



**BOARD OF DIRECTORS
REGULAR MEETING AGENDA**

May 1, 2019 – 1:30 PM

5401 Old Redwood Highway, 1st Floor
Petaluma, CA 94954

1. Call to Order
2. Approval of the April 17, 2019 Board Minutes
3. Public Comment on Non-agenda Items
4. Board Member Announcements
5. General Manager's Report
6. Consent
 - a. Approve a Resolution to Implement Cost-of-Living Increase for Controller/Supervisor Job Classification
7. Accept SMART's Annual Report 2018
8. Authorize the General Manager to Execute SMART Insurance Policies for Fiscal Year 2019-20
9. Approve a Resolution Authorizing the General Manager to Execute Construction Contract No. CV-BB-18-001 with Granite Construction Company in the Amount of \$2,023,300.59 for the construction of non-motorized pathway from Payran Street to Southpoint Boulevard in the City of Petaluma
10. Authorize the General Manager to execute Amendment No. 1 to Agreement No. CV-PS-17-001 with Biggs Cardosa Associates, Inc. in the amount of \$40,000 to increase the not-to-exceed amount of the Agreement to \$365,000 to provide construction support services for the Payran Street to Southpoint Boulevard Multi-Use Pathway in Petaluma

11. Authorize the General Manager to Award a Sole-Source Purchase Order to Alstom Signaling Operations, LLC. for the Purchase of Specialized Rail Signal Equipment in the amount of \$66,903.78
12. Approve the creation of a Pilot Program to allow for free rides on SMART for Active Duty Military and Military Veterans for Memorial Day Weekend (May 25, 26 and 27)
13. Novato to Suisun Passenger Rail Study Information/Presentation
14. Closed Session – Conference with Labor Negotiator Farhad Mansourian, General Manager pursuant to California Government Code Section 54957.6
Agency Designated Representative: General Manager
Represented Employees: SMART Engineers Conductors Association (SECA)
15. Report Out of Closed Session
16. Next Regular Meeting Board of Directors, May 15, 2019 – 1:30 PM – 5401 Old Redwood Highway, 1st Floor, Petaluma, CA 94954
17. Adjournment

DISABLED ACCOMMODATION: If you have a disability that requires the agenda materials to be in an alternate format or that requires an interpreter or other person to assist you while attending this meeting, please contact SMART at least 72 hours prior to the meeting to ensure arrangements for accommodation. Please contact the Clerk of the Board at (707) 794-3072 or dial CRS 711 for more information.

DOCUMENTS: Documents distributed by SMART for its monthly Board meeting or committee meetings, and which are not otherwise privileged, may be inspected at SMART's office located at 5401 Old Redwood Highway, Suite 200, Petaluma, CA 94954 during regular business hours. Documents may also be viewed on SMART's website at: www.sonomamarintrain.org. Materials related to an item on this Agenda submitted to SMART after distribution of the agenda packet are available for public inspection at the SMART Office. For information about accessing SMART meetings by public transit, use the trip planner at www.511



**BOARD OF DIRECTORS
REGULAR MEETING MINUTES**

April 17, 2019 - 1:30 PM

5401 Old Redwood Highway, 1st Floor
Petaluma, CA 94954

1. Call to Order

Chair Phillips called the meeting to order at 1:30pm. Directors Arnold, Connolly, Fudge, Hillmer, Lucan, Naujokas, Pahre, Rogers and Zane were present. Director Rabbitt arrived later.

2. Approval of the March 6, 2019 Board Minutes and April 3, 2019 Workshop Minutes

Chair Phillips stated that the April 3rd workshop minutes were outstanding.

Corrections to April 3, 2019 Workshop Minutes

Director Fudge stated that she would like the following comment to be added to her statement: *that the Windsor Hopper route was designed to meet some SMART trains, and is a new example of additional "first mile/last mile" connection provided by the town to a nearby SMART Station.*

Director Connolly stated that he would like his comment (Page 4 of 13) to be rephrased to read less confusing.

Director Zane stated that she would like her comment (Page 6 of 13) to remove the word perhaps and rephrase the sentence.

Director Rabbitt arrived 1:35PM

MOTION: Director Arnold moved approval of the March 6, 2019 Board Minutes as presented and April 3, 2019 Workshop Minutes as corrected. Director Lucan second. The motion carried 11-0-0

3. Public Comment

Jack Swearingen said that Doug Kerr received a certificate from the National Association of Railway Passengers.

James Duncan stated that the title of his letter to the Press Democrat Editor was not included in the minutes. The title was "How much of Measure Q funds have been spent on the multi-use pathway". He stated that Director Rogers asked how much of Measure Q funds have been allocated to the Bicycle/Pedestrian Pathway, and asked when will the information be provided.

Duane Bellinger stated that without having a Corona Station, the east Petaluma residents will likely not support the SMART tax measure.

4. Board Members Announcements

Director Connolly stated that he is doing his Annual Challenge "Ride with Damon", where he is car free for one month. He took the train from Marin Civic Center to Downtown Petaluma and rode an E-Bike to the SMART Board of Directors' Meeting. He said that the train was on time and he looks forward to using the Petaluma pathway once it is completed.

5. General Manager's Report

General Manager Mansourian said that SMART has carried 1,163,075 passengers, 106,287 bicycles, and 4,541 wheelchairs. Construction continues at Larkspur. SMART will be receiving final bids for the Payran Street to Southpoint Boulevard Pathway, Petaluma, which staff will bring for approval at the May 1st Board meeting.

6. Consent

- a. Approval of Monthly Financial Reports
- b. Approval of Resolution Authorizing the General Manager to Execute Change Order 01 to Contract No. CV-BB-18-001 with Ghilotti Brothers in an amount of \$34,439 for Modifications to the Maintenance Pit for the Wheel Truing Machine at the Rail Operations Center.

Chair Phillips asked for Board and public comments on the proposed Consent Agenda.

MOTION: Director Pahre moved approval of the Consent Agenda as presented. Director Lucan second. The motion carried 11-0-0

7. Direct Staff to Prepare Strategic Plan and other Supporting Documentation for Renewal of the SMART Sales Tax in March 2020

Chief Financial Officer, Erin McGrath, stated that the item before the Board is to get approval and to direct staff to prepare the Strategic Plan and other supporting documentation for the Sales Tax Renewal in March 2020 Ballot. SMART's ¼ cent sales tax has produced \$289 million in revenues for SMART through Fiscal Year 2018. SMART has leveraged the \$289 million to bring in over \$304 million for building and operating our transit system, which has led to \$550 million of direct investment in the transportation infrastructure of the two Counties.

In addition to building an entire transit agency, Measure Q has created jobs. Also, commercial, retail and housing are being built in Rohnert Park principally due to the SMART Station nearby. The existence of SMART as an operating transit district has allowed for active partnerships with others who have funded an additional \$22.9 million in multi-use pathway either on or made possible by our rail right-of-way.

The original Sales Tax Measure was anticipated to bring \$890 million total. However, that was significantly reduced by the great recession that occurred almost simultaneously with the vote. The original Expenditure Plan stated that the entire project could be built for \$541 million. With the addition of Positive Train Control and higher project cost, the Board made the decision to Phase the project in order to move it forward.

Despite the challenging times, SMART was able to issue important bonds against Measure Q that allowed the project to move forward. We have included in our financial plans a \$17 million in reserve against the unknown cost of operations. In the next three years, we anticipate the increase in debt service payments, plus anticipated operating costs, will require using the reserve funds.

In our efforts to evaluate SMART's operating expenditures, we have looked in every possible way to keep cost down, however, our train riders would like more service by reducing the gap. Your board has expressed interest in discussing ways to provide reduced fare options.

Our proposed direction at this time, is to lower our debt service by extending the payments for a longer period of time. An extension of the sales tax past its current expiration date of 2029 would provide room for debt restructuring and bring expense down in the future.

In order to move the Measure on the March 2020 ballot, SMART would need to prepare the following documents and present them to your Board for consideration over the coming weeks and months:

- Strategic Plan
- Expenditure Plan
- Short Range Transit Plan
- Ordinance Placing a Tax Renewal on the Ballot
- Cost Estimates for Tax Renewal
- Timeline – Sales Tax Process and Strategic Plan Process

In summary, we recommend that your board gives staff direction to continue moving forward to prepare the Strategic Plan and other supporting documents necessary to renewal of SMART Sales Tax in March 2020.

Comments:

Director Naujokas stated that many people vote with their heart and asked how do we engage with the voters at the heart level? He would like to see a focus group (marketing and strategy). What type of public outreach plan did SMART have in mind? Ms. McGrath responded that from the finance perspective that this Agency needs to be sustainable. Mr.

Mansourian responded that when staff begins to work on the Expenditure Plan, this process will involve input from the public. The good news is that as a rail agency, we construct rail and pathway. Also, members of the public will be able to provide feedback when the Short Range Transit Plan is being developed. This will be the section, where the fares will be re-evaluated and reviewed. Both of these topics: 1) Expenditure Plan and 2) Short Range Transit Plan will consist of a lot of public outreach, focus groups, and public meetings.

Director Arnold said that Board Members will not be allowed to campaign and whom SMART hires to run this campaign, would be the staff who focusses on the voters with the information that SMART and Board of Directors provide.

Director Lucan stated that from a finance perspective SMART needs the sales tax renewal for the long-term. He said that if SMART waits there is a risk it does not pass by the voters. If you go early, it gives SMART and the Board the flexibility to the needs of the community and make any necessary adjustments.

Director Rogers stated we are talking about two different conversations: 1) Does SMART extend the sales tax and 2) why go eight years early. The Strategic Plan will need to address both topics, to help members of the public understand SMART and for the Measure to be successful. The public needs to understand from a financial, environmental and community perspective the value that SMART brings. He is not sure if he is ready to support the ballot being placed in March 2020, since there are many other Measures going. He is interested in receiving polling on the accumulative impact of having multiple Measures on the ballot as to how it impacts one another. The Sonoma County Transportation Authority (SCTA) Measure M renewal is going in March 2020, and we know that voters are only going to vote for one, SMART still has eight years and SCTA does not. There is a lot of value in preparing the Strategic Plan which will address the promises of Measure Q.

Director Zane said that from a financial perspective it looks like sales tax had a growth of approximately \$13M in eight years. She asked if the 2018 Sales Tax is approximately \$37M, Operations Department is approximately \$26M, and Reserves is \$5M, what happened to the extra \$10M?, did it go back into debt service or reserves, with a conclusion of restructuring the debt service?. Ms. McGrath responded that growth and sales tax revenue has been healthy. Every year SMART's budget outlines what the sales tax measure has been paying: unanticipated project cost, labor salary increases, and other operations expenses. Mr. Mansourian stated that operation cost (\$26M) and debt service (\$17M) per year is exceeding sales tax received. If the board does not direct staff to start the sales tax measure renewal, staff will immediately start to balance and restructure the budget in order to not run out of reserves. The biggest unknown for SMART is if a recession was to occur, it could be significant. Director Zane suggested that SMART examine the population trends. She would like staff to prepare a financial page that outlines the following: 1) debt service balance; 2) reserves spend to date; 3) reserves balance; 4) operating cost; and 5) sales tax surplus. This high-level financial page will help ask the right questions. We need to continue to grow and keep the promise to the public. Ms. McGrath responded that SMART has provided more services than anticipated and has been maximizing all the revenues received. Director Zane asked if the

debt service can be refinanced. Ms. McGrath responded that there are not enough years to lower the payments.

Director Rabbitt stated that Marin and Sonoma Taxpayers have ½ billion dollars investment in this railroad system and we need to make sure we continue to move forward. There is no alternative but to go back to the voters for the sales tax extension, since it's the primary source of revenues that SMART operates with. He suggested that staff prepare a long-term financial plan. The ¼ cent was not enough and many sales tax measures that needed ½ cent don't bring the poll high enough. Also, what happens in order to get a program passed by voters is to place a sunset date (20 years) and does not make sense on a program that does not have alternative funding source. He would like SMART to consider adding "no sunset date" and for the financial plan to include options on the debt service, operating cost, and projects moving forward.

Director Rogers said that many are tracking the California Supreme Court decision on whether the lower threshold for an Initiative that qualifies by signature vs. placed by an entity. If you qualify for a specific Initiative that directs the funding, rather than a 2/3rd vote it becomes a majority. The ruling has not been made, he hopes this will also be considered and could lead to a successful outcome.

Director Connolly said the SMART will need to tackle voters' expectations and concerns head on. The Board Workshop last session highlighted: 1) fares; 2) pathway; and 3) Strategic Plan. The Strategic Plan will help voters see SMART plans and projects that are moving forward. We need to think of how SMART can sustain itself as it continues to grow service.

Chair Phillips stated that he is in favor of this item moving forward because it will give the Board the opportunity to receive feedback. He is very interested in the assumptions that will be made for the next 20 years.

Director Fudge stated that she was involved in the 2007 discussion/decision of ¼ cent vs. ½ cent sales tax to be placed on the ballot. Many different factors were considered when the decision was made for ¼ cent sales tax. She said it would be important for the Strategic Plan Report to outline the financial impacts of the restructure of the debt service with ¼ cent with 20-years and no sunset date.

Comments

Steve Birdleough stated that he sits on the Citizens Oversight Committee (COC) and many of the issues/questions asked today were also discussed at the last COC meeting in March 2019. Staff has prepared an excellent proposal and urged the Board to direct staff to move forward with the plan.

Doug Kerr stated SMART must deliver a more definite plan for delivering rail service to the north county (Healdsburg to Cloverdale) for voters to support a ballot measure next year. "If it's going to remain out in the fog somewhere", "We'll do it someday when we get the money", you're going to lose the support. SMART cannot leave that as an open issue and still

expect North County support.”

