



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD OF DIRECTORS MEETING AGENDA

Thursday, April 8, 2021 - 2:00 PM

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 DATED MARCH 17, 2020, WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT. The High Desert Corridor JPA is continuing to hold public meetings to conduct essential JPA business. Pursuant to the Governor's Executive Order, members of the High Desert Corridor Joint Powers Authority may attend the meeting via teleconference, video conference or phone conference, and will participate in the meeting to the same extent as if they were present.

Members of the public may participate in the virtual meeting via Zoom info below. Please mute phones, until you are called to speak. As a result of the Executive Order to stay home, in person participation at the High Desert Corridor JPA meeting will not be allowed at this time.

## HDC JPA Board Virtual Meeting Info:

Join HDC Board of Directors Meeting via Zoom at:

<https://us02web.zoom.us/j/84532292120?pwd=VXMrSzhvQzIveHpPWStmMUVSRIId4UT09>

Meeting ID: 845 3229 2120 Passcode: 827501

One tap mobile

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+12532158782,,84532292120#,,,,\*827501# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

## BOARD OF DIRECTORS

### **Kathryn Barger**

*Supervisor, Los Angeles County Fifth District (Chair)*

### **Darrell Dorris**

*Council Member, City of Lancaster*

### **Steven D. Hofbauer**

*Mayor, City of Palmdale*

### **Dave Perry**

*Los Angeles County*

### **Col. Paul Cook (Ret.)**

*Supervisor, San Bernardino County First District (Vice Chair)*

### **Gabriel Reyes**

*Mayor, City of Adelanto*

### **Scott Nassif**

*Council Member, Town of Apple Valley*

### **Debra Jones**

*Mayor, City of Victorville*



# High Desert Corridor Joint Powers Authority



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## E-220 HIGH DESERT CORRIDOR

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### **HDC JPA BOARD OF DIRECTORS MEMBERS**

Chair, Supervisor Kathryn Barger, 5<sup>th</sup> Supervisorial District, Los Angeles County  
Vice Chair Colonel Paul Cook (Retired), Supervisor, 1<sup>st</sup> Supervisorial District, San Bernardino County  
Steve Hofbauer, Mayor, City of Palmdale/Los Angeles County  
Darrell Dorris, Council Member, City of Lancaster /Los Angeles County  
Dave Perry, Los Angeles County  
Debra Jones, Mayor, City of Victorville/San Bernardino County  
Scott Nassif, Council Member, Town of Apple Valley/San Bernardino County  
Gabriel Reyes, Mayor, City of Adelanto/San Bernardino County  
Vacant, Joint Appointment, San Bernardino County/Los Angeles County

### **HDC JPA BOARD MEMBER ALTERNATES**

Richard Loa, Council Member, City of Palmdale/Los Angeles County  
Curt Emick, Mayor, Town of Apple Valley/San Bernardino County  
Elizabeth Becerra, Council Member, City of Victorville/San Bernardino County

### **HDC JPA STAFF**

Executive Director: Arthur V. Sohikian  
Clerk: Lynna Monell, San Bernardino Clerk of the Board  
Auditor-Controller: Jessica Trillo, San Bernardino County  
Legal Counsel: John Tubbs II, Deputy County Counsel, San Bernardino County

### **OPEN SESSION**

- 1. CALL TO ORDER** – Kathryn Barger, Chair
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PUBLIC COMMENTS:** During the COVID-19 pandemic, HDC JPA is conducting business remotely as we comply with State of California and San Bernardino County and Los Angeles County health directives. HDC is committed to ensuring that our public meetings are accessible to the public and that the public can observe and address the meeting and to participate by providing written and oral comment on HDC matters. Please don't hesitate to reach out to Executive Director Arthur Sohikian at [arthur@avsconsultinginc.com](mailto:arthur@avsconsultinginc.com).

At this time members of the public can address the HDC Board of Directors regarding any items within the subject matter jurisdiction of the agency that are not separately listed on this agenda. Please see bottom of agenda for zoom virtual meeting instructions. Whenever possible, lengthy testimony should be presented to the Board in writing and only pertinent points presented orally.



# High Desert Corridor



## Joint Powers Authority

### E-220 HIGH DESERT CORRIDOR

April 8, 2021 Board of Directors  
Meeting Agenda page 2 of 2

5. **HDC CORRESPONDENCE:** *San Bernardino Clerk of the Board, Lynna Monell*
  - i. **HDC JPA Comments to CA HSR 2020 Revised Business Plan March 12, 2021**
  - ii. **HDC JPA CA Assembly and Senate Committee Public Testimony to CA HSR 2020 Revised Business Plan March 15, 2021**
  
6. **MINUTES/RECAP OF PROCEEDINGS:** *San Bernardino Clerk of the Board, Lynna Monell*  
**Recommended Action:** *Approve January 14, 2021 HDC JPA Board Meeting Minutes.*
  
7. **HDC EXECUTIVE DIRECTOR UPDATE** – Executive Director  
**Recommended Action:** *Receive and File Executive Director Report*
  
8. **HDC FY2020/21 MODIFIED BUDGET** – Executive Director  
**Recommended Action:** *A. Approve HDC FY2020/21 Modified Budget.  
B. Receive and File HDC FY2021/22 Estimate Budget.*
  
9. **HDC METRO FUNDING AGREEMENT**  
**Recommended Action:** *Approve HDC Metro Funding Agreement.*
  
10. **TRANSPORTATION SOLUTIONS CONTRACT AMENDMENT 7**  
**Recommended Action:** *Approve Transportation Solutions Contract Amendment 7, including subcontractors, for a not to exceed amount of \$581,203, and Authorize the Executive Director/County of San Bernardino to execute contract Amendment 7.*
  
11. **HDC BOARD JPA RESTRUCTURE**  
**Recommended Action:** *Receive and File.*
  
12. **HDC BOARD MEMBER FUTURE AGENDA ITEMS**
  
13. **ADJOURNMENT.** Next Board of Directors meeting July 8, 2021 at 2:00pm.



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

HDC April 8, 2021 Board Meeting Report 5 Correspondence

March 12, 2021

California High-Speed Rail Authority  
770 L Street, Suite 620-MS-1  
Sacramento, CA 95814

RE: High Desert Corridor JPA Comments to Revised Draft 2020 Business Plan via  
[DraftBP2020@hsr.ca.gov](mailto:DraftBP2020@hsr.ca.gov)

On behalf of the High Desert Corridor JPA (HDC) members, we are pleased to submit comments to the California High-Speed Rail Authority Revised Draft 2020 Business Plan.

The Authority Business Plans continues funding to complete environmental review for the Southern California Sections, especially for the **Bakersfield to Palmdale Section, which the HDC strongly supports**. The Cities of Lancaster and Palmdale have continued their cooperative working relationships with Authority staff and consultants on design elements as the CA high-speed rail project environmental documents continue through the process.

When construction funding becomes available beyond the current segments under construction, the HDC JPA strongly urges the CA High-Speed Rail Authority allocate construction funds to the Bakersfield to Palmdale Section.

The HDC JPA is currently advancing the HDC Rail Component from the 2016 Locally Preferred Alternative toward a Record of Decision in 2021. The HDC is excited with the interoperability of the high-speed rail systems to serve the high-desert communities in Los Angeles and San Bernardino Counties.

We look forward to working with the Authority throughout the environmental clearance process to make high-speed rail a reality for the high-desert communities in Los Angeles and San Bernardino Counties.

Sincerely,

Arthur V. Sohikian  
Executive Director

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# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

March 15, 2021

RE: High Desert Corridor JPA Assembly and Senate Committees Public Testimony on the CA High-Speed Rail Authority Revised Draft 2020 Business Plan via email to [melissa.white@sen.ca.gov](mailto:melissa.white@sen.ca.gov); [james.hacker@sen.ca.gov](mailto:james.hacker@sen.ca.gov); [farra.bracht@asm.ca.gov](mailto:farra.bracht@asm.ca.gov); [BudgetSub3@asm.ca.gov](mailto:BudgetSub3@asm.ca.gov):

On behalf of the High Desert Corridor JPA (HDC) members, we are pleased to submit Public Testimony to the CA Assembly and Senate Committees on the California High-Speed Rail Authority Revised Draft 2020 Business Plan.

The Authority Business Plans continues funding to complete environmental review for the Southern California Sections, especially for the **Bakersfield to Palmdale Section, which the HDC strongly supports**. The Cities of Lancaster and Palmdale have continued their cooperative working relationships with Authority staff and consultants on design elements as the CA high-speed rail project environmental documents continue through the process.

When construction funding becomes available beyond the current segments under construction, the HDC JPA strongly urges the CA High-Speed Rail Authority allocate construction funds to the Bakersfield to Palmdale Section.

The HDC JPA is currently advancing the HDC Rail Component from the 2016 Locally Preferred Alternative toward a Record of Decision in 2021. The HDC is excited with the interoperability of the high-speed rail systems to serve the high-desert communities in Los Angeles and San Bernardino Counties.

We look forward to working with the Authority throughout the environmental clearance process to make high-speed rail a reality for the high-desert communities in Los Angeles and San Bernardino Counties.

Sincerely,

Arthur V. Sohikian  
Executive Director

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# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 6

#### The High Desert Corridor Joint Powers Authority

Date: April 8, 2021

To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)

From: Arthur V Sohikian, Executive Director/Board Secretary

Subject: **JANUARY 14, 2021 HDC JPA MINUTES/MEETING RECAP OF PROCEEDINGS**

**Recommended Action:** Approve January 14, 2021 HDC JPA Board Meeting Minutes.

HIGH DESERT CORRIDOR JOINT POWERS AUTHORITY

BOARD OF DIRECTORS MEETING, Thursday, January 14, 2021 **2:00 p.m.**

The Board of Directors participated via virtual zoom and teleconference:

	Directors Present	Kathryn Barger, Supervisor, County of Los Angeles Fifth District (Chair) Paul Cook, Supervisor, San Bernardino County First District (Vice-Chairman) Steven D. Hofbauer, Mayor, City of Palmdale (Director) Dave Perry, Deputy to Supervisor Kathryn Barger, Los Angeles County Supervisor (Director) Darrell Dorris, Council Member, City of Lancaster (Director) Donna Jones, Mayor, City of Victorville (Director) Scott Nassif, Council Member, Town of Apple Valley (Director)
	Directors Alternates Present and non-voting	Elizabeth Becerra, Council Member, City of Victorville (Alternate Director, non-voting) Richard Loa, Council Member, City of Palmdale (Alternate Director, non-voting). HDC Staff Present: Arthur Sohikian, Executive Director Lynna Monell, Clerk of the Board (San Bernardino County) John Tubbs, County Counsel, County of San Bernardino County Jessica Trillo, San Bernardino County Administrative Office, Finance and Administration. Amanda Meere, San Bernardino County, County Administrative Office, Government Affairs.
2.	Call to Order and Roll Call	Vice-Chair Barger called the meeting to order at 2:01 p.m. Executive Director Arthur Sohikian conducted Roll Call and noted there was a quorum with 7 of 7 Board Members present with two Alternate Board Members.
3	Pledge of Allegiance	Led by Director Dorris
4.	Public Comments	Chair Barger inquired of the Executive Director, if there was any HDC JPA Authority public comment.  Executive Director Sohikian indicated that there was no written, virtual or telephone public comment

## BOARD OF DIRECTORS

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Supervisor, Los Angeles County Fifth District (Chair)

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Council Member, City of Lancaster

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Mayor, City of Palmdale

**Dave Perry**  
Los Angeles County

**Col. Paul Cook (Ret.)**  
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Mayor, City of Adelanto

**Scott Nassif**  
Council Member, Town of Apple Valley

**Debra Jones**  
Mayor, City of Victorville

5.	<p><b><u>Recommended Action:</u></b>  A. Election of HDC JPA Board Officers to July 8, 2021 Board meeting.  B. Appoint of HDC JPA Board Secretary  C. Approve HDC Quarterly Board virtual meetings at 2pm as follows: April 8, 2021; July 8, 2021 and October 14, 2021</p>	<p>Election of Chair  On motion by Director Hofbauer with second by Director Cook, Director Barger was elected as Chair of HDC.  AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif</p> <p>Election of Vice Chair  On motion by Chair Barger with second from Director Hofbauer, Director Cook is elected as Vice-Chair of HDC.  AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif</p> <p>Appointment of JPA Secretary and Approve 2021 Board Calendar: April 8, July 8, October 14, 2021 at 2pm.</p> <p>On motion by Board Chair Barger with second by Director Nassif, Arthur Sohikian is appointed as Secretary and the 2021 Board Calendar is approved: April 8, July 8, October 14, 2021 at 2pm.</p> <p>AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif</p>
6.	Correspondence	<p>Chair Barger inquired of the Clerk to the Board, Lynna Monell, if there was any HDC JPA Authority correspondence.</p> <p>Clerk Monell indicated that there was no correspondence.</p>
7.	<p><b><u>Recommended Action:</u></b>  Approve Minutes of October 29, 2020 HDC JPA Board Meeting Minutes</p>	<p>On motion by Director Hofbauer, seconded by Director Jones, the Board approved the minutes of October 29, 2020 HDC JPA Board meeting.</p> <p>AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif</p>
8.	<p><b><u>Recommended Action:</u></b>  Receive and File Executive Director Report and Provide Direction on 2021 Work Plan</p>	<p>Executive Director Arthur Sohikian provided the report with the following highlights:  <u>HDC Highway Component Status Update</u>  In 2018, HDC JPA supports study of an alternative to the HDC 2016 Locally Preferred Alternative, Freeway/Tollway Highway Component and decides to focus on first phase as the Rail Component of the LPA.</p> <p>December 31, 2020, Caltrans notifies US Federal Highways Administration FHWA that HDC Rail Component is moving forward with FRA for a ROD in 2021. Caltrans selects no build option for HDC Freeway/Tollway alternative and reserves the right to resume work on the highway component at some point in the future.</p> <p>Metro, SBCTA, Caltrans Districts 7/8 focused on widening SR18/SR138 as a continuous 4-lane highway between the Antelope and Victory Valleys (Victorville/Palmdale) connecting high desert communities in San Bernardino County and Los Angeles County. (SR14/SR138 map below).</p> <p>SBCTA allocated Measure I funds and Metro allocated Measure M HDC funds to start the focused PSR-PDS project development documents with Metro as the lead agency starting early 2021.</p> <p><u>HDC Rail Component Status Update</u>  During 2020 HDC consultant team has been preparing for a 2021 petition to the Federal Railroad Administration (FRA) to seek the LPA Rail Component</p>

Record of Decision (ROD) with concurrent petition to the US Surface Transportation Board (STB) for environmental jurisdiction/clearance.

