrans. Rural Planning Assistance carry-over funds totaling \$33,910 is available to be programmed into fiscal year 2021/22.

Staff recommends the carry-over Rural Planning Assistance funds be used to pay for direct expenses in Work Element

6220, for graphic design support to develop the 2022 Regional Transportation Plan, and staff activities in Work Element 6710, Corridor Studies and Regional Multi-Modal Planning. Examples of work anticipated under this work element includes developing an electric vehicle charging network along US 101 in coordination with the other Central Coast counties, updating freight planning, and wrapping up the US 101 South of Salinas study.

The Agency received a state grant for the Salinas Safe Route to School program in fiscal year 2019/20. Less funds were utilized last year than was anticipated when the Overall Work Program was adopted in June 2021. Correspondingly, an additional \$250,365 of state grant funds are being added to Work Element 6729 for this work.

Since fiscal year 2018/19, the Transportation Agency has acted as a pass-through agency to help administer funding for statewide leadership training. Caltrans notified the Agency these services are no longer needed, so \$25,000 programmed in Work Element 1000 for this purpose is being removed from this year's Overall Work Program.

The Transportation Agency recently received a \$664,127 grant from Caltrans Sustainable Transportation Planning grant program. The funds will be used to develop the Salinas Valley Safe Routes to School Plan. The plan will provide the cities of Gonzales, Soledad, Greenfield and King City with a comprehensive approach and tools to reduce the barriers to walking, biking, taking the bus and carpooling to school. This plan will provide the basis for future investments in infrastructure by the local Measure X Safe Routes to Schools program, the SB 1 local road rehabilitation program, and the Active Transportation Program. This plan will involve active participation by parents, school administrators, neighbors, City staff and officials, health professionals, community advocacy groups and students from 22 K-12 schools in five school districts. The public will be asked to participate in walking/biking audits, assess public transportation, submit comments at public meetings or through an online portal, and participate in parent surveys. All communication will be provided in English and Spanish with an effort to reach parents of all reading levels.

Work Element 6730 is being added to the Overall Work Program incorporating this new work effort. Funding for the plan is spread over a three fiscal-year period starting in FY 2021/22 and concluding in FY 2022/23. New Overall Work Program pages reflecting the above recommendations are attached.

#### **ATTACHMENTS:**

- ▣ Resolution 2020-14
- ▣ Work Element 6220 Programming Pages
- ▣ Work Element 6710 Programming Pages
- ▣ Work Element 6729 Programming Pages
- ▣ Work Element 6730 Programming Pages



**RESOLUTION NO. 2021-14 OF THE  
TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)  
TO APPROVE AMENDMENT NUMBER 1 TO THE 2021-2022 FISCAL YEAR  
OVERALL WORK PROGRAM AND BUDGET.**

**WHEREAS**, Chapter 3, Title 21, Section 6646 of the California Code of Regulations permits the Regional Transportation Planning Agency to allocate funds for implementation of the annual work program of the transportation planning process; and

**WHEREAS**, the Agency adopted its FY 2021-2022 work program and budget on May 26, 2021;

**WHEREAS**, the Agency's 2021-2022 fiscal year work program and budget describes the work tasks to be completed;

**WHEREAS**, the California Department of Transportation notified the Agency \$33,910.18 of Rural Planning Assistance funds have been carried over from FY 2020-2021 and is available to be amended into the Agency's FY 2021-2022 work program and budget;

**WHEREAS**, the California Department of Transportation notified the Agency the total carry over balance for the Salinas Safe Route to School plan's SB 1 Sustainable Communities Competitive grant from FY 2019-2020 is \$514,366.49 and is available to be reconciled into the Agency's FY 2021-2022 work program and budget;

**WHEREAS**, work program elements 6220, 6710 and 6729 have been revised to reflect the above listed funding and are attached to this resolution by reference;

**WHEREAS**, the California Department of Transportation notified the Agency notified the Agency that assistance to pass-through funds to support statewide leadership training is no longer requires, so work program element 1000 is removed from the Agency's FY 2021-2022 work program and budget;

**WHEREAS**, the California Department of Transportation notified the Agency \$664,127 of SB 1 Sustainable Communities planning grant funds have been awarded to the Agency to develop the Salinas Valley Safe Routes to School Plan and \$206,628 is being amended into the Agency's FY 2021-2022 work program and budget;

**WHEREAS**, work program element 6730 has been created to reflect the above listed funding and is attached to this resolution by reference;

**NOW, THEREFORE, BE IT RESOLVED THAT:** the Board of Directors of the Transportation Agency for Monterey County hereby authorizes the Executive Director to execute work program and budget amendment No. 1 in accordance with this resolution.

**PASSED AND ADOPTED** by the Transportation Agency for Monterey County, State of California this 27<sup>th</sup> day of October 2021, by the following votes:

**AYES:**

**NOES:**

**ABSENT:**

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**ED SMITH, CHAIR**  
**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

**ATTEST:**

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**TODD MUCK, EXECUTIVE DIRECTOR**  
**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

## WORK ELEMENT NUMBER 6220

## Regional Transportation Plan

Project Manager: Mike Zeller

**ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2021-2022****EXPENDITURES****REVENUE**

Agency	Amount (\$)	Change	Source	Amount (\$)	Change
TAMC			TAMC		
Personnel	79,148	-	State RPA	61,633	4,680
Contractual	34,680	4,680	PPM	13,000	-
			Local	39,195	-
<b>TOTAL</b>	<b>113,828</b>	<b>4,680</b>	<b>TOTAL</b>	<b>113,828</b>	<b>4,680</b>

% Federal

0%

**Project Description**

The Regional Transportation Plan (RTP) for Monterey County is a long range (20+ year) plan, updated every four years, that forms the basis for the Metropolitan Transportation Plan (MTP) prepared by Association for Monterey Bay Area Governments for the Monterey Bay Area pursuant to Federal Highway Administration and Caltrans transportation planning requirements. As the Metropolitan Planning Organization for the Monterey Bay Area, which includes Monterey, San Benito and Santa Cruz counties, the Association for Monterey Bay Area Governments incorporates the financial assumptions and project lists included in the Regional Transportation Plans prepared for Monterey, Santa Cruz and San Benito Counties into the Metropolitan Transportation Plan. The Agency coordinates its update with Association for Monterey Bay Area Governments, the other Monterey Bay regional transportation planning agencies, and partner agencies including California Department of Transportation, Monterey-Salinas Transit, the Monterey Bay Unified Air Pollution Control District and the Monterey Regional Airport District to ensure consistency between plans. Pursuant to state and federal guidelines, the Regional Transportation Plan includes a countywide multi-modal needs assessment, transportation policy element, long-range funding forecast, funding-constrained countywide transportation project list, and a program-level environmental review document assessing the probable environmental impacts associated with implementation of the plan. The Agency seeks public participation to develop the Regional Transportation Plan for each of the project steps identified in the Overall Work Program, and undertakes public outreach for the project according to adopted Monterey Bay Area Public Participation Plan.

### Previous and Ongoing Work

Regional (countywide) Transportation Plans have been prepared by the Agency since 1975. These plans and plan elements are to be in place at the time the biennial State Transportation Improvement Program candidate projects are transmitted to the California Transportation Commission via each area's Regional Transportation Improvement Program. Association for Monterey Bay Area Governments has prepared a Metropolitan Transportation Plan for the Santa Cruz, San Benito and Monterey County region since 1991. Since 2002, the regional agencies and Association for Monterey Bay Area Governments have coordinated to prepare a single environmental document and financial estimates for the region's transportation plans.

The Agency is working on completing an update to the 2018 Regional Transportation Plan. The updated Regional Transportation Plan and associated California Environmental Quality Act findings are due for adoption by the Agency's Board of Directors in June 2022. During 2020, the Agency adopted an updated Policy Element and gathered updated financial assumptions and project lists. The Agency is currently working on the finalizing the Regional Transportation Plan narrative and working with Association of Monterey Bay Area Governments on completing the environmental analysis.

This work supports the Association for Monterey Bay Area Governments priorities for planning and forecasts and sustainable development strategies for the Metropolitan Transportation Plan, as well as collaborative planning and implementation with regional agencies.

### Steps and Products

<i>Task</i>	<i>Description</i>	<i>Deliverable</i>	<i>Completion Date</i>
1	Coordinate with local jurisdictions on master plan and general plan updates to ensure consistency with the Regional Transportation Plan	Comment letters on draft plans	6/30/2022
2	Continue coordination of the Regional Transportation Plan development with the Metropolitan Transportation Plan and Santa Cruz and San Benito Counties.	Working Group meeting notes, staff reports and memos	6/30/2022
3	Undertake public outreach plan based on adopted Monterey Bay Public Participation Plan and participation plan for the Regional Transportation Plan and Sustainable Communities Strategy.	Public survey and Board Survey results that informed updated Policy Element. Received public comment and meeting materials from public workshops	6/30/2022
4	Prepare draft 2022 Regional Transportation Plan and release for public review and comment	Draft 2022 Regional Transportation Plan	12/1/2021

5	Continue coordination of the Environmental Impact Report developed jointly with Association for Monterey Bay Area Governments, Santa Cruz and San Benito Counties	Contractual funding provided to the Association of Monterey Bay Area Governments to prepare and release for public review and comment the Draft Environmental Impact Report covering the 2022 Regional Transportation Plan	12/31/2021
6	Finalize 2022 Regional Transportation Plan and joint Metropolitan Transportation Plan/Sustainable Communities Strategies with Association for Monterey Bay Area Governments, Santa Cruz and San Benito Counties	Adopt Final Environmental Impact Report and make California Environmental Quality Act findings and adopt Final 2022 Regional Transportation Plan	6/22/2022

WORK ELEMENT NUMBER 6710

Corridor Studies and Regional Multi-Modal Planning

Project Manager: Todd Muck

**ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2021-2022**

EXPENDITURES			REVENUE		
Agency	Amount (\$)	Change	Source	Amount (\$)	Change
<b>TAMC</b>			<b>TAMC</b>		
Personnel	43,969	29,230	State RPA	43,462	29,230
Contractual	6,000	0	Local	507	0
			SAFE	6,000	0
<b>TOTAL</b>	<b>49,969</b>	<b>29,230</b>	<b>TOTAL</b>	<b>49,969</b>	<b>29,230</b>
			<b>% Federal</b>	<b>0%</b>	

**Project Description**

This Work Element addresses the Transportation Agency for Monterey County's participation in studies that define and evaluate projects that enhance the integration and connectivity of the regional transportation system across and between modes, people, and freight. The Agency's focus includes studying projects and programs that increase capacity, safety, efficiency and mobility, preserving existing system infrastructure and support goods movement. Work is intended to result in proposed improvements to transportation corridors that are fundable and deliverable, and consistent with regional transportation plans.

**Previous and Ongoing Work**

The Transportation Agency closely participates in the study and planning for roadway and rail improvement projects in order to a integrate regional priorities into projects by Caltrans and the Transportation Agency member agencies. Significant successes has been made on corridor studies resulting in major Caltrans administered highway projects reaching the construction stage, including the US 101 Prunedale Improvement Project; US 101 San Juan Road Interchange Project; US 101 – Airport Blvd. Interchange East improvements. Agency staff participated in the development of the Castroville Multimodal Project for the Caltrans Asset Management Pilot Project Program and in the development of Monterey-Salinas Transit's bus on shoulder and/or Monterey Branch Line right-of-way feasibility study that recommended the SURF! Busway project. Caltrans completed Hwy 1 Big Sur Travel Demand Management study in FY 2019-20 and work to implement the plan's results is ongoing work within this work element.

Ongoing work includes the US 101 South of Salinas study, the US 101 Business Plan, and potential route rescissions such as SR 183 in Salinas, SR 68 in Pacific Grove, the old SR 68 bypass alignment, and surplus property from the US 101 Prunedale Bypass project.