Willard Richards stated that he strongly supports moving the plan forward at this time. Also, he said that hopefully Sonoma County Transportation Authority and SMART are working with each other to determine the best outcome for both agencies in March and November 2020. He said that public concerns regarding the sales tax measure need to be addressed. Also, Measure M was very successful due largely for outlining the allocations of funds and suggested that SMART follow the same model.

Jack Swearingen stated he strongly supports moving forward with the sales tax renewal in March or November 2020. He suggested the SMART includes in the campaign the benefits for Marin County Citizens.

MOTION: Director Arnold moved to Direct Staff to Prepare Strategic Plan and other Supporting Documentation for Renewal of the SMART Sales Tax in March 2020 as presented. Director Lucan second. The motion carried 11-0-0.

8. Approve the Creation of a Pilot Program to allow for free rides on SMART for Youth aged 18-years and younger, when accompanied by a fare-paying adult, and free parking on the days SMART provides weekend or holiday service between May 25 through September 2, 2019 (Memorial Day weekend through Labor Day weekend)

General Manager Mansourian stated that the item for Board approval today is to consider this Pilot Program proposal to test how to grow a generation of transit riders, create a culture of transit within the broader community and grow SMART ridership where on-board train capacity exists.

SMART offers 34 trips a day on weekdays and 10 trips a day on weekends, and on weekdays the southbound morning and northbound evening commute trips regularly experience standing room only trains, with bicycle racks filled to capacity. Other trains that have witnessed high levels of congestion include some surprises, such as midday northbound trips. The financial planning and fare setting exercises that anticipated approximately 300 daily passengers during the weekends, with actual ridership on weekends being realized at two to three times the number of riders.

Based on the comments received on April 3rd Workshop, staff recommends this Pilot Program to allow for free rides for youth aged 18-years and younger, when accompanied by a fare-paying adult and free parking from Memorial Day (May 25th) through Labor Day (September 2th). Staff will return to the Board with periodic status reports as the program is implemented and a final report on ridership results, lessons learned and any recommendations regarding the program modifications.

Comments

Director Naujokas said that this program is like the lost leader, in the sense of losing the current charged fare to potentially gain more riders. Mr. Mansourian responded that the

Engineer-Conductors received comments from families on the weekends stating that they would ride more frequently on weekends if it was affordable for families. In 2018, the Sonoma County Transit was faced with available capacity and a desire to grow ridership on several routes, began a pilot program to provide free fares and the results have been dramatic. Director Naujokas asked what will be the negative impact if youths 18-years and younger are provided with free SMART rides, and also why limit the accompany clause. Mr. Mansourian responded that he will be happy to evaluate further. Chief McGill responded that adding the adult factor gives accountability and level of supervision. Also, the checking of fares is very liberal.

Director Arnold asked what is the cost for Youths. Mr. Mansourian responded 50% of the adult fare. Also, this is a starting point for SMART to address some of the comments received regarding the fares.

Director Connolly stated that the pilot program is a great idea. Also, its most likely that an 18-year old will be riding solo without an adult, if there is any thought or possibility that the 18-year does not need to be accompanied by an adult, but be tied into the program. Mr. Mansourian responded that the checking of fares is very liberal and SMART wants it to be a positive experience for riders. Director Connolly asked if SMART has considered increasing the level of service during special events like the Marin County Fair? Mr. Mansourian responded since the Marin County Fair is near the Marin Civic Center Station, SMART has added the third car to accommodate more riders. Two years ago, the County of Marin and SMART shared the cost to add an additional train and last year the County of Marin decided not to pay but added a parking facility for the event.

Director Rabbitt stated that he is in favor of the pilot program. The train brings a lot of people to the Butter and Eggs Parade in Petaluma. He suggested that SMART consider looking into special events services.

Director Pahre stated that she is in favor of the pilot program. 18 years and younger is the standard age in most programs in the counties.

Director Rogers said this pilot program coincides when kids are not in school (summer break). The City of Santa Rosa bus passes are being tracked to determine if any reimbursements are coming in different from State and Federal sources based on increased ridership.

Director Zane asked if riders purchasing alcoholic beverages on the train are being asked to provide proof of age. Mr. Mansourian responded absolutely yes. She asked if Becoming Independent is still running the café. Mr. Mansourian responded yes, and their contract expires in June 2019.

Director Hillmer stated that the pilot program is a great idea.

Director Fudge stated that she often hears from riders (family) of how expensive it is to ride the SMART train and the Ferry with their family. She is happy that this program will provide the opportunity for those families to ride more frequently with this program.

Director Hillmer stated that he may have to recuse himself from discussion on this topic when he starts the "Captain Clipper Transit Day Camp".

Director Naujokas stated that there are 15 and 16 years old that may have the lack of mobility and would be great to get them hooked on public transit. In two years they will also be eligible to vote. We need to make the train more relevant to more riders. He suggested that the Board could provide a policy to give discounts and reduced fares.

Director Rogers stated that part of the American culture of how we ended up as a car culture is the freedom to drive an automobile when you turn 16 years of age. The compromise is that there is a liberal interpretation, however if they look 15 years or younger, they ride with a paying-fare adult for free and if they look older they can ride alone for free.

Director Zane stated that in many urban area kids take the bus by themselves to school at a much younger age.

Chair Phillips stated that this is a pilot program, therefore let's approve the program, review the results and make any necessary modifications once feedback is received.

Public Comments

Willard Richards stated that many drivers pick up passengers in order to drive in the carpool lanes to cross the Bay Bridge. There could be scenarios where kids ask to be sponsored by an adult.

Rick Coates stated that SMART needs to be careful about letting youths on the train without supervision.

MOTION: Director Connolly moved to Approve the Creation of a Pilot Program to allow for free rider on SMART for Youth aged 18-years and younger, when accompanied by a fare-paying adult, and free parking on the days SMART provides weekend or holiday service between May 25 through September 2, 2019 (Memorial Day weekend through Labor Day weekend) as presented. Director Lucan second. The motion carried by roll count 11-0-0.

9. Approve a Resolution Authorizing the General Manager to Execute Change Order 031 to Contract No. CV-DB-16-001 with Stacy and Witbeck/Herzog, JV in an amount of \$652,470 to Install Grade Crossing Improvements at Main Street, Penngrove; and Authorize the General Manager to Execute a Funding Agreement with the County of Sonoma for the Grade Crossing Improvements to Main Street, Penngrove

Chief Engineer, Bill Gamlen gave a brief overview of the project. He said that the County of Sonoma has been working with the community of Penngrove to make intersection

improvements at Main Street in Penngrove. The improvements consist of removing vehicular medians at roadway on Main Street and Woodward Avenue at-grade crossing. They will be adding quad gates at the grade crossings. The County prepared construction documents for the improvement that staff reviewed and used to solicit pricing from Stacy and Witbeck/Herzog. The County reviewed and accepted the contractor's price. The County has secured funding to pay for the work.

Staff is recommending that the Board approves Resolution No. 2019-02, which will authorize the General Manager to execute Change Order 031 to Contract No. CV-DB-16-001 in an amount of \$652,470 and to authorize the General Manager to execute a funding agreement with the County of Sonoma to fund the work.

Comments

Director Rabbitt thanked General Manager Mansourian and Chief Engineer Gamlen for working with the County of Sonoma on this project to make improvements for the community of Penngrove.

Director Naujokas asked for clarification for the funding of this project. Mr. Gamlen responded that the County of Sonoma is funding the work. SMART will maintain the improvements as part of SMART's project.

MOTION: Director Rabbitt moved to Approve a Resolution Authorizing the General Manager to Execute Change Order 031 to Contract No. CV-DB-16-001 with Stacy and Witbeck/Herzog, JV in an amount of \$652,470 to Install Grade Crossing Improvements at Main Street, Penngrove; and Authorize the General Manager to Execute a Funding Agreement with the County of Sonoma for the Grade Crossing Improvements to Main Street, Penngrove as presented. Director Arnold second. The motion carried by roll count 11-0-0.

10. Authorize the General Manager to Execute Amendment No. 1 to the Agreement between Metropolitan Transportation Commission and VenTek Transit Inc. in an amount of \$341,724.36 for the Purchase of Four (4) additional Card Vending Machines and Spare Parts for the Larkspur, Downtown Novato and Windsor Stations

Chief Engineer, Bill Gamlen stated that the item to the Board is a recommendation to purchase four (4) Card Vending Machines (CVM) for the upcoming Larkspur (2), Downtown Novato (1), and Windsor (1) platform stations. The contract that Metropolitan Transportation Commission executed with VenTek Transit provides for option purchases CVM's. Staff negotiated option pricing based upon the option terms in the contract for \$341,724.36. The City of Novato has budgeted for the purchase of a CVM for the Downtown Novato station as part of the construction of their third station. Both the Larkspur Extension and Windsor Extension Projects include the purchase of CVMs in their budgets as well.

Comments

Director Naujokas asked why it will take 72 hours for Software Engineering development. Mr. Gamlen responded that it included installation and modifying the existing console in the

system. Mr. Mansourian said that the Card Vending Machines need to be programmed to SMART's specifications and every transit agency is unique. SMART is receiving a huge discount on the machines compared to other agencies.

MOTION: Director Rabbitt moved to Authorize the General Manager to Execute Amendment No. 1 to the Agreement between Metropolitan Transportation Commission and VenTek Transit Inc. in an amount of \$341,724.36 for the Purchase of Four (4) additional Card Vending Machines and Spare Parts for the Larkspur, Downtown Novato and Windsor Stations as presented. Director Rogers second. The motion carried by roll count 11-0-0.

Chair Phillips adjourned the Board to closed session at 2:52PM on the following:

11. Closed Session – Public Evaluation Performance Evaluation – Title: General Manager (Pursuant to Government Code Section 54957; a local agency may hold a close session during a regular meeting to consider the appointment, employment, evaluation of a public employee)
12. Report Out of Closed Session

Chair Phillips reported out of closed session at 4:50pm on the following:

Closed Session – Public Evaluation Performance Evaluation – Title: General Manager (Pursuant to Government Code Section 54957; a local agency may hold a close session during a regular meeting to consider the appointment, employment, evaluation of a public employee)

Report Out: The Board of Directors met in closed session to discuss the Performance Evaluation of General Manager Mansourian. They are very pleased with his performance finding it excellent, and pleased with his leadership during a banner year of SMART. The evaluation is complete.

13. Next Regular Meeting Board of Directors, May 1, 2019 – 1:30 PM – 5401 Old Redwood Highway, 1st Floor, Petaluma, CA 94954
12. Adjournment – Meeting adjourned at 4:52PM.

Respectfully submitted,

Leticia Rosas-Mendoza
Clerk of the Board

Approved on: _____



May 1, 2019

Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Joe Naujokas
Sonoma County Mayors' and
Councilmembers Association

David Rabbitt
Sonoma County Board of Supervisors

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Shirlee Zane
Sonoma County Board of Supervisors

Farhad Mansourian
General Manager

A handwritten signature in blue ink, appearing to read "Farhad".

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Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Approval of Resolution Implementing Cost-of-Living Increase for Controller/Supervisor Job Classification

Dear Board Members:

RECOMMENDATION:

Approve Resolution Number 2019-04 which would Revise Table 5 in the Fiscal Year 2018-19 Proposed Position Authorizations budget to reflect an increase to the employee salary schedule for the job classification of Controller/Supervisor.

SUMMARY:

The District's enabling legislation, Public Utilities Code section 105150, required SMART to recognize three labor unions as the collective bargaining representatives of its employees in three units spelled out in the statute. On January 20, 2016, the Board of Directors adopted Resolution No. 2016-02 formally recognizing the three unions specified in the statute. The Teamsters Union, Local 665, was recognized as the exclusive bargaining representative for the Transportation Dispatch and Equipment Servicing Unit, which was comprised of employees in the job classification of Controller/Supervisor and would be known as the Controller Supervisors Unit.

On August 18, 2016, the Teamsters Union filed a representation petition under the Meyers-Milias-Brown Act (MMBA) with the Public Employees Relations Board (PERB) to represent a newly defined Signal/Track Unit comprised of employees in the Signal Technician, Track Maintainer and Bridge Tender job classifications, which also incorporated employees in the Track Maintenance Supervisor job class. On November 2, 2016, PERB issued a Certification of Representation for the Signal/Track unit, known as the "Technicians Unit".

On February 8, 2017, the District and the Teamsters Union agreed the employees in the job classification of Track Maintenance Supervisor would move from the Technicians Unit to the Controller/Supervisors Unit, and the unit would be known as the "Supervisors Unit" represented by the Teamsters.

On December 5, 2018, the Board of Directors approved Resolution No. 2018-26, which authorized a three percent (3%) cost of living adjustment (COLA), for fifty-one (51) unrepresented job classes. At that time, the Controller/Supervisor job class was represented by the Teamsters Union and in the process of negotiating a first collective bargaining agreement. As such, they did not receive the COLA awarded to unrepresented staff on December 5, 2018. Every other union contract under negotiation during this time was successfully completed with varying levels of salary adjustments depending on the unit and union.

On December 17, 2017, the District and the Teamsters Union entered into an agreement to modify the Supervisors Unit to exclude the job classification of Controller/Supervisor while retaining the classification of Track Maintenance Supervisor, pursuant to Public Utilities Code section 105153. Since that date, the employees in the Controller Supervisor job class remain unrepresented.

