

High Desert Corridor  
Joint Powers Authority

December 20, 2018

Meeting Materials

Item 5

Amend the Transportation Solutions (TS)  
Professional Services Agreement for the  
Record of Decision of Advancement  
Project



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

Date: December 20, 2018

Subject: Consulting Services for the High Desert Corridor Joint Powers Authority

Recommended Action: Amend the Transportation Solutions (TS) Professional Services Agreement for the Record of Decision Advancement Project for an amount not to exceed \$465,000.

### Background

On September 28, 2017, the High Desert Corridor Joint Powers Authority entered into Amendment No. 4 with Transportation Solutions for a Professional Services Agreement for Rail Connector Implementation Study with Consultant for the purpose of obtaining the services of Consultant to prepare information needed for the implementation of a P3 (Private-Public Partnership) in the right-of-way cleared by the HDC EIS/R and layout a path forward to expedite the Rail Connector.

Transportation Solutions has been on contract with the High Desert Corridor Joint Powers Authority providing consulting services in the areas of assisting with identifying a path forward to expedite the rail portion of the project.

On September 13, 2018, the High Desert Corridor Joint Powers Authority held a workshop to hear from various stakeholders, discuss funding opportunities and challenges, further explore alternatives for east-west mobility, and provide direction to staff on how to proceed moving forward. Board Members expressed interest in moving forward on the rail component of the project.

On September 18, 2018, Brightline Trains, LLC (Brightline), the nation's only privately owned, operated and maintained express intercity passenger rail system, announced its agreement to acquire DesertXpress Enterprises, LLC, the company behind the XpressWest passenger rail project (the Project). Brightline will take over the development, construction and operation of the Project and work with federal and local transportation officials to connect Las Vegas with Victorville, California, with plans to expand into the Los Angeles area. Brightline announced that construction is expected to begin in 2019, with initial service expected to begin in 2022. Currently, Brightline is in the process of updating their environmental documents by XpressWest.

Transportation Solutions will work to obtain a final Record of Decision (ROD) from the Federal Railroad Administration. The ROD is a precondition to acquiring right of way parcels for the High Desert Corridor Joint Powers Authority rail portion of the project. Simultaneously, Brightline will be updating the environmental documents previously prepared by XpressWest. The High Desert Corridor Joint Powers Authority, assisted by Transportation Solutions, will work to ensure that our submissions are consistent with Brightline's to avoid the need for any future re-submission to the Federal Railroad Administration on the part of the High Desert Corridor Joint Powers Authority.

## BOARD OF DIRECTORS

### Robert A. Lovingood

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Council Member, City of Lancaster

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### Dave Perry

Los Angeles County

### Kathryn Barger

Supervisor, Los Angeles County Fifth District (Vice-Chair)

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Mayor Pro Tem, Town of Apple Valley

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City of Adelanto

### Vacant

City of Victorville



This Amendment No. 5 (“Amendment”) to the Professional Services Agreement for Rail Connector Implementation Study, dated as of January 1, 2019 is made and entered into by and between the High Desert Corridor Joint Powers Authority (“JPA”) and Transportation Solutions (“Consultant”).

#### **I. Background**

On September 28, 2017, the JPA entered into Amendment No. 4 to the Professional Services Agreement for Rail Connector Implementation Study with Consultant for the purpose of obtaining the services of Consultant to prepare information needed for the implementation of a P3 (Private-Public Partnership) in the right-of-way cleared by the HDC EIS/R and layout a path forward to expedite the Rail Connector.

#### **II. Previous Term of Agreement**

Section III of Amendment No. 4 to the Agreement provided that the Term of the Agreement period was to commence upon issuance of a written Notice to Proceed issued by the JPA, and was to continue in full force and effect through December 31, 2018, or upon completion of the final Transportation Solutions interim report, whichever is sooner.

#### **III. Prior Extension of Term of Agreement**

As a result of the previous Rail Ridership and Revenue Study, the Metro Tolling Study, and the Board’s desire to expedite the Rail Connector, the Parties have agreed in Amendment No. 5 to extend the Term of the Agreement to December 31, 2019, or upon completion of the final Transportation Solutions report, whichever is first.

#### **IV. Scope of Work**

Paragraph V of the original Agreement contained a Scope of Work. Paragraph V of the original Agreement is hereby amended and will supplement the existing Scope of Work with the attached Scope of Work.