<b>Steps and Products</b>			
<b>Task</b>	<b>Description</b>	<b>Deliverable</b>	<b>Completion Date</b>
1	Review and comment on documents produced by partner agencies such as <i>Caltrans' US 101 Business Plan and state-wide studies such as the California State Rail Plan</i>	Comments, memos	6/30/2022
2	Continue work on the US 101 South of Salinas study	Comments, memos, staff reports, public outreach meetings, and final report	12/31/2021
3	Consult with partner agencies on corridor transportation issues and evaluate appropriateness of pursuing corridor studies	Draft objectives, schedule and deliverables	6/30/2022
4	Participate in freight planning and coordination monthly or as needed meetings with TAC, TAMC, AMBAG, Caltrans, others	Comments, memos	6/30/2022
5	Participate in route rescission discussions with Caltrans and impacted local jurisdictions	Comments, memos, staff reports, and public outreach meetings	6/30/2022
6	Support expansion of the electric vehicle charging network in Monterey County in coordination with the Central Coast Coalition and other partners	Comments, memos	6/30/2022

WORK ELEMENT NUMBER 6729

Salinas Safe Route to Schools Plan

Project Manager: Ariana Green

**PRIOR EXPENDITURES AND REVENUE**

EXPENDITURES		REVENUE	
Agency	Amount (\$)	Source	Amount (\$)
<b>TAMC</b>		<b>TAMC</b>	
Personnel	35,019	SB 1 Sustainable Communities Competitive Grant	440,136
Contractual	422,531	Measure X - SRTS	17,414
		Local (extra match)	-
<b>TOTAL</b>	<b>457,550</b>	<b>TOTAL</b>	<b>457,550</b>

**ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2021 - 2022**

EXPENDITURES			REVENUE		
Agency	Amount (\$)	Change	Source	Amount (\$)	Change
<b>TAMC</b>			<b>TAMC</b>		
Personnel	33,437	(78,187)	SB 1 Sustainable Communities Competitive Grant	514,366	250,365
Contractual	536,890	242,207	Measure X - SRTS	55,961	389
			Local	-	(86,734)
<b>TOTAL</b>	<b>570,327</b>	<b>164,020</b>	<b>TOTAL</b>	<b>570,327</b>	<b>250,754</b>
				<b>% Federal</b>	<b>0%</b>



ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2022 - 2023			
EXPENDITURES		REVENUE	
Agency	Amount (\$)	Source	Amount (\$)
<b>TAMC</b>		<b>TAMC</b>	
Personnel	15,349	SB 1 Sustainable Communities Competitive Grant	-
Contractual	80,254	Measure X - SRTS	50,291
		Measure X (extra match)	45,312
<b>TOTAL</b>	<b>95,603</b>	<b>TOTAL</b>	<b>95,603</b>
		<b>% Federal</b>	<b>0%</b>

ESTIMATED EXPENDITURE AND REVENUE SUMMARY (FY 19/20 - 22/23)			
EXPENDITURES		REVENUE	
Agency	Amount (\$)	Source	Amount (\$)
<b>TAMC</b>		<b>TAMC</b>	
Personnel	84,114	SB 1 Sustainable Communities Competitive Grant	954,502
Contractual	1,039,366	Measure X - SRTS	123,666
		Local (extra match)	45,312
<b>TOTAL</b>	<b>1,123,480</b>	<b>TOTAL</b>	<b>1,123,480</b>

**Project Description**

This Plan will examine conditions at 44 schools in four districts serving a total of 37,015 students. It will provide the City of Salinas with a comprehensive approach and tools to improve unsafe conditions around schools and reduce barriers to walking, biking, taking the bus and carpooling to school. This plan will provide the basis for future investments in infrastructure by the local Measure X Safe Routes to Schools program, the SB 1 local road rehabilitation program, and the infrastructure portion of the Active Transportation Program. Founded on a public partnership, this plan will involve active participation by parents, school administrators, neighbors, City staff and officials, County Public Health, community advocacy groups and students from forty-four K-12 schools. This plan was modeled after the Seaside & Marina Safe Routes to School Plan, completed in 2020, and resulted in a \$12 M ATP Cycle 5 infrastructure grant for the city of Seaside.

OVERALL PROJECT OBJECTIVES:

- Identify greatest barriers for active trips to school (walk, bike, skateboard & scooter).
- Identify improvements that would increase pedestrian and bicyclist safety.
- Identify low cost, non-infrastructure solutions to increase school-based active trips.
- Identify barriers to public transit and carpooling to schools.
- Identify low cost and community generated non-infrastructure solutions to traffic congestion at schools.
- Produce a plan to guide future infrastructure improvements that reduce school-based traffic congestion and increase safe, active and sustainable transportation to and from school.
- This project will directly support the Sustainability, Mobility, Safety, Health and Social Equity goals of this grant program.

**Previous and Ongoing Work**

Work on the plan will be initiated in the early part of fiscal year 2019/2020. The study's schedule spans three fiscal years. All work products funded by the SB 1 Sustainable Communities Competitive grant must be completed by April 15, 2022.

**Steps and Products**

<i>Task</i>	<i>Description</i>	<i>Deliverable</i>	
1	Project Management	Meeting notes; Consultant Contract; Log of Contacts; Log of Meetings	4/30/2022

2	Community Engagement	List of stakeholders; meetings; sample collateral; screenshot of interface; screenshot and comments from online forum; residence maps; interactive board display; public meeting notes and volunteer list. To be performed by TAMC staff and consultants, including Ecology Action, County of Monterey Health Department and city of Salinas.	4/30/2022
3	Background Information and Data Collection	Collect & review background information; survey results; mode results; crash data & data analysis. Consultant task primarily completed by Ecology Action.	3/31/2021
4	School Audits (15)	Participant lists; summary map and comments from the online forum; notes and photos from Audits; barrier list for each school; draft non-infrastructure recommendations list; draft infrastructure recommendations list; compiled recommendations list; poster board displays & PowerPoint presentation; photos of displays; meeting minutes and agendas; revised draft recommendation list. To be completed jointly by Agency and consultants.	8/31/2021
5	Pop-Up Infrastructure Demonstration	Maps of demonstration site locations; drawings, materials list and cost; permits and sign plan; informational flyers; social media posts; volunteer recruitment list; pictures; notes and community surveys; summary of pop-up demonstration events. To be completed jointly by Agency and consultants.	1/1/2022
6	Plan Development	Draft school profiles; rating matrix; draft implementation strategy; 46 maps; administrative draft plan; draft plan including online version; PowerPoint presentation; meeting summaries; draft final plan; adopted final plan including online version and 10 paper copies; press release. To be completed jointly by Agency and consultants.	12/31/2022
7	Fiscal Management	Invoices and back-up documentation; quarterly reports	12/31/2022

WORK ELEMENT NUMBER 6730

Salinas Valley Safe Route to Schools Plan

Project Manager: Ariana Green

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2021 - 2022				
EXPENDITURES			REVENUE	
Agency	Amount (\$)		Source	Amount (\$)
<b>TAMC</b>			<b>TAMC</b>	
Personnel	23,160		SB 1 Sustainable Communities Road Maintenance and	173,568
Contractual	183,468		Measure X - SRTS	33,060
<b>TOTAL</b>	<b>206,628</b>		<b>TOTAL</b>	<b>206,628</b>
			<b>% Federal</b>	<b>0%</b>

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2022 - 2023					
EXPENDITURES			REVENUE		
Agency	Amount (\$)	Change	Source	Amount (\$)	Change
<b>TAMC</b>			<b>TAMC</b>		
Personnel	50,823		SB 1 Sustainable Communities Road Maintenance and	382,200	
Contractual	404,177		Measure X - SRTS	72,800	
<b>TOTAL</b>	<b>455,000</b>	<b>0</b>	<b>TOTAL</b>	<b>455,000</b>	<b>0</b>
			<b>% Federal</b>	<b>0%</b>	

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2023 - 2024					
EXPENDITURES			REVENUE		
Agency	Amount (\$)	Change	Source	Amount (\$)	Change
<b>TAMC</b>			<b>TAMC</b>		
Personnel	14,409		SB 1 Sustainable Communities Road Maintenance and	108,360	

Contractual	114,591	Measure X - SRTS	20,640	
<b>TOTAL</b>	<b>129,000</b>	<b>TOTAL</b>	<b>129,000</b>	
			<b>% Federal</b>	<b>0%</b>

**ESTIMATED EXPENDITURE AND REVENUE SUMMARY (FY 21/22 - 23/24)**

EXPENDITURES			REVENUE	
Agency	Amount (\$)	Change	Source	Amount (\$)
<b>TAMC</b>			<b>TAMC</b>	
Personnel	88,392		SB 1 Sustainable Communities Road Maintenance and	664,128
Contractual	702,236		Measure X - SRTS	126,500
<b>TOTAL</b>	<b>790,628</b>		<b>TOTAL</b>	<b>790,628</b>

**Project Description**

This project aims to provide a regional safe routes to school plan for four historically underserved rural cities in the Salinas Valley in Monterey County. The Salinas Valley Safe Routes to School Plan will include all the K-12 public schools in five school districts in the cities of Gonzales, Soledad, Greenfield and King City (22 schools total) serving a total of 15,927 students.

In addition to leading a robust public engagement process that will result in a plan with infrastructure and non-infrastructure recommendations, including piloting a Participatory Budgeting Process. The Participatory Budgeting process will more deeply engage community members by empowering them to define and prioritize quick-build projects to be implemented in their city immediately following the adoption of the Plan. Four on-street ‘pop-up’ demonstrations (one in each city) will allow community members to physically walk, bike and drive through a proposed street design and let the planning team know if they want the improvements to be made permanent. This proposal will test a new kind of immersive planning process that will enable more immediate project implementation and create the robust and engaged community networks necessary to support future safe routes to school programs and projects. This plan will provide the basis for future investments in infrastructure by the local Measure X Safe Routes to Schools program, the SB 1 local road rehabilitation program, and the infrastructure portion of the Active Transportation Program. Founded on a public partnership, this plan will involve active participation by parents, school administrators, neighbors, City staff and officials, County Public Health, community advocacy groups and students from twenty-two K-12 schools.

**OVERALL PROJECT OBJECTIVES:**

- Identify greatest barriers for active trips to school (walk, bike, skateboard & scooter).
- Identify improvements that would increase pedestrian and bicyclist safety.
- Identify low cost, community-led solutions to increase school-based active trips.
- Identify barriers to public transit and carpooling to schools.
- Identify low cost and community led non-infrastructure solutions to traffic congestion at schools.
- Produce a plan to guide future infrastructure improvements that reduce school-based traffic congestion and increase safe, active and sustainable transportation to and from school.
- This project will directly support the Sustainability, Mobility, Safety, Health and Social Equity goals of this grant program.

**Previous and Ongoing Work**

Work on the plan will be initiated in the second quarter of fiscal year 2021/2022. The study's schedule spans three fiscal years. All work products funded by the SB 1 Sustainable Communities Competitive grant must be completed by February 29, 2024 and final invoice must be submitted by April 29, 2024.

**Steps and Products**

<i>Task</i>	<i>Description</i>	<i>Deliverable</i>	
01	Project Administration	Kick-off with Caltrans meeting notes; Quarterly invoices and back-up documentation, quarterly progress reports	4/29/2024

02	Consultant Procurement	Procure Consultant – TAMC’s current procurement procedures, copy of the Request for Proposal/Qualifications, copy of the contract between consultant and Ecology Action, copies of all amendments to the consultant contract, meeting notes from project kick-off with consultant; Contract with Community-Based Organization – TAMC’s current procurement procedures, copy of the contract between consultant and TAMC, copies of all amendments to the consultant contract, meeting notes from project kick-off with consultant	12/31/2021
1	Existing Conditions	Survey results, mode results, crash data and data analysis	11/30/2022
2	Coordination	Log of Meetings and contacts	2/29/2024
3	Community Engagement	Community Engagement Strategy, outreach kit, project website, school site maps and data, flyers, sign-in sheets, log of contacts, presentation materials, flyers, communications materials and attendance sheets.	2/29/2024
4	Steering Committee & Participatory Budgeting	Contact list, Committee Guidelines, meeting agendas, presentations, project handouts, meeting notes, participatory budget guidelines, recommended list of quick-build projects and implementation strategy.	2/29/2024
5	School Site Audits & Recommendations	Participant list, summary map and comments from parent meetings, notes and photos from audits, barrier list for each school, draft non-infrastructure recommendations list, draft infrastructure recommendations list, compiled recommendations list, presentations, meeting minutes and agendas, revised draft recommendations list	6/30/2023



## ***Memorandum***

**To:** Board of Directors  
**From:** Todd Muck, Executive Director  
**Meeting Date:** October 27, 2021  
**Subject:** **Director Positions & Salary Range Budget Amendment**

### **RECOMMENDED ACTION:**

**APPROVE** a budget amendment replacing the Deputy Executive Director position with Director of Planning and Director of Programming and Project Delivery positions, and set the salary schedule for the new positions the same as the current salary range as for the Director of Finance and Administration.