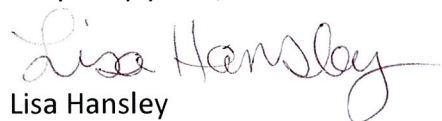
As part of our efforts to retain and attract qualified, dedicated employees, staff recommends the 3% Cost of Living Adjustment that was awarded to all other unrepresented staff also be given to the employees in the Controller/Supervisor job class who have not had a COLA increase since July 1, 2017. This increase would be effective in the current pay period, which began on April 22, 2018.

In order to implement this COLA, we request your Board approve Resolution Number 2019-04 to revise Table 5 of the Fiscal Year 2018-19 Proposed Position Authorizations budget to reflect this 3% increase in the approved salary schedule for the Controller/Supervisor classification.

FISCAL IMPACT: The annual cost of the increase is \$43,927, of which \$10,137 would occur in the current Fiscal Year. This can be absorbed within SMART's Fiscal Year 2018-19 budgeted salary and benefits.

REVIEWED BY: [x] Finance  [x] Counsel 

Very truly yours,



Lisa Hansley
Human Resources Manager

Attachment(s): Resolution Number 2019-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT AMENDING RESOLUTION NO. 2018-12 TO REVISE THE ANNUAL BUDGET FOR FISCAL YEAR 2018-19 TO PROVIDE FOR REVISED POSITION AUTHORITY

WHEREAS, as part of its approval of the Annual Budget for Fiscal Year 2018-19, the Board duly considered the annual expenditures necessary for the Sonoma-Marín Area Rail Transit District; and

WHEREAS, on June 06, 2018, the Board adopted Resolution No. 2018-12 approving the annual budget for Fiscal Year 2018-19; and

WHEREAS, Resolution No. 2018-12 considered the creation of employee positions and fixed the compensation and salary for those positions; and

WHEREAS, the Board desires to Amend the Annual Budget to provide the revised position authority for increased salary and benefit expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT THE Fiscal Year 2018-19 Budget for the Sonoma-Marín Area Rail Transit District attached as Exhibit A to Resolution No. 2018-12 is hereby amended to revise Table 5, Fiscal Year 2018-19 Proposed Position Authorizations, to reflect position revisions as shown below.

Position	FTE	Salary Range Annual		Salary Range: Hourly	
		Low	High	Low	High
Controller /Supervisor	10	\$ 92,252	\$ 112,133	\$ 44.35	\$ 53.91

BE IT FURTHER RESOLVED except as specifically amended or supplemented by this Resolution, Resolution No. 2018-12, together with all supplements, amendments and exhibits thereto is, and shall continue to be, in full force and effect as originally adopted, and nothing contained herein shall, or shall be construed to, modify, invalidate or otherwise affect any provision of Resolution No. 2018-12.

Resolution No. 2019-04
Sonoma-Marín Area Rail Transit District
May 1, 2019

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Sonoma-Marín Area Rail Transit District held on the 1st Day of May, by the following vote:

DIRECTORS:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Phillips, Chair, Board of Directors
Sonoma-Marín Area Rail Transit District

ATTEST:

Leticia Rosas-Mendoza, Clerk of the Board of Directors
Sonoma-Marín Area Rail Transit District



May 1, 2019

Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Joe Naujokas
Sonoma County Mayors' and
Councilmembers Association

David Rabbitt
Sonoma County Board of Supervisors

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Shirlee Zane
Sonoma County Board of Supervisors

Farhad Mansourian
General Manager


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Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
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www.sonomamarintrain.org

Sonoma-Marín Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Annual Report 2018

Dear Board Members:

RECOMMENDATION: Receive Report

SUMMARY:

Attached for your review is SMART's Annual Report for 2018, which provides an overview of our activities during the year and a brief financial summary of Fiscal Year 2017-18. This complements our other public reports, including the Comprehensive Annual Financial Report, the monthly General Manager Reports, the Annual Budget and your Board's monthly financial reports. This report is designed for members of the public who may not have time to listen to or attend monthly Board meetings but are interested in the activities of the District over the past year.

The report this year provides a broad narrative of the activities in 2018, which consisted of our first full year in operation and the substantial activities related to managing an operating railroad. The report also details ongoing capital projects, including the Larkspur extension, design of the Payran Pathway, and kickoff of work on the Windsor Extension.

At the end of the report, we provide excerpted financial summaries of our Fiscal Year 2017-18 revenues and expenditures. While more detailed information on SMART's spending is provided in our Fiscal Year 2017-18 budget reports and in our 2018 Annual Comprehensive Financial Report, this report includes easy to digest high level information only making it a useful document to share with our funding partners, interested constituents and others in the rail industry.

Very truly yours,


Erin McGrath
Chief Financial Officer

Attachment: Annual Report 2018

Sonoma-Marin Area Rail Transit District

Annual Report 2018



5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954



SMART || SONOMA-MARIN AREA RAIL TRANSIT

About Sonoma-Marin Area Rail Transit (SMART)

SMART is a transit district created by the State of California in 2002 to oversee the development, implementation and operation of a passenger rail system in Marin and Sonoma counties.

SMART passenger rail service began in 2017 between Downtown San Rafael in Marin and Airport Boulevard in Sonoma, with multiple connections to adjoining bike paths along the SMART corridor. These improvements are made possible by Measure Q, a one-quarter cent sales tax approved by Sonoma and Marin voters in 2008. The rail project will ultimately serve a 70-mile corridor from Larkspur to Cloverdale, with an extension to Larkspur opening at the end of 2019 and a planned extension to Windsor in 2021.

For more information about SMART and its projects and programs, please visit www.sonomamarintrain.org.

2018 Board of Directors

Debora Fudge, Chair
Sonoma County Mayors and Councilmembers Association

Jake Mackenzie
Sonoma County Mayors and Councilmembers Association

Judy Arnold, Vice Chair
Marin County Board of Supervisors

Gary Phillips
Transportation Authority of Marin

Damon Connolly
Marin County Board of Supervisors

Barbara Pahre
Golden Gate Bridge, Highway and Transportation District

Jim Eddie
Golden Gate Bridge, Highway and Transportation District

David Rabbitt
Sonoma County Board of Supervisors

Dan Hillmer
Marin County Council of Mayors and Councilmembers

Carol Russell
Sonoma County Mayors and Councilmembers Association

Eric Lucan
Transportation Authority of Marin

Shirlee Zane
Sonoma County Board of Supervisors

District Management

Farhad Mansourian
General Manager

Erin McGrath
Chief Financial Officer

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Message From The Chair, Board of Directors

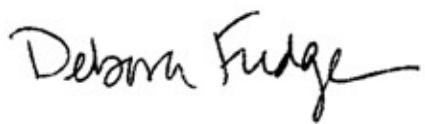
On behalf of the SMART Board of Directors, I am pleased to present the 2018 Annual Report, providing the public information about the voter-funded Sonoma-Marin Area Rail Transit District and our activities in the past year. Although SMART provides numerous reports to the public such as an audited Comprehensive Annual Financial Report, monthly management and budget reports as part of our regular Board meetings, this Annual Report is designed to encompass information from each of those reports.

In 2018, SMART completed its first full year of passenger rail service, a milestone that built on the success of opening day, and saw SMART carry close to a million passengers by the end of December. The vision of a safe, comfortable and reliable transit system throughout Marin and Sonoma Counties has been brought to life by our dedicated staff who continue to work tirelessly to provide the best possible service to our new customers.

SMART is not content, however, to rest on its successes. The District continues to push forward on the Larkspur extension, to open in 2019, providing a major regional connection to the Golden Gate Ferry. In April of 2018, SMART announced it had received the necessary funding to build an extension and Station in the Town of Windsor, scheduled to open in 2021. And as we entered 2019, we were pleased to see close to 100,000 bicycles on our trains, another milestone in our journey toward full realization of the vision for the rail project.

On behalf of the SMART Board of Directors, I'd like to thank the people of Sonoma and Marin for their continued support and enthusiasm. Your Measure Q tax dollars make this progress possible. We look forward to continued progress on the SMART rail and pathway project and the continued excellent service provided to the riding public.

Sincerely,



Debora Fudge, Chair
Board of Directors

Passenger Rail Service

In 2018, SMART celebrated its first anniversary of rail passenger service. In that first year of service, SMART carried 722,961 passengers, 65,468 bicycles and 3,095 wheelchairs. Although that first year carried numerous challenges, it was a year that brought to the North Bay a new transportation alternative not seen in the region for over 50 years. This was strong ridership for a brand-new transit system using a new fare system (Clipper) in a region still recovering from the fires of 2017 in the North Bay. SMART sold 5,338 unlimited ride 31-day passes, an average of 445 each month.

In 2018, SMART enjoyed continued support from the business community in Marin and Sonoma counties. Over 70 employers reached out to SMART for information on how to obtain discounted passes and provide commuter benefits to their employees. Many businesses started their own commuter benefit programs to allow employees to use pre-tax dollars to purchase SMART fares, some employers subsidized fare costs and provided free shuttles, and others managed Eco-Pass programs for their employees and associates. SMART worked to create special semester-based Eco-passes for Santa Rosa Junior College, in addition to working with the County of Marin and the Marin County Office of Education for its employees. From January to December of 2018, SMART had an average of 147 active Eco-Pass users each month.

Operations

The startup of a brand-new passenger service is a daunting challenge for any public agency big or small. There are innumerable details that require foresight and attention, from the hundreds of components in the rail cars that need daily checking to the hundreds of people that required SMART's staff attention and care. However, one of the biggest accomplishments for 2018 was SMART's 97% on-time performance for the year. Providing a safe, reliable and comfortable service to our passengers will allow them to continue to ride the train and help the region by growing the number of cars we can keep off of our roads and freeway.

STATION, RAIL AND SIGNAL MAINTENANCE

SMART's passenger service utilizes Positive Train Control, one of the first passenger railroads in the nation to do so. This system, which builds on more traditional automatic train control systems, helps SMART to ensure the safety of our passengers and our communities. Every aspect of our signal system requires dedicated, well-trained staff. Thus, Signal Technician training continued to be a focus in 2018. SMART staff developed several training modules including Track Circuit

Maintenance and Trouble Shooting, Railroad Crossing Gate Maintenance and Repair, and Federal Rail Administration (FRA) Grade Crossing Safety and Inspections. The Railroad Crossing Gate Maintenance and Repair training is particularly noteworthy as SMART currently has 9 different styles of gate mechanisms in service from 2 different manufacturers. Each have slightly different wiring configurations, general maintenance requirements, and adjustment settings.

Signal maintenance employees have a limited number of hours they can work in a day and minimum rest period durations. These are spelled out in the Federal Hours of Service Regulations. In 2018 SMART transitioned from a labor-intensive paper method of tracking Hours of Service compliance to an electronic tracking system. This new system enables quicker input by the Technicians with a more efficient and reliable format for auditing by the Supervisors.

In 2018, SMART undertook an upgrade of the gate mechanisms at North McDowell Boulevard in Petaluma. This crossing consisted gate mechanisms that existed prior to the more recent construction and keeping it in good working order was becoming difficult leading to activation problems and complaints from drivers. Replacement gate mechanisms were assembled and wired by SMART's Signal team with the assistance of engineering staff from the Petaluma office. The new gate mechanisms were installed in pairs over two separate weekends. They were tested and placed into service without disrupting passenger service.



FACILITIES MAINTENANCE

The Facilities Maintenance team completed several safety enhancement projects in 2018. They designed and installed red safety striping at all passenger platforms with the words “Stand Back” stenciled in white. This is a supplemental warning added after SMART began operations. This stenciling was added to the yellow truncated domes along the edges of the platforms to further inform the public of safe practices while boarding and exiting trains.

SMART also constructed 50 feet of fence at 9th Street in Santa Rosa in order to increase the safety of that area. The existing right-of-way fence allowed pedestrians to shortcut behind the sidewalk and warning device which lead to trespassing and safety concerns in the area.



Our facilities staff also installed signs at select crossings in San Rafael, Petaluma, and Santa Rosa to discourage drivers from accidentally driving down the tracks. Locations were selected based on past incidents and potential for vehicles to drive on the track. The improvements were undertaken in an effort to improve public safety as well as eliminate a source of delays for the passenger service.



Several clean-up projects were undertaken at some of SMART’s non-operational property locations to improve the general appearance as well as improve safety and security at the sites, including:

- Downtown Petaluma Water Street
- Petaluma Downtown Yard
- Healdsburg Yard

In 2018, SMART completed one of the largest maintenance projects to date. The ride quality of SMART's trains relies on inspecting and maintaining the quality of the rail below the cars. A track geometry test car ran earlier in the year and revealed locations of track settlement and a few curves that needed adjustments made to their rail elevations. This maintenance work is typical following construction of new track bed while the ballast consolidates and settles. Six miles of track plus 3 turnouts were surfaced with specialized rail machines over the course of 4 weeks. This work was performed at night after revenue train service was complete. An additional 2,700 tons of ballast was placed along the track as part of this project all leading to improved ride quality for SMART's passengers.



Vegetation management along the right of way is a major part of Track Maintenance's weekly work. Several methods are employed to manage the vegetation growth ranging from weed eaters, walk behind mowers, skid steer mounted mowers to a herd of goats. SMART dispatched a herd of goats for three weeks to reduce vegetation just north of the Cal Park tunnel in San Rafael. The conditions at this site were not suitable for mechanical or hand removal of the vegetation. In



addition, a rail mounted brush cutter was leased for 2 months in order to cut vegetation in areas that are not otherwise accessible.

Finally, the importance of managing permitted access to SMART tracks becomes a vital function now that trains are operating daily. In 2018, staff worked with and oversaw access across the tracks for a number of special events, including the Windsor Day Parade, the Ironman tournament in Santa Rosa and the Kaiser Wellness Run in Novato. Close coordination allowing access to SMART right-of-way by PG&E, Comcast, local Cities and Counties whose infrastructure cross our property was also a major focus.