Due to the interoperability of the highspeed rail systems, TS and their counsel, Venable LLP, has recommended that the HDC Rail Component petition to the STB for a determination that STB has jurisdiction over the HDC Rail Component that extends Brightline West Station in the Town of Apple Valley to the California High Speed Rail Station in the City of Palmdale, both of which have previously been ruled to be subject to STB jurisdiction for environmental clearance.

Reevaluation/Revalidation and petition for STB jurisdiction to ensure interoperability with CA High Speed Rail Bakersfield to Palmdale Section and Brightline West alignment changes including moving the station in Victorville to the Town of Apple Valley.

HDC is scheduled to submit Reevaluation/Revalidated documentation to FRA and STB by later 1<sup>st</sup> Quarter 2021 with the goal to receive final ROD/Notice of Determination (NOD) by 3<sup>rd</sup> Quarter 2021.

Metro Board approved \$5 million budget for HDC Intercity Rail Service Development Plan & Funding Plan including \$3 million of HDC Measure M funds, \$1.375 million in CalSTA 2018 Transit Intercity Rail Capital Plan State grant under the Network Integration category, and \$625K from Brightline West (\$250K in cash and \$375K of in-kind contributions) for Metro to develop with HDC, Brightline West.

#### **2021 HDC Work Plan:**

1<sup>st</sup> Qtr 2021 Submit Reevaluation/Revalidation documentation to FRA and STB. 3<sup>rd</sup> Qtr 2021 Complete ROD/Notice of Determination (NOD).

Seek funds from all available sources to complete the ROD with environmental clearance/STB.

Seek final ROD determination from the FRA and environmental clearance from STB.

Authorize the TS consultant contract (1/14/21 Board Report 9 Amendment 7) to complete ROD/STB, subject to HDC budget availability.

Ensure SR18/138 Highway Component begins PDS process in early 2021 with Metro/SBCTA/Caltrans.

Coordinate and advance the Metro High Desert Corridor Intercity Rail Service Development Plan & Funding Plan.

City of Palmdale Station coordination with CA HSR, Metro Regional Rail, Metrolink, Caltrans, Brightline.

Town of Apple Valley Station coordination with Brightline West.



		<p>Explore the ROW acquisition process utilizing Los Angeles County Measure M funds.</p> <p>Seek Partnership and Funding Grant opportunities from federal, state, regional sources.</p> <p>Update and Strengthen then resubmit the 2018 HDC TIRCP grant application to next SB1 TIRCP funding cycle. <b>Executive Director Report Attachment A: High Desert Corridor Rail Component Funding Opportunities</b></p> <p>Seek Partnerships from Private Sector, potential PPP procurement process.</p> <p>Continuous briefing of elected officials, funding/operational partner agencies, and community and business stakeholders.</p> <p>Update and migrate the HDC website.</p> <p>HDC JPA structure review to strengthen partnerships. Seek stable funding source for HDC operations.</p> <p>FY 2021-22 Budget Adoption at July 8, 2021 Authority Board meeting.</p> <p><b>HDC JPA Restructure MOTION</b> On motion by Chair Barger with second from Director Hofbauer, the Board directed the Executive Director and County Counsel to draft options for JPA restructure that seeks a stable yearly funding source and to report back to the Board at April 8, 2021 Board meeting.</p>
9.	<p><u>Recommended Action:</u> A. Approve HDC FY2020/21 Modified Budget.</p> <p>B. Approve Executive Director not to exceed \$6000 to transition current HDC website from San Bernardino County website to <a href="http://www.highdesertcorridor.org">www.highdesertcorridor.org</a></p>	<p>Executive Director Sohikian noted that subsequent to posting of the Board agenda, LA Metro notified HDC that they had \$400,000 available for the Rail ROD Transportation Solutions consultant contract work.</p> <p>A. Approve HDC FY2020/21 Modified Budget as amended adding \$400,000 for Transportation Solutions Amendment 7 Contract. Motion by Director Nassif with a second by Director Hofbauer. AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif.</p> <p>B. Approve Executive Director not to exceed \$6000 to transition current HDC website from San Bernardino County website to <a href="http://www.highdesertcorridor.org">www.highdesertcorridor.org</a> Motion by Director Nassif with a second by Director Dorris AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif.</p>
10	<p><u>Recommended Action:</u> A. Approve Transportation Solutions Contract Amendment 7, including subcontractors, for a not to exceed amount of \$581,203, pending budget capacity. B. Authorize the Executive Director/County of San Bernardino to execute contract Amendment 7, pending budget capacity.</p>	<p>Executive Director Sohikian presented the item and pointed out that as he stated in Item 8 Executive Director Report, completing the Rail ROD with the FRA/STB is top priority and the consultant work necessary to complete the ROD with Transportation Solutions and its subcontractors is \$581,403.</p> <p>Mr. Sohikian noted that subsequent to posting of the Board Agenda, LA Metro notified HDC that they had \$400,000 available for the Rail ROD FRA/STB consultant work needed with Transportation Solutions.</p> <p>The TS and subcontractor's consultant work needed to complete ROD with FRA and STB environmental clearance to be shovel-ready.</p>

		<p>Transportation Solutions (TS) proposed Amendment 7 for \$581,203 (\$483K ROD and \$98K STB). Partial funding identified from Supervisor Kathryn Barger (\$220K), City of Palmdale (\$95K), and San Bernardino County in-kind staffing (\$12,500) have committed funds to the HDC.</p> <p>Mr. Sohikian described, as in Item 9 on the Modified FY 2020/21 budget, adding \$400,000 funds from LA Metro for the consultant work needed to complete the FRA/STB Rail ROD, shovel ready environmental clearance.</p> <p>Transportation Solutions and Subcontractors Amendment 7 Cost Breakdown:  Transportation Solutions, including Venable, LLC and Karen Hedlund – \$97,350  AECOM – \$34,108  CirclePoint – \$449,745  Total: \$581,203</p> <p>Approve motion as amended by Director Hofbauer with a second from Director Nassif:  A. Approve Transportation Solutions Contract Amendment 7, including subcontractors, for a not to exceed amount of \$581,203 <del>pending budget capacity</del>.</p> <p>B. Authorize the Executive Director/County of San Bernardino to execute contract Amendment 7 <del>pending budget capacity</del>.</p> <p>AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif</p>
11	HDC Future Items	Highway component discussion East of I-15.
12	Adjourn	<p>There being no further business, the meeting adjourned at 3:11 p.m.  Next Meeting: April 8, 2021, 2pm</p> <p>Motion to adjourn by Director Dorris with second from Director Nassif.  AYES: Kathryn Barger, Paul Cook, Steven Hofbauer, Darrell Dorris, Dave Perry, Donna Jones, and Scott Nassif</p>



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 7

#### The High Desert Corridor Joint Powers Authority

Date: April 8, 2021

To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)

From: Arthur V. Sohikian, Executive Director

Subject: **HDC Executive Director Report**

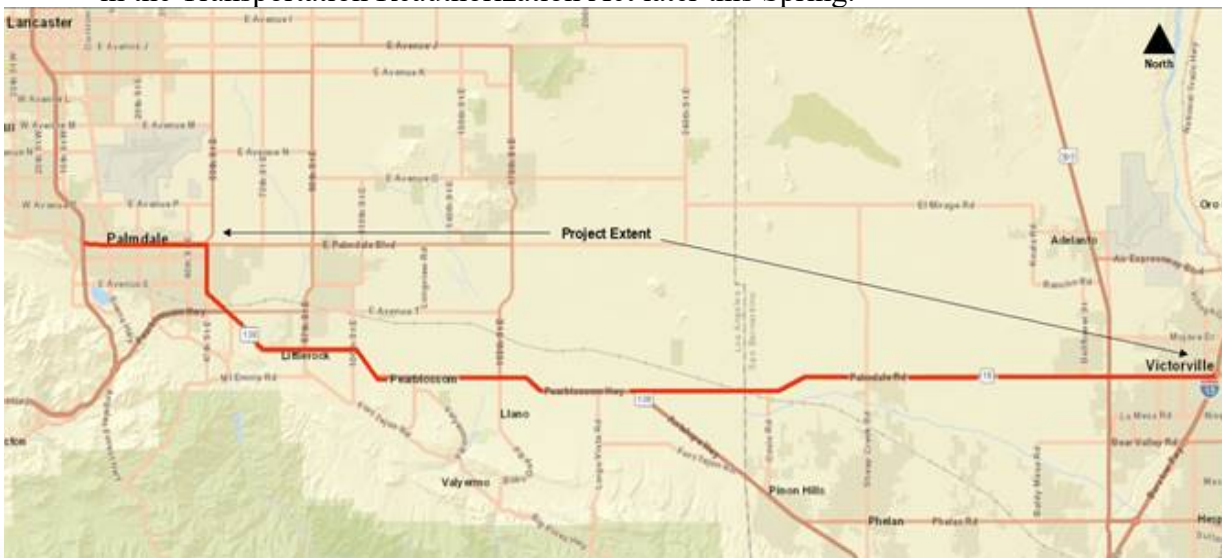
**Recommended Action: Receive and File Executive Director Report**

**Fiscal Impact:** There is no Fiscal Impact. Items discussed in this report have future Fiscal Impact.

**HDC Executive Director Report:** At the Jan 14, 2021 HDC meeting the Authority took major steps advancing the Highway Alternative and Rail Component.

#### HDC Highway Alternative (SR18/SR138) Update

- 
- SBCTA allocated Measure I funds and Metro allocated Measure M HDC funds to start the focused PSR-PDS project development documents with Metro as the lead agency starting in April 2021.
- Metro, SBCTA, Caltrans Districts 7/8 focused on widening SR18/SR138 as a continuous 4-lane highway between the Antelope and Victory Valleys (Victorville/Palmdale) connecting high desert communities in San Bernardino County and Los Angeles County. (SR18/SR138 map below).
- Consistent with the 2021 Work Plan, the Authority staff submitted the SR18/SR138 Highway Project to Rep. Obernolte (CD8) and Rep. Garcia (CD25) for consideration during deliberations of the federal FY22 Transportation Appropriations Act. Staff will also submit the Highway Project for consideration in the Transportation Reauthorization Act later this Spring.