#### **V. Compensation and Invoicing**

Paragraph VI of the original Agreement set forth the compensation and invoicing for the original Scope of Work. Paragraph VI is hereby amended to add the following:

The method of payment for the expanded Scope of Work set forth in this Amendment will be based on a total sum. The total not to exceed price paid to Consultant will be \$465,000 which shall include all Work and deliverables of Consultant’s work. In addition, Consultant will also be authorized to subcontract for Financial, Legal, and Engineering upon approval of the JPA staff coordinator. Progress payments may be made monthly in arrears based on the percentage of Work completed by Consultant or subcontractors. Consultant shall submit progress reports with its invoices.

Payments to Consultant shall be made within sixty (60) calendar days after receipt and approval by the JPA.

**VI. Other Terms of the Agreement**

All other terms of the Agreement remain in full force and effect.

**IN WITNESS WHEREOF**, the High Desert Corridor Joint Powers Authority (“JPA”) and Transportation Solutions (“Consultant”) have each caused this Amendment to be subscribed by its respective duly authorized officers, on its behalf.

**HIGH DESERT CORRIDOR  
JOINT POWERS AUTHORITY**

**TRANSPORTATION SOLUTIONS**

\_\_\_\_\_  
Robert A. Lovingood, Chairman

\_\_\_\_\_  
Neil C. Peterson

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

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

Set forth below are tasks, schedule and deliverables for Scope of Work authorized under this Agreement, as amended effective January 1, 2019.

#### Tasks and Deliverables – January 1, 2019 – December 31, 2019

Set forth below are the tasks, schedules and deliverable for the Scope of Work authorized under Amendment No. 5 effective as of January 1, 2019 to the Professional Services Agreement by and between the High Desert Corridor Joint Powers Authority (“JPA”) and Transportation Solutions (“Consultant”).

Obtain Record of Decision (ROD) from Federal Railroad Administration (FRA).

Undertake work required to obtain a final Record of Decision (ROD) from the Federal Railroad Administration (FRA) required by federal law. The ROD is a precondition to acquiring fee interest in right of way parcels for the rail portion of the Corridor. During the same period, Brightline will be updating the environmental documents previously prepared by XpressWest. Consultant will work to ensure that the Corridor’s submissions are consistent with Brightline’s to avoid the need for any future re-submission.

- 1.1. Consultations with Brightline’s engineers and environmental consultants (TS, Venable, AECOM, Circlepoint and JPA Staff).
- 1.2. Meetings and communications with FRA staff to confirm process and timing for obtaining the ROD, including scope of work products to be submitted, as well as meetings with FRA once draft has been submitted (TS and Venable).
- 1.3. Undertake re-evaluation analysis and draft ROD for FRA approval, including:
  - 1.3.1. Technical drawings of changed features (AECOM);
  - 1.3.2. Legal guidance (Venable);
  - 1.3.3. Analysis of environmental impacts of changes (Circlepoint);
  - 1.3.4. Preparation and review of draft ROD (Circlepoint, Venable and TS).
- 1.4. Coordination with JPA Staff and briefing of JPA Board (TS, JPA Staff).
- 1.5. Work in detail with engineering and planning departments of the City of Palmdale, City of Victorville, and City of Adelanto on alignment (TS, AECOM, JPA Staff).
- 1.6. Coordination with the California High Speed Rail Authority (CHSRA), including continued review of Burbank to Palmdale (and Bakersfield to Palmdale) environmental process and its connection to the HDC rail project at Palmdale (TS, Aecom, Circlepoint, JPA Staff).
- 1.7. Coordinate with JPA staff to assist with addressing culturally and sensitive area concerns raised by Native American interests.
- 1.8. Progress Reports to Board, including presentations at Board Meetings (TS, JPA Staff).

Schedule: January 2019 - December 2019

Deliverables:

1. PowerPoint outline of each task and an in person or “GoToMeeting” presentation to HDC Staff Coordinator. Regularly

report on final environmental process to HDC JPA Board at their meetings.

2. Drawings of any revisions to rail project alignment and other features.

3. Draft re-evaluation submission to U.S. Department of Transportation FRA for issuance of ROD.

4. All applicable reports and studies.

Budget:

Transportation Solutions        \$ 95,000

Venable, LLC                        \$108,000

AECOM                                 \$162,000

Circlepoint                         \$100,000

SUB TOTAL                         \$465,000