RAIL VEHICLE MAINTENANCE

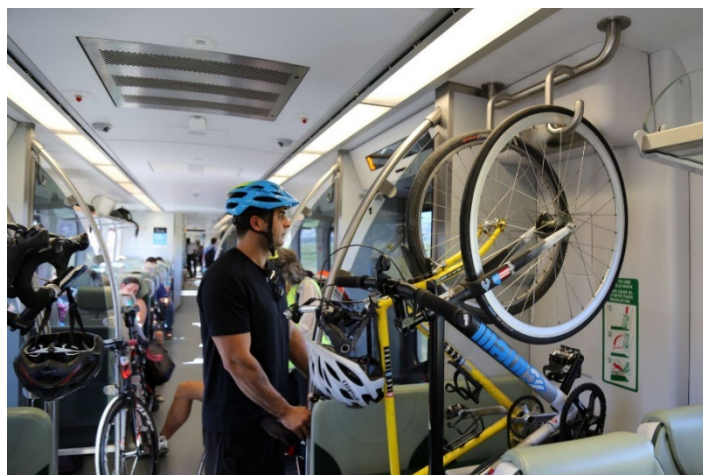
In 2018, operations and capital staff worked to design improvements to the Rail Operations Center to install a wheel truing machine in the vehicle maintenance pit. The wheel truing machine

machines material from the steel train wheels to remove flat spots and return them to the required specification. The work to install the machine involves enlarging a portion of the existing vehicle maintenance pit, installing structural supports, and supplying high-voltage electricity. Installation of machine is anticipated in 2019.

In May of 2018, due to the failure of a box truck driver to stop and obey crossing warning gates at Todd Road in Santa Rosa, SMART's Rail Car # 110 has been out of service awaiting repairs to the front of the vehicle. The incident allowed us to witness the sturdiness of the DMU; while there was damage to the fiberglass front mask and substructure, the body and Crash Energy Management system were unphased. While Car #110 performed as expected and protected the engineer and passengers, the timeline for replacing components damaged during the incident is long. The incident has allowed us to learn lessons for the future for repairing SMART's fleet, from components needed on hand to replace damaged parts, to the intricacies of repairing the DMU's structure. DMU 110 has been at Alstom, a rail vehicle repair shop located on Mare Island in Vallejo since September of 2018 and is expected to be returned to SMART by the summer of 2019.

PASSENGER TRANSPORTATION

Our Engineers, Conductors and Supervisors are becoming familiar to the regular riders of the SMART system. By the end of 2018 they had successfully managed the transportation of close to one million train passengers. They are not only responsible for the movement of people and trains, but the safety of the riding public and the community. Dispatching occurs all 24 hours of the day, while train movements generally require staff to start work at 3:30 am with the last shift ending at 10:00 pm. The Transportation Division was busy this year filling all 29 Engineer-Conductor positions, as well as training and promoting candidates to fulfill the role of Controller Supervisor who supervise, dispatch and monitor all rail activity.



Due to the highly regulated nature of passenger trains, staff must be continuously trained and certified. This past year we successfully recertified fourteen (14) Engineer-Conductor certificates to comply with Federal Railroad Administration (FRA) certificates requirements. All other Engineer-Conductors are continuously briefed, trained and checked for compliance with all SMART protocols, including those related to speed, stopping, fares, ADA compliance, to name a few.

Safety and Security

Safety and security continue to be a top priority at SMART. The safety team consists of the Chief of Police, three code compliance officer positions, a Safety and Compliance officer and two safety consultants. The team goals are focused on prevention, education and enforcement of safety practices along the right of way and on SMART trains and platforms.



During the last year, safety staff has contacted hundreds of trespassers along the right of way despite continued effort educated and inform the public that there is “No Trespassing” SMART property.



Safety staff also investigated five major incidents in 2018. There have been four train related deaths in 2018, three of which were ruled suicide. Additionally, SMART stuck a box truck that illegally entered the right of way, driving through SMART’s crossing safety equipment.

As a result of the delays caused by these and other incidents, SMART

has worked to create more ways to communicate with the public regarding scheduling delays. Nixle has become a widely-used application that allows for alerts to the public of both emergencies and schedule or delay information. In 2018, SMART implemented widespread use of Nixle, which allows the public to text “SMART” to 888-777 to receive up the minute alerts from SMART.

In addition to implementing Nixle, at the end of 2018 SMART installed on-platform announcement speakers, allowing for system-wide to alerts to riders about emergency situations. These speakers are installed on all train platforms and messages can be broadcast remotely by SMART staff.

NIXLE

- Way for SMART to send alerts to SMART Nixle subscribers
- Messaging on delays, bus bridges, special schedules

Still need to subscribe?

TEXT:

SMART to 888-777



Ongoing safety and security training continue to be a priority for the District. One such example is the convening of internal exercises to discuss or practice management and response to critical incidents. The value of these exercises is to identify potential scenarios before they occur to be better prepared for future incidents.

SMART also coordinates with Marin and Sonoma Law Enforcement

agencies. On a monthly basis, staff meets with police executives from both Counties to discuss industry trends, concerns and provides an opportunity for education on activities and issues related to SMART.



In addition to coordination at the local level, SMART works with Department of Homeland Security, Transportation Security Administration (TSA), Surface Transportation Division to conduct internal audits and exercises. TSA assisted with an audit of our system as well as planned to conduct trainings for SMART Operations staff on suspicious packages and incident response. Staff participated in a regional review of the Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review Guide. This comprehensive guide published by the Department of Homeland Security provides guidance for agencies on conducting risk assessments for their systems.

In 2018 SMART continued its ongoing presence at several regional safety and law enforcement meetings throughout Marin and Sonoma. These meetings include; Sonoma County Emergency Disaster Council, Sonoma County Police Chiefs Association, Marin County Police Chiefs Association, Homeless Outreach Services Team, FBI Rail Liaison and Transportation Security Administration Mass Transit Stakeholders. At each of these meetings SMART prepares updates to share with our community partners.



Capital Projects

POSITIVE TRAIN CONTROL (PTC) IMPLEMENTATION

In 2018, SMART continued the implementation of Positive Train Control through focus on dynamic testing of its freight tenant's locomotive throughout the alignment. This test program was conducted with the approval and oversight of the Federal Railroad Administration, and involved hundreds of individual train movements during which the speed enforcement functions of the Positive Train Control system were demonstrated to ensure safe operation of the freight locomotive. Testing was performed outside of revenue service hours in order to avoid impacting SMART's daily service. SMART worked closely with its PTC supplier to make system adjustments as testing progressed.

SMART, as a leader in the implementation of Enhanced Automatic Train Control, sent staff to participate in three PTC Symposiums held by the Federal Railroad Administration at the US Department of Transportation Headquarters in Washington D.C. These summits featured detailed



presentations, along with collaborative discussions between FRA staff and railroad representatives from across the United States. SMART staff had the honor of presenting during the July 16th Symposium, during which SMART offered information and guidance on best practices for PTC working groups.

LARKSPUR EXTENSION PROJECT

Construction of the Larkspur Extension Project began in the fall of 2017 and accelerated in 2018. Work included

constructing two new bridges and reconstructing an existing timber trestle; creation of a new section of Francisco Boulevard West between 2nd Street and Rice Drive; constructing the new Larkspur passenger boarding platform and adjacent parking lot and drop-off area; reconstructing Andersen Drive; modifying the San Rafael Transit Center to accommodate a second track; and installing underground infrastructure. This project involves extensive coordination with outside stakeholders such as the City of San Rafael, the Town of Larkspur, the Golden Gate Bridge Highway & Transportation District, the Federal Transit Administration, the San Rafael Sanitation District, the Ross Valley Sanitation District, Marin Municipal Water District and other utility companies.

Construction progress was good in 2018 and kept SMART on schedule to open the extension in late 2019.



SMART worked cooperatively with the City of San Rafael to redesign the Larkspur project and ultimately realign SMART's property in that area to allow space for the construction of a bicycle and pedestrian pathway between Rice and Andersen Drives. The City developed the final design for the pathway and provided funding so that their project could be integrated into the Larkspur construction work. The pathway will open in 2019.

NOVATO DOWNTOWN STATION

At the request of, and funded by, the City of Novato, SMART has worked to add a third station in



Novato that can be made operational within the SMART system. SMART staff worked closely with the City of Novato to finalize the station elements and modifications to the train control system in 2018. This continued the work begun in 2017 to construct a new platform and adjacent track. Construction of station platform amenities and other final elements is planned for the end of 2019.

WINDSOR EXTENSION

This past year SMART embarked upon the planning and preliminary design of the three-mile extension from the Airport Boulevard Station to the Town of Windsor. This \$55 million project is funded by the Federal Railroad Administration, the State of California (Cap and Trade Funds), and the Metropolitan Transportation Commission (Regional Measure 3 Bridge Tolls). Work on this new extension included field surveys, utility evaluation, preliminary track design, locating the station platform, planning parking, designing a pathway and conducting wetland and wildlife surveys. SMART is working closely with the Town



of Windsor to coordinate design and roadway-related projects. Final design and permitting are planned for 2019 and 2020.

PASSENGER RAIL STUDY: NOVATO TO SUISUN

The California State Transportation Agency identified a potential passenger rail connection between the SMART system in Novato and the Capital Corridor in Suisun City in their 2018 California State Rail Plan. This connection would provide an uninterrupted rail link between the



SMART mainline and, ultimately, Sacramento and the rest of the State rail system. SMART received special funding from the State of California to initiate a feasibility study in 2018 to evaluate the technical possibility, to document existing conditions and to develop initial concepts for a rail passenger connection.

CROSSING SAFETY IMPROVEMENTS

SMART designed and constructed the passenger rail system with the safest systems in the industry to warn and protect the traveling public at all of the at-grade crossings – both vehicular and pedestrian. After experiencing several safety incidents between SMART trains and vehicles, bicyclists, and pedestrians, SMART evaluated whether there were any further improvements that could make pedestrian path-of-travel crossings safer. Staff compiled an internal task force to evaluate all of the crossings in the system that had been built to date. We also consulted with the California Public Utilities Commission staff on proposed solutions. The result was to install signage on the ground alerting pedestrians to look up before crossing the track, and additional concrete and fencing to “channelize” pedestrians to the safest location to cross.



BICYCLE & PEDESTRIAN PATHWAYS

In 2018, SMART officially opened the final multiuse pathway segments planned as part of the Phase 1 project. This included pathway segments in San Rafael from North San Pedro to the SMART Civic Center Station, and in Novato From Franklin to Grant Street and from Rush Creek Place to the SMART North Novato Station. This meant that there are now more than 18 miles of pathway made possible by the creation of the SMART District.

As part of the Larkspur extension project, SMART worked cooperatively with the City of San Rafael to redesign the project footprint and ultimately realign SMART's property in that area to allow space for the construction of a bicycle and pedestrian pathway between Rice and Andersen Drives. The City developed the final design for the pathway and provided funding so that their project could be integrated into the Larkspur construction work. The pathway will open in 2019.



SMART also finalized the design and construction documents for a segment of pathway between Payran Street and Southpoint Boulevard in Petaluma. This work included securing the necessary environmental regulatory permits to construct the project, which is funded by the State of California, the Sonoma Open Space District, and Measure Q, is planned for construction in summer of 2019.

PASSENGER RAIL CAR PROJECTS

Since opening day, SMART has gained experience and knowledge about our unique fleet of Diesel Multiple Unit (DMU) rail cars. This includes an understanding of which modifications and improvements would best suit SMART riders to long term maintenance needs. We have worked cooperatively with "sister" DMU owners Metrolinx in Toronto Canada on fleet maintenance and performance issues during the warranty period. Since arrival on SMART's property the DMU's have undergone a number of upgrades that improve the vehicles and mitigate potential future issues.

At the end of 2018 SMART started an ongoing repair campaign of modifications and improvements throughout the drivetrain of the DMUs working with carbuilder Nippon Sharyo and their subcontractor. Each DMU will have its engine, transmission, and gearbox pulled off the car to receive fixes to issues found on the Metrolinx fleet as well as other engine issues we have identified. SMART has used this opportunity to coordinate additional required maintenance work to be done concurrently which minimizes down-time for the vehicles.

SMART has made advances in expanding its fleet in 2018 as well. First on site in October of 2018, SMART's 4 newest DMU's 115, 116, 117, and 118 were involved in an incident in transit from the Port of Savannah Georgia to SMART's property in Santa Rosa which damaged the between-car platforms. Repair work was completed on January 30th 2019 and SMART, along with the car manufacturer Nippon Sharyo, has been actively commissioning and testing the new cars so that they may join the other 14 cars in passenger service.

COMMUNITY OUTREACH

SMART's first full year of service included extensive community outreach and rail safety programs; expanding social media and digital marketing programs; brand awareness and ridership campaigns; and a successful revenue-generating advertising program. In its first year of operation, SMART has built a brand based on safety, reliability, being invested in the well-being of our community.

COMMUNITY ENGAGEMENT

In 2018, SMART's Communications and Marketing team participated in 119 events and



presentations in Marin and Sonoma counties. Raising awareness about SMART and about railroad safety is at the heart of all of SMART's presentations and events. SMART connects with the community in a variety of ways, including presentations tailored to groups and organizations, participating in large community events, engaging with passengers onboard SMART trains, and conducting safety presentations on platforms and in local schools.

Connecting with children is always a priority, to ensure these future SMART riders understand the importance of railroad safety.