## BOARD OF DIRECTORS

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Supervisor, Los Angeles County Fifth District (Chair)

**Darrell Dorris**

Council Member, City of Lancaster

**Steven D. Hofbauer**

Mayor, City of Palmdale

**Dave Perry**

Los Angeles County

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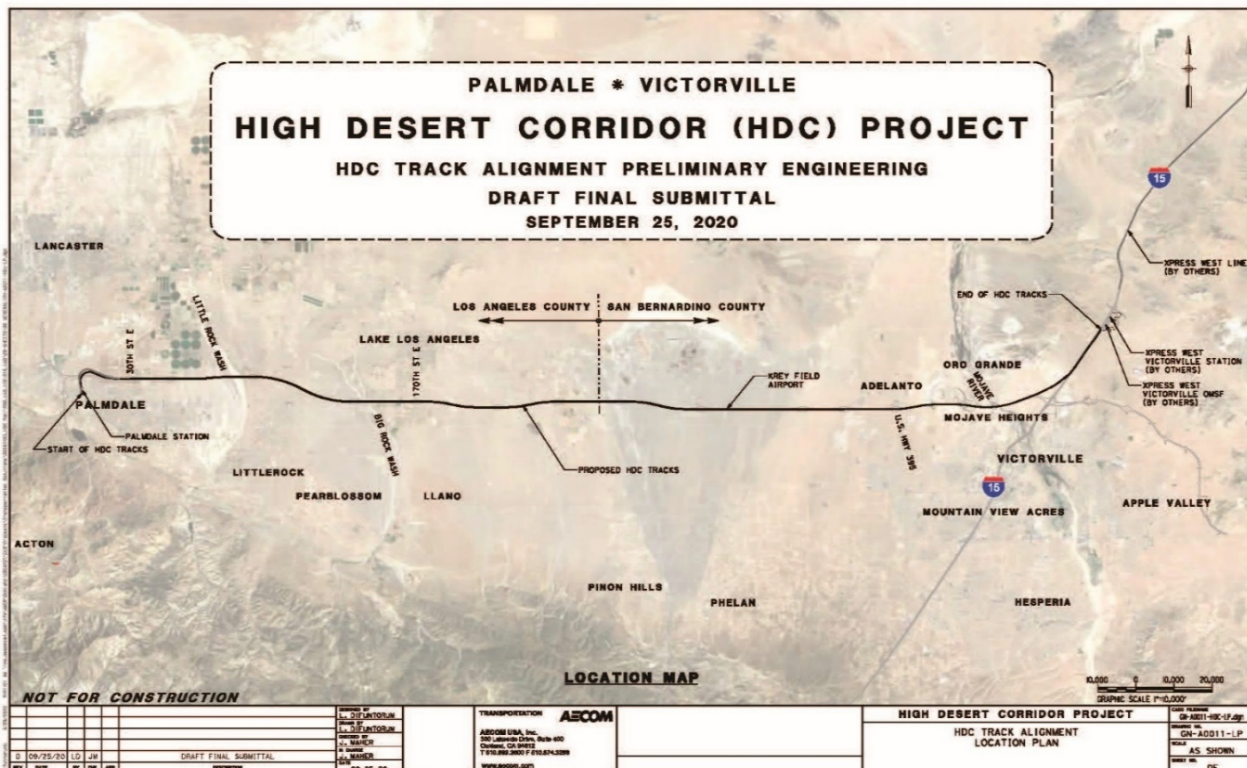
**Debra Jones**

Mayor, City of Victorville

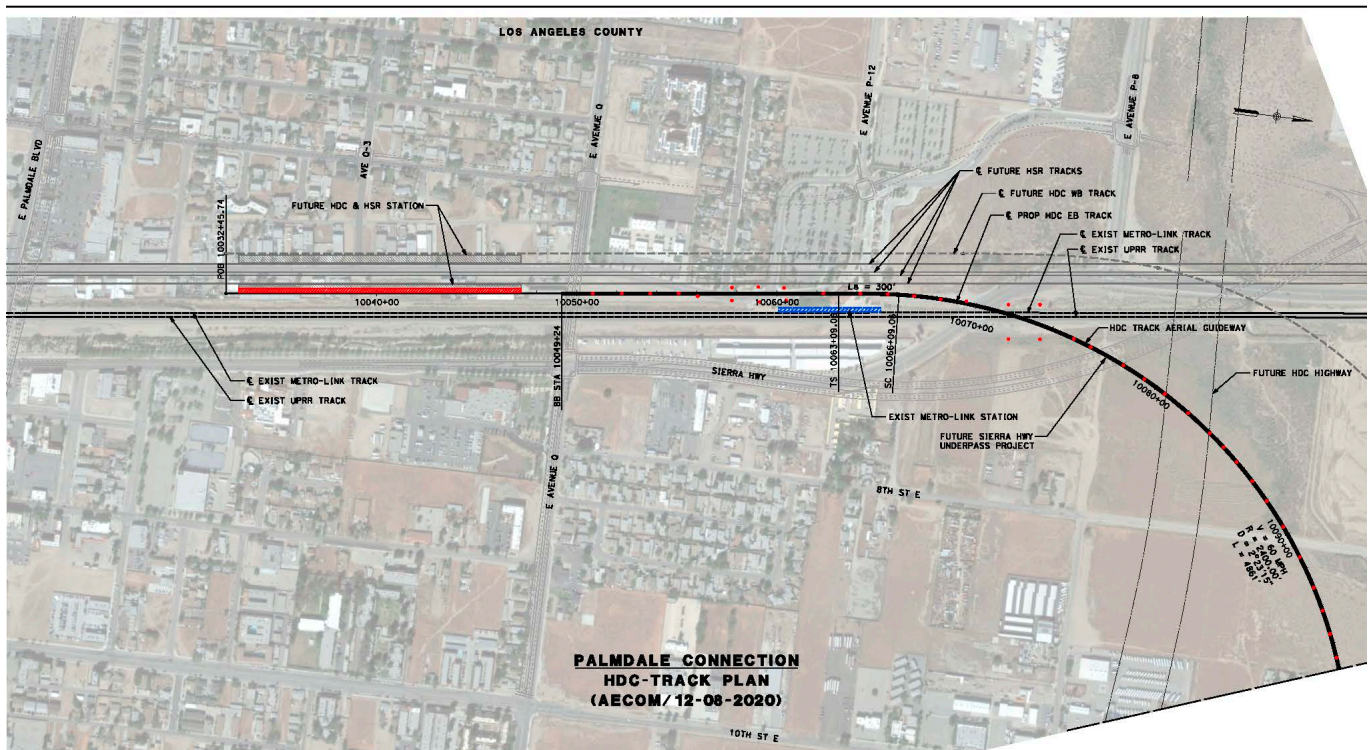
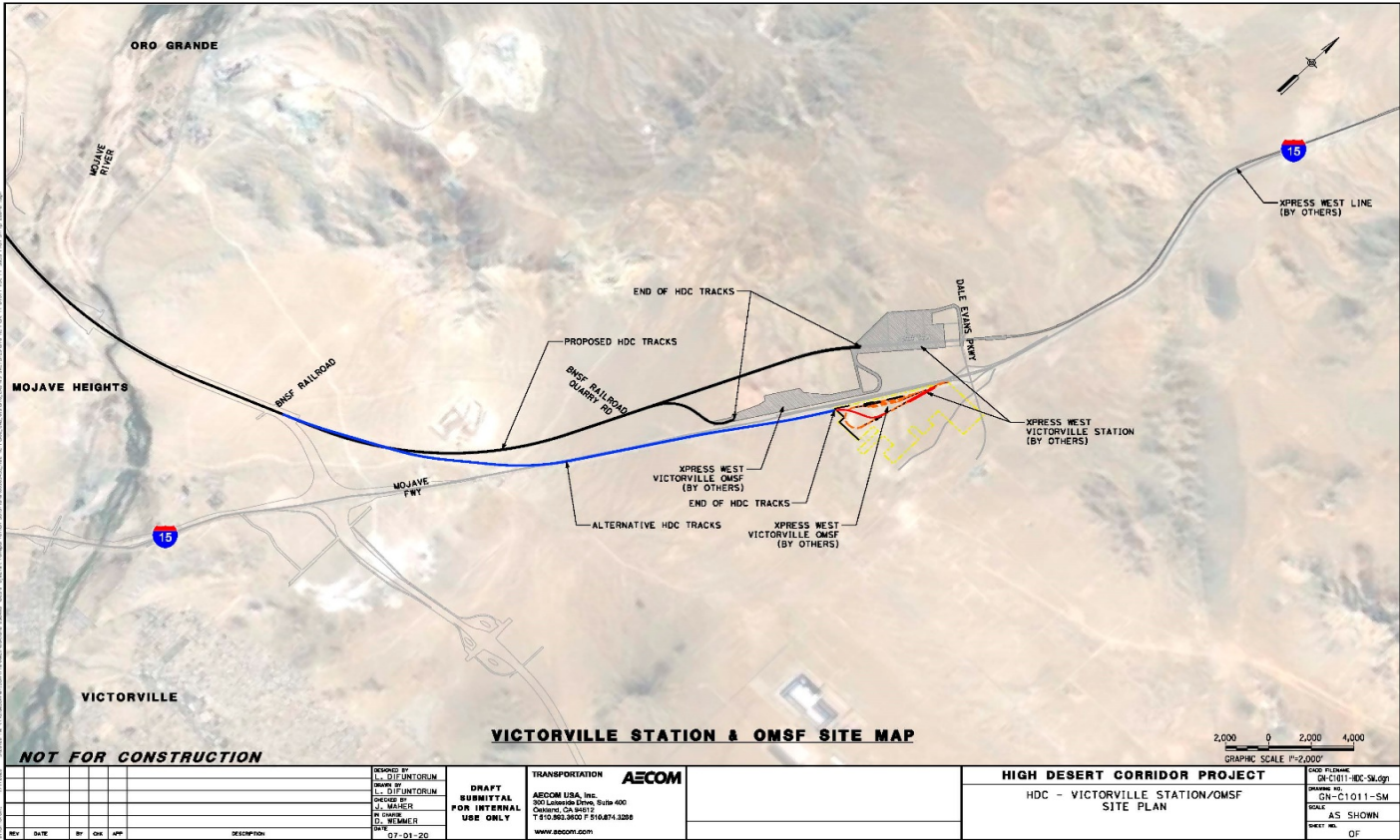
HDC Rail Component Status Update

- HDC Authority staff and Consultant Team have had positive meetings with incoming Federal Railroad Administration (FRA) Administrator and staff to seek the LPA Rail Component Record of Decision (ROD) with concurrent petition to the US Surface Transportation Board (STB) for environmental jurisdiction/clearance due to the interoperability of the highspeed rail systems.
- HDC Authority staff and Consultant Team worked with CalSTA, Caltrans and SHPO (California Office of State Preservation) to successfully extend the HDC Section 106 Programmatic Agreement for one-year allowing HDC the opportunity during the Reevaluation process to assess impacts on all resources.
- April 2021, the Authority staff submitted the Reevaluation/Revalidation ROD petition to FRA and STB with the goal to receive final ROD/Notice of Determination (NOD) by end of 2021.
- Consistent with the 2021 Work Plan, the Authority staff submitted the HDC Rail Project to Rep. Obernolte (CD8) and Rep. Garcia (CD25) for consideration during deliberations of the federal FY22 Transportation Appropriations Act. Staff will also submit the HDC Rail Project for consideration in the Transportation Reauthorization Act later this Spring.
- Metro Board approved \$5 million budget for HDC Intercity Rail Service Development Plan & Funding Plan including \$3 million of HDC Measure M funds, \$1.375 million in CalSTA 2018 Transit Intercity Rail Capital Plan State grant under the Network Integration category, and \$625K from Brightline West (\$250K in cash and \$375K of in-kind contributions) for Metro to develop with HDC, Brightline West. Plan Kick-off is scheduled for April 2021 with an 18-month implementation schedule.

HDC Rail Component Los Angeles County-San Bernardino County



**HDC Rail Component Station Alignment Victorville/Town of Apple Valley and Palmdale**





# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 8

#### The High Desert Corridor Joint Powers Authority

Date: April 8, 2021

To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)

From: Arthur V. Sohikian, Executive Director

Subject: **HDC FY 20/21 Modified Budget**

**Recommended Action: A. Approve HDC FY2020/21 Modified Budget**

**B. Receive and File HDC FY2021/22 Estimate Budget**

#### **Fiscal Impact:**

FY2020/21 Modified Budget due to contracts approved and pending for Authority policy priorities.

FY 2021/22 Estimate Budget shows a shortfall of approximately **(\$79,487)**.

#### **FY2020/21 Modified Budget Highlights:**

FY2020/21 The HDC JPA includes the \$220,000 and \$400,000 from the County of Los Angeles and LA Metro, respectively and the City of Palmdale \$95,000. San Bernardino provides in-kind staff time for the Clerk of the Board County Administrative Office, and County Counsel (\$19,626).

FY 2021/22 Estimate Budget shows a shortfall of approximately **(\$79,487)**, which occurs in October 2021/November 2021 if the Authority exercises year two of the Authority's Executive Director professional and administrative services contract.