### **SUMMARY:**

Upon Executive Director Hale's retirement, the Board promoted Todd Muck from Deputy Executive Director to Executive Director. In order to fill the vacancy of the Deputy Executive Director, an organizational change is proposed to replace the Deputy Executive Director position with two new positions: Director of Planning and Director of Programming and Project Delivery. A budget amendment is required to modify the Agency's staff position classification list and salary ranges.

### **FINANCIAL IMPACT:**

This budget amendment would replace the Deputy Executive Director position in the Agency's adopted budget with two new Director positions at a lower salary than the Deputy Executive Director range. The two new Director positions would be classified as management employees including exempt status and benefits. The salary range for the two new positions would be the same as the current salary range for Director of Finance and Administration.

Anticipated promotion of two current Principal Planners to the new Director positions and subsequent hiring of new staff in junior positions within the Planner classification range will result in an estimated budget savings of \$50,424 in this fiscal year. Future raises and promotions will likely erode this cost savings over an undetermined period of time.

### **DISCUSSION:**

The transition to a new Executive Director is an opportune time to implement other changes to the Agency's organizational structure. Evaluating options to fill the vacant Deputy Executive Director position led to the current recommendation to split the Deputy Executive Director's duties between two new positions: Director of Planning and Director of Programming and Project Delivery. Under direction of the Executive Director, the Director positions will be responsible for directing and supervising the Agency's planning and engineering staff. Dividing the Deputy Executive Director's duties will allow the new Directors to strengthen supervisory skills while continuing to work directly in their respective areas of technical expertise.

The current salary range for Director of Finance and Administration is being used because it is in between the Principal Planner and Deputy Executive Director ranges. There is also consistency between the job responsibilities and number of employees to be supervised by the new Director positions and the current Director of Finance and



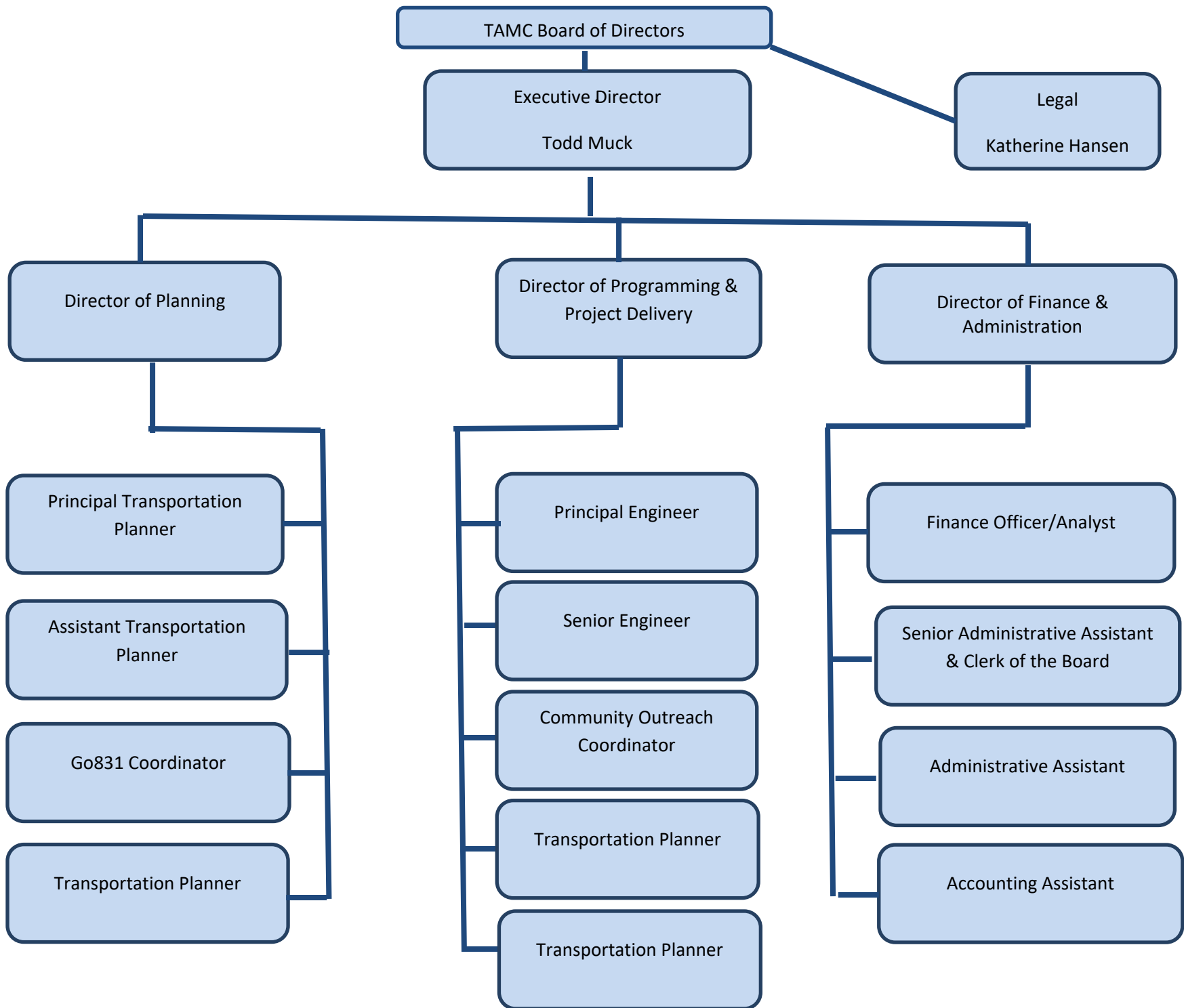
Administration.

The recommended change to the Agency's organizational structure provides the added benefit of strengthening succession planning by providing additional opportunity for current staff to develop and excel in management roles.

A diagram of the proposed staff organizational structure is **attached**.

**ATTACHMENTS:**

- ▣ Proposed TAMC Organizational Chart





## **Memorandum**

**To:** Board of Directors  
**From:** Theresa Wright, Community Outreach Coordinator  
**Meeting Date:** October 27, 2021  
**Subject:** Transportation Excellence Awards Nominations

### **RECOMMENDED ACTION:**

**RECEIVE** the call for nominations for the 20th Annual Transportation Excellence awards to honor individuals, businesses, groups or projects for their efforts to improve the transportation system in Monterey County.

### **SUMMARY:**

Transportation Agency would like to encourage and appreciate the efforts made by Monterey County residents, businesses and employees to improve transportation in Monterey County by awarding Transportation Excellence Awards. Staff encourages Board members to submit nominations, which are due by December 3, 2021. The awards ceremony will take place during the regular January 26, 2022 Transportation Agency Board meeting.

### **FINANCIAL IMPACT:**

None.

### **DISCUSSION:**

Transportation Agency for Monterey County would like to show its appreciation to the local community for its outstanding efforts to improve transportation in Monterey County. The program has award categories for individuals, businesses/groups, programs or projects. Examples of potential awards include but are not limited to:

- Transportation employees who excel at their jobs and go the extra mile to improve our transportation system.
- Innovative activities that promote more efficient use of the local transportation network.
- Citizens or organizations that have made significant efforts to inform and educate the public about transportation issues.
- Successful efforts to improve transit services and encourage the use of smart commute options as alternatives to driving alone through the Go831 Smart Commute Program.

Board members are encouraged to distribute nomination forms and nominate projects, groups or individuals to be recognized for their contributions to transportation in Monterey County.

The nomination form is attached to this staff report and is also available on the Transportation Agency website ([tamcmonterey.org](http://tamcmonterey.org)). The form can be submitted online, mailed to Transportation Agency offices or emailed to Theresa Wright (at [theresa@tamcmonterey.org](mailto:theresa@tamcmonterey.org)). The deadline for nominations is December 3, 2021. The Transportation Agency Executive Committee will select the awards recipients at its January meeting.

### **ATTACHMENTS:**

▫ Transportation Excellence Award Nomination Form



**Transportation Excellence Awards**

**Awards Program Nomination form** (Please fill out form completely)

**1. Name of Nominee**

Give name and address of individual (provide title), firm, group, or organization.

Nominee: \_\_\_\_\_

Category: (circle one)      **Individual**      **Business/Group**      **Program**      **Project**

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ Zip \_\_\_\_\_ Phone: \_\_\_\_\_

If Nominee is a firm, group or organization, provide contact name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

**2. Description:**

Describe the individual, business, group, program or project that is being nominated. Include any specific information that may apply, such as the number of people who worked on the project, number of hours spent on the project, number of people served or affected, cost to those served, and annual cost of operation. Indicate whether the nominee is a volunteer or paid. Enclose any photographs or other materials that will contribute additional information to the nomination. Use extra pages as needed.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. Date or duration of program:**

When did this program take place? When was it completed? If ongoing, when did it start?

\_\_\_\_\_  
 \_\_\_\_\_

**4. Significance/Result:**

State how this person, group or project has contributed to improving transportation in Monterey County in current calendar year. Describe the impact on those served and value created by this activity, as well as any savings provided to users, taxpayers or providers by the nominee. Use extra pages as needed.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**5. Person Submitting Nomination:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Please return by **noon, December 3, 2021** via fax: 831-775-0897; email: Theresa@tamcmonterey.org; or mail to: Transportation Agency for Monterey County, Attn: Theresa Wright 55-B Plaza Circle, Salinas CA, 93901. For additional information, please call 831-775-4403.



## Memorandum

**To:** Board of Directors  
**From:** Doug Bipse, Principal Engineer  
**Meeting Date:** October 27, 2021  
**Subject:** On-Call Corridor Advisor Services Request for Qualifications

### **RECOMMENDED ACTION:**

#### **On-Call Corridor Advisor Services Request for Qualifications**

1. **APPROVE** the scope of services for the request for qualifications for on-call corridor advisor services, subject to legal counsel approval;
2. **AUTHORIZE** staff to publish the request for qualifications and return to the Board of Directors with a recommendation for approval of a consultant, including the final scope of services;
3. **APPROVE** the use of Measure X funds for on-call corridor advisor services in an amount not to exceed \$500,000.00 to be used for projects that may include the State Route 156 Safety Improvements project, the State Route 68 Scenic Highway Improvement project, US 101 South of Salinas project, and other corridor projects as needed in Monterey County through June 30, 2026
4. **AUTHORIZE** the Executive Director to take such further actions as may be necessary to fulfill the intent of each project the corridor advisor is contracted to provide services, including modifications that do not significantly alter the scope of services.

### **SUMMARY:**

This on-call agreement will support the Transportation Agency staff efficiently construct projects in cooperation with Caltrans staff. These include Measure X funded projects that involve improvements along corridors including, but not limited to, State Route 156, State Route 68 and US 101 South of Salinas. The Corridor Advisor will advise the Transportation Agency on matters involving project delivery, project design, innovations, project funding, and the respective roles and responsibilities the partner agencies should assume to expedite project delivery.

### **FINANCIAL IMPACT:**

The On-Call Corridor Advisor budget is funded entirely through Measure X revenues. The not-to-exceed amount for this on-call contract for corridor advisor services is \$500,000. A task order will be issued to the Consultant by the Executive Director to perform corridor advisor services for each project based on the scope of work. The Executive Director may choose to execute some, or all, of the services included in the scope of services for each task order. The total work for all task orders will not exceed the contract amount.

### **DISCUSSION:**

The Transportation Agency is committed to planning, funding and delivering transportation projects for the region. This includes delivery of several corridor projects on the State Highway system included in the Measure X regional project list. Project design, phasing, permitting and financing are all challenges to project delivery.

The Corridor Advisor will provide guidance to the project team towards completing projects on schedule using

resources efficiently while maintaining public and political support for the projects. The scopes of work for this contract will typically involve assisting Caltrans staff design and construct projects according to their established guidelines and policies. The Corridor Advisor will use independent judgment to advise the Transportation Agency on matters including strategies for corridor project delivery, innovative project design, project funding, and the respective roles and responsibilities the partner agencies should assume to expedite project delivery. In addition to expertise in project delivery, the Corridor Advisor is expected to have extensive knowledge and experience developing and implementing funding strategies and obtaining permits from regulatory agencies. The Corridor Advisor will present advice to a senior management team and directly to the Transportation Agency board of directors on significant policy matters.