RAIL SAFETY EDUCATION

SMART has developed several rail safety education programs designed to help build "rail safe" communities. SMART conducts safety education at outreach events, and has also developed rail safety pop-up events that delivers safety information to the community at SMART's stations on a regular basis. SMART also conducts safety presentations for students at schools throughout Sonoma and Marin counties.



In 2018, SMART's outreach team delivered 20 presentations at local schools, where 3,918 children were educated about safety near tracks and trains, including safe behavior at railroad crossings and at station platforms.

Since SMART began its school safety education program in 2016, its outreach team has delivered more than 170 presentations, reaching more than 37,545 students. Every member of SMART's Communications and Marketing team is a trained Operation Lifesaver presenter.

GROUP TRIP PROGRAM

With the success of SMART's train service, SMART developed a new program in 2018 for large groups traveling on the train. SMART's outreach team helps these groups navigate the fare system, answers any questions they may have about SMART, and provides an on-platform safety briefing on the day of their trip to ensure a smooth and safe experience. In 2018, 31 platform safety briefings were conducted, providing 965 passengers—including children, seniors and people with disabilities—with an introduction to the SMART train and important railroad safety information. This new program continues to grow and provides an excellent way to introduce new riders to the SMART train.

SMART passengers from the Disability Services & Legal Center in Santa Rosa gear up for a group trip following a platform safety briefing from SMART's outreach team.



SOCIAL MEDIA AND DIGITAL PROGRAMS

SMART has been expanding its social media and digital programs, posting significant growth and reach each year. SMART continues to have a strong following on Facebook and Twitter, and growing reach on Instagram. For 2018, SMART's social media programs grew on all platforms: Facebook followers increased to 13,177 (up 5%); Twitter grew to 3,502 (up 16%) and Instagram increased to 1,863 (up 18%). SMART's most popular Facebook post had a reach of more than 102,000, reflecting strong engagement levels.

SMART's Nixle text message alert system, which was implemented last year also grew to 3,462 subscribers, up from 977 in 2017, and SMART's digital e-newsletter also has a reach of 9,176. The total reach for SMART's digital programs is now more than 31,000.

SMART's website also had a banner year. Our user-focused site is often the first stop for those who want to learn more about SMART, and the website provides schedules, fares, and general information, including important safety information and information on service alerts or updates. Since the launch of service, SMART's website has had more than 500,000 unique visitors, and more than 1.13 million sessions.



MARKETING AND SPECIAL EVENTS

SMART's revenue-generating advertising program on board the SMART train and at station platforms continues to be successful. Many advertisers that came onboard when SMART first started service have remained with us, and we continue to bring on new advertisers regularly. Several advertisers have purchased SMART's advertising booking a year in advance, with contracts taking us into 2020. Advertisers are eager to get on board and recognize the value of uniting their brand with the SMART train, which can bring businesses closer to the local community and establish a unique opportunity for national brands.

For SMART, 2018 was a banner year, with a successful ridership campaign, a one-year anniversary community celebration, and our most successful holiday toy drive to date.

SMART's marketing campaign to boost ridership included a Reasons to Ride social media video campaign, that asked riders to share their reasons for taking the SMART train. Video submissions covered a broad range of "reasons to ride" ranging from a stress-free commute to SMART's great customer service to SMART's onboard concession goodies.



August of 2018 marked a significant milestone for SMART—SMART's one-year anniversary. To thank our community for their support, SMART sponsored SMART Fest, a community celebration that included booths sponsored by SMART's advertisers, food trucks, and live music. The daylong event drew more than 4,000 attendees, received excellent news coverage across the board, and introduced our passenger train service to a broader audience.



SMART's information booth at SMART Fest, a community celebration organized by SMART to mark its 1-year anniversary, drew several thousand people. SMART continues to enjoy strong community support.

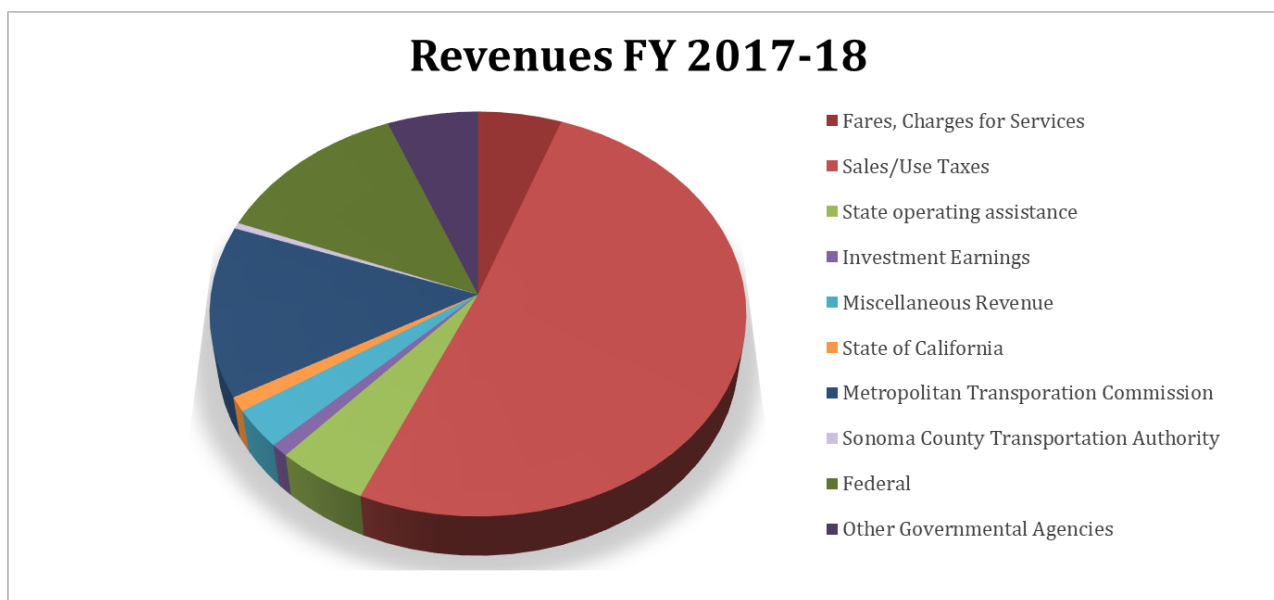
SMART's community outreach ended 2018 with its annual *Holiday Express Toy Drive* to collect toys for local children in need. This year, the toy drive included partnerships with local toy stores where donation bins were placed to collect unwrapped toys and gift cards, and two station-based events. On December 8, passengers brought their toy donations onboard and rode the decorated *Holiday Express* train with Santa, enjoying holiday treats and eggnog. The toys were distributed to our nonprofit partners: Toys for Tots in Sonoma County, Petaluma People Services Center, COTS in Petaluma, and North Marin Community Services.



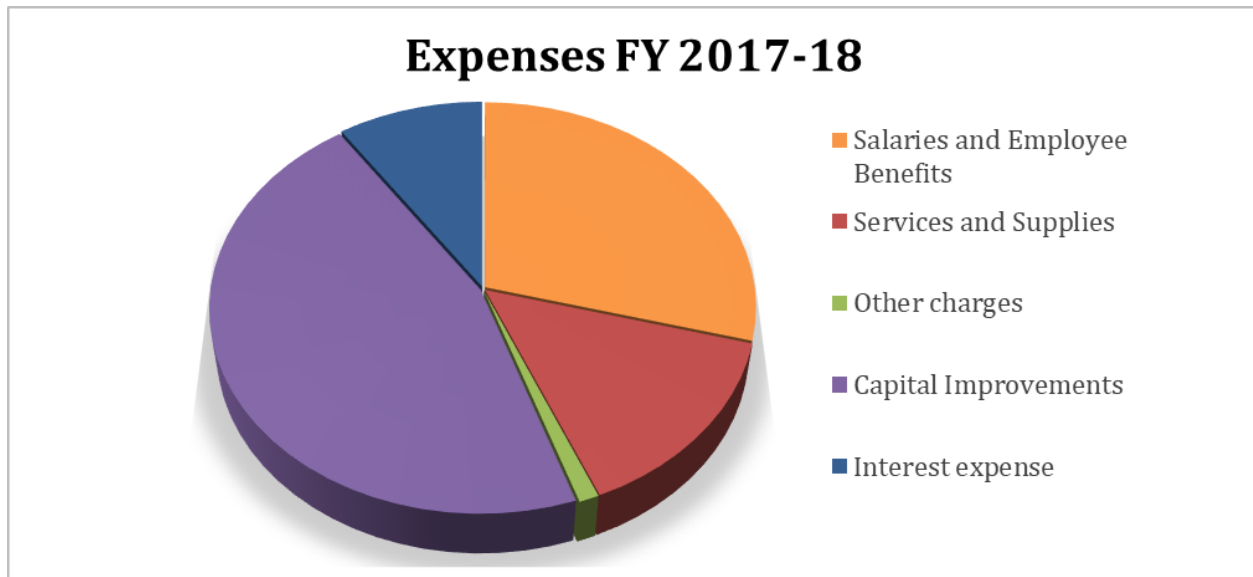
Financial Information

SMART produces a number of financial reports that are available to the public, including the Annual Budget, monthly Board reports and the audited Comprehensive Annual Financial Report. Financial information provided in this Annual Report is designed to provide the public with a general understanding of revenues and expenditures for the District in the last Fiscal Year which runs from July 1, 2017 to June 30, 2018. The presentation of these amounts differs from the 2018 Comprehensive Annual Financial Report in that they do not include calculations for depreciation and other non-cash adjustments that are necessary for presentation under Government Accounting Standards Board rules. Please refer to the District's Comprehensive Annual Financial Statements for those audited statements.

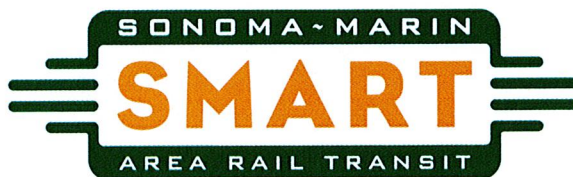
SMART's revenues related to running and operating the SMART District in Fiscal Year 2017-18 were \$47.8 million. Sales Tax revenues continued to grow at a moderate rate of 3%. Tax revenue for the year was \$37.1 million. Other revenue included Fares, Parking and other charges of \$4 million, Operating Grants of \$3.7 million and miscellaneous revenue related to the sale of property of \$2.2 million. In addition to this revenue, SMART also received grants for the Larkspur extension and other capital projects of \$24.9 million. Grants included \$9.9 million from the Metropolitan Transportation Commission, and \$9.5 million from the Federal Transit Administration. An additional \$4.4 million from Other Governments paid for improvements such as the Downtown Novato station and the Anderson Drive crossing in San Rafael. Thus, the total revenue for all functions including both capital and operating was \$72.7 million.



At the end of the Fiscal Year, SMART had an unrestricted cash balance of \$60 million. SMART also held bond funds of \$21.8 million, which are made up of reserves controlled by SMART's bond trustee.



Expenses for Fiscal Year 2017-18, excluding depreciation and other financial adjustments, were \$61.1 million. Included in that total were \$17.8 million in non-capitalized salaries and benefits and \$8.9 million for services and supplies. Expenses in Fiscal Year 2018 were evenly split between operating expenses of \$27.3 and \$27.9 million related to the building of the rail and pathway, known as Capital Improvements. Interest expense of \$5.8 million related to SMART's debt service. Within Capital Improvements, payments totaling \$4.7 million were made for SMART's new rail cars. Expenditures of \$1.9 million were related to final construction items in the Initial Operating Segment. Design and construction expenses of \$3.1 million were incurred on SMART pathway projects. Work on the Larkspur Extension was \$17.9 million.



Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Joe Naujokas
Sonoma County Mayors' and
Councilmembers Association

David Rabbitt
Sonoma County Board of Supervisors

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Shirlee Zane
Sonoma County Board of Supervisors

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

May 1, 2019

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: SMART Insurance Program Authorization for Fiscal Year 2019-20

Dear Board Members:

RECOMMENDATION: Authorize the General Manager to Execute SMART Insurance Policies for Fiscal Year 2019-20

SUMMARY:

As part of our ongoing work related to risk management for the District, we are continuously evaluating SMART's activities and the risk of loss we might incur were an accident to happen on SMART's property. Because of specialized nature of rail liability, and the high level of coverage required, all our coverage is marketed and negotiated by our expert risk consultant, Alliant Insurance Services. These policies require renewals throughout the year and may cover one or several years at a time. As we have in prior years, today we are briefing you on our activities to date and requesting authorization to execute policies as they renew in our \$2 million insurance program.

RAILROAD LIABILITY PROGRAM

Our current Railroad Liability program is active through June 15, 2019, and covers all liability and injuries that may occur within 50 feet of SMART-owned track, bridges, and crossings, up to \$295 million in an annual aggregate, with a \$500,000 self-insurance retention requirement.

As we have briefed you in the past, Railroad Liability insurance is highly specialized and the required coverage is so large, other options like insurance pools and Joint Powers Authorities (JPAs) are not readily available. In order to build a \$295 million program, coverage is achieved in multiple layers with multiple carriers taking on portions of SMART's liability. SMART's current Railroad Liability program contains coverage from multiple carriers from both domestic and international markets. Having multiple carriers on SMART's policy also helps us develop long-term relationships with various markets, which has proven to yield more favorable quotes in the past.

Our liability coverage also comes with a requirement to utilize a third-party claims administrator, who is responsible for managing claims in conjunction with train-related incidents. Our third-party administrator, George Hills Company, worked with us early in the process to develop protocols, claims practices and other important risk management tools.