#### **ATTACHMENT A: FY2020/21 Modified Budget and FY2021/22 Estimate Budget**

## BOARD OF DIRECTORS

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*Supervisor, Los Angeles County Fifth District (Chair)*

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*Mayor, City of Palmdale*

### **Dave Perry**

*Los Angeles County*

### **Col. Paul Cook (Ret.)**

*Supervisor, San Bernardino County First District (Vice Chair)*

### **Gabriel Reyes**

*Mayor, City of Adelanto*

### **Scott Nassif**

*Council Member, Town of Apple Valley*

### **Debra Jones**

*Mayor, City of Victorville*

High Desert Corridor Joint Powers Authority April 8 2021 FY 2020/21 Modified Budget Report 8 ATTACHMENT A

<u>2021-22 Recommended Budget</u>	<u>2020-21 Modified Budget</u>	<u>2020-21 Estimated Actuals</u>	<u>2021-22 Recommended Budget</u>	<u>Variance</u>
Audit Services	\$ 6,500	\$ 5,950	\$ 6,500	\$ -
Software Costs	\$ -	\$ 240	\$ 250	\$ 250
Legal Services	\$ 5,000	\$ -	\$ -	\$ (5,000)
Insurance	\$ 1,000	\$ 930	\$ -	\$ (1,000)
Printing Services - HDCJPA Letterhead	\$ -	\$ 36	\$ -	\$ -
Website Costs	\$ -	\$ 2,710	\$ 250	\$ 250
Professional Services (Transportation Solutions)	\$ 863,590	\$ 243,144	\$ 581,203	\$ (282,387)
Professional Services (AVS Consulting, Inc.)	\$ 95,000	\$ 91,023	\$ 138,000	\$ 43,000
San Bernardino County Staff Time - In Kind	\$ -	\$ 19,626	\$ 20,215	\$ 20,215
<b>Total Requirements</b>	<b>\$ 971,090</b>	<b>\$ 363,659</b>	<b>\$ 746,418</b>	<b>\$ (224,672)</b>
City of Palmdale	\$ 95,000	\$ 95,000	\$ -	\$ (95,000)
Los Angeles County	\$ 220,000	\$ 220,000	\$ -	\$ (220,000)
LA Metro	\$ 400,000	\$ 400,000	\$ -	\$ (400,000)
San Bernardino County - In Kind	\$ -	\$ 19,626	\$ 20,215	\$ 20,215
Interest Income	\$ 4,350	\$ 3,158	\$ 4,350	\$ -
<b>Total Sources</b>	<b>\$ 719,350</b>	<b>\$ 737,784</b>	<b>\$ 24,565</b>	<b>\$ (694,785)</b>
(Use of)/Contribution To Fund Balance	\$ (251,740)	\$ 374,125	\$ (721,853)	\$ (470,113)
Beginning Fund Balance	\$ 268,241	\$ 268,241	\$ 642,366	
(Use of)/Contribution To Fund Balance		\$ 374,125	\$ (721,853)	
Ending Fund Balance <b>(Shortfall)</b>		\$ 642,366	\$ <b>(79,487)</b>	

**Budget Highlights:**

- \* Current outlook shows a shortfall in 2021-22 of approximately **(\$79,487)**.
- \* San Bernardino County provides in-kind staff time from the Clerk of the Board, County Administrative Office, and County Counsel (\$19,626).
- \* For 2020-21: The HDCJPA estimates a contribution of \$220,000 and \$400,000 from the County of Los Angeles and LA Metro, respectively.
- \* Estimated for 2021-22: Website costs of approximately \$250, for an annual hosting fee. Internal staff time will be utilized for website maintenance.



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 9

#### The High Desert Corridor Joint Powers Authority

Date: April 8, 2021

To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)

From: Arthur V. Sohikian, Executive Director

Subject: **HDC Metro Funding Agreement**

**Recommended Action: Approve HDC Metro Funding Agreement**

#### **Background:**

At the January 14, 2021 HDC JPA Board meeting, the Board approved the allocation of \$400,000 in Metro funds to complete the Record Of Decision consultant work. The Metro funding commitment arose after the posting of the January 14, 2021 Agenda which did not allow staff time to prepare the necessary Funding Agreement For High Desert Intercity Rail Corridor Environmental Work resolution for Board approval.

The Metro Funding Agreement For High Desert Intercity Rail Corridor Environmental Work to transfer \$400,000 to HDC upon receipt of the necessary documentation and invoicing is included as ATTACHMENT A.

ATTACHEMNT A:

FUNDING AGREEMENT FOR HIGH DESERT INTERCITY RAIL  
CORRIDOR ENVIRONMENTAL WORK

## BOARD OF DIRECTORS

### **Kathryn Barger**

*Supervisor, Los Angeles County Fifth District (Chair)*

### **Darrell Dorris**

*Council Member, City of Lancaster*

### **Steven D. Hofbauer**

*Mayor, City of Palmdale*

### **Dave Perry**

*Los Angeles County*

### **Col. Paul Cook (Ret.)**

*Supervisor, San Bernardino County First District (Vice Chair)*

### **Gabriel Reyes**

*Mayor, City of Adelanto*

### **Scott Nassif**

*Council Member, Town of Apple Valley*

### **Debra Jones**

*Mayor, City of Victorville*



FUNDING AGREEMENT FOR  
HIGH DESERT INTERCITY RAIL CORRIDOR  
ENVIRONMENTAL WORK

This Funding Agreement (“AGREEMENT”) is made and entered into as of April \_\_, 2021 by and between the High Desert Corridor Joint Powers Authority (hereinafter referred to as “HDCJPA”) and The Los Angeles County Metropolitan Transportation Authority (hereinafter referred to as “Metro”), and jointly referred to as the “Parties” and each as a “Party”:

WITNESSETH

WHEREAS, HDCJPA is a joint powers authority consisting of the County of San Bernardino, County of Los Angeles, as members and directors, and the Cities of Adelanto, Victorville, Lancaster, Palmdale, and the Town of Apple Valley, as appointed directors. The HDCJPA was created to develop a new freeway/expressway from State Route 14 freeway to Interstate 15 freeway. In 2016, the High Desert Corridor (HDC) has evolved into a multi-purpose corridor that will include high-speed rail that connects Antelope Valley in Los Angeles County with Victor Valley in San Bernardino County. This funding agreement is specific to the High Desert Corridor (“HDC Rail Project”) that connects Antelope Valley in Los Angeles County with Victor Valley in San Bernardino County.

WHEREAS, the purpose of the HDC Rail Project is to improve east-west mobility within the High Desert region of Southern California by addressing present and future travel demands and mobility needs. The HDC Rail Project also aims to improve travel safety and reliability, while connecting residential, commercial and industrial areas in the Antelope and Victor Valleys, including the cities of Palmdale, Lancaster, Adelanto, Victorville, Hesperia and the Town of Apple Valley;

WHEREAS, the HDC Rail Project, as part of the High Desert Corridor, was environmentally certified with a joint EIS/EIR lead by Caltrans in partnership with Metro on June 20, 2016;

WHEREAS, a joint CEQA/NEPA addenda is being prepared by the HDCJPA to address changes to the rail alignment, station location and other related infrastructure. The Reevaluation/Revalidated environmental documentation is anticipated to be submitted to the FRA by April 2021 with the goal to receive final ROD by September 2021;

WHEREAS, on January 14, 2021, the HDCJPA Board approved the principal terms and scope of work on a contract amendment with their environmental consultant, “Transportation Solutions”, to complete additional preliminary engineering, Reevaluation/Revalidation and ROD and related environmental work including noise, biological, and cultural resources, and technical studies, and prepare a petition and secure approval from the Surface Transportation Board to take jurisdiction over the HDC Rail Component from the Federal Rail Administration. A copy of Transportation Solutions scope of work to complete the NEPA addenda is attached hereto as Exhibit A;

WHEREAS, the total cost of the contract amendment is \$581,203. Metro, as a partner of the HDC highway and rail projects in north Los Angeles County, is prepared to contribute funding needed to complete the NEPA addenda described in Exhibit A in an amount not to exceed \$400,000 of Proposition C 25% funds;

WHEREAS, the \$400,000 in funds shall be distributed directly to the HDCJPA to complete the NEPA addenda.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

**1. Term.**

The term of this AGREEMENT shall commence on the date the AGREEMENT is fully approved and executed by the Parties, and shall terminate upon the occurrence of all of the following: (i) the agreed upon scope of work described in Exhibit A has been completed; and (ii) all Metro audit and reporting requirements have been satisfied;

**2. Payment.**

Metro shall make a one-time advance payment of \$400,000 in Proposition C 25% Funds (the "Funds") to HDCJPA to pay for a portion of the costs for its contract with Transportation Solutions to complete the NEPA addenda as described in Exhibit A. Metro shall make this payment to HDCJPA within 30 days of receipt of an invoice from HDCJPA. The funds shall be used by HDCJPA solely to fund the completion of the NEPA addenda as described in Exhibit A.

**3. Responsibility for Project.**

HDCJPA shall be solely responsible for managing the completion of the joint CEQA/NEPA addenda for the HDC Rail Project and remains responsible for obtaining all necessary environmental clearances for the HDC Rail Project. Metro may request a copy of any completed deliverable described in Exhibit A. HDCJPA shall deliver any such requested deliverables to Metro within 10 business days.

**4. Notices.**

All notices, demands, consents, requests or other communications required to or permitted to be given pursuant to this AGREEMENT shall be in writing, shall be given only in accordance with the provisions of this Section, shall be addressed to the Parties in the manner set forth below, and shall be conclusively deemed to have been properly delivered: (i) upon receipt when hand-delivered during normal business hours (provided that notices which are hand-delivered shall not be effective unless the sending Party obtains a signature of a person at such address that the notice has been received); (ii) upon receipt when sent by facsimile prior to 5:00 p.m. of a given business day (otherwise, such receipt is deemed as of the following business day) to the number set forth below (provided, however, that notices given by facsimile shall not be effective unless the sending Party's machine provides written confirmation of successful delivery thereof); (iii) upon the day of delivery if the notice has been deposited in an authorized receptacle of the U.S. Postal Service as

first-class, registered or certified mail, postage prepaid, with a return receipt requested (provided that the sender has in its possession the return receipt to prove actual delivery); or (iv) one (1) business day after the notice has been deposited with either FedEx or United Parcel Service to be delivered by overnight delivery (provided that the sending Party receives a confirmation of actual delivery from the courier). The addresses of the Parties to receive notices are as follows:

To HDCJPA: High Desert Corridor JPA  
San Bernardino County Clerk of the Board of Supervisors  
385 North Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130  
Attention: Arthur V. Sohikian, Executive Director, HDCJPA  
Email: arthur@avsconsultinginc.com

To Metro: Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza 99-10, 17th Floor  
Los Angeles, CA 90012  
Attention: Jeanet Owens, Senior Executive Officer, Project Management  
Engineering & Construction  
email: [OwensJ@metro.net](mailto:OwensJ@metro.net)

5. **Governing Law and Venue.**

This AGREEMENT, and the exhibits hereto, shall be governed by, and construed in accordance with, the laws of the State of California. In the event of any legal action to enforce or interpret the AGREEMENT, the sole and exclusive venue shall be a court of competent jurisdiction located in the County of Los Angeles and the Parties hereto agree to and do hereby submit to the jurisdiction of such court.

6. **Entire Agreement.**

The AGREEMENT is the final expression of, and contains the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This AGREEMENT may not be modified, changed, supplemented, superseded, canceled or terminated, nor may any obligations hereunder be waived, except by a written instrument signed by the Party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. The Parties do not intend to confer any benefit hereunder on any person, firm or entity other than the Parties hereto and their lawful assignees.

7. **Eligible Expenses/Audit.**

HDCJPA shall only use the Funds to pay invoices from Transportation Solutions for the work described in Exhibit A. The Funds are not eligible for any other project or expense. Metro, and/or its designee, shall have the right to conduct audits as deemed appropriate to verify Funds were used for eligible expenses. HDCJPA shall properly document and maintain all costs, charges and invoices and accounting records related to the work

described in Exhibit A to enable an audit without further explanation or summarization. HDCJPA shall reimburse Metro for any expenditure not related to the work described in Exhibit A and/or not in compliance with other terms and conditions of this AGREEMENT. Findings of the Metro audit are final. When Metro audit findings require HDCJPA to return monies to Metro, HDCJPA agrees to return the monies within thirty (30) days of a demand from Metro. Metro will commence a final audit within six months of the completion of the scope of work described in Exhibit A.

8. **Indemnity.**

Neither Metro nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by HDCJPA under or in connection with any work performed by and or service provided by HDCJPA, its officers, agents, employees, contractors and subcontractors under this AGREEMENT. HDCJPA shall fully indemnify, defend and hold Metro and its subsidiaries, and its officers, agents and employees harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of the HDC Rail Project, including without limitation: (i) use of the Funds by HDCJPA, or its officers, agents, employees, contractors or subcontractors; (ii) breach of HDCJPA's obligations under this AGREEMENT; or (iii) any act or omission of HDCJPA, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services, in connection with the HDC Rail Project including, without limitation, the scope of work described in Exhibit A.

9. **Counterparts.**

This AGREEMENT may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument. The Parties shall be entitled to sign and transmit an electronic signature of this AGREEMENT (whether by facsimile, PDF or other email transmission), which signature shall be binding on the Party whose name is contained therein. Each Party providing an electronic signature agrees to promptly execute and deliver to the other Party an original signed AGREEMENT upon request.

**10. Authority.**

Each Party signing below represents that it has the authority to enter into this AGREEMENT and consents to its terms.

In Witness Whereof, the Parties have caused this AGREEMENT to be executed by their respective officers, duly authorized by the HDCJPA on \_\_\_\_\_, 2021 and by Metro on \_\_\_\_\_, 2021.

High Desert Corridor Joint Powers Authority

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

Kathryn Barger, Chair

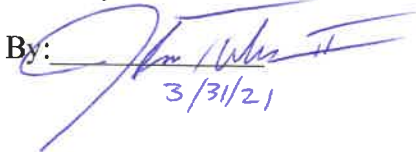
Approved as to Form

JOHN TUBBS II

Deputy County Counsel

Attorney for HDCJPA

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



The Los Angeles County Metropolitan  
Transportation Authority

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

Approved as to Form

RODRIGO A. CASTRO-SILVA

County Counsel

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



Deputy



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 10

#### The High Desert Corridor Joint Powers Authority

Date: January 14, 2021

To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)

From: Arthur V. Sohikian, Executive Director

Subject: Transportation Solutions Contract Amendment 7

#### Recommended Action:

- A. Approve Transportation Solutions Contract Amendment 7, including subcontractors, for a not to exceed amount of \$581,203, pending budget capacity.
- B. Authorize the Executive Director/County of San Bernardino to execute contract Amendment 7, pending budget capacity.