The proposed Statement of Qualifications shall identify the skills, qualifications, and relevant experience of each of the team members and describe potential assignments each member will be available to perform. The Transportation Agency staff will establish a committee to review the statements of qualifications that may be followed by an oral interview between a review committee and the firms that respond best to the Request for Qualifications. The schedule for selecting the Corridor Advisor is included in the following table.

Activity	Date
Notice of Intent to publish Request for Qualifications	October 13, 2021
TAMC Board approval of Release of Request for Qualifications	October 27, 2021
Request for Qualifications issued by TAMC	October 29, 2021
Statement of Qualifications due to TAMC	December 1, 2021, 12:00 noon
TAMC Board Approves Corridor Advisor	January 26, 2022
Notice to Proceed	February 1, 2022

**ATTACHMENTS:**

- ▣ Corridor Advisor Request for Qualifications

## REQUEST FOR QUALIFICATIONS

THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC) INVITES  
CONSULTANTS TO SUBMIT STATEMENTS OF QUALIFICATIONS FOR:

### CONSULTANT CORRIDOR ADVISOR

You are invited to submit your qualifications for the services to complete the above work. Submittals are due via email to the project manager, Doug Bipse, TE at [doug@tamcmonterey.org](mailto:doug@tamcmonterey.org), by 12:00 noon Pacific Standard Time on Wednesday, December 1, 2021.

Copies of the REQUEST FOR QUALIFICATIONS and the detailed information regarding the submittal requirements are attached and available at the TAMC website ([www.tamcmonterey.org](http://www.tamcmonterey.org)) in electronic format. You may email the project manager, noted above, for further information. Email inquiries, including the submittal of the Statement of Qualifications, should include "Consultant Corridor Advisor" (in bold) in the subject header.





## I. INTRODUCTION

The Transportation Agency for Monterey County (“TAMC”) is a state-designated public agency with regional transportation planning responsibilities that cross city-county boundaries. The mission of TAMC is to proactively fund and plan a transportation system that enhances mobility, safety, access, environmental quality and economic activities by investing in regional transportation projects for Monterey County residents, businesses and visitors. TAMC is committed to planning, funding and delivering transportation projects for the region. The Agency is also committed to providing information to the public about its projects, plans and activities, ensuring public participation and fostering public understanding of its functions. TAMC’s Board of Directors includes twenty-three members who consist of local officials from each of its twelve incorporated cities and five county supervisorial districts, and ex-officio members from six public agencies.

An array of stand-alone highway projects is scheduled to be under development during this contract agreement. This contract will provide guidance to the project team towards completing projects on schedule using resources efficiently while maintaining public and political support for the projects.

## II. PROJECT DESCRIPTION

This request for qualifications will be used by TAMC to select a consultant with team members that have the work experience and practical knowledge to serve as an on-call “Corridor Advisor” for various projects along state highways and public roads in Monterey County. The scopes of work for this contract will typically involve working with Caltrans staff according to their established guidelines and policies. The Corridor Advisor will use independent judgment to advise TAMC on matters including, but not limited to, strategies for corridor project delivery, project design and innovations, project funding, and the respective roles and responsibilities the partner agencies should assume to expedite project delivery.

The Corridor Advisor must be knowledgeable about all facets of the [Caltrans state highway project delivery process](#) for projects that improve or maintain the State Highway System. The ideal candidate will have extensive experience working closely with Caltrans or has been employed by Caltrans. The Corridor Advisor will typically commence work on a project during the development of the Draft Project Report and Environmental Document phase and provide guidance on the cost-effective and timely delivery of TAMC priority projects. In addition to expertise in project delivery, the Corridor Advisor is expected to have extensive knowledge and experience developing and implementing funding strategies. The Corridor Advisor will present advice to a senior management team and directly to the TAMC board of directors on significant policy matters. It is important that the consultant have the capability to work closely with Agency staff. The Corridor Advisor must be prepared to undertake whatever liaison and meetings are required to satisfy this requirement.

**Specific duties required of the Corridor Advisor are outlined in detail in Section VI of this Request for Qualifications.** A copy of the template master service agreement anticipated to be used by TAMC is Appendix A. A single document will be prepared for each task order between the Consultant and TAMC consistent with the provisions of the template identified in Appendix B. Invoices shall follow the template included in Appendix C.

### III. BACKGROUND

TAMC's mission is to proactively fund and plan a transportation system that enhances mobility, safety, access, environmental quality, and economic activities by investing in regional transportation projects for Monterey County residents, businesses, and visitors. TAMC, working with our local, state, and federal partners, has made great progress on making our highways safer and reducing traffic. However, the transportation system in Monterey County is aging and the county roads and city streets are crumbling. There are still significant safety concerns and traffic jams, such as those on Highway 68, Highway 156, and US 101. These issues stifle our regional economy and make it more difficult for our vulnerable populations – the elderly, children and the disabled – to access essential needs and services.

TAMC is the regional transportation agency for Monterey County charged with setting priorities in the county for the use of state gas taxes, and the Local Transportation Authority responsible for administering Measure X. TAMC serves as lead agency for project planning, environmental document preparation, project design, right of way acquisition, construction award, and contract administration for highway projects funded from federal, state and local sources. On these projects, TAMC's role is to secure funding needed to deliver the project and to be the lead agency for one or more segments of project design.

The California Department of Transportation (Caltrans) is the owner\operator of state and interstate routes. It is expected to be the lead agency for the environmental phase of the project. It is anticipated that Caltrans may also be the lead agency for project designs or environmental assessments. The Corridor Advisor is expected to have the ability to develop and maintain good working relationships with Caltrans staff.

The Corridor Advisor will work with a project team that will vary based on the project scope of work. Typical project teams will consist of staff members from TAMC and Caltrans in addition to some of the following agencies and project stakeholders: Monterey-Salinas Transit, Association of Monterey Bay Area Governments, California State University of Monterey Bay, Monterey Peninsula Airport District, Laguna Seca Raceway Association, County of Monterey, and Cities of Seaside, Del Rey Oaks, Marina, Salinas, Gonzales, King City, Sand City, Carmel, Pacific Grove, and Monterey.

**Measure X:** In May of 2015, the TAMC engaged a public outreach effort to inform the public about our transportation needs, funding challenges and the self-help option. TAMC placed the Transportation Safety & Investment Plan ([Measure X](#)) on the November 8, 2016 ballot and the measure was approved with 67.7% approval from Monterey County voters. The thirty-year measure which levies a three-eighths' of one-percent (3/8%) retail transactions and use tax has so far generated from \$24 million to over \$30 million per year. The revenue from the sales tax measure will be used to fund transportation safety and mobility projects in Monterey County, including projects expected to use the services of the Corridor Advisor. The revenue from Measure X funds critical safety, mobility, and maintenance projects and programs in three categories:

- 60% to Local Road Maintenance, Pothole Repairs & Safety
- 27% to Regional Road Safety & Congestion Improvements
- 13% to Pedestrian & Bike Safety and Mobility Projects

**Project Delivery:** TAMC has successfully used state and federal funding sources to leverage local funding options that include Measure X. Our team must deliver projects on schedule and meet demanding schedules and grant obligations to keep the faith of the voting public who provide the authority and the funding needed to deliver these priority transportation projects. TAMC works closely with the California Transportation Commission, the California Department of Transportation, elected officials as well as other public and private sector interests. Regional transportation projects often involve more than technical challenges. The Corridor Advisor is expected

to address challenges to demanding schedules that may involve conflicts between staffs from different agencies. These organizations often have competing objectives that must be resolved to deliver projects, especially in environmentally constrained study areas.

The design approval and construction of roundabouts along state routes is one prominent challenge the Corridor Advisor is expected to address as part of this contract. The plan review and approval of roundabouts on state highways is challenging because Caltrans is in the process of developing performance measures and design standards. TAMC has a separate agreement in place with a consultant firm to assist in the design and evaluation of the roundabouts including collaborating with the Traffic and Operations staff from Caltrans District 5. The Corridor Advisor is expected to facilitate meetings with Caltrans staff and guide the facilitation of plan approvals using interim guidance on roundabout plan reviews.

#### IV. PROJECT EXAMPLES

**Highway 68 Scenic Corridor Project:** The first project expected to utilize this agreement is located along the State Route (SR) 68 corridor that links US 101 to US 1 passing through some of the most environmentally sensitive and congested parts of the Central Coast. SR 68, a 2-lane rural roadway constructed in 1930, follows the same route established in the late 1700s. Since 1950, attempts to add travel lanes have been unsuccessful including a proposed four-lane freeway bypass. These proposals were not supported by the community because of environmental issues and affordability. In recent years, after extensive public outreach, our team developed an innovative plan to construct roundabouts and wildlife crossings along the corridor that preserves the scenic nature of the highway.

This project proposes roundabouts at up to nine (9) intersections along SR 68 that are currently controlled by traffic signals. One of the proposed roundabouts will provide direct access to the Monterey County Regional Fire District facility with a new forth leg at this intersection designed to provide a new access point to the Laguna Seca Raceway along a future frontage road. Another roundabout provides access to the Monterey Regional Airport. Construction of these roundabouts along this two-lane facility will require extensive and innovative traffic control plans that maintain access at these critical intersections while minimizing traffic impacts, especially during the peak tourist season and special events that occur throughout the year. The Corridor Advisor is expected to guide the development of traffic control plans and facilitate meetings with stakeholders throughout the design and construction project phases.

A few existing wildlife crossings in this area provide natural connections between the Los Padres National Forest and the Fort Ord National Monument. The wildlife crossings proposed in the SR 68 corridor are central to the habitat conservation strategies developed in the Regional Conservation Investment Strategy that was recently approved by the California Department of Fish and Wildlife. Project phasing and the coordination of work done on the roundabouts and wildlife crossing will be critical to project delivery. The Corridor Advisor will assist in project phasing to schedule construction of the roundabouts and wildlife crossing to minimize project costs.

To expedite project completion, minimize conflicts, and maintain the project budget, TAMC is considering project delivery utilizing the Caltrans [Construction Manager/General Contractor Program](#). The Corridor Advisor is expected to provide direction on the procurement and contract management of the construction manager/general contractor agreement. The environmental analysis for the project is expected to commence before the Corridor Advisor is under contract.

**US 101 South of Salinas:** The US 101 South of Salinas project is another project that could utilize the services of the Corridor Advisor. The corridor provides access from California's Central Coast agricultural operations to markets around the country. US 101 is the primary artery along the Central Coast and is vital to statewide commerce. This is reflected in its designation as a state Focus Route, a High Emphasis Route, a principal arterial

on the National Highway System, Strategic Highway Network Route, a State Highway Extra Legal Load Route, and part of the National Truck Network.

There are several at-grade unsignalized intersections along the corridor. Active railroad tracks are located along one side of the expressway. Left turn movements have been prohibited for trucks at select intersections. The project team has prepared conceptual plans to sequentially eliminate all turning movements at these at-grade intersections to eventually convert US 101 between Salinas and Chular from an expressway to a freeway. The current proposal implements frontage roads on either side of US 101 and may require the acquisition of private land currently being used for agricultural purposes. The Corridor Advisor is expected to facilitate meetings concerning the acquisition of right of way on private property that supports agriculture.

TAMC, Caltrans, the CHP and the citizens group South of Salinas Traffic Safety Alliance has been working to identify safety improvements and project phasing along this section of the highway to address safety concerns resulting from an increase in traffic congestion and accidents/fatalities with vehicles making left turns or U-turns along the highway. It is imperative that the Traffic Safety Alliance is part of major decisions regarding public outreach for this project. A supplemental Project Study Report is currently being prepared for the project in advance of the environmental evaluation.

**SR 156 between Castroville and Prunedale:** A third project that could benefit from the services of the Corridor Advisor is a capacity increasing project along Route 156 between US 101 and US 1 which serves as a truck route, commuter corridor, and a recreational corridor that links the Monterey Peninsula to the Bay Area and Central Valley. On the weekends, 156 is heavily congested and there are safety concerns. This project proposes to convert the narrow two-lane conventional highway to a four-lane freeway from Castroville to the 101/156 interchange on US 101. The existing 101/156 interchange would be replaced by a more extensive interchange that would handle local traffic and interregional travel.