For the past several months, we have been working with our consultants, Alliant, on the materials and strategy for this year's renewal of the entire \$295 million program. Unfortunately, the commercial insurance market for California Public Agencies, especially those operating public transit systems is narrow and we are in the throes of a firming market where coverage capacity is shrinking. Further, with the market sustaining record-setting catastrophic losses in 2017, followed by an above average year in 2018, all carriers are pushing rate increases to their property and casualty policy holders. Our brokers have not yet completed marketing the SMART risk policies and will likely not complete their work until late in May. At that time, we will be required to execute the policies quickly in order to secure the coverage we need. Our current estimate of the cost of the rail liability program is \$1.3 to \$1.5 million. If the negotiations yield a different result than we anticipate at this point, we can update you as part of the final budget adoption on June 5.

PROPERTY INSURANCE

Our Property insurance coverage is designed to quickly address damage to our facilities, railcars and signal system. This policy proved valuable last following the collision in Santa Rosa that damaged the entire front end of Car #110. We insure approximately \$147 million in property values through our property policy, which is currently a three-year policy expiring in 2021 with an annual premium of \$293,206. This coverage includes damage due to fire, earthquake and flood on the portions of our property we believe the most vulnerable to these risks. We were pleased with the results of the renewal efforts which kept the rate increase at 2% and included a rate guarantee for three years. We were required to increase our deductible amount for the railcars to \$250,000, which was expected given the pressure on the property insurance market, comparables with other agencies, and the fact that we had a major incident in the past year. As a small District without alternatives to our operating equipment and facilities, it is imperative that we continue to provide a financial safety net for the unexpected to occur so that we can recover quickly, without the need to deplete our reserves.

WORKER'S COMPENSATION

Our Workers Compensation Policy is issued through the State Compensation Insurance Fund and provides the coverage required under California law. Our premiums have grown as our staff has grown and expanded to include railroad operating staff. We have been fortunate thus far to have enjoyed a very low claims experience, which has kept our coverage rates low compared to comparable entities. Although some of this is the result of being a new operating agency, we also credit our focus on safety and strict compliance with railroad safety regulations. Our annual policy, which renews at the end of each calendar year, is currently \$305,000, which is 2% of our covered payroll.

OTHER POLICIES

Our comprehensive insurance program also includes a number of other policies designed to cover other risks, which are \$94,790 annually. Those policies and their coverage levels are summarized in the table below:

Coverage	Term	Limit	Total Premium
Automobile Physical Damage	07/01/18 - 07/01/19	\$512,074	\$11,840
General Liability & Hired/Non Owned Auto (SLIP)	09/29/18 - 09/29/19	\$2,000,000	\$13,429
Excess Liability	09/29/18 - 09/29/19	\$10,000,000	\$22,000
Public Officials Liability & Employment Practices Liability	07/01/18 - 07/01/19	\$5,000,000	\$46,512
Crime	07/01/18 - 07/01/19	\$1,000,000	\$1,010
TOTAL			\$94,790

Each of these policies has various sub limits and different deductibles. However, the budget includes funding for these and all SMART policies as well as a self-insurance fund to cover deductibles and claims not covered by insurance. We have studied other commuter rail insurance programs and have worked closely with our consultant whose experience in these matters has proven invaluable. We believe that our program continues to provide the appropriate amount of coverage for the cost and will continue to evaluate it as we finalize negotiations for the coming renewals.

FISCAL IMPACT: The total insurance program is anticipated to be \$2 million annually. This amount is provided in the current budget and will be assumed in the budget proposal for Fiscal Year 2019-20.

REVIEWED BY: [x] Counsel 

Very truly yours,



Erin McGrath
Chief Financial Officer



May 1, 2019

Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

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Sonoma-Marin Area Rail Transit Board of Directors
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Petaluma, CA 94954

SUBJECT: Approve Resolution Authorizing the General Manager to Execute Construction Contract No. CV-BB-18-001 with Granite Construction Company in the amount of \$2,023,300.59

Dear Board Members:

RECOMMENDATION:

Approve Resolution Number 2019-05 Authorizing the General Manager to execute Construction Contract No. CV-BB-18-001 to Granite Construction Company in the amount of \$2,023,300.59. This contract is for the construction of a section of multi-use pathway between Payran Street and Southpoint Boulevard in Petaluma, providing a connection between the downtown area and crossing under Highway 101.

SUMMARY:

SMART continues to construct pathway segments to make important station connections and improve the first/last mile connectivity throughout the SMART system. This contract will build a 1.1-mile multi-use pathway, including a pedestrian bridge, and sidewalk connections at each end. This route between Payran Street and Southpoint Boulevard creates a convenient east-west route crossing under the US101 freeway in the middle of Petaluma. The required environmental mitigation will occur on-site and includes trash and creosote timber pile removal from the Petaluma River, and riparian tree planting.

A formal Invitation for Bid was issued on March 14, 2019, to procure a contractor to construct this pathway segment. SMART advertised the project with: local newspapers, such as the Press Democrat and Marin IJ, key regional construction trade journals, SMART's Contracts and Procurement Registrants, and on SMART's Procurement Website. A Pre-Bid Conference was held on March 22, 2019, with 11 people in attendance

representing 8 prime contractors. On April 15, 2019, SMART held a public bid opening with 9 people in attendance. The final project bid amounts were each read out loud and tabulated. SMART received a total of 6 sealed bids from the following contractors:

CONTRACTOR	BID AMOUNT
GRANITE CONSTRUCTION COMPANY	\$2,023,300.59
MAGGIORA & GHILOTTI, INC.	\$2,094,094.00
STACY AND WITBECK, INC.	\$2,299,888.00
GHILOTTI CONSTRUCTION COMPANY, INC.	\$2,338,150.40
GHILOTTI BROS., INC.	\$2,450,827.50
TEAM GHILOTTI, INC.	\$3,216,159.33

The Invitation for Bid procedures require SMART to award this construction contract to the lowest responsive responsible bidder. Following evaluations of each bid, SMART deemed Granite Construction Company to have submitted the lowest responsive responsible bid for the construction of the Non-Motorized Pathway from Payran Street to Southpoint Boulevard as part of Solicitation No. CV-BB-18-001.

This project is primarily grant funded with 10% matching from Measure Q. The grant funding consists of Federal Congestion Mitigation and Air Quality, State Active Transportation Program, and Sonoma County Open Space District funding.

Staff recommends approving Resolution Number 2019-05 authorizing the General Manager to execute Construction Contract No. CV-BB-18-001 with Granite Construction Company in the amount of \$2,023,300.59 for construction of the Payran to Southpoint multi-use pathway in Petaluma.

FISCAL IMPACT: Expenditure authority and funding will be included in the Fiscal Year 2019-20 budget.

REVIEWED BY: [x] Finance  [x] Counsel 

Very truly yours,



Bill Gamlen
Chief Engineer

Attachment(s): 1) Resolution Number 2019-05
2) Granite Construction Company Agreement

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT APPROVING CONTRACT NO. CV-BB-18-001 WITH GRANITE CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF NON-MOTORIZED PATHWAY BETWEEN PAYRAN STREET AND SOUTH POINT BOULEVARD IN PETALUMA

WHEREAS, The Sonoma-Marin Area Rail Transit District (SMART) prepared construction documents for a segment of non-motorized pathway between Payran Street and Southoint Boulevard in Petaluma; and

WHEREAS, SMART initiated a formal Invitation for Bid for Construction Contract No. CV-BB-18-001 on March 14, 2019 which included advertising the opportunity in local newspapers, trade journals, the SMART website and other related outreach outlets; and

WHEREAS, SMART conducted a pre-bid conference for interested contractors on March 22, 2019; and

WHEREAS, SMART received six bids on April 15, 2019 and conducted a public bid opening; and

WHEREAS, Granite Construction Company submitted the lowest bid for the work of \$2,023,300.59; and

WHEREAS, SMART determined that Granite Construction Company submitted the lowest responsive and responsible bid; and

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF SMART HEREBY FINDS, DETERMINES, DECLARES, AND ORDERS AS FOLLOWS:

1. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
2. The General Manager is authorized to execute Contract No. CV-BB-18-001 with Granite Construction Company in the amount of \$2,023,300.59.

Resolution No. 2019-05
Sonoma-Marin Area Rail Transit District
May 1, 2019

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Sonoma-Marin Area Rail Transit District held on the 1st day of May, 2019, by the following vote:

DIRECTORS:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Phillips, Chair, Board of Directors
Sonoma-Marin Area Rail Transit District

ATTEST:

Leticia Rosas-Mendoza, Clerk of Board of Directors
Sonoma-Marin Area Rail Transit District

AGREEMENT

THIS AGREEMENT, dated this _____ day of _____, 2019, by and between Granite Construction Company, whose place of business is located at 1324 S. State Street, Ukiah, CA 95482 ("Contractor"), and the SONOMA-MARIN AREA RAIL TRANSIT DISTRICT, a Special District of the State of California ("SMART").

WHEREAS, SMART, by its Board Resolution No. [#] adopted on the [Day] day of [Month], [Year], awarded to Contractor the following Contract:

Invitation for Construction Bid
Non-Motorized Pathway, Payran St. To Southpoint Blvd. (MP 39.25 – 40.41)
FEDERAL PROJECT NO. ATPSB1L-6411(010)
CONTRACT NUMBER #CV-BB-18-001

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and SMART agree as follows:

Article 1. Work

1.1 Contractor shall complete all Work specified in the Contract Documents, in accordance with the Specifications, Drawings, and all other terms and conditions of the Contract Documents.

Article 2. Notices to SMART

- 2.1 SMART has designated **Bill Gamlen**, Project Manager, to act as SMART's Representative(s), who will represent SMART in performing SMART's duties and responsibilities and exercising SMART's rights and authorities in Contract Documents. SMART may change the individual(s) acting as SMART's Representative(s), or delegate one or more specific functions to one or more specific SMART's Representatives, including without limitation engineering, architectural, inspection and general administrative functions, at any time with written notice and without liability to Contractor. Each SMART's Representative is the beneficiary of all Contractor obligations to SMART, including without limitation, all releases and indemnities.
- 2.2 All notices or demands to SMART under the Contract Documents shall be to SMART's Representative at: **5401 Old Redwood Hwy Suite 200, Petaluma, CA, 94954** or to such other person(s) and address(es) as SMART shall provide to Contractor.

Article 3. Contract Time and Liquidated Damages

- 3.1 Contract Time and Notice to Proceed.
Contract Time commences on the date established in Document 00550 (Notice to Proceed). SMART reserves the right to modify or alter the Commencement Date of the Work. SMART may give a Notice to Proceed at any time within 60 Days after the Notice of Award. Contractor shall not do any Work at the Site prior to the date on which the Contract Time commences to run.

Contractor shall achieve Substantial Completion of the entire Work within reasonable and approved schedule from the date when the Contract Time commences to run as provided in Document 00700 (General Conditions). Contractor shall complete the Work so that a Final Inspection Report can be issued in accordance with Section 01770 (Contract Closeout).

- 3.2 Liquidated Damages.
SMART and Contractor recognize that time is of the essence of this Agreement and that SMART will

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPOINT BLVD. (MP 39.25 – 40.41)
CV-BB-18-001

suffer financial loss (see Paragraph 3.3 below), if all or any part of the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the Contract Documents. Consistent with Article 14 of Document 00700 (General Conditions), Contractor and SMART agree that because of the nature of the Project, it would be impractical or extremely difficult to fix the amount of actual damages incurred by SMART because of a delay in completion of all or any part of the Work. Accordingly, SMART and Contractor agree that as liquidated damages for delay Contractor shall pay SMART:

- 3.2.1.1 **One hundred dollars (\$100)** for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.
- 3.2.2 **One hundred dollars (\$100)** for each Day that expires after the time specified herein for Contractor to achieve Final Inspection Report of the entire Work, until achieved.
- 3.2.3 **One thousand dollars (\$1,000)** per hour per SMART train car delayed or obstructed.
- 3.2.4 **Two thousand dollars (\$2,000)** per day of delay if any damage to the track caused by Contractor.

These measures of liquidated damages shall apply cumulatively and except as provided below, shall be presumed to be the damages suffered by SMART resulting from delay in completion of the Work.

- 3.3 Liquidated damages for delay shall only cover project administrative (such as Project management and consultant expenses) and cost damages suffered by SMART as a result of delay. Liquidated damages shall not cover the cost of completion of the Work, damages resulting from Defective Work, lost revenues or costs of substitute facilities, or damages suffered by others who then seek to recover their damages from SMART (for example, delay claims of other contractors, subcontractors, tenants, or other third-parties), and defense costs thereof.

Article 4. Contract Sum

- 4.1 SMART shall pay Contractor the Contract Sum for completion of Work in accordance with Contract Documents as follows:

TOTAL CONTRACT SUM	\$2,023,300.59
--------------------	----------------

Article 5. Contractor's Representations

In order to induce SMART to enter into this Agreement, Contractor makes the following representations and warranties:

- 5.1 Contractor has visited the Site and has examined thoroughly and understood the nature and extent of the Contract Documents, Work, Site, locality, actual conditions, as-built conditions, and all local conditions, and federal, state and local laws and regulations that in any manner may affect cost, progress, performance or furnishing of Work or which relate to any aspect of the means, methods, techniques, sequences or procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

- 5.2 Contractor has examined thoroughly and understood all reports of exploration and tests of subsurface conditions, as-built drawings, drawings, products specifications or reports, available for Bidding purposes, of physical conditions, including Underground Facilities, which are identified in Document 00320 (Existing Conditions Information), or which may appear in the Drawings. Contractor accepts the determination set forth in these Documents and Document 00700 (General Conditions) of the limited extent of the information contained in such materials upon which Contractor may be

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPPOINT BLVD. (MP 39.25 – 40.41)
CV-BB-18-001

entitled to rely. Contractor agrees that, except for the information so identified, Contractor does not and shall not rely on any other information contained in such reports and drawings.