#### Fiscal Impact:

Not to exceed amount of \$581,203 for TS Amendment 7. Currently, Los Angeles County 5<sup>th</sup> Supervisorial District has committed up to \$220,000 in funds, leaving a funding gap of \$361,203. HDC staff is seeking funding from available sources for the High Desert Corridor Rail Component preparation of a Revaluation/Revalidation and Record Of Decision (ROD), including petition to US Surface Transportation Board (STB) for environmental jurisdiction.

#### HDC Rail Component Background:

In June 2016, the HDC Final Environmental Impact Report/ Environmental Impact Statement (FEIR/FEIS) received CEQA approval selecting a 63-mile multi-modal facility as the preferred alternative (PA). The PA included a six-to eight-lane freeway and tolled segment between 100th St East and US-395, high speed rail service in the median, a bicycle path, and green energy corridor parallel to the highway.

On September 13, 2018, the HDC held a workshop to hear from various stakeholders, discuss funding opportunities and challenges, and further explore alternatives for east-west mobility between the Antelope Valley in Los Angeles County and the Victor Valley in San Bernardino County. All agreed connecting Los Angeles and San Bernardino with a rail and highway component was critical for the high desert communities. The HDC provided direction to staff to proceed moving forward on the Rail Component of the project as the first phase and to seek a Record Of Decision (ROD) from the Federal Railroad Administration (FRA).

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, the company behind the XpressWest passenger rail project.

## BOARD OF DIRECTORS

#### **Col. Paul Cook (Ret.)**

*Supervisor, San Bernardino County First District*

#### **Darrell Dorris**

*Council Member, City of Lancaster*

#### **Steven D. Hofbauer**

*Mayor, City of Palmdale*

#### **Dave Perry**

*Los Angeles County*

#### **Kathryn Barger**

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

#### **Scott Nassif**

*Council Member, Town of Apple Valley*

#### **Vacant**

*City of Adelanto*

#### **Debra Jones**

*Mayor, City of Victorville*



In December 2018, the HDC awarded Amendment 5 to Transportation Solutions (TS) and its subcontractors AECOM, Circlepoint, and Venable to prepare the necessary documentation to obtain the HDC Locally Preferred Alternative (LPA) Rail Component ROD from the FRA (Amendment 6 extended contract to Dec 2021).

Due to the interoperability of the high speed rail systems, TS and their counsel, Venable LLP, has recommended that the HDC Rail Component petition to the US Surface Transportation Board (STB) for a determination that STB has jurisdiction over the HDC Rail Component that extends Brightline West Station in the Town of Apple Valley to the California High Speed Rail Station in the City of Palmdale, both of which have previously been ruled to be subject to US STB jurisdiction for environmental clearance.

### **Transportation Solutions and subcontractors Amendment 7 Scope of Work:**

1. TS subcontractor AECOM, utilizing Brightline West 65% design work, will prepare preliminary engineering design for 5 miles of track related to the relocation of the Brightline West station at Victorville/Apple Valley ([Attachment A](#)).
2. TS Subcontractor Circlepoint will prepare Reevaluation/Revalidation and ROD and related work including noise, biological, and cultural resource technical studies ([Attachment A](#)).
3. TS and its subcontractor Venable LLP will prepare a petition and secure approval from STB to take jurisdiction over the HDC Rail Component as a railroad connected to the interstate railroad system, including descriptions of participation by and coordination with CHSRA and BrightlineWest stations and interoperability of track and systems ([Attachment A](#)).

### **Transportation Solutions Progress Report, by Neil Peterson and Subcontractors (11/30/20)**

At the request of the new HDC Executive Director, Transportation Solutions (TS) was asked to prepare a Progress Report. Amendment 5 to the Transportation Solutions Contract was authorized by the Board of the HDC JPA on December 20, 2018. Amendment 5 directed TS and its subcontractors to 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 HDC Rail Component of the project. This work would include obtaining the agreement of FRA to be the “lead agency” under the ROD, and for the Consultant team to undertake a reevaluation analysis and draft ROD for FRA approval. Amendment 5 was to expire on December 31, 2019. The expiration date was extended to December 31, 2021 by Amendment 6 dated July 8, 2020.

The Scope of Work under Amendment 5/6 included:

1. Technical drawings of changed features (AECOM);
2. Legal guidance (Venable)
3. Analysis of environmental impacts of changes (Circlepoint)
4. Preparation and review of draft ROD (Circlepoint, Venable and TS).
5. Coordination with JPA Staff and briefing of JPA Board (TS, JPA Staff).
6. 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).
7. 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).

The Budget approved for Transportation Solutions Amendment 5 was \$465,000 including its subcontractors Venable LLC, AECOM, and Circlepoint.

In early 2019, the Consultant team had an initial meeting with the FRA to discuss the status of the project and request that they assume the responsibilities of “lead agency” for the ROD. FRA agreed to take the lead for the

ROD. (Caltrans had been the lead on the Final EIS issued in 2016 under its delegated authority since the project at that time included both a highway component and a rail component.)

In adopting Amendment 5, the HDC JPA also acknowledged that on September 18, 2018, Brightline Trains, LLC (Brightline), had announced its agreement to acquire DesertXpress Enterprises, LLC, the company behind the XpressWest passenger rail project from Las Vegas to Victorville that would connect to the HDC Rail project. Brightline also informed the HDC JPA that it would update the environmental approvals previously obtained by XpressWest. Transportation Solutions would work to ensure that the HDC's submissions were consistent with Brightline's to avoid the need for any future re-submission to the Federal Railroad Administration by the HDC JPA.

In the Spring of 2019, Brightline determined that it would be more efficient, and environmentally beneficial, to construct certain segments of the XpressWest line in the median between the northbound and southbound lanes of the I-15 freeway and to utilize a singletrack design with passing sidings rather than constructing an entirely double-track railroad. They also decided to relocate the station at Victorville to the Town of Apple Valley.

During 2019 the Consultant Team completed the engineering and environmental analysis work on the HDC alignment to the level necessary for the ROD on more than 85% of the route. This documentation has been submitted to FRA and discussed with FRA staff. The only work remaining relates primarily to the new 5.5 mile-connection to the Brightline proposed rail station relocated in Apple Valley from the north of I-15 to the south of I-15 near Dale Evans Parkway.

However, this change will require some work that was not anticipated in the scope of work and budget under Amendment 5. Specifically, it will require the basic engineering drawings needed to back up the ROD request, similar to the Consultant's engineers work already done on the rest of the alignment. In addition, it will require biological and cultural work on the new adjusted alignment. Also, during 2020, the HDC put in place bi-weekly meetings with staff of the HDC members to update them on developments. These meetings were also not included in the Amendment 5 budget.

We recognize there is some potential for delay in FRA's final consideration of the draft ROD and related materials due to the inauguration of a new President in January 2021. However, the Consultant Team is well-positioned to help FRA staff through the transition due to exceptional relationships with FRA and USDOT staff going back to the Obama Administration and the work of Karen Hedlund and Fred Wagner with the Biden Transition personnel.

### Section 106 Update

The Reevaluation being performed for the High Desert Corridor rail project involves an assessment of all major resource impacts detailed in the 2016 Final Environmental Impact Statement (FEIS) to determine if the conclusions reached in the FEIS remain valid.

One of the key issues subject to this review involves historic/cultural resources. Before FRA finalizes the Reevaluation and then issues a Record of Decision for the project, FRA must determine how to address an existing Section 106 Programmatic Agreement with the California SHPO which expires in March of 2021. While FRA was a cooperating agency to the Programmatic Agreement, Caltrans was the lead agency responsible for implementation of the Agreement. Unfortunately, FRA does not currently have a Programmatic Agreement in place with the California SHPO that could simply be applied to the ROD for the project. We have been informed that negotiating a separate Programmatic Agreement between FRA and California SHPO could take a substantial amount of time and, consequently, delay the issuance of the FRA ROD. We will work with Caltrans, CalSTA and the California SHPO to provide an administrative solution allowing the FRA to sign on to the Caltrans Programmatic Agreement and extend its expiration date.



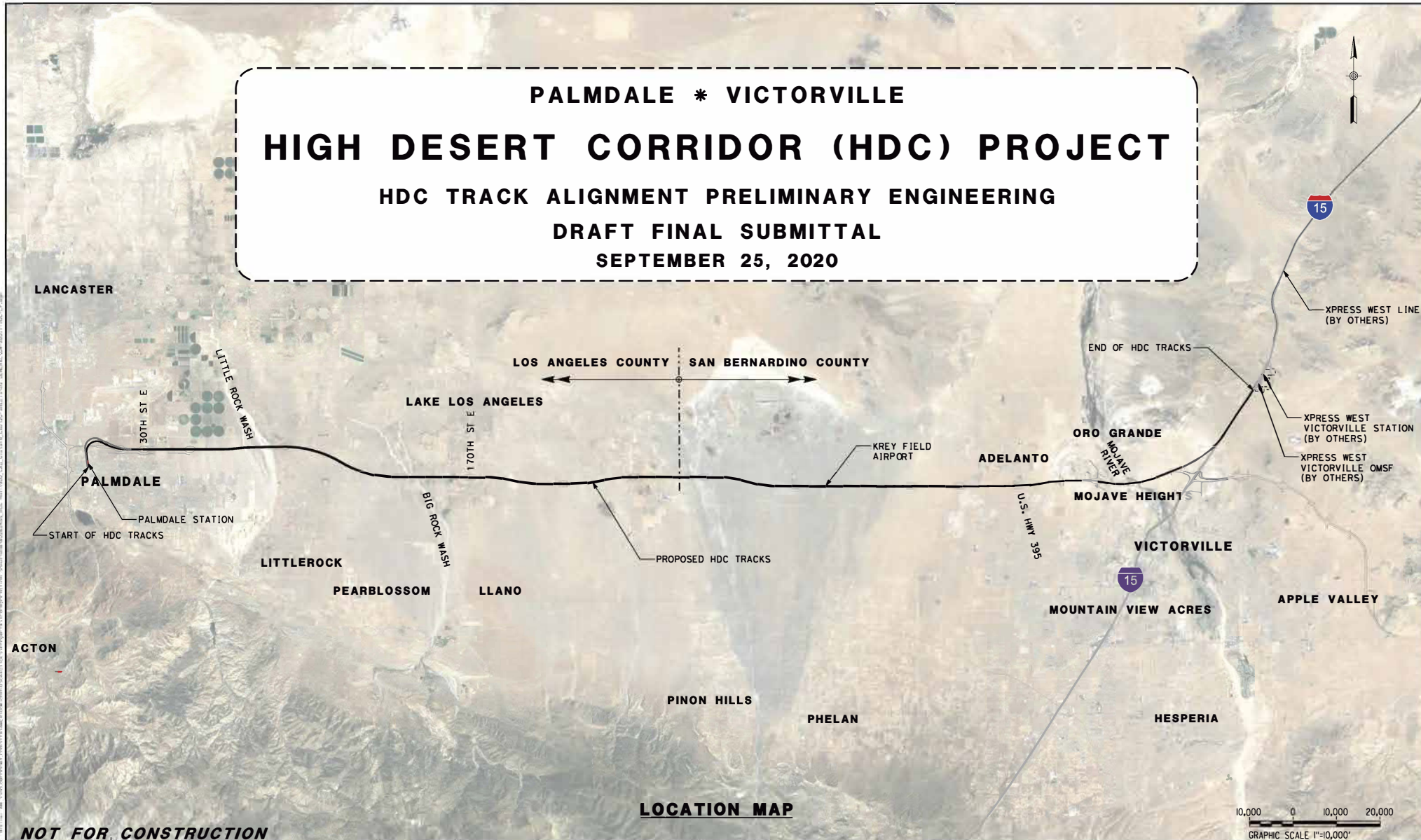
CEQA Amendment

Simultaneously with finalizing the FRA ROD, we will work with Caltrans to provide an Amendment to the CEQA documentation issued by Caltrans at the same time as the federal 2016 FEIS.

STB Determination of Jurisdiction

Based on the recommendation of our counsel Venable LLP, we urged the HDC petition the federal Surface Transportation Board for a determination that the Board has jurisdiction over the Rail Project due to its connection to the national railroad system as a result of its connection to the Brightline West project at the Town of Apple Valley and to the California High Speed Rail Project at Palmdale. The STB has previously ruled that both the Brightline West Project and the CHSRA project are subject to STB jurisdiction. STB jurisdiction would preempt the HDC Project from state and local approvals that might otherwise delay the project.