The Preferred Alternative has been selected through the environmental process, which has been completed. The selection was based on many factors including: improvements for safety, improving traffic operations, relieving traffic congestion, and seeking the least impacts to the surrounding community and environment. A new interchange is planned to be constructed at the intersection of Castroville Boulevard and Route 156. As part of this project, the existing 156 lanes would be converted to a frontage road that would serve the local community. Coastal development permits may be needed on some project phases and must be granted to the appropriate agency resulting in permit conditions on the project. The Corridor Advisor is expected to assist the project team acquire necessary permits for this project including those involving the California Coastal Commission.

TAMC has segmented the project due to affordability concerns. At present, the first segment of this project, the Highway 156 interchange at Castroville Boulevard, is funded for construction in 2022. Otherwise, at a cost of over \$350 million, funding for the remainder of the project remains challenging, particularly for interchange improvements at SR 156/US 101. TAMC has explored the possibility of a public-private partnership and tolling to fund this project. The Corridor Advisor is expected to be involved with developing and implementing a financial plan for this project.

## V. PROJECT BUDGET & CONTRACT TERM

The term of the contract will be five years. Payment for services will use professional rates and unit prices listed in the Statement of Qualifications. The agreement will have a spending limit of \$500,000 over the entire 3-year contract period with funding sources dependent on the project defined in the task order. Work will be issued on a task order basis, with a separate scope of work, schedule, and budget issued for each task order. The task order budget will be based on the cost data submitted in the Statement of Qualifications (i.e., professional rates and

unit costs) and will be tracked against the master service agreement spending limit. Each task order shall be agreed to between the Corridor Advisor and TAMC before work commences on that scope of work.

## VI. QUALIFICATIONS AND SCOPE OF SERVICES

This REQUEST FOR QUALIFICATIONS is intended to result in the selection of a Corridor Advisor that will be retained by TAMC to advise a senior management team on a day-to-day basis, and periodically update the TAMC board on major policy issues. The Corridor Advisor is expected to be a member of the project team and be involved with all aspects of project delivery according to [Caltrans state highway project delivery process](#). Most of the projects will improve or maintain the State Highway System. The most desirable skills and abilities of the Corridor Advisor are:

- Familiarity with “best practices” at a state and national level for the design and construction of large complex projects.
- Leadership skills to facilitate meetings, identify critical issues and decisions, build consensus, and resolve conflicts.
- Experience in developing funding strategies for large projects or programs of projects on the Caltrans system.
- Knowledge of district and headquarters workings at Caltrans.
- Experience communicating the complexities of large projects to the public.
- Knowledge of work plans for complex highway projects that include resource allocation and schedule development.
- Experience providing direction on the procurement of a Construction Manager/General Contractor during the pre-construction phase of a project according to [Caltrans Construction Manager/General Contractor program](#).
- Understanding of local transportation sales tax programs and specifically how to leverage TAMC’s Measure X program.

The tasks and responsibilities of the Corridor Advisor will include, but not be limited to:

1. Be available to participate as needed in project team meetings.
2. Participate, from time to time, in presentations to the TAMC board, local city councils and associated commissions.
3. Identify and evaluate innovative project delivery strategies to:
  - a. minimize project delays while also identifying when the project team needs additional time to strategically resolve issues.
  - b. expedite project delivery during design and construction.
  - c. minimize project cost \ maximize cost savings.
  - d. minimize project impacts on the community during project construction.
  - e. phase and schedule project segments to minimize impacts to the local community.
4. Assist TAMC and Caltrans develop and implement funding strategies.
5. Assist TAMC in the procurement of design services including the procurement of construction management and general contractors.
6. Provide high level review of consultant work products.
7. Assist in developing a corridor charter agreement between TAMC and Caltrans defining agency roles and responsibilities during design and construction.

**VII. SELECTION PROCESS**

TAMC will establish a committee to review the statements of qualifications. This review may be followed by an oral interview between a review committee and the firm(s) that respond(s) best to the Request for Qualifications. Based on the recommendations of the review committee, TAMC staff will issue a “Notice of Intent to Award” notice to all responders, indicating staff’s intent to negotiate with the specific firm considered to be the most qualified consultant or consultant team.

Further, the Agency may, or may not, also negotiate contract terms with selected consultants prior to award, and expressly reserves the right to negotiate with several consultants simultaneously and, thereafter, to award a contract to the consultant offering the most favorable terms to the Agency. Submittals, therefore, should contain the consultant’s most favorable terms and conditions, because the selection and award may be made without further discussion with any consultant. The most responsive and competitive submittals will be considered by the Executive Director, or the Board of Directors (as applicable) for consideration and selection. The Agency reserves the right to accept or reject any and all submittals, to waive minor irregularities, and to request additional information or revisions to offers, and to negotiate with any or all consultants at any stage of the evaluation.

**Scoring Criteria**

The Statements of Qualifications will be evaluated and ranked based on the following scoring criteria:

<b>Statement of Qualifications Scoring Criteria</b>	
Criteria	Points
Experience providing expert advice on specific Caltrans project delivery processes for large projects to construct improvements on state highway corridors. Special emphasis will be placed on projects where Caltrans District 5 was the lead agency.	30
Experience advising project teams in the preparation, advertising and management of contracts related to Construction Management and General Contracting. Special emphasis will be placed on the procurement of a contract for a Construction Management/General Contractor according to Caltrans procedures	25
Experience developing and implementing financial plans. Special emphasis will be placed on successfully leveraging local funding with state and federal grants.	25
Experience assisting project team secure project approval including obtaining necessary agreements and permits. Special emphasis will be placed on work securing approval of local coastal permits on projects that had Caltrans as the lead agency for environmental assessments.	20
<b>TOTAL POINTS POSSIBLE</b>	<b>100</b>

The evaluation team will contact references for the most promising respondents to validate their qualifications and experiences.

**Selection Schedule**

TAMC anticipates the following schedule for selecting a Corridor Advisor:

Activity	Date
Notice of Intent to publish Request for Qualifications	October 13, 2021
TAMC Board approval of Release of Request for Qualifications	October 27, 2021
Request for Qualifications issued by TAMC	October 29, 2021
Statement of Qualifications due to TAMC	December 1, 2021, 12:00 noon
TAMC Board Approves Corridor Advisor	January 26, 2022
Notice to Proceed	February 1, 2022

**VIII. SUBMITTAL REQUIREMENTS AND FORMAT**

TAMC shall not be liable for any pre-contractual expenses incurred by any proposer or by any selected consultant. Pre-contractual expenses are defined as expenses incurred by proposers and the selected consultant, if any, in:

- Preparing proposals and related information in response to this Request for Qualifications.
- Negotiations with TAMC on any matter related to this procurement.
- Costs associated with interviews, meetings, travel or presentations.
- All other expenses incurred by a proposer/consultant prior to the date of award and a formal notice to proceed.

This Request for Qualifications does not commit TAMC to award an agreement, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. TAMC reserves the right to accept or reject any or all proposals received as a result of this request, or to modify or cancel in part or in its entirety the Request for Qualifications if TAMC determines it is in the best interest of the TAMC to do so.

Parties interested in being considered for the Corridor Advisor must submit a Statement of Qualifications in Portable Document Format (i.e., “pdf” files). The Statement of Qualifications shall be transmitted via email to the TAMC Project Manager Doug Bilse at [doug@tamcmonterey.org](mailto:doug@tamcmonterey.org) no later than 12:00 noon on Wednesday December 1, 2021. Statement of Qualifications submitted after 12:00 noon on December 1, 2021 will not be considered. The Statement of Qualifications shall describe all resources available to support the completion of tasks and responsibilities being sought by TAMC clearly indicating the following information:

**1. Project Team**

The Statement of Qualifications shall clearly identify a Project Manager and include the names of all personnel of the proposed team available to provide the skills and perform the services defined in Section VI. Include a chart representing the proposed organizational structure of the team. Statement of Qualifications shall be limited to reflect the qualifications of only the individuals expected to devote significant time to this contract and/or be available on short notice to address important project issues.

## 2. Cost of Services

The Statement of Qualifications shall include a listing of the hourly rates for the assigned personnel for the term of the contract. Clearly list all potential costs and charges that could potentially be used to develop task descriptions as part of this contract. The list of wage rates should include support staff needed to complete the tasks and responsibilities. Provide addresses where work functions will be performed, and the estimated travel expenses incurred for a typical trip from the address to a meeting at the TAMC office. Travel expenses of each Corridor Advisor team member should reflect travel originating from the most appropriate address provided for that work function.

## 3. Demonstrated Knowledge and Experience

The Statement of Qualifications shall identify the skills, qualifications, and relevant experience of each of the team members and describe potential assignments each member will be available to perform. Describe each key team member's relevant experience differentiating their work in the private or public sector highlighting projects involving Caltrans District 5 staff.

## 4. Examples of Projects and References

The Statement of Qualifications will be evaluated, in part, by the experience of the proposed Corridor Advisor team providing services similar to those listed in section VI of this Request for Qualifications.

- Describe an exemplary state highway improvement project that the Corridor Advisor played a key role. Highlight key team member's specific work in Caltrans District 5 that was recently completed related to current project delivery processes. Provide one reference that can vouch for the experience and qualification of the Corridor Advisor team member(s) that provided these services.
- Describe an exemplary project located along Caltrans right-of-way that the Corridor Advisor played a key role managing construction managers and general contractors. Highlight any work assisting the procurement of a construction management/general contractor according to [Caltrans Construction Manager/General Contractor program](#). Provide one reference that can vouch for the experience and qualification of the Corridor Advisor team member(s) that provided these services.
- Describe a project that exemplifies the Corridor Advisor's ability to obtain permits. Highlight any work involving a local coastal permit in Caltrans District 5. Provide one reference that can vouch for the experience and qualification of the Corridor Advisor team member(s) that provided these services.
- Describe a project that exemplifies the Corridor Advisor's ability to develop and implement financial plans. Provide one reference that can vouch for the experience and qualification of the Corridor Advisor team member(s) that provided these services.

## 5. Conflicts of Interest

It is fundamental to each project's success that the Corridor Advisor plays an independent role reviewing consultant work products and consulting on future scopes of work. The work of the Advisor must remain separate and distinct from the consultants TAMC may hire to prepare plans, specifications & estimates or provide other associated services for the projects that utilize Corridor Advisor services through this contract. The individual selected as the Corridor Advisor will not be permitted to wear "two hats" by also being under contract to TAMC or a local agency for PS&E or other associated services on a project they have been, or have the potential, to be contracted to be the Corridor Advisor. The firm the Corridor Advisor is employed with will not be disqualified from responding to future Request for



Proposals/Request for Qualifications; however, the firm will carry the extra burden of convincing TAMC that it can create a firewall of separation between the two roles they would propose to play.

- The prospective consultant shall disclose any financial, business or other relationship with TAMC that may have an impact upon the outcome of this contract or TAMC construction project.
- The prospective consultant shall list current clients who may have a financial interest in the outcome of this contract or TAMC projects that will follow. In particular, the prospective consultant shall disclose any financial interest or relationship with any construction company that might submit a bid on TAMC or Caltrans projects.
- List all public and private sector clients in Caltrans District 5 that are currently under contract.
- Describe any potential conflicts-of-interest that TAMC should be aware of.

## **6. Amendments to Request for Qualifications**

TAMC reserves the right to amend the Request for Qualifications by addendum before the final submittal date.

- Provide a statement that all addenda to the Request for Qualifications posted on the TAMC website have been reviewed by the respondent being sought by TAMC.

## **IX. MISCELLANEOUS INFORMATION**

### **Modification or Withdrawal of Submittals**

Any submittals received prior to the date and time specified above for receipt may be withdrawn or modified by written request of the proposer. To be considered, however, the modified submittal must be received by the time and date specified above.

### **Property Rights**

Any submittals received within the prescribed deadline become the property of TAMC and all rights to the contents therein become those of TAMC.

### **Confidentiality**

Before award of the contract, all Statements of Qualifications will be designated confidential to the extent permitted by the California Public Records Act. After award of the contract (or if not awarded, after rejection of all Statements of Qualifications), all responses will be regarded as public records and will be subjected to review by the public. Any language purporting to render all or portions of any submittals as confidential will be regarded as non-effective and will be disregarded.

### **Non-Commitment of TAMC**

This Request for Qualifications does not commit TAMC to award a contract, to pay any costs incurred in the preparation of a submittal for this request, or to procure or contract for services. All products used or developed in the execution of any contract resulting from this Request for Qualifications will remain in the public domain at the completion of the contract.