- 5.3 Contractor has conducted or obtained and has understood all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in Section 5.2 of this Document 00520) that pertain to the subsurface conditions, as-built conditions, Underground Facilities and all other physical conditions at or contiguous to the Site or otherwise that may affect the cost, progress, performance or furnishing of Work, as Contractor considers necessary for the performance or furnishing of Work at the Contract Sum, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Document 00700 (General Conditions); and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by Contractor for such purposes.
- 5.4 Contractor has correlated its knowledge and the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- 5.5 Contractor has given SMART prompt written notice of all conflicts, errors, ambiguities, or discrepancies that it has discovered in or among the Contract Documents and as-built drawings and actual conditions and the written resolution thereof through Addenda issued by SMART is acceptable to Contractor.
- 5.6 Contractor is duly organized, existing and in good standing under applicable state law, and is duly qualified to conduct business in the State of California.
- 5.7 Contractor has duly authorized the execution, delivery and performance of this Agreement, the other Contract Documents and the Work to be performed herein. The Contract Documents do not violate or create a default under any instrument, agreement, order or decree binding on Contractor.
- 5.8 Contractor has listed the following Subcontractors pursuant to the Subcontractor Listing Law, California Public Contract Code §4100 *et seq.*:

Name of Subcontractor and Location of Mill or Shop	Description of Work: Reference To Bid Items	Subcontractor's License No.
Ahlborn Fence & Steel, Inc. (Santa Rosa, CA)	Remove, Relocate, & Install Fence (Bid Items: 17, 18, 31, 32, 33)	LIC: 793504 DIR: 1000001160
Camblin Steel Service, Inc. (Rocklin, CA)	Bridge Rebar (Bid Items: 10)	LIC: 218839 DIR: 1000003852
Drill Tech Drilling & Shoring, Inc. (Antioch, CA)	CIDH Piling (Bid Items: 6)	LIC: 745354 DIR: 1000004866
Nitta, Inc. (Loomis, CA)	Hydroseed, Erosion Control (Bid Items: 21, 22, 44, 45, 46)	LIC: 401640 DIR: 1000000478
Neary Landscape, Inc. (Cotati, CA)	Plant Trees (Bid Items: 51 and 52)	LIC: 814207 DIR: 1000002998
Tyrrell Resources, Inc. (Auburn, CA)	Remove Trees (Bid Items: 20)	LIC: 938948 DIR: 1000007965
Valdivia Trucking (Windsor, CA)	Hauling and Trucking (Bid Items: 3, 4, 5, 6, 19, 23, 24, 25, 26, 27, 28, 40, 43)	LIC: N/A DIR: 1000040002

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPOINT BLVD. (MP 39.25 – 40.41)
CV-BB-18-001

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- 5.9 Contractor has designated **Jason Picard**, Project Manager, to act as Contractor's Representative(s), who will represent Contractor in performing Contractor's duties and responsibilities and exercising Contractor's rights and authorities in Contract Documents. Contractor has also designated **Joe Pomilia**, Superintendent, to act as Contractor's Superintendent. Contractor may change the individual(s) acting as Contractor's Representative(s), or delegate one or more specific functions to one or more specific Contractor's Representatives, at any time upon prior written notice and approval and without liability to SMART, but Contractor is limited to two representatives.

Article 6. Contract Documents

- 6.1 Contract Documents consist of the following documents, including all changes, Addenda, and Modifications thereto:

Document 00100	Notice Inviting Bids
Document 00200	Instructions to Bidders
Document 00400 (Revised – 4.8.2019)	Bid Form
Document 00510	Notice of Award
Document 00520	Agreement
Document 00550	Notice to Proceed
Document 00610	Construction Performance Bond
Document 00620	Construction Labor and Material Payment Bond
Document 00630	Guaranty
Document 00650	Agreement and Release of Any and All Claims
Document 00660	Substitution Request Form
Document 00670	Escrow Bid Documents (Optional)
Document 00680	Escrow Agreement for Security Deposit in Lieu of Retention (Contractor's Option)
Document 00700	General Conditions
Document 00800	Supplementary Conditions
Document 00821	Supplementary Conditions – Insurance
Document 00822	Apprenticeship Program
Document 00910	Addenda
Document 00823	Federal Provisions
Specifications	Sections 01100 to 01780
	Divisions as listed in the Table of Contents
Drawings	Drawings listed in Drawing No. 1-41, T001-T003

- 6.2 There are no Contract Documents other than those listed in this Document 00520, Article 6. Document 00320 (Existing Conditions Information), Document 00335 (Hazardous Materials Surveys), and the information supplied through these documents, are not Contract Documents. The Contract Documents may only be amended, modified or supplemented as provided in Document 00700 (General Conditions).

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPPOINT BLVD. (MP 39.25 – 40.41)
CV-BB-18-001

Page 4 of 7

Article 7. Miscellaneous

- 7.1 Terms and abbreviations used in this Agreement are defined in Document 00700 (General Conditions) and Section 01420 (References and Definitions) and will have the meaning indicated therein.
- 7.2 It is understood and agreed that in no instance are the persons signing this Agreement for or on behalf of SMART or acting as an employee, agent, or representative of SMART, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise, and it is further understood and agreed that liability of the SMART is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.
- 7.3 Contractor shall not assign any portion of the Contract Documents, and may subcontract portions of the Contract Documents only in compliance with the Subcontractor Listing Law, California Public Contract Code §4100 *et seq.*
- 7.4 The Contract Sum includes all allowances (if any).
- 7.5 In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. §15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time SMART tenders final payment to Contractor, without further acknowledgment by the parties.
- 7.6 Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations, are deemed included in the Contract Documents and shall be made available to any interested party on request. Pursuant to Section 1861 of the Labor Code, Contractor represents that it is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents.
- 7.7 Should any part, term or provision of this Agreement or any of the Contract Documents, or any document required herein or therein to be executed or delivered, be declared invalid, void or unenforceable, all remaining parts, terms and provisions shall remain in full force and effect and shall in no way be invalidated, impaired or affected thereby. If the provisions of any law causing such invalidity, illegality or unenforceability may be waived, they are hereby waived to the end that this Agreement and the Contract Documents may be deemed valid and binding agreements, enforceable in accordance with their terms to the greatest extent permitted by applicable law. In the event any provision not otherwise included in the Contract Documents is required to be included by any applicable law, that provision is deemed included herein by this reference (or, if such provision is required to be included in any particular portion of the Contract Documents, that provision is deemed included in that portion).
- 7.8 This Agreement and the Contract Documents shall be deemed to have been entered into in the County of Sonoma, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPPOINT BLVD. (MP 39.25 – 40.41)
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shall be in Sonoma County. Both parties hereby waive their rights under California Code of Civil Procedure Section 394 to file a motion to transfer any action or proceeding arising out of the Contract Documents to another venue.

- 7.9 Contractor accepts the claims procedure established by Article 12 of Document 00700 (General Conditions), as established under Section 930.2 of the California Government Code.

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPOINT BLVD. (MP 39.25 – 40.41)
CV-BB-18-001

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IN WITNESS WHEREOF the parties have executed this Agreement in duplicate the day and year first above written.

SMART:

CONTRACTOR:

Certificates of Insurance and Guaranty are on file with and reviewed as to substance for SMART by:

Ken Hendricks, Procurement Coordinator

Granite Construction Company

Reviewed as to form by SMART Counsel:

Federal ID #:

SMART Counsel

By:
[Signature]

Date: _____

[Please print name here]

Title:
[If Corporation: Chairman, President, or Vice President]

Sonoma-Marin Area Rail Transit
A Political Subdivision of the State of California

Chair, Board of Directors

By:
[Signature]

Date: _____

[Please print name here]

Attest:

Clerk of the Board of Directors

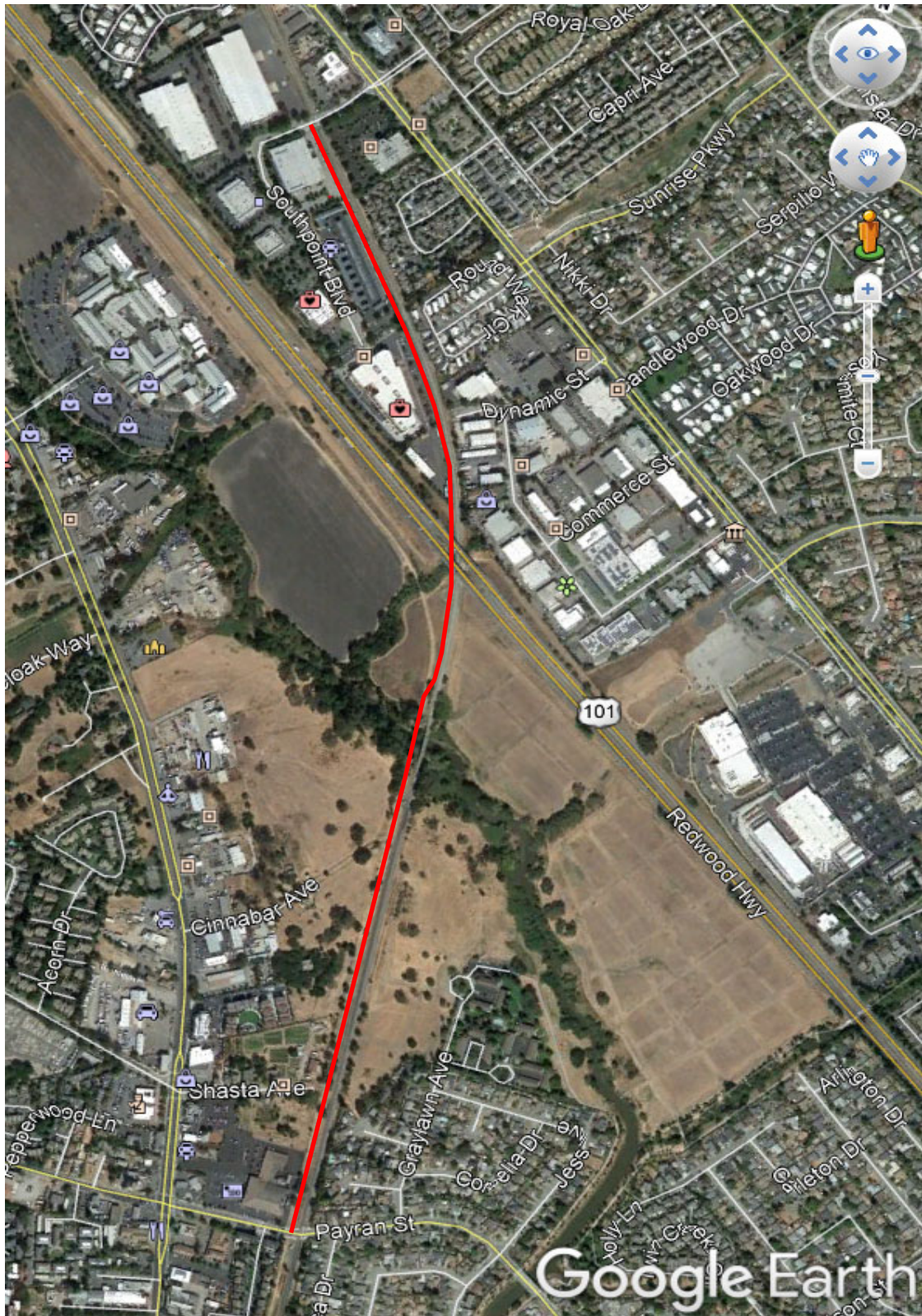
Title:
[If Corporation: Secretary, Assistant Secretary, Chief Financial Officer, or Assistant Treasurer]

END OF DOCUMENT

Contractor Initials _____

GRANITE CONSTRUCTION COMPANY
NON-MOTORIZED PATHWAY, PAYRAN ST. TO SOUTHPPOINT BLVD. (MP 39.25 – 40.41)
CV-BB-18-001

Page 7 of 7



PAYRAN STREET TO SOUTHPPOINT AVENUE
MULTI USE PATHWAY



Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Dan Hillmer
Marin County Council of Mayors and
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Eric Lucan
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David Rabbitt
Sonoma County Board of Supervisors

Chris Rogers
Sonoma County Mayors' and
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Shirlee Zane
Sonoma County Board of Supervisors

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

May 1, 2019

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Authorize the General Manager to Execute Amendment No. 1 to Agreement No. CV-PS-17-001 with Biggs Cardosa Associates, Inc. in an amount of by \$40,000 for the construction of the Payran to Southpoint Multi-Use Pathway in Petaluma

Dear Board Members:

RECOMMENDATION:

Authorize the General Manager to Execute Amendment No. 1 to Agreement No. CV-PS-17-001 with Biggs Cardosa Associates, Inc. in the amount of \$40,000 to increase the not-to-exceed amount of the Agreement to \$365,000 to provide construction support services for the Payran to Southpoint Multi-Use Pathway in Petaluma

SUMMARY:

SMART executed an Agreement in June 2017 with Biggs Cardosa Associates, Inc. to provide design and environmental permitting services for the Payran Street to Southpoint Boulevard multi-use pathway segment. During the procurement phase, the Request for Proposal solicitation included construction support services in the scope of work requested. Biggs Cardosa Associates, Inc. included construction support services in their Proposal. At the time the contract was awarded, it was agreed upon that the construction support services would be an item SMART could add via contract amendment at the time construction of the pathway began.