# HDC Board Report 10 Amendment 7 Transportation Solutions Attachment A



**LOCATION MAP**

**NOT FOR CONSTRUCTION**

				DESIGNED BY L. DIFUNTORUM	TRANSPORTATION <b>AECOM</b>  AECOM USA, Inc. 300 Lakeside Drive, Suite 400 Oakland, CA 94612 T 510.893.3600 F 510.874.3268 www.aecom.com	<b>HIGH DESERT CORRIDOR PROJECT</b>		CADD FILENAME GN-A0011-HDC-LP.dgn
				DRAWN BY L. DIFUNTORUM		HDC TRACK ALIGNMENT LOCATION PLAN		DRAWING NO. GN-A0011-LP
				CHECKED BY J. MAHER				SCALE AS SHOWN
				IN CHARGE J. MAHER				SHEET NO. OF
0	09/25/20	LD	JM	DRAFT FINAL SUBMITTAL				
REV	DATE	BY	CHK	APP	DESCRIPTION	DATE		
						09-25-20		



June 6, 2019

Mr. Neil Peterson  
Transportation Solutions  
2017 Fairview Ave East, Suite I  
Seattle, WA 98102

Subject: **Change Order No. 1  
Revised Location of Victorville Station  
High Desert Corridor  
Victorville, California**

Dear Mr. Peterson:

AECOM appreciates the opportunity to continue providing Transportation Solutions with Preliminary Track Engineering Design services for the High Desert Corridor between Palmdale, CA and Victorville, CA.

#### **SCOPE OF WORK**

Brightline is considering the relocation of the Victorville Station to the south side of I-15. The scope of work for the High Desert Corridor associated with this change includes:

- 5 Track plan and profile drawings at scale 1" = 200' for 5-miles of track.
  - Coordinate with the Brightline design team.
- 2 Typical Cross Section drawings.
- Calculate earthwork.
- Respond to one round of client comments.

#### **ENGINEERING COST ESTIMATE**

We propose to perform our services on a time and materials basis. The not to exceed amount is estimated at \$34,108

We look forward to assisting Transportation Solutions in implementing Change Order No.1. If you have any questions, please call David Wemmer at (510) 406-1984.

#### **AECOM Technical Services**

Etty Mercurio, PE  
Vice President  
Authorized Signatory, Transportation - Pacific

Attachments: Design Cost Estimate

High Desert Corridor  
Change Order No.1  
Track Preliminary Engineering for Revised Brightline Victorville Station  
Project Number 60565455  
Engineering Estimate  
6-Jun-19

<i>Brightline Victorville Station</i>				PM/Civil	SeniOr Civil	Civil Engr	Jr Civil Engr	
Task	No. of Dwgs	Hrs per Dwg	Total hours	D.W.	J.M.	L.D.	E.W.	
Track Plan and Profile drawing (1"=200')	5	24	120		25	95		
Typical Cross Sections	2	15	30		10	20		
Earthwork Calculation			10		0	10		
Coordination with Brightline			10	4	6			
Project Management			8	8	0			
subtotal	7		178	12	41	125	0	0

AECOM Drawings Total	7							
AECOM Hours Total			178	12	41	125	0	0
AECOM Direct Hourly Labor Cost				\$102.96	\$107.85	\$59.69	\$46.17	\$0.00
AECOM Direct Labor Cost Subtotal				\$1,236	\$4,422	\$7,461	\$0	\$0
AECOM Direct Labor Cost Total			\$13,119					
Loaded Labor (2.60)			\$34,108					
Travel Direct Cost								
Total Cost			\$34,108					

D.W. David Wemmer  
J.M. John Maher  
D.F. Leo Difuntorum  
E.W. Elliot Wong



July 26, 2019

Neil Peterson  
Transportation Solutions  
2017 Fairview Ave East, Ste I  
Seattle, WA 98102  
Via email: [neil@neilpeterson.com](mailto:neil@neilpeterson.com)

## RE: Scope Augment for High Desert Corridor Revalidation - Palmdale Connection

Mr Peterson,

Circlepoint prepared this scope and fee proposal to analyze portions of the High Desert Corridor (HDC) Palmdale Connection that were not previously evaluated in the HDC Environmental Impact Report/Environmental Impact Statement (EIR/EIS) originally conducted in 2014. Circlepoint evaluated the Palmdale Connection alignment provided to us on July 16, 2017 to determine the level of effort associated with evaluating previously unevaluated footprint and resources in the forthcoming National Environmental Policy Act (NEPA) Revalidation. Based on the results of our preliminary assessment, the Palmdale Connection alignment will require substantive analysis associated with the following topics:

- **Noise** - The Palmdale Connection alignment would pass near several noise sensitive receivers (namely residences) that were not assessed for noise impacts in the 2014 HDC EIR/EIS. However, given the EIR/EIS did evaluate noise impacts and established mitigation in the form of noise abatement (sound walls) as specific locations. Noise sensitive receivers in close proximity to the proposed rail line will be assumed to be impacted and the mitigation specified in the EIR/EIS will be applied to the noise sensitive receivers. No noise measurements or calculations will be conducted.
- **Biological Resources** - The Palmdale Connection alignment would traverse areas that were not evaluated in the prior EIR/EIS for biological resources. These areas are relatively disturbed and located in suburban Palmdale. However these areas will require being assessed in terms of habitat type and value and, if necessary, recalculating habitat impacts will be done for re-initiating with the United States Fish and Wildlife Service.
- **Cultural Resources** – As noted above the Palmdale Connection alignment would traverse areas that were not evaluated in the prior EIR/EIS. These area will need to be incorporated into a revised Area of Potential Effect map, and these areas will need to be assessed for the presence of historic and/or archeological resources. Given the relatively disturbed nature of these areas the scope assumes that no cultural resources will be found.

In addition to the topics listed above, there are several other resources that would require evaluation along the new Palmdale Connection alignment as part of the overall revalidation. Circlepoint will conduct a brief assessment of these topic areas as part of the Revalidation analysis to verify that the new Palmdale Connection alignment would not result in new significant impacts.



The fee for this effort would not exceed **\$40,280**. Please contact me via phone (510.285.6748) or email (s.steinwert@circlepoint.com) with questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Steinwert", with a long horizontal flourish extending to the right.

7.29.19

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Scott Steinwert  
President, CEO

Date



	<i>Rates</i>	\$ 295	\$ 155	\$100	\$ 90				
	SS	AC	JM	CP	Circlepoint Hours	Circlepoint Cost	ICF Bio	ICF Cultural	Total Cost
<b>Project Tasks</b>									
<b>Task 1: Noise Coordination</b>	4	6	12	-	22	\$ 3,310			\$ 3,310
<b>Task 2: Bio Coordination</b>	6	8	16	-	30	\$ 4,610	13,000		\$ 17,610
<b>Task 3: Cultural Coordination</b>	4	6	12	-	22	\$ 3,310		\$ 12,500	\$ 15,810
<b>Task 4: Other ENV Resources</b>	4	6	16	16	42	\$ 3,550			\$ 3,550
<b>Circlepoint Hours/Costs Subtotal</b>	18	26	56	16	94	\$ 11,470			\$ 40,280

## High Desert Corridor – Redesigned Rail Element Reevaluation/Revalidation/FRA ROD

The High Desert Corridor (HDC) project consists of a 63-mile-long west-east facility to relieve traffic congestion between State Route (SR) 14 in Los Angeles County and SR-18 and Interstate 15 (I-15) in San Bernardino County. As part of the environmental clearance for the HDC project, an Environmental Impact Report/Environmental Impact Study (EIR/EIS) was completed in June 2016. Caltrans was the lead agency for the project pursuant to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

The EIR/EIS evaluated multiple alternatives including the following main project elements: 1) freeway/expressway; 2) High Speed Rail (HSR) feeder service; 3) bicycle route; and 4) green energy corridor.

As shown in the following excerpts, the HDC project EIR/EIS contemplated that redesign of the HSR feeder service could be considered in the future.

Excerpt from page 2-61, Final EIR/EIS (June 2016):

If the rail component of this project is constructed prior to the highway (due to the availability of rail-specific funding), additional design elements, including locating the rail on a side running alignment, will be considered and evaluated as appropriate.

Excerpt from page 2-69, Final EIR/EIS (June 2016):

As currently proposed, having the rail run alongside the freeway would require a larger footprint at the numerous interchanges along the corridor. Because of this, placement of the rail alignment in the center of the HDC was determined to be more desirable than placement along or parallel to the freeway's shoulder. ***If design options or other methods are identified to avoid/reduce impacts, a side running alignment may be reevaluated in the future.***

The EIR/EIS also considered the potential for various elements of the project moving forward independently. Page 1-8 of the HDC Final EIR/EIS acknowledges that the HDC project consists of several elements, and that Caltrans intends to prepare one or more Records of Decision (RODs) once funding is available. The timing and source of funding determines which project elements are in each ROD. This/these ROD(s) will provide the environmental approval required for each of the following project elements:

- freeway/expressway, including on-site facilities used during construction and operation (batch plants, electric vehicle charging stations)
- HSR feeder service, including traction power sub-stations; track connections to stations in Palmdale and Victorville (see Figures 2-5 and 2-10 of the EIR/EIS); and track connections to the proposed California HSR project in Palmdale (see Figure 2-5 of the EIR/EIS)



- green energy production/transmission facility (at a programmatic level)
- bike route

The HSR feeder service was further described in the HDC project EIR/EIS as a separate and distinct element, with independent utility. Excerpt from page 1-33, Final EIR/EIS (June 2016):

*The preferred alternative includes a rail feeder service between Palmdale and Victorville. Palmdale is currently served by Metrolink commuter rail service, which runs between Lancaster, to the north of Palmdale, and downtown Los Angeles (Union Station). Metrolink currently operates 30 passenger trains, and UPRR operates 5 or more freight train daily through this area. A rail feeder service between Victorville and Palmdale would effectively extend Metrolink service to more than 300,000 residents living in Victor Valley cities today and double this number by 2040. Thus, the project meets the criteria for independent utility because the rail service is usable and is a reasonable expenditure of public funds without the need for other transportation improvements.*

## Scope of Work

### Prepare Revalidation and Draft ROD

The following scope of work is for the preparation of a Revalidation and draft ROD for a rail-only element of the HDC project. FRA is assumed to be the lead federal agency for this Revalidation and would adopt the ROD for the rail project. The Revalidation will address the following key issues and utilize the Revalidation form/template used by Caltrans/FHWA.

1. **Changes in Project Design:** The design of the HSR feeder service will be reviewed and compared to the alternatives evaluated in the HDC project EIR/EIS in order to determine if there are substantial changes in project scope, alignment, or footprint. This will include a brief description of the project changes since the EIR/EIS was completed (June 2016), along with exhibits comparing the revised design to the alternatives evaluated in the HDC project EIR/EIS. The review of design changes will focus on preliminarily determining if the revised design will be entirely within the footprint as identified in the EIR/EIS.  
**JUNE 2019 UPDATE:** The project would include a new approximate 3.5-mile alignment located east of the I-15 freeway near Victorville, which would be required to connect with a new station alternative proposed by the Brightline XpressWest High-Speed Train Project. This alignment was not included in the HDC project EIR/EIS, and is discussed in further detail below.
2. **Changes in Environmental Setting:** The existing environmental setting will be reviewed for changes since the HDC project EIR/EIS was completed. This would primarily consist of new development that may have changed land uses in the area of the HDC, or affected traffic patterns and air quality. Given the HDC project EIR/EIS was recently completed (June 2016), the likelihood of substantial changes in environmental setting appear low.

3. **Changes in Environmental Circumstances:** The HDC project EIR/EIS will be reviewed to determine if there have been substantive changes in environmental circumstances such as new environmental laws or regulations, changes in the status of listed species for the area, etc.
4. **Changes in Environmental Impacts of the Project:** The environmental impact conclusions in the HDC project EIR/EIS will be reviewed to determine if the HSR feeder service would have the potential for any new type of impact to occur, or for the magnitude of previously determined impacts to change substantially. The rail design is anticipated to result in a reduced direct-impact footprint, which should translate to reduced environmental impacts. The application of the avoidance, minimization, and mitigation measures in the HDC project EIR/EIS will be considered when evaluating the potential for new or increased impacts under the revised design.
5. **Changes in Avoidance, Minimization, or Mitigation Measures:** Based on the evaluation conducted under #4 above, potential changes (or reductions) in avoidance, minimization or mitigation measures will be identified where appropriate.

Assuming the rail project footprint is smaller than the footprint evaluated in the HDC project EIR/EIS, it may be appropriate to recalculate certain environmental impacts in order to determine if minimization and mitigation measures should be revised. For example, impacts to species habitats may be reduced as a result of the revised design, and thus require less compensatory mitigation than what was prescribed in the HDC project EIR/EIS.

Changes in the freeway/expressway/rail location and orientation may require an updated analysis of noise and visual impacts.

Recalculating impacts will require GIS work, and will be most efficiently completed if we are able to obtain the GIS files used in preparing the HDC project EIR/EIS from Caltrans.

We will review all project-related consultation processes with the applicable federal and state resource agencies to ensure FRA satisfies project requirements for compliance with Section 4(f) of the Department of Transportation Act, Section 7 of the Endangered Species Act (Biological Opinion), and Section 106 of the National Historic Preservation Act. These consultation processes were completed for the project, by Caltrans, under FHWA assumption. Given our understanding that the revised project footprint would not change substantially from the footprint evaluated in the HDC project EIR/EIS, these previously completed consultation processes should satisfy project requirements.

At the completion of the Revalidation, assuming that FRA agrees that the original environmental document remains valid (i.e., a supplemental or new EIS is NOT needed), we will proceed with preparing a draft ROD for FRA review. Preparation of the ROD would follow the procedures and documentation requirements for a stand-alone ROD after completion of the Final EIS.