### **Nondiscrimination**

The prospective consultant must certify compliance with nondiscrimination requirements of TAMC pertaining to the development, implementation and maintenance of a nondiscrimination program. The prospective consultant's signature affixed to and dated on the cover letters shall constitute a certification under penalty of perjury under the laws of the State of California that the proposer has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations, Section 8103.

### **Final Selection and Protests**

The selection process is considered concluded when a "Tentative Award" email is sent to all participating consultants indicating which consultant will be recommended approval. The firm recommended is not a final selection and no contract is certain until approved by the TAMC Executive Director, or Board of Directors, as applicable. Protestants shall email a detailed statement of protest to the project manager, Doug Bilse, at [doug@tamcmonterey.org](mailto:doug@tamcmonterey.org) no later than five (5) business days after receipt of the Tentative Award email described above.

## **X. QUESTION & ANSWERS, REQUESTS FOR CLARIFICATION OR EXCEPTIONS, ADDENDA**

This Request for Qualifications and any addenda will be posted on the Agency's website ([www.tamcmonterey.org](http://www.tamcmonterey.org)). Questions and answers regarding the request for qualifications will also be posted on the website. All potential bidders are responsible for checking the website for any addenda to the bid documents, and the proposal must cite any addenda to be responsive. To receive email notifications of addendums to this Request for Qualifications, prospective proposers must submit an email request to the Project Manager.

Any requests for clarification or exceptions to requirements in this Request for Qualifications must be received by the Agency no later than 12 noon, PST, on Wednesday, November 17, 2021, to guarantee response or consideration. Responses to questions concerning this Request for Qualifications posed before this deadline will be posted on the Agency's website ([www.tamcmonterey.org](http://www.tamcmonterey.org)).

If you need assistance or have any questions regarding this Request for Qualifications, please contact the project manager at:

Doug Bilse, Principal Engineer  
[doug@tamcmonterey.org](mailto:doug@tamcmonterey.org)  
(831) 775-4413

**XI. APPENDICES.**

- A. Sample TAMC Standard Agreement for Professional Services
- B. Task Description Template
- C. Sample Invoice Cover Page Format

***END of Request for Qualifications***

**Attachment A**  
Sample TAMC Standard Agreement for Professional Services



## Memorandum

**To:** Board of Directors  
**From:** Ariana Green, Principal Transportation Planner  
**Meeting Date:** October 27, 2021  
**Subject:** RideAmigos Contract Extension

### RECOMMENDED ACTION:

#### **RideAmigos Contract Extension:**

1. **AUTHORIZE** the Executive Director to enter into Amendment No. 2 to extend the contract with Right Click Solutions, Inc., dba RideAmigos an additional year to December 31, 2022, and for an additional amount of \$27,879 not to exceed \$147,879 to continue providing ridesharing and trip planning software for TAMC's Go831 Program;
2. **APPROVE** the use of \$27,879 of Service Authority for Freeways and Expressways (SAFE) funds budgeted for this purpose; and
3. **AUTHORIZE** the Executive Director to make administrative changes to the contract if such changes do not decrease services or increase the Agency's net cost, pending approval by Agency counsel.

### SUMMARY:

TAMC contracted with RideAmigos in September 2017 to provide an online ridesharing platform for the Go831 Program. The contract was first amended in September 2019 to extend the contract for an additional two years to December 31, 2021, with a not-to-exceed amount of \$120,000. Amendment #2 would extend the contract for an additional year to December 2022 and add \$27,879 for a total not-to-exceed amount of \$147,879.

### FINANCIAL IMPACT:

The additional one-year contract extension will add \$27,879 to the contract and cover an additional year of service, the same cost per year as the first four years of service. The cost will be paid for with Service Authority for Freeways and Expressways funding, which is reflected in the adopted 2021/22 budget.

### DISCUSSION:

TAMC contracted with RideAmigos in September 2017 to support elements of the Go831 Program. Go831.Rideamigos.com is provided to Employers and commuters in Monterey County at no charge. The platform makes it easy to find carpool matches and other smart commute options and track those trips for credit toward incentives. The platform also serves as a resource-efficient tool for employers to administer smart commute programs for their employees and collect data to measure program performance.

The RideAmigos software platform provides the following services:

- Multimodal trip matching (carpools, vanpools, transit, bike and walk)
- Communications between administrators and users in a manner that protects user confidentiality
- Reports on user mode choice, emissions reduced, calories burned, money saved and origin and destination hot spots

- Ability for TAMC administrators to create networks within the platform (for example major employers or schools) and assign network administrators certain privileges to manage their network
- Automatically award of points for each traffic-reducing trips taken
- Streamlined management and distribution of incentives to users
- Electronic Emergency Ride Home request forms and reimbursement tracking
- Orientation training to TAMC staff and network administrators
- Troubleshooting and technical support for the duration of the contract

Staff's experience with RideAmigos over the past four years has been positive. RideAmigos has good customer service and is quick to respond to inquiries. The platform has experienced several short-lived issues with their mobile CommuteTrak App, but were quick to fix those as well.

The original request for proposals allowed optional contract extensions, and the existing contract with RideAmigos states that the term of agreement may be extended through written amendment, so no new competitive solicitation is needed. Staff recommends extending the contract with RideAmigos through written amendment for an additional one year to build-off of the Go831 program infrastructure developed since 2017.

**ATTACHMENTS:**

- ▢ RideAmigos Scope of Work

## ATTACHMENT A

### Scope of Work

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#### I. PROPOSED PROJECT

- A. The Transportation Agency for Monterey County (“TAMC”) is developing a traveler information and travel demand management program for Monterey County to address commuter, school and visitor traffic in Monterey County.
- B. A soft launch of the TAMC traveler information and travel demand management program is targeted for fall 2017 with a full launch of the program in spring 2018.
- C. The program consists of the following elements:
  - 1. Traveler information website (511monterey.org) – dynamic road conditions map, travel resources, link to Mobility Management platform, roadway construction info, Safe Routes to School resources
  - 2. Mobility Management Software & App – multimodal trip matching, trip planning, trip logging, vanpool management, incentives management, emergency ride home management event parking, bike parking, EV charging locations, surveys, data reports
  - 3. Emergency Ride Home Program
  - 4. Incentives & rewards
  - 5. Commuter Challenge and Bike Month campaigns
  - 6. Community outreach – employers, schools, government, universities and visitor-serving industry
  - 7. Travel Demand Management policy information and resources
- D. TAMC is looking to invest in a comprehensive and user-friendly travel demand management software platform and mobile app for use in Monterey County. The software is intended to integrate or support all of the aforementioned elements of the program.

#### II. TAMC PROVIDED ITEMS AND SERVICES

- A. TAMC shall provide the selected Consultant with:
  - 1. Available local data/information such as (but not limited to):
    - a. Transit stops, stations and service
    - b. Vanpools
    - c. Electric vehicle parking
    - d. Bike parking
    - e. Park & ride lots (public & private)
    - f. Schools & Universities
    - g. Event parking
  - 2. Program information
  - 3. Custom logos and graphics
  - 4. Timely review of submittals

### III. ITEMS AND SERVICES TO BE PROVIDED BY CONSULTANT

- A. Consultant shall furnish travel demand management software services, including:
1. Customization of travel demand management software platform and mobile app that supports the TAMC 511 traveler information & travel demand management program
  2. Software hosting services
  3. Staff orientation and training
  4. Troubleshooting and maintenance

### IV. EXPECTED TASKS

- A. Travel Demand Management Software Services may include but are not limited to:

**1. Discovery:**

- a) **Kick-Off Meeting:** TAMC will arrange a kick-off meeting with Consultant, TAMC staff and key stakeholders to identify data collection needs

**2. Launching of Phase Elements in Test Environments**

- a) Work with RA Tech Team to get production instance set up. Begin DNS changeover for custom domain.
- b) Review all imported data, trip planning, discuss any required amendments with RideAmigos Account Manager.
- c) **Branding & Integration:** Work with TAMC staff to make sure the platform functions are branded appropriately and integrate with the TAMC website
- d) **Interface & Integration:** provide a platform that is completely responsive and user-friendly on all mobile devices and integrates with social media and popular ridesharing and transportation-related mobile apps. Platform tools should be accessible using the most popular current browsers.
- e) **Trip Matching Tool:** work with TAMC staff and key stakeholders to customize the trip matching tool interface to include locally relevant and available information. The tool should ideally do the following:
- Carpool matching along a corridor between origin, destination or midpoint or within a set distance from each end of the trip
  - Ability to modify parameters (i.e. miles, times, start/mid/end point, set contact preference to email or phone and select confidentiality parameters
  - Ability to select a park and ride lot, employer work site or a community landmark/facility as a commute point
  - Vanpool coordination features that enable vanpool coordinators to manager their vanpools online, indicating when empty seats are available, monthly fees, pick-up locations and times



- Enable ride matching within the portal group or within larger groups of registered users
- Casual Carpool functions
- Transit route planning using Google Transit or proprietary system
- Bike commuter matching
- School pool matching
- Ability for individual users to “opt out” of the commuter matching portion of the system yet still remain active with the commute calendar
- Generate maps that show:
  - Commuter match list result locations
  - Commute trip route and meeting place(s)
  - Park and ride locations (formal and informal) and possibility to add transit routes, bike paths, electric vehicle charging locations and bike share locations
- f) Mobile App: provide a mobile app that will track and log trips.
- g) Administrative functions: set-up administrative functions to allow the following:
  - Develop and manage networks within the platform
  - Assign network administrative privileges
  - Generate reports
    - trips, miles, calories and air pollution emissions reduction information from user commute data by user, employer, mode or region
    - User website visits
    - User registrations
    - Employer/Network activity
  - Access GIS data
    - Anonymous route information by mode
  - Generate and distribute user surveys
  - Manage vanpools
  - Manage user profiles
  - Manage incentives/rewards
  - Manage Emergency Ride Home reimbursement requests and payments

**3. Public Launch of Phase Elements**

- a) RideAmigos will push the platform to appropriate domains for public and administrative use

**4. Staff Training:**

- a) Hold and video record training for TAMC staff and key network administrative staff. Provide TAMC staff a copy of the video.
- b) Develop an orientation video for new users
- c) Provide training opportunities when platform features are introduced or updated

**5. Hosting & Maintenance:**

- a) Host proprietary software on Consultant's servers
- b) Provide regular maintenance and troubleshooting service
- c) Provide notice to TAMC if/when servers will be down for more than a few hours



## **Memorandum**

**To:** Board of Directors  
**From:** Christina Watson, Principal Transportation Planner  
**Meeting Date:** October 27, 2021  
**Subject:** Caltrans Funds Transfer Agreement

### **RECOMMENDED ACTION:**

**APPROVE** funds transfer agreement with Caltrans for Transit and Intercity Rail Capital Program funds allocated to Positive Train Control implementation on the Gilroy-Salinas rail corridor.

### **SUMMARY:**

In 2018, Caltrans received a federal rail safety grant to fund implementation of Positive Train Control technology in the Oakland-San Luis Obispo rail corridor. TAMC approved using a portion of the Transit and Intercity Rail Capitol Program grant funds as a match to that federal grant. This agreement will enable Caltrans to use that state funding to move ahead on the safety project.

### **FINANCIAL IMPACT:**

The Federal Department of Transportation (US DOT) approved an \$11.34 million grant for Caltrans, under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program to implement Positive Train Control (PTC) on the Coast Rail corridor between Oakland and San Luis Obispo. The \$11.34 million in federal railroad safety funds is leveraged by a \$6.25 million state/local commitment of funding for the corridor, including \$1.615 million from TAMC's Transit and Intercity Rail Capitol Program (TIRCP) grant award.

### **DISCUSSION:**

As part of the Rail Extension to Monterey County project, TAMC has secured state environmental clearance and state funding for improvements to the Salinas to Gilroy rail corridor (37.6 rail miles). In April 2018, TAMC secured a state grant from the Transit and Intercity Rail Capital Program (TIRCP) totaling \$10.148 million. This amount includes \$1.615 million as TAMC's share for implementing Positive Train Control (PTC) on the Salinas-Gilroy corridor. PTC is a rail safety technology to prevent train crashes. A federal mandate for any rail corridor that carries more than two passenger round trips, PTC is an important safety element of any rail project.