This contract amendment is to add the construction support services to the Biggs Cardosa Associates scope of work. The construction support services are required by the Caltrans Local Assistance funding agreement and include inspection and testing services to verify that critical pathway components meet the design specifications. Inspection and testing will be provided for the bridge abutment reinforcement, as well as the soil, asphalt, and concrete materials used for the construction of the pathway.

Staff recommends authorizing the General Manager to execute Amendment No. 1 to Agreement No. CV-PS-17-001 with Biggs Cardosa Associates, Inc. in the amount of \$40,000 for construction support services for a total not-to-exceed amount of \$365,000.

FISCAL IMPACT: Funding and expenditure authority will be included in the Fiscal Year 2019-20 budget. The Payran project is funded by grants and Measure Q.

REVIEWED BY: ☐ Finance  ☐ Counsel 

Very truly yours,



Bill Gamlen, P.E.
Chief Engineer

Attachment(s): Biggs Cardoza Associates, Inc. Agreement

**FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
BETWEEN THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT
AND BIGGS CARDOSA ASSOCIATES, INC.**

This First Amendment dated as of May 1, 2019 (the “First Amendment”) to the Agreement for Consultant Services by and between the Sonoma-Marin Area Rail Transit District (“SMART”) and Biggs Cardosa Associates, Inc. (“Consultant”), dated as of June 12, 2017 (the “Original Agreement,” and now as amended by this First Amendment, the “Agreement”).

RECITALS

WHEREAS, SMART and Consultant previously entered into the Original Agreement to provide engineering pathway design, construction, and related services; and

WHEREAS, SMART desires to add the optional Construction Support scope of work from the original procurement, extend the term of the Agreement through December 31, 2019, and increase the not-to-exceed amount by \$40,000 for a total not to exceed amount of \$365,000.

NOW, THEREFORE, in consideration of the recitals set forth above and the covenants contained herein, it is mutually agreed by and between the parties that:

AGREEMENT

1. **“ARTICLE 2. LIST OF ATTACHMENTS.”** The attached Attachment A, Scope of Work, from this Amendment shall augment and amend the Attachment A from the Original Agreement.

2. **“ARTICLE 5. PAYMENT.”** Section 5.02 shall be amended as follows:

Consultant shall be paid, as full compensation for the satisfactory completion of the work described in the Scope of Work (**Exhibit A**) in accordance with the budget established in **Exhibit B**, provided, however, that Consultant agrees to perform all services described in the Scope of work for the negotiated amount of **\$365,000**. The not-to-exceed (NTE) amount of \$365,000 for this Agreement includes labor, supervision, applicable surcharges such as taxes, insurance, and fringe benefits as well as indirect costs, overhead, and profit allowance, equipment, materials, and supplies; in no case shall Consultant be reimbursed for an amount in excess of the NTE amount without a formal written amendment to this Agreement.

BIGGS CARDOSA ASSOCIATES, INC.
FIRST AMENDMENT
CV-PS-17-001

3. **“ARTICLE 6. TERM OF AGREEMENT.”** Section 6.01 shall be amended as follows:

The term of this Agreement shall remain in effect until December 31, 2019 unless terminated earlier in accordance with the provisions of **Article 7**.

4. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with all supplements, amendments and exhibits thereto is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to, modify, invalidate, or otherwise affect any provision of the Agreement.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as set forth below.

**SONOMA-MARIN AREA RAIL TRANSIT
DISTRICT**

Dated: _____

By _____
Farhad Mansourian, General Manager

BIGGS CARDOSA ASSOCIATES, INC.

Dated: _____

By _____

Its _____

APPROVED AS TO FORM:

Dated: _____

By _____
District Counsel

EXHIBIT A

SCOPE OF SERVICES

The following work is in addition to all other work described in the Original Exhibit A.

Construction Support Scope of Work:

Consultant shall provide limited construction period inspection and testing to verify work is being conducted according to plan and specification (eg. Soil and AC compaction testing, rebar inspection, or concrete testing at bridge abutments). Consultant may be asked to attend Pre-Construction Meetings, review pre-fabricated bridge design by manufacturers, review shop drawings, answer clarification questions, perform environmental monitoring, perform periodic site visits, and prepare record drawings.



May 1, 2019

Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

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Shirlee Zane
Sonoma County Board of Supervisors

Farhad Mansourian
General Manager

A handwritten signature in blue ink, appearing to read "Farhad".

5401 Old Redwood Highway
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Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Award a Sole-Source Purchase Order to Alstom Signaling Operations, LLC. for the Purchase of Specialized Rail Signal Equipment in the amount of \$66,903.78.

Dear Board Members:

RECOMMENDATION:

The Board-Approved Fiscal Year 2019 Budget includes purchases of specialized rail signaling equipment essential for supporting operations. These specialized parts include twenty (20) XP4 Integrated Crossing Controller Modules and two (2) Local Control Panel Power Supply Module Adapter Boards. Staff recommends that the Board authorize the General Manager to execute a sole-source purchase order with Alstom Signaling Operations, LLC for an amount of \$66,903.78 and approve the following findings:

- 1) There is only a single source of procurement for certain specialized rail equipment that has been specifically designed for SMART's system.
- 2) The Board approves the direct purchase of the specialized equipment from Alstom Signaling Operations, LLC.

SUMMARY:

Alstom Signaling Operation, LLC is the sole manufacturer and only authorized distributor of the above listed equipment. The XP4 Integrated Crossing Controller Modules and Local Control Panel Power Supply Module Adapter Boards requested to be purchased will be spare parts that will replace assemblies installed during the original construction of SMART's rail line. These parts are vital to maintaining our grade crossing warning systems and include modules that make up the Electrolog IXS system in each Central Instrument Location (CIL) controlling grade crossings. This purchase is the second phase of a two-year project to bring modules up to current standards that were not replaced during the construction of Initial Operating Segment 1.

This equipment purchase meets the state sole source criteria established in Public Contract Code §3400. The system installed by SMART's design-build contractor is comprised of components that are only compatible with those manufactured by Alstom Signaling Operation, LLC. Currently, they are the sole authorized distributor of their products.

Your Board may direct the purchase of any supplies, equipment, or material upon a finding that there is only a single source of procurement and that the purchase is for the sole purpose of matching other products in use on a particular system or equipment or for replacing supplies, equipment, or material already in use (Public Contract Code §3400).

Additionally, pursuant to Public Contracts Code §20355.7, the Board may direct the purchase of (1) electronic equipment, including, but not limited to, computers, telecommunications equipment, fare collection equipment, radio and microwave equipment, and other electronic equipment and apparatus used in rail transit operations; and (2) specialized rail transit equipment by competitive negotiation, upon a finding by two-thirds of all the members that the purchase is in compliance with certain provisions of the code generally applicable to the purchase of materials and equipment does not constitute a method of procurement adequate for the District's needs.

Staff recommends that the Board authorize the General Manager to execute a sole-source purchase order with Alstom Signaling Operations, LLC for an amount of \$66,903.78.

FISCAL IMPACT: Funding is included in the approved Fiscal Year 2018-19 budget.

REVIEWED BY: [x] Finance



[x] Counsel

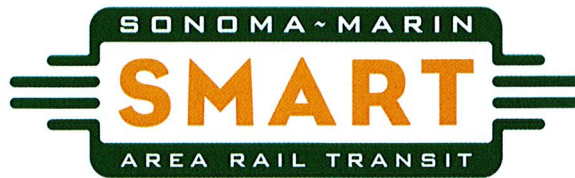


Very truly yours,



Ken Hendricks

Procurement Coordinator



May 1, 2019

Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Damon Connolly
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Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Consideration of a Pilot Program providing free rides for Active Duty Military and Military Veterans for Memorial Day Weekend 2019 (May 25, 26 and 27)

Dear Board Members:

RECOMMENDATIONS:

Approve the creation of a Pilot Program to allow for free rides on SMART for Active Duty Military and Military Veterans for Memorial Day Weekend (May 25, 26 and 27).

SUMMARY:

Your Board established has established a fare policy over the course of six meetings between 2014 and 2017, including guiding principles for evaluating and implementing the fare policy. One of those principles is the "principle of incentivizing the business community and other institutions to select SMART and public transit as their transportation choice".

SMART has been operating a full schedule of passenger rail services for just over 19-months, since August 2017. In 2018 and 2019, SMART has continued to provide reliable service and consistent ridership patterns have developed throughout the day and week. Financial planning and fare setting exercises anticipated approximately 300 passengers during the weekends each day, with actual ridership on weekends being realized at three times the anticipated number of riders. The weekdays, however, experience extreme peaking during commute periods, while on weekends on-board seat capacity remains on nearly every trip.

During the Weekday, SMART offers 17-round trips, and the southbound morning and northbound evening commute trips regularly experience standing room only trains, with bicycle racks filled to capacity. SMART has deployed a third car into the system where possible to ease this capacity congestion. Other trains that have witnessed high levels of congestion include some surprises, such as midday northbound trips.

When SMART has offered free service to the general public, all trains operate above capacity, with extremely high load factors and standing room only a common occurrence. On Weekends and Holidays, SMART operates a 5-round trip schedule over the course of the day. Weekend ridership is notably lighter than weekday ridership and, even though there are fewer train trips offered, the average number of people per train is lower on weekends than on weekdays.

In an effort to encourage new riders to try riding SMART where onboard capacity exists, Your Board approved the Pilot Program for Summer 2019 for Youth 18 and Under to ride free on Weekends/Holidays. This proposed Memorial Weekend Free SMART Rides for Active Duty Military and Military Veterans Pilot Program would also encourage new riders to try riding SMART where onboard capacity exists, as well as honoring those who are or have served in the United States military. To be eligible for the free ride, military and veteran personnel must present an active duty or Veteran identification card to the SMART Conductor onboard the train. Due to weekday load factors on-board trains during peak commute periods, limiting this Pilot Program to the Memorial Day Weekend/Holiday period will help maintain the capacity needed to satisfy existing paid fare SMART commuter demand for space on-board trains. This proposed program can be implemented within the Clipper regional fare collection system rules, is feasible for onboard rail operations staff to manage and is cost effective to execute.

There are approximately 12,199 veterans in Marin County and 28,160 veterans in Sonoma County. No exact figures of active duty military personnel are readily available, but the estimated number of U.S. Coast Guard personnel in Sonoma and Marin Counties is around 500-600.

In order to have a bigger impact, I met with the County Administrators for Marin and Sonoma Counties and, subject to their Board approval, Marin and Sonoma Counties will also be offering free entry to their Regional Parks on Memorial Day Weekend for Active Duty Military and Veteran personnel. If approved by Your Board, this Memorial Day Weekend free train rides for Military and Veteran personnel will occur at the same time as the inaugural weekend of SMART's Summer 2019 Weekend Free Rides for Youth Pilot Program and SMART's Summer 2019 Free Parking Program.

FISCAL IMPACT: Loss of Active Duty Military and Veteran fares and increase in marketing and outreach costs are estimated at less than \$10,000 and could be offset by increased ridership revenues from other fare categories.

Very truly yours,



Farhad Mansourian
General Manager

Cc Sheryl Bratton, County Administrator, Sonoma County
Matthew Hymel, County Administrator, Marin County



Gary Phillips, Chair
Transportation Authority of Marin

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

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www.sonomamarintrain.org

May 1, 2019

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Receive Information: Novato to Suisun City Passenger Rail Feasibility Study

Dear Board Members:

RECOMMENDATION:

Staff has prepared a high-level feasibility study to evaluate implementing a passenger rail connection between Novato and Suisun City where SMART would provide a connection to the Capital Corridor Rail System. This is an informational item.

SUMMARY:

Last year, the California State Transportation Agency ("CalSTA") released the 2018 California State Rail Plan ("Rail Plan") that provides framework for planning and implementing California's rail network for the next 20 years and beyond. The Rail Plan is a strategic plan with operating and capital investment strategies that will lead to a coordinated, statewide travel system. The Rail Plan identified an east-west connection between the existing SMART passenger rail system and the Capital Corridor system that could greatly expand the transportation network in Northern California.

CalSTA was impressed by the expedient implementation of the SMART Initial Operating Segment and funded a high-level feasibility study to evaluate the Novato to Suisun Corridor for passenger rail service as part of Windsor Extension funding approval. The study inventories the physical right-of-way, evaluates the natural habitat and developed order-of-magnitude cost estimates to implement service.

The route between Novato and Suisun City is parallel to much of State Route 37 ("SR 37"). This portion of the State highway system experiences excessive traffic congestion. A passenger rail system could be implemented fairly quickly and would provide a transportation alternative for commuters to the daily delays of SR 37.

We have finalized the Feasibility Study and transmitted to CalSTA. It will be available at the Board meeting. We are completing a thorough presentation for the Board meeting to present the findings of the study.

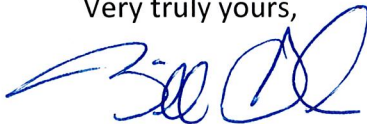
While we believe that an east-west passenger rail system would greatly enhance the transportation connectivity in Northern California, SMART remains committed to completing the north-south SMART passenger line between Cloverdale and Larkspur. The next steps in evaluating an east-west line would be to conduct a Federal environmental study in which we would include the northern SMART extensions to Healdsburg and Cloverdale so that they would be eligible for federal funding.

We would like to thank CalSTA for funding the Novato to Suisun Passenger Rail Feasibility Study and continuing to work towards an expanded transportation network throughout the State.

FISCAL IMPACT: The Novato to Suisun Passenger Rail Feasibility Study was funded by CalSTA.

REVIEWED BY: ☒ Finance  ☐ Counsel 

Very truly yours,



Bill Gamlen, P.E.
Chief Engineer