## **JUNE 2019 FOOTPRINT UPDATE**

This section outlines the environmental analysis required to evaluate a new approximately 3.5-mile rail alignment not previously assessed in the HDC EIR/EIS

## Cultural Resources

The proposed project will be subject to compliance with Section 106 of the National Historic Preservation Act. This requires consideration of potential project effects to historic properties including archaeological and built environment resources listed in or eligible for listing in the National Register of Historic Places according to criteria listed in 36 CFR800. Caltrans administers Section 106 compliance on behalf of FHWA and requires that documentation conform to specifications contained in Caltrans *Standard Environmental Reference*. As of January 1, 2004, cultural resource studies must be prepared and processed in accordance with the *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program In California*.

ICF shall conduct a records search at the South Central Coastal Information Center, part of the California Historical Resources Information System and housed at California State University, Fullerton. This records search will consult California's database of previous studies and previously recorded cultural resources within the proposed project area and within a 0.5-mile radius, per Caltrans guidelines. Historic maps and photographs shall also be reviewed, if available. ICF shall establish an Area of Potential Effect (APE) map in consultation with FRA. The map shall provide the survey boundaries for cultural resources to be evaluated during project studies. The APE map shall be based on the total anticipated disturbance footprint associated with project activities (e.g., road widening/interchange construction, staging areas and other temporary construction easements, detours, drainage facilities, temporary construction activities, and parcels containing impacted built environment resources).

ICF will also contact the Native American Heritage Commission and request a review of the Sacred Lands File and will coordinate with FRA for consultation with Native American groups and other interested parties under Section 106 and Assembly Bill 52 to request information regarding the types of potential cultural resources in the study area, including drafting letters and follow-up communications. Consultation will be conducted in accordance with appropriate current state and federal regulations.

Following completion of the record search/review, qualified ICF archaeologists shall conduct a field survey of the APE for archaeological resources. It is assumed that the Client will be responsible for obtaining access for conducting the surveys. This scope of work assumes that two archaeological sites that can be screened per the Caltrans PA will be identified in the APE and that no testing and/or evaluation will be required. It is anticipated that an Archaeological Survey Report (ASR) will be prepared and no additional documentation will be required.

Qualified ICF architectural historians will conduct a field survey of the proposed project area to record buildings, structures, and historic features through photography and written descriptions. If buildings are substantially altered or are less than 50 years old, a qualified architectural historian can exempt them from further evaluation in accordance with the Section 106 PA.

As of this scoping, no historical resources records search has been conducted, no detailed engineering drawings exist, and the field survey has not yet been undertaken. Properties such as non-exempt culverts, drainage features or other infrastructural elements may present themselves in the field. Based on analysis of satellite imagery, there are no buildings, 50 years old or otherwise, within the project area and its likely APE.

Assuming that no properties are determined to be exempt as per the Section 106 Programmatic Agreement or not included within the final Area of Potential Effects, the subject undertaking possesses approximately four linear features that will need to be evaluated for potential National Register of Historic Places eligibility. These include:

1. The Nisqually 33kv elevated powerline that is a component of the Victor 220/115 System;
2. The Seals 12kv elevated powerline that is a component of the Victor 220/115 System;
3. A private mining quarry railroad that appears to date over 50 years old; and
4. An adjacent vehicular road that runs parallel to the railroad named quarry road.

Each of the above four properties shall be evaluated upon a set of State of California DPR evaluation forms that will include a Primary Record (523A), Building, Structure Object Record (523B), a Linear Feature Record (DPR 523E) and DPR continuation sheets as needed (523L).

While in the field, each of these four cultural resources will be researched at local historical institutions, museums, agency departments, or libraries as applicable. Each of the four resources will be researched online through databases including but not limited to: the Online Archive of California, Newspapers.com, USGS historic topographic maps, historicaerials.com, Southern California Historical Society, Calisphere.org, JSTOR, Ancestry.com, and multiple databases associated with various public libraries.

Within the HRER, historic contexts will be completed that address the history of the vicinity (Victorville/Sidewinder Wells), the nearby quarries with which the railroad and adjacent road are associated, and finally, power transportation relative to the two lines to be analyzed. It is assumed that no resources will be identified that are eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR).

Following completion and approval of the APE, fieldwork and detailed reports discussed above, a summary document (the HPSR) shall be generated in accordance with Caltrans/FHWA standards for Section 106 compliance with the NHPA. It is anticipated that the proposed project shall result in an HPSR with a finding that no properties eligible for listing on the NRHP or CRHR are present within the project's APE.

### **Biological Resources Scope of Work**

ICF will conduct a sensitive species data review for the proposed alignment extension including the existing biological technical reports associated with the High Desert Corridor EIR/EIS. In addition, ICF will update the CNDDDB documented sensitive species occurrences and USFWS iPaC Endangered Species

Act listed species of potential occurrence. This update will include the alignment plus a 5-mile standard buffer. The results of the data review will be used to develop a list of potential sensitive species alignment occurrences and used as part of the biological resources analysis.

Following the completion of the data review, a pedestrian field survey will be conducted to evaluate and map sensitive species habitat within the proposed alignment. This habitat assessment will include vegetation mapping of a 150-foot wide buffer.

A USFWS (October 2018) protocol-level Mojave Desert tortoise survey (for linear projects) will be conducted for the proposed alignment extension using five 10-meter transects the distance of proposed alignment (approximately 3.5 miles). Linear project surveys can be completed at any time of the year. A Mojave Desert tortoise survey report will be prepared and submitted upon completion of the survey. The report will include:

- 1- A project summary.
- 2- Completed USFWS Mojave Desert Tortoise data sheets.
- 3- A map sheet of the action area including locations of transects, desert tortoise and tortoise sign.
- 4- A description of the plant communities within the action area.
- 5- A description of the habitat conditions, including disturbances and observable human uses, within the action area.
- 6- The range of elevation and soil types (if available) within the action area.
- 7- General photos of the action area including vegetation communities and types of human uses.

In addition to Mojave Desert tortoise, incidental observations of suitable wildlife habitat for burrowing owl, nesting birds, and other sensitive herpetological resources will be documented in a Natural Resources Technical Memorandum (see below).

ICF will conduct focused special-status plant surveys in accordance with CDFW and California Native Plant Society (CNPS) guidelines and by meandering transects focusing on areas with potential habitat for sensitive plant populations. The results will be documented in a Natural Resources Technical Memorandum (see below).

### *Jurisdictional Waters*

ICF will conduct a jurisdictional waters data review for the proposed alignment extension including the existing technical reports associated with the High Desert Corridor Final Environmental Impact Statement (FEIS). In addition, ICF will conduct a review of existing hydrologic data, including National Hydrologic Data and National Wetland Inventory maps for the project alignment extension.

Upon completion of the data reviews, a field delineation of jurisdictional waters, including U.S Army Corp of Engineers (USACE), Regional Water Quality Control Board (RWQCB) and, CDFW, will be conducted within the project alignment extension. The delineation will determine the location and dimensions of each (USACE, RWQCB, and CDFW) jurisdiction within the proposed alignment extension including feature length, average width, and acreage. The results will be documented in a Natural Resources Technical Memorandum (see below).

### *Natural Resources Technical Memorandum*

A Natural Resources Technical Memorandum will be developed that summarizes the results of the biological and jurisdictional waters analysis. This includes the Mojave Desert tortoise survey results, habitat assessments, sensitive plant surveys, incidental observations of suitable wildlife habitat for burrowing owl, nesting birds, and other sensitive herpetological resources. A discussion of the biological and aquatic resource affected environment will also be included.

### **Other Environmental Topics**

The new approximately 3.5-mile rail alignment would parallel I-15 and traverses undeveloped land. No residential or business displacements would result from this new alignment. Given its proximity to the I-15 freeway this alignment does not appear to raise any visual or aesthetics concerns. Only one local roadway (Quarry Road) would be crossed by this new alignment and would be grade separated. As a result, no impacts on local circulation are envisioned. Construction activities associated with this new alignment would be similar in type and reduced in scope compared to the alignment evaluated in the HDC EIR/EIS. As a result, no recalculating or analysis of construction period impacts is assumed.

It is assumed that the engineering team will evaluate hazardous materials (phase 1 assessment) as well as prepare location hydraulic and floodplain assessment which can be referenced in the NEPA revalidation.

The scope assumes that no traffic, noise, air quality or socioeconomic studies will be required by Caltrans or FRA as part of the revalidation and that these topics can be addressed in a qualitative manner in the NEPA revalidation.

### **Schedule**

August 1, 2019                      Revised engineering layout and summary of design changes provided to Circlepoint

October 2, 2017                      Administrative draft Revalidation for staff review

Upon FRA review and agreement with draft Revalidation a draft ROD will be prepared for the rail project. Preparation of the draft ROD will take 4 weeks.

### **Assumptions/Limitations**

1. Revised engineering layout (approx. 15% design) for rail project including any necessary changes to roadway/freeway designs evaluated in the HDC EIR/EIS and summary of design changes to be provided by others
2. No new field surveys
3. GIS work limited to recalculating impacts in 3-4 key topic areas. GIS base files from HDC project EIR/EIS will be provided by Caltrans
4. May require one site visit to confirm existing conditions. It is assumed a site visit/windshield survey can be completed in a single day. Costs for one site visit/windshield survey are included.

5. Meeting with client conducted via conference call/GoToMeeting; no in-person meetings.
6. Assumes brief Revalidation with limited reanalysis. If reanalysis of technical issues such as recalculating noise, air quality, traffic or other impacts is required by Caltrans or FRA, separate scope and fee will be prepared prior to beginning such work.
7. Costs for client/FRA revisions are estimates only and assumes 1 round of review/revision. Actual costs will depend on number and complexity of comments received.
8. Scope and budget do not include preparation of any CEQA-specific documentation for Caltrans purposes in revalidating the EIR. It is assumed Caltrans will utilize the NEPA revalidation and supporting information in any CEQA-specific updates or addenda that may be needed.

### **June 2019 Updated Assumptions/Limitations**

1. Segment to be surveyed consists of a 125-foot wide corridor measuring 3.5 miles in length.
2. The archaeological survey will be completed using 15-meter transects.
3. No archaeological resources requiring archaeological testing will be identified in the APE.
4. Cultural deliverables include 1) APE map; 2) Historic Property Survey Report; 3) Archaeology Survey Report; 4) Historical Resources Evaluation Report. Biological deliverables include 1) Mojave Desert tortoise survey report; 2) Sensitive botanical survey report; and, 3) Natural Resources Technical Memorandum. This scope assumes 3 drafts and one final for each of these documents.
5. We assume no Finding of Effects Report, nor Memorandum of Agreement, Memorandum of Understanding will be necessary relative to the built environment, archaeological resources, or tribal cultural resources.
6. The EIR/EIS section includes analysis of NEPA/CEQA cultural resources and CEQA Tribal Cultural Resources.
7. The habitat assessment and sensitive botanical surveys will be conducted using 15-meter meandering transects.
8. No focused surveys beyond Mojave Desert tortoise and one spring seasonal survey of sensitive botanicals will be required. No wildlife corridor modeling would be required.
9. No consultation pursuant to the Endangered Species Act will be required.
10. No CESA Incidental Take Permit, CDFW 1602 Permit, Clean Water Act 404 or 401, or Porter-Cologne Act permitting will be required. No USACE or EPA coordination, including meetings, will be required.
11. No California Rapid Assessment Method (CRAM) will be conducted for the proposed alignment.
12. No detailed mitigation measures or compensatory mitigation plan would be developed.
13. Any right-of-entry to access private property to conduct field survey would be completed by others prior to initiating surveys.