In August 2018, Caltrans secured federal funding for the 187-mile Coast Rail corridor between San Luis Obispo and Gilroy and between Santa Clara and Oakland, to complete the PTC implementation on the entire statewide rail network, through the Consolidated Rail Infrastructure and Safety Improvement (CRISI) program. In September 2018, TAMC approved allocating \$1.615 million from the TIRCP award designated for PTC in the Salinas-Gilroy corridor as a match for the federal funding, on the condition that Caltrans would be the project lead.

The coast rail corridor is the only rail corridor in the state of California that does not yet have the PTC technology in place – with this investment, the whole state rail network will be covered. Installing the crash prevention technology will enable an increase in passenger trains on the corridor. Caltrans is the lead on the PTC project, coordinating with

Union Pacific Railroad, the Federal Railroad Administration (FRA), and local agencies, including TAMC. Caltrans will be the lead on completing the National Environmental Policy Act requirements for this project, which will be a Categorical Exclusion, as the work is entirely within the existing railroad right-of-way. The PTC project will therefore be separate from TAMC's Rail Extension to Monterey County project, which does not have federal funding. The project schedule shows planning in 2019, design in 2020, and installation in 2021.

The **attached** funds transfer agreement will enable Caltrans to proceed with design using this local funding match.

**ATTACHMENTS:**

- Draft Funds Transfer Agreement

## FUNDS TRANSFER AGREEMENT

This agreement, effective upon date of signature, is between the State of California, acting through its Department of Transportation, (referred to hereinafter as "CALTRANS") and the Transportation Agency for Monterey County (TAMC), which serves as Monterey County's regional transportation planning agency and is a state designated agency responsible for planning and financial programming of transportation projects (referred to hereinafter as "TAMC"). CALTRANS and TAMC are referred to collectively as "PARTNERS."

### RECITALS

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the Union Pacific Railroad Company (UPRR) Coast Subdivision per California Government Code section 14038(b).
2. UPRR Coast Subdivision Positive Train Control (PTC) would install PTC technology along three (3) segments of UPRR's Coast Subdivision between Mile Post (MP) 13.5 in Oakland and MP 31 in Newark in Alameda County; between MP 77.03 in Gilroy and MP 113.3 in North Salinas in Monterey County, via San Benito, Santa Clara, and Santa Cruz Counties; and between MP 114.9 in Salinas and MP 248.44 in North San Luis Obispo in Monterey and San Luis Obispo Counties, referred to hereinafter as "PROJECT."
3. TAMC will contribute up to \$1,615,000.00 (One Million, Six Hundred and Fifteen Thousand Dollars) for the PROJECT. Contributed funds will be used for the PTC Gilroy-Salinas portion of the PROJECT and are subject to the requirements of the Transit and Intercity Rail Capital Program (TIRCP).
4. PARTNERS agree that TIRCP funds will be contributed to the PROJECT towards the cost of construction capital.
5. PARTNERS understand and agree that the terms of this FTA do not take effect unless and until CALTRANS and UPRR execute a contract to construct the PROJECT.
6. PARTNERS hereby set forth the terms, covenants, and conditions for contribution toward the PROJECT.

## ROLES AND RESPONSIBILITIES

7. CALTRANS is the sponsor and implementing agency for the PROJECT.
8. TAMC is a funding PARTNER contributing a not-to-exceed funding amount toward the PROJECT.
9. CALTRANS is responsible for managing the work needed to complete the PROJECT. The TAMC TIRCP funds in the amount of \$1,615,000.00 are only one fund source for the PROJECT.
10. All obligations of CALTRANS under the terms of this Agreement are subject to the transfer of TAMC TIRCP funds and subject to all applicable terms and conditions.
11. Neither TAMC nor any officer, commissioner, or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS arising under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless TAMC and all of its officers, commissioners, and employees from all claims, suits, or actions of every name, kind, and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this Agreement. CALTRANS and its officers/employees are not responsible for any injury, damage, or liability occurring by reason of anything done or omitted by TAMC or its agents in connection with any work, authority, or jurisdiction conferred upon TAMC under this Agreement. It is understood and agreed that, TAMC will, to the extent permitted by law, defend, indemnify, and save harmless CALTRANS and its officers/employees from all claims, suits, or actions of every name, kind, and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by TAMC or its agents under this Agreement.
12. This Agreement is intended to be PARTNERS' final expression and supersedes any oral understanding or writings pertaining to PROJECT.

## INVOICE AND PAYMENT

13. No invoicing will occur for this FTA.
14. CALTRANS will not use TAMC funding for construction support for the PROJECT.
15. Any savings shall be proportionally distributed among all funding sources to the construction phase of the PROJECT.
16. This Agreement will terminate upon CALTRANS' receipt of the TAMC TIRCP funds. However, the indemnification provision will remain in effect until the PROJECT is built or the indemnification clause terminated or modified in writing.
17. See EXHIBIT A, *Funding Summary*, for the complete listing of project funding sources.

## CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTNER to this Agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this Agreement.

Primary Agreement contact person for CALTRANS:

Betty Miller, Contract Manager  
Division of Rail and Mass Transportation  
California Department of Transportation  
1120 N Street, MS-74  
Sacramento, CA 95814  
(916) 654-5739  
[betty.l.miller@dot.ca.gov](mailto:betty.l.miller@dot.ca.gov)

Primary Agreement contact person for TAMC:

Christina Watson, Principal Transportation Planner  
Transportation Agency for Monterey County  
55-B Plaza Circle  
Salinas, CA 93901-2902  
(831) 775-4406  
[christina@tamcmonterey.org](mailto:christina@tamcmonterey.org)

**SIGNATURES**

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

By: \_\_\_\_\_  
Todd A. Muck, Executive Director

Date: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
Katherine A. Hansen, TAMC Counsel

Date: \_\_\_\_\_

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
Kyle W. Gradinger, Chief  
Division of Rail and Mass Transportation

Date: \_\_\_\_\_

Approved as to Form and Procedure:

By: \_\_\_\_\_  
Matthew B. George  
Deputy Attorney

Date: \_\_\_\_\_



**EXHIBIT A**

TAMC agrees to contribute TIRCP funds as reflected in the PROJECT funding plan below, with the understanding that the plan is subject to change based upon the availability of other funding sources.

<b>FUNDING SUMMARY</b>			
<b>Fund Source</b>	<b>Fund Type</b>	<b>Project Component</b>	<b>Amount</b>
TAMC	TIRCP	Construction Capital	1,615,000
<b>Total Available TAMC-Contributed Funds</b>			<b>1,615,000</b>
State	STIP (Rail Reserve PPNO )	Construction Capital	15,636,340
Federal	CRISI	Capital Construction	11,340,000
Federal	Amtrak Discretionary	Capital Construction	4,618,011
<b>Total Other Funds</b>			<b>31,594,351</b>
<b>Total Project Funding</b>			<b>33,209,351</b>



## **Memorandum**

**To:** Board of Directors  
**From:** Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board  
**Meeting Date:** October 27, 2021  
**Subject:** **Committee Minutes**

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### **RECOMMENDED ACTION:**

**ACCEPT** draft minutes of the Transportation Agency Committees:

- Executive Committee - draft minutes of October 6, 2021
- Rail Policy Committee - [final minutes of September 13](#), and draft minutes October 4, 2021
- [Bicycle and Pedestrian Facilities Advisory Committee](#) - draft minutes of October 6, 2021
- [Technical Advisory Committee](#) - draft minutes of October 7, 2021
- [Excellent Transportation Oversight Committee](#) - No meeting

### **ATTACHMENTS:**

- ❑ Draft October Executive Committee Minutes
- ❑ Draft October RPC Minutes

**DRAFT MINUTES**

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**  
 SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES AND MONTEREY COUNTY  
 REGIONAL DEVELOPMENT IMPACT FEE JOINT POWERS AGENCY

**EXECUTIVE COMMITTEE MEETING**

*Members: Ed Smith (Chair),  
 Mary Adams (1<sup>st</sup> Vice Chair), Michael LeBarre (2<sup>nd</sup> Vice Chair),  
 Luis Alejo (Past Chair),  
 Chris Lopez (County representative), Kimbley Craig (City representative)*

**Wednesday, October 6, 2021**

\*\*\* 8:30 a.m. \*\*\*

REMOTE VIDEO/PHONE CONFERENCE ONLY

<b>EXECUTIVE COMMITTEE</b>	<b>NOV 20</b>	<b>JAN 21</b>	<b>FEB 21</b>	<b>MAR 21</b>	<b>APR 21</b>	<b>MAY 21</b>	<b>JUN 21</b>	<b>AUG 21</b>	<b>SEP 21</b>	<b>OCT 21</b>
Ed Smith, <b>Chair</b> Monterey (D. Albert, A. Renny)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)
Mary Adams, <b>1<sup>st</sup> Vice Chair</b> Supr. Dist. 5 (S. Hardgrave, C. Courtney)	P(A) (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P(A) (VC)	P(A) (VC)	P (VC)	P (VC)
Michael LeBarre, <b>2<sup>nd</sup> Vice Chair</b> King City (C. DeLeon)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)
Luis Alejo, <b>Past Chair</b> Supr. Dist. 1 (L. Gonzales/ <del>J. Gomez</del> )	P (VC)	A (VC)	P (VC)	P(A) (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P(A) (VC)
Chris Lopez, <b>County Representative</b> Supr. Dist. 2 (P. Barba)	P (VC)	A (VC)	P (VC)	P (VC)	P (VC)	P (VC)	E	P (VC)	P (VC)	P (VC)
Kimbley Craig, <b>City Representative</b> (C. Cromeenes)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)

*TC: via teleconference; VC: via video conference*

P = Present

A = Absent

P(A) = alternate present

**1. CALL TO ORDER:**

Chair Smith called the meeting to order at 8:31 a.m. Roll call was taken, and a quorum was confirmed.

Staff present: Goel, Montiel, Muck, Rodriguez, Watson, and Zeller.

Others present: Agency Counsel Katherine Hansen, Paul Schlesinger and Perrin Badini of Alcalde & Fay, and Gus Khouri of Khouri Consulting.

**2. PUBLIC COMMENTS:**

No public comment.

**3. CONSENT AGENDA:**

M/S/C

Adams/Craig/unanimous

On a motion by Committee Member Adams seconded by Committee Member Craig, the committee voted 6-0 to approve the minutes from the Executive Committee meeting of September 1, 2021.

**4. LEGISLATIVE UPDATE**

On a motion by Committee Member Adams seconded by Committee Member Lopez, the committee voted 6-0 to recommend the Board of Directors approve the draft 2022 legislative program for distribution to committees. The Committee Received an update on state and federal legislative.

Christina Watson, Principal Transportation Planner, reported on the draft Legislative program, noting that there are no major edits from the 2021 program. The focus is on preserving transportation funding.

Gus Khouri, Agency State Legislative Consultant, highlighted some of the state legislative bills, noting there is not much change to the bill list since the Board report on August 25, but a final list will be prepared for the October Board report, showing which bills the Governor vetoes or signs by his deadline of October 10.

Paul Schlesinger, Agency Federal Legislative Consultant, reported on the federal legislative activities, noting that a Continuing Resolution was passed through December 3 for all 12 appropriations bills that were not enacted by the September 30 deadline. Mr. Schlesinger reported that Senator Padilla had submitted TAMC's request for \$2 million for the US 101 South of Salinas project in the transportation appropriations bill.

5. **2022 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM**

The Committee received an update and provided feedback on the funding proposal for the 2022 Regional Transportation Improvement Program.

Mike Zeller, Principal Transportation Planner, presented on the funding proposal for the 2022 Regional Transportation Improvement Program. He reported that to ensure efficient coordination among various fund sources, the 2021 Integrated Funding Plan identifies projects that are strong candidates for specific Senate Bill 1 grants, State Transportation Improvement Program funds, Measure X, and other matching funds, and can be brought to construction over the next five years. As a subset of that plan, the Regional Transportation Improvement Program specifies the region's proposed use of certain state funds to the California Transportation Commission.

Mr. Zeller noted that the Regional Transportation Improvement Program (RTIP) is a program of highway, local road, transit, and active transportation projects that a region plans to fund with State and Federal revenue programmed by the California Transportation Commission in the State Transportation Improvement Program (STIP). The RTIP is developed biennially by the regions and is due to the Commission by December 15 of every odd numbered year. Mr. Zeller presented that staff's recommendation for Monterey County's share of \$8.9 million is to add funds for the Scenic State Route 68 and US 101 South of Salinas projects, and to carry over the existing funding that is programmed for the State Route 156 / Castroville Boulevard Interchange Project and Packages 2 and 3 of the Salinas Rail Extension project.

