



**CALIFORNIA  
HIGH-SPEED RAIL  
AUTHORITY**

**BOARD MEETING MINUTES**

**March 1, 2012**

**Sacramento City Hall**

**915 I Street – City Council Chambers**

**Sacramento, CA**

**(APPROVED 4/12/2012)**

The public meeting of the California High-Speed Rail Authority Board was called to order on March 1, 2012 at 10:03 am at Sacramento City Hall, City Council Chambers, Sacramento, CA.

Members Present: Dan Richard, Chairman  
Lynn Schenk, Vice-Chair  
Tom Richards, Vice-Chair  
Jim Hartnett  
Bob Balgenorth  
Russell Burns  
Thomas Umberg

Members Absent: Michael Rossi

Pledge of allegiance was administered by Board Member Thomas Umberg.

Minutes prepared in the order items were presented during the meeting.

**Public Comment**

An opportunity was made for public comment. There were several people who spoke in support of the project with an emphasis on jobs, long-term benefits, and the upcoming construction. There were also a few people who spoke in opposition to the project.

**Agenda Item # 1 – Approval of Meeting Minutes**

The minutes from the February 2, 2012 meeting were given a motion to approve from Ms. Schenk. Mr. Hartnett seconded the motion. The motion passed. (6-0) 1 Abstain (Balgenorth)

**Agenda Item # 2 – Workforce Development Program**

This item was held over to the April 5<sup>th</sup> Board Meeting.

**Agenda Item # 3 – Presentation of the Terms and Conditions Applicable to the Design-Build (D-B) Construction for the Central Valley Initial Construction Section (ICS)**

Dan Richard recused himself for this item. Ms. Schenk took over proceedings. A presentation was given on the term sheet for the request for proposal (RFP) construction package number one. The approval of the Board was requested for the term sheet, the proposed stipend, and the RFP evaluation criteria. Reasons were given as to why a Design-Build procurement is a good option. The next step is to get approvals from the Public Works Board which is scheduled for March 9<sup>th</sup>. Then the RFP can be issued to the shortlist proposers. The completion of this

construction package is estimated to be the middle of 2016. Presentations were given on small business enterprise policy, right-of-way, and the engineering aspects of the project. Tom Fellenz also discussed the legal contractual conditions, the best value selection technique, stipends, and Board recommendations. Mr. Hartnett moved to adopt the resolution as submitted (HSRA 12-04). Mr. Richards seconded the motion. The motion passed. (5-0) 1 Abstain (Burns)

#### **Agenda Item # 4 – Policy on Subcontractor Identification on Design-Build (D-B) Contracts**

This item is a request for the Board to adopt a policy on subcontractor identification for Design-Build contracts. There is a language change (shown in bold) to the proposed resolution that should now read, “The following procedure is hereby adopted by the board and shall be adhered to by the prime contractor under each Design-Build contract in selecting its subcontractors **not identified in the proposal.**” Mr. Umberg moved to adopt the resolution (HSRA 12-03). Ms. Shenk seconded. Motion passed unanimously. (7-0)

#### **Agenda Item # 5 – Agreement(s) with other State and/or Local Agencies**

The proposed resolution, with language change (shown in bold), authorizes the Chief Executive Officer of his **or her** designee to undertake all that is necessary to prepare and execute one or more cooperative or interagency agreements with cities, counties, and/or State agencies up to an amount not to exceed \$5 million each for purposes of advancing the project towards construction. Mr. Richards moved to approve the resolution (HSRA 12-05). Mr. Hartnett and Ms. Shenk seconded the motion. Motion passed. (6-0)

#### **Agenda Item # 6 – Inter-Agency Agreement(s) (IAA) with Caltrans**

The proposed resolution is a request for approval to enter into an inter-agency agreement with Caltrans for legal services for right-of-way. The inter-agency agreement is for a three year period and has an estimated budget of \$7.3 million. Mr. Umberg moved to adopt the resolution (HSRA 12-07). It was seconded by Ms. Shenk. Motion passed unanimously. (7-0)

The Board then adjourned to closed session for item #14 and #15.

#### **Agenda Item # 14 – Closed Session Pertaining To Litigation**

The Board moved into closed session and returned with an announcement that there was nothing to report.

#### **Agenda Item # 15 – Closed Session related to employment of a Chief Executive Officer**

The Board moved into closed session and returned with an announcement that there was nothing to report.

#### **Agenda Item # 7 – Southern Californian Memorandum of Understanding (MOU)**

The draft Southern California MOU was given to the board members with a recommendation that modifications be made and adopted. The resolution presented requests that the Board give guidance on the direction the Authority should take to further negotiations with the Southern California Transportation agencies. The resolution also states that the Board authorizes the Chief Executive Officer, or his/her designee to continue negotiations with the Southern California transportation agencies, based on guidelines outlined in the MOU. The final objective of the resolution is for staff to return the MOU to the Board at a later meeting, before finally entering into an agreement. The Board discussions were ended with a motion that adds four additional points and language changes to the Resolution. 1) That the Board supports the development of a MOU with southern California transportation agencies to implement Proposition 1A and the California high speed rail project. 2) The Board authorizes CEO or his or her designee to continue negotiations with the southern California transportation agencies in development of the MOU. 3) That any Memorandum of Understanding be returned to the Board for approval. 4) Attachment A to the proposed materials presented with the agenda are merely illustrated and not definitive as to the projects that may or may not be funded. The amended resolution (HSRA 12-08) was motioned by Mr. Umberg and seconded by Mr. Richards. Motion passed. (6-0) (Mr. Burns was absent for this vote.)

#### **Agenda Item # 8 – Title VI Policy and Program Plan**

The resolution makes two requests from the Board. 1) Approval of the Title VI Policy for signature and public dissemination. 2) Authorization for the Authority to submit the Draft Title VI Program Plan to Federal Railroad Administration for their approval. The Board requests that language be added to amend the resolution to include an annual report by the finance and audit committee to ensure compliance. The amended resolution (HSRA 12-09) was motioned by Ms. Shenk. It was seconded by Mr. Balgenorth. Motion passed. (6-0) (Mr. Burns was absent for this vote.)

**Agenda Item # 9 – Presentation on the Revised Fresno-Bakersfield Draft Environmental Impact Report/Environmental Impact Statements**

The presentation gave an update to the Board on the status of the Revised Draft EIR/Supplemental Draft EIS for the Fresno-Bakersfield section. There is an anticipated release in the early summer of 2012. A 45-day public review and comment period will follow, as well as another round of public hearings. The revised document includes a new alignment option to the west of Hanford, referred to as the Hanford West Bypass and a Bakersfield Hybrid solution that includes both the existing Bakersfield alignments. Formal responses to comments from both the current and revised environmental documents will be incorporated into the final EIR/EIS, anticipated for release in the fall of 2012. The Record of Decision/Notice of Determination is still anticipated before the end of 2012.

**Agenda Item # 10 – Update on Partially Revised Draft Program EIR for Bay Area to Central Valley High-Speed Train**

An update was given by Mr. Freytag on the partially revised draft program EIR for bay area to central valley high-speed train. The 45-day comment period concluded on February 21, 2012. The Authority received approximately 54 comment letters and 400 comments from public agencies, organizations, and individuals. Staff will answer all comments and issue a Partially Revised Final Program EIR. At an upcoming