### **Cost Estimate Attached – Exhibit 1**

**Circlepoint Budget**

**HDC #4882**

<b>Tasks</b>	<b>Principal</b>	<b>PM</b>	<b>Associate</b>	<b>Assistant</b>	<b>Art Dir</b>	<b>Graphics</b>	<b>Total Hours</b>	<b>Total Dollars</b>
Rates	\$ 295	\$ 195	\$ 100	\$ 90	\$ 140	\$ 80		
Meetings and Coordination	40	40					80	\$ 19,600
Prepare Draft Revaluation	60	140	100		-	24	324	\$ 56,920.00
Biological Technical Studies (ICF)								\$ 150,000.00
Cultural Resource Technical Studies (ICF)								\$ 140,000.00
Revisions/Finalize Revalidation	20	38	28		-	-	86	\$ 16,110.00
Prepare Draft ROD	20	80	40		-	-	140	\$ 25,500.00
Revisions/Finalize ROD	8	24	24		-	-	56	\$ 9,440.00
					-	-	0	\$ -
			-		-	-	0	\$ -
	-	-	-	-	-	-	0	\$ -
	-	-	-	-	-	-	0	\$ -
<b>Total Labor</b>	<b>108</b>	<b>282</b>	<b>192</b>	<b>-</b>	<b>-</b>	<b>24</b>	<b>606</b>	<b>\$ 397,970.00</b>

**ODCs**

Fax/phone/messenger/overnight	\$ 50.00
Travel	\$ 400.00
Postage & Printing	\$ -
Title Companies	\$ -
Display Ad Placement	\$ -
Presentation Materials	\$ -
Web and Domain Hosting	\$ -
GIS (Geogreaphika)	\$ 10,000.00

**Subtotal ODCs**

Subtotal ODCs	\$ 10,450.00
10% mark up	\$ 1,045.00
<b>Total ODCs</b>	<b>\$ 11,495.00</b>
<b>TOTAL</b>	<b>\$ 409,465.00</b>



## **Transportation Solutions HDC JPA Scope of Work for STB petition filing and approval**

Prepare petition and secure approval from the US Surface Transportation Board (STB) requesting it take jurisdiction over the High Desert Corridor high-speed rail project (the "Project") as a railroad connected to the interstate railroad system. This action would preempt the project from state and local regulation, including CEQA. Petition would be based on, among other things, recent decisions of the STB relating to XpressWest (now BrightlineWest), Texas Central Railroad and California High-Speed Rail Project. As STB's decision would be based on particular facts of the Project, petition would include the preparation of the following:

1. Detailed description of coordinating with Brightline West regarding physical connection to and shared station with BrightlineWest in Apple Valley, near Victorville.
2. Description of interoperability of HDC system with BrightlineWest and CHSRA project (high speed rail grade track and electric catenary).
3. Description of the history of the NEPA review of the project that resulted in the inclusion of a rail in the environmental review of the High Desert Corridor at request of XpressWest.
4. Description of multi-party agreement, including XpressWest and California High Speed Rail Authority (CHSRA), providing financial support for ridership and revenue study from Las Vegas through the HDC to Los Angeles.
5. Summary of HDC Ridership and Revenue Study demonstrating ridership anticipated to be added to BrightlineWest service to/from Los Vegas as a result of connection to Palmdale over the HDC.
5. Description of coordination with CHSRA for joint high speed rail station at Palmdale permitting passengers on CHSRA from Central Valley to transfer to trains serving the Victor Valley and Las Vegas.

If deemed advisable to counsel, we would coordinate with BrightlineWest and CHSRA to solicit a supporting declaration from each of them, which may include foreseeable cross-ticketing processes. We would work with STB Board and staff to respond to questions raised and work through any issues identified.

Budget: \$97,350 for Transportation Solutions. Its subcontractors include Venable LLC, Aecom and CirclePoint.



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 10 The High Desert Corridor Joint Powers Authority

Date: April 8, 2021  
To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)  
From: Arthur V. Sohikian, Executive Director  
Subject: Transportation Solutions Contract Amendment 7

**Recommended Action: Approve Transportation Solutions Contract Amendment 7, including subcontractors, for a not to exceed amount of \$581,203, and Authorize the Executive Director/County of San Bernardino to execute contract Amendment 7.**

#### **Background:**

At the January 14, 2021 HDC JPA Board meeting, the Board approved Transportation Solutions Contract Amendment 7, including subcontractors, for a not to exceed amount of \$581,203.

County Counsel recommended the HDC Board approve the formal amendment language below which dates to the January 14, 2021, the Authority approval date.

This Amendment No. 7 ("Amendment") to the Professional Services Agreement for Rail Connector Implementation Study, effective as of January 14, 2021 is made and entered into by and between the High Desert Corridor Joint Powers Authority ("JPA") and Transportation Solutions ("Consultant").

#### I. Background

On December 8, 2018, the JPA entered Amendment No. 5 to the Professional Services Agreement for Rail Connector Implementation Study with Consultant for the purpose of obtaining the services of Consultant to prepare the HDC Rail Component Record of Decision (ROD). On July 8, 2020, the JPA entered Amendment No. 6 extending Amendment No. 5 to December 31, 2021 to continue work to obtain a Rail Component ROD from the Federal Railroad Administration (FRA). Amendment 7 seeks to complete all necessary documents to submit petition to FRA to successfully complete the Rail ROD with environmental clearance from the federal Surface Transportation Board (STB).

## BOARD OF DIRECTORS

### **Kathryn Barger**

*Supervisor, Los Angeles County Fifth District (Chair)*

### **Darrell Dorris**

*Council Member, City of Lancaster*

### **Steven D. Hofbauer**

*Mayor, City of Palmdale*

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*Los Angeles County*

### **Col. Paul Cook (Ret.)**

*Supervisor, San Bernardino County First District (Vice Chair)*

### **Gabriel Reyes**

*Mayor, City of Adelanto*

### **Scott Nassif**

*Council Member, Town of Apple Valley*

### **Debra Jones**

*Mayor, City of Victorville*

I. Previous Term of Agreement

Section III of Amendment No. 5 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, 2019, or upon completion of the final Transportation Solutions interim report, whichever is sooner. To complete the Record of Decision, the Parties agreed in Amendment No. 6 to extend the Term of the Agreement to December 31, 2021, or upon completion of the final Transportation Solutions petition to FRA for the ROD, whichever is first.

III. Prior Extension of Term of Agreement

To complete the ROD, the Parties have agreed in Amendment No. 7 to extend the Term of the Agreement to December 31, 2022, or upon completion of the final ROD from FRA with environmental clearance from the Surface Transportation Board (STB), 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, subject to availability and receipt of funding, not to exceed \$581,203.

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. Amendment 7 budget breakdown is as follows:

Transportation Solutions, including Venable, LLC and Karen Hedlund – \$97,350

AECOM – \$34,108

CirclePoint – \$449,745

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 JPA

TRANSPORTATION SOLUTIONS

\_\_\_\_\_  
Arthur Sohikian, Executive Director

\_\_\_\_\_  
Neil Peterson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AMENDED SCOPE OF WORK  
(January 14, 2021 HDC JPA Board Item 10)

**Transportation Solutions and subcontractors Amendment 7 Scope of Work:**

1. TS subcontractor AECOM, utilizing Brightline West 65% design work, will prepare preliminary engineering design for 5 miles of track related to the relocation of the Brightline West station at Victorville/Apple Valley.
2. TS Subcontractor Circlepoint will prepare Reevaluation/Revalidation and ROD and related work including noise, biological, and cultural resource technical studies.
3. TS and its subcontractor Venable LLP will prepare a petition and secure approval from STB to take jurisdiction over the HDC Rail Component as a railroad connected to the interstate railroad system, including descriptions of participation by and coordination with CHSRA and BrightlineWest stations and interoperability of track and systems.
4. TS and its subcontractors will complete all necessary documents to submit petition to FRA to successfully complete the Rail ROD with environmental clearance from the federal STB.



# High Desert Corridor Joint Powers Authority



## E-220 HIGH DESERT CORRIDOR

### BOARD AGENDA REPORT 11

#### The High Desert Corridor Joint Powers Authority

Date: April 8, 2021

To: The High Desert Corridor Joint Powers Authority Board of Directors (HDC)

From: Arthur V. Sohikian, Executive Director

Subject: **High Desert Corridor Joint Powers Authority Restructure**

**Recommended Action: Receive and File and Direct Staff**

#### **Background**

The High Desert Corridor JPA was created on November 6, 2006 by San Bernardino County and the County of Los Angeles using San Bernardino County as the model. The HDC JPA was amended on March 13, 2007 to include a 9-member JPA Board of Directors structure as follows:

I. Section 2.03. Board of Directors is amended and replaced in its entirety to read as follows:

The Authority shall be governed by a Board of Directors (Board), with each Director receiving one vote. The Board shall be comprised of nine Directors designated as follows:

- A. San Bernardino County shall be represented by its First District Supervisor, and second, third and fourth Directors recommended for appointment by the First District Supervisor and appointed by action of the San Bernardino County Board of Supervisors. The second, third and fourth Directors must be elected or appointed officials of San Bernardino County, the City of Adelanto, the City of Victorville, the City of Hesperia or the Town of Apple Valley.
- B. Los Angeles County shall be represented by its Fifth District Supervisor, a second Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, who must be an elected or appointed official of the City of Palmdale, a third Director recommended for appointment by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors, who must be an elected or appointed official of the City of Lancaster and a fourth Director nominated by the Fifth District Supervisor and appointed by action of the Los Angeles County Board of Supervisors.
- C. A ninth Director shall be recommended jointly by the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and appointed by action of the Board.

II. Section 2.04. Alternates is amended and replaced in its entirety to read as follows:

Except as provided below, each Member shall appoint an alternate (Alternate) for each of its four Directors.

## BOARD OF DIRECTORS

### **Kathryn Barger**

*Supervisor, Los Angeles County Fifth District (Chair)*

### **Darrell Dorris**

*Council Member, City of Lancaster*

### **Steven D. Hofbauer**

*Mayor, City of Palmdale*

### **Dave Perry**

*Los Angeles County*

### **Col. Paul Cook (Ret.)**

*Supervisor, San Bernardino County First District (Vice Chair)*

### **Gabriel Reyes**

*Mayor, City of Adelanto*

### **Scott Nassif**

*Council Member, Town of Apple Valley*

### **Debra Jones**

*Mayor, City of Victorville*

The Alternate for the ninth Director shall be recommended jointly by the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and appointed by action of the Board. An Alternate may perform all functions of a Director, including voting, in the absence of the Director, unless as the respective Director limits the authority of his or her Alternate in a writing filed with the Secretary. The Alternate for San Bernardino County's First District Supervisor shall be appointed by the First District Supervisor. The Alternate for Los Angeles County's Fifth District Supervisor shall be appointed by the Fifth District Supervisor.

- III. Section 2.05. Term of Board of Directors is amended and replaced in its entirety to read as follows: Each Director and Alternate shall serve at the pleasure of his or her appointing authority. The ninth Director shall serve a one-year term which may be renewed on the joint recommendation of the First District Supervisor of San Bernardino County and the Fifth District Supervisor of Los Angeles County and approved by action of the Board.

At the January 14, 2021 HDC JPA Board of Directors meeting, the Authority directed the Executive Director and County Counsel to draft options for JPA Board restructure that strengthens the Authority while leveraging a stable yearly funding source and report to the Board at the April 8, 2021 meeting.

### **Goals of the Proposed HDC JPA Restructure**

The proposed JPA Restructure seeks to deliver on the original Authority vision to connect the high desert communities of Los Angeles and San Bernardino Counties by including The Los Angeles County Metropolitan Transportation Authority (Metro) and the San Bernardino County Transportation Authority (SBCTA) as eligible governing Board Directors. This change would increase collaboration and leverage partnerships to maximize resources to deliver mobility options to the high desert communities of Los Angeles and San Bernardino Counties.

### **Strengthen HDC JPA Board**

Maintain the current HDC JPA 9-member Board of Directors.  
Permit Metro and the SBCTA to be eligible Board Directors if appointed.

### **Create HDC JPA By-Laws with Dues Section**

The JPA requires stable funding for Administration activities to pursue the HDC Rail and Alternative Highway Projects. Staff recommends creating By-Laws with Dues Section which includes no specific dues amount and allows the Authority to impose dues as part of the yearly fiscal-year budget adoption as follows:

### ***BUDGET AND FISCAL REPORT SECTION***

***Annual Budget.*** *The Board shall adopt an annual budget for each fiscal year. The By-laws may further provide for the presentation and content of the budget.*

***Annual Operational and Fiscal Report.*** *The Board shall cause an annual operational report and annual fiscal report to be prepared and provided to each member.*

***Contributions for Authority Operations.*** *The Joint Powers Agreement of the Authority and California Government Code section 6504, grant authority to each member to make contributions from its own county treasury for the purposes set forth in the Joint Powers Agreement and Section C. herein. The*

*Authority may also receive contributions from each Director's representative city or public agency for budgetary action by the Board and for the purposes set forth in the Joint Powers Agreement and Section C. herein.*

**Dues Assessment.** *Prior to the start of each fiscal year, the Executive Director, in consultation with the Treasurer and the Member Counties, will submit a proposed budget to the Board, with dues assessments to Member Counties, based upon the formula approved by the Member Counties and thereafter adopted by the Board for that fiscal year.*

*If agreed to by the appointed Directors, and their respective public agencies, the Board may adopt a dues assessment for each or any Director seat, or approve a voluntary dues contribution from one, any or all Directors as the case may be.*

*The Member County providing in-kind professional services to the Authority, i.e., Counsel, Treasurer, Administration, Secretary or Clerk, shall receive credit toward the dues for the value of those services as approved by the Board and stated in the budget.*

*Upon approval of the annual budget and dues assessments by the Board, and after July 1 of each fiscal year, the Treasurer will issue an invoice to each Member County (or Director, if applicable) consistent with the approved dues assessment for each member as shown in the approved budget.*

*In accordance with Section 6.02 of the Joint Exercise of Powers Agreement, upon termination of this Agreement, if, in addition to the County Members, a Director makes contributions in the current fiscal year, the distribution, if any, following termination of the Agreement shall be also divided among those contributing Directors proportional to the contributions made by the respective Directors.*

### **Next Steps**

If the HDC Authority seeks to restructure the Board, the following steps are necessary:

1. Approval of HDC JPA Amendment to allow SBCTA and Metro as eligible Board Directors.
2. Approval to Create Dues Section in By-Laws.
3. Approval by the San Bernardino County Board of Supervisors
4. Approval by the County of Los Angeles Board of Supervisors
5. Approval by SBCTA and Metro, if nominated, to accept Directorship Seat(s) in HDC and potentially participate in Dues allocation.