Committee Member Adams asked how many roundabouts were included in the plan for Highway 68 and expressed concern with travel disruptions during the Highway 156 construction phase. Director Muck noted that the current plan is for nine roundabouts on Highway 68 and Agency staff are working with Caltrans on evaluating the intersections and design. He also noted that constructability of Highway 156 is being considered and that the project can be constructed with minimal impacts to the traveling public.

**6. TAMC BOARD DRAFT AGENDA**

Executive Director Todd Muck reviewed the draft regular and consent agenda for the TAMC Board meeting of October 27, 2021. He expressed the need to have a “Special TAMC Board Meeting” over Zoom, on October 20th 8:30 a.m. to approve the AB 361 findings every 30 days that would apply to the October 27<sup>th</sup> Board meeting and all of TAMC’s committees.

After Executive Committee discussion, direction was provided to staff to place the following items for consideration on the regular agenda:

- Employee of the Quarter
- Legislative update and draft 2022 Program
- Monterey Salinas Transit Comprehensive Operations Analysis
- 2022 Regional Transportation Improvement Program

Committee Member Craig asked for more information on consent item 3.1.6 adding two Deputy Executive Directors and change in salary schedule for the previous position. She asked for more numbers on the positions, the cost savings, responsibilities, and assignments.

**7. ANNOUNCEMENTS**

Committee Member LeBarre announced that he attended a meeting with Fort Hunter Liggett and stated they should attend the TAMC Board meetings, asking if TAMC should reach out to Fort Hunter Liggett staff on having a representative attend the TAMC Board meetings.

**8. ADJOURNMENT**

Chair Smith adjourned the meeting at 10:07 a.m.

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**  
**RAIL POLICY COMMITTEE MEETING**  
**DRAFT Minutes of October 4, 2021**  
Transportation Agency for Monterey County  
**ZOOM REMOTE VIDEO/PHONE CONFERENCE ONLY**

	OCT 20	NOV 20	JAN 21	FEB 21	MAR 21	APR 21	MAY 21	JUN 21	JUL 21	AUG 21	SEP 21	OCT 21
L. Alejo, Dist. 1 (L. Gonzalez, <del>J. Gomez</del> )	P(A)	P(A)	P(A)	P(A)	C	P(A)	P(A)	P(A)	N	P(A)	P(A)	P(A)
J. Phillips, Dist. 2 (J. Stratton, <del>C. Link</del> )	P(A)	P(A)	P(A)	P(A)	A	P(A)	P(A)	P(A)	O	P(A)	-	P(A)
W. Askew, Dist. 4 (Y. Anderson)	P(A)	-	P(A)	E	N	P(A)	P(A)	P(A)		E	P(A)	P
M. Adams, Dist. 5, ( <del>S. Hardgrave</del> , C. Courtney)	P(A)	E	E	P(A)	C	P(A)	P(A)	P(A)	M	P(A)	P(A)	P(A)
M. LeBarre, King City, Chair (C. DeLeon)	P	P	P	P	E	P	P	P	E	P	P	P
C. Medina Dirksen, Marina (B. Delgado)	-	-	-	P	L	-	-	P(A)	E	P	P	P
E. Smith, Monterey (D. Albert, A. Renny)	P	P	P	P	L	P	P	E	T	E	P	-
K. Craig, Salinas, (C. Cromeenes)	P	P	P	E	E	P	P	P	I	P	-	P
G. Hawthorne, Sand City ( <del>J. Blackwelder</del> , K. Cruz)	-	P(A)	P(A)	P(A)	D	P(A)	P(A)	P(A)	N	P(A)	P(A)	P(A)
I. Oglesby, Seaside (D. Pacheco)	-	-	P	P		P	P	P	G	P	P	P
A. Chavez, Soledad (F. Ledesma)	-	P	-	P		-	P	P		P	-	-
D. Potter, At Large Member, Vice Chair	P	P	-	E		P	P	P		P	P	-
M. Twomey, AMBAG ( <del>H. Adamson</del> , P. Hierling)	P(A)	P(A)	-	P(A)		P(A)	P(A)	P(A)		P(A)	P(A)	P(A)
O. Monroy-Ochoa, Caltrans District 5	-	-		P		-	-	-		-	P	P
C. Sedoryk, MST (L. Rheinheimer)	P(A)	P(A)	P(A)	P(A)		P(A)	P(A)	P(A)		P(A)	P(A)	P(A)
<b>STAFF</b>												
D. Hale, Exec. Director	P	P	P	P		P	P	P		E	P	-
T. Muck, Deputy Exec. Director	P	P	P	P		P	P	P		P	P	P
C. Watson, Principal Transp. Planner	P	P	P	P		P	P	P		P	P	P
M. Zeller, Principal Transp. Planner	P	P	P	P		P	P	E		P	P	P
T. Wright, Outreach Coordinator	-	P	P	P		P	-	P		-	-	-
M. Montiel Admin Assistant	P	P	P	P		P	P	P		P	P	P
L. Williamson, Senior Engineer	P	-	P	P		P	P	P		P	P	P
D. Bilsé, Principal Engineer						P	-	-		-	-	-

**1. QUORUM CHECK AND CALL TO ORDER**

Chair LeBarre called the meeting to order at 3:01 p.m. A quorum was established.

**OTHERS PRESENT**

Josh Pulverman	Caltrans	Tarah Brady	Caltrans
Andy Myrick	City of Salinas	Shannon Simonds	Caltrans
Andrew Easterling	City of Salinas	Sheena Patel	HDR
David Schmalz	Monterey County Weekly		

**2. PUBLIC COMMENTS**

None

**3. CONSENT AGENDA**

**M/S/C** Craig/Askew /unanimous

**3.1** Approved minutes of the September 6, 2021, Rail Policy Committee meeting.

**3.2** Received update on the planned increase in passenger rail service along the coast corridor between San Francisco and Los Angeles.

**END OF CONSENT AGENDA**

**4. CALTRANS 2022 STATE RAIL PLAN**

The Committee received a presentation from Caltrans Division of Rail and Mass Transportation staff and provided feedback to guide the development the 2022 State Rail Plan.

Christina Watson, Principal Transportation Planner, introduced Josh Pulverman, Caltrans, who reported that Caltrans is initiating the next update to the State Rail Plan, which it will complete by June 2022, to meet requirements for prioritizing state and federal investment in passenger and freight rail. He noted that they condensed the 9 regions from the 2018 plan to 7 regions for the 2020 plan. He stated the scheduled public comment period is from November 2021 to January 2022. Mr. Pulverman noted that the final draft plan will be released by March 2022 and the final plan would be published in June 2022.

Chair LeBarre asked if the planning kits would be available to other agencies and cities? Mr. Pulverman replied that the cities might need to go through TAMC for kits. Shannon Simonds, Caltrans, noted that the statewide infrastructure, track charts, and signal locations applicable to rail service would be available to rail operators on the statewide rail network.

Chair LeBarre noted that Monterey-Salinas Transit is planning a route analysis and would benefit from knowing the rail schedule. Ms. Simonds replied that the Rail Plan tool doesn't identify every transfer throughout the system, it is focused on hub stations. She suggested MST could reach out to a regional rail planner or Caltrans for more information.



5. **SALINAS RAIL DEPLOYMENT PLAYBOOK**

The Committee received an update on the Salinas Rail Extension Deployment Playbook.

Christina Watson, Principal Transportation Planner, introduced Shannon Simmonds with Caltrans, who reported that in July 2021, Caltrans Division of Rail and Mass Transit kicked off Central Coast near-term service deployment work. This project will get the Salinas Rail Extension project into revenue service in the near-term. Ms. Simmonds noted that the team is currently focused on identifying operating funding and drafting administrative agreements.

6. **SALINAS RAIL KICK START PROJECT UPDATE**

The Committee received an update on the Salinas Rail Kick Start project.

Laurie Williamson, Senior Engineer, reported that the team continues to work toward the completion of Package 1 construction. Ms. Williamson noted that staff plans to bring the Notice of Completion to the TAMC Board in December.

Christina Watson, Principal Transportation Planner, noted that staff continues to coordinate with the City of Salinas on the Package 1 land transfer. She noted that the TAMC Board approved the agreement in September, and it will go next to the Salinas City Council and then California Transportation Commission (CTC) for approval.

Committee Member Craig asked when it will be going to the City of Salinas for approval. Andy Myrick, City of Salinas, replied that he is working to get it on the October 26 or November 9 City Council agenda.

Mike Zeller, Principal Transportation Planner, reported that staff and consultants continue to further negotiations on the five parcels for the Salinas layover facility. Mr. Zeller noted that a Request for Proposals for the Monterey County Rail Extension Union Pacific Railroad Property Acquisition is out, and October 28, 2021, is the deadline for proposals.

Ms. Watson noted that staff is working on a Memorandum of Understanding (MOU) between TAMC and Caltrain outlining the process towards an operating agreement, and an MOU among TAMC, Santa Clara Valley Transportation Authority (VTA) and the City of Gilroy for improvements near the Gilroy train station. Ms. Watson noted that staff is also working on a Fund Transfer Agreement between TAMC and Caltrans, to transfer \$1,615,000 of Transit and Intercity Rail Capital Program funding to help fund the Positive Train Control project between Gilroy and San Luis Obispo.

7. **ANNOUNCEMENTS AND/OR COMMENTS FROM COMMITTEE MEMBERS**

Committee Member Askew asked whether the Committee must make AB 361 findings for continued remote meetings. Executive Director Todd Muck stated that action was taken at the September TAMC Board on behalf of all its committees.

Committee Member Medina Dirksen noted that the Handcar tours ended last week.

Ms. Medina Dirksen suggested a resolution of appreciation. Chair LeBarre replied to send idea to Executive Director Todd Muck and TAMC Board Chair Ed Smith.

Christina Watson invited the committee to the Santa Cruz demonstration streetcar on October 15. Committee Alternate Stratton asked if elected officials are allowed to accept a free trip on this streetcar demo. Ms. Watson said she would check with TAMC Counsel and notify Committee members via email.

Chair LeBarre announced that King City gave a tour last Thursday that included a virtual update of the platform project.

Christina Watson announced the next Committee meeting is on November 1, 2021, at 3 pm.

**8. ADJOURN**

Chair LeBarre adjourned the meeting at 3:51 p.m.



## Memorandum

**To:** Board of Directors  
**From:** Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board  
**Meeting Date:** October 27, 2021  
**Subject:** Correspondence

### **RECOMMENDED ACTION:**

RECEIVE correspondence to and from TAMC for the month of October 2021.

### **WEB ATTACHMENTS:**

- [September 10, 2021 letter from TAMC to Marlon Flournoy, Division Chief, Caltrans Division of Transportation Planning, re: Comments on Draft 2021 Interregional Transportation Strategic Plan](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: SB 792 \(Glazer\) – Sales and use tax: returns: online transactions: local jurisdiction schedule – Request for Signature](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: SB 69 \(McGuire\) – North Coast Railroad Authority: Great Redwood Trail Agency: rail rights-of-way: Sonoma-Marine Area Rail Transit District – Request for Signature](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: SB 28 \(Caballero\) – Digital Infrastructure and Video Competition Act of 2006 – Request for Signature](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: SB 4 \(Gonzalez\) – Communications: California Advanced Services Fund – Request for Signature](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: AB 14 \(Aguiar-Curry\) – Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges – Request for Signature](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: SB 790 \(Stern\) – Wildlife connectivity actions: compensatory mitigation credits – Request for Signature](#)
- [September 16, 2021 letter from TAMC to Governor Gavin Newsom, re: AB 361 \(Rivas, Robert\) – Brown Act exemptions: Virtual Meetings in Emergencies – Request for Signature](#)
- [September 20, 2021 letter from TAMC to Governor Gavin Newsom, re: AB 43 \(Friedman\): Traffic Safety – Request for Signature](#)
- [October 13, 2021 letter from Thomas Wiles, City of Salinas Senior Planner, re: City concurrence with proposed platform furnishing for the Monterey Rail Extension for the Intermodal Transportation Center \(ITC\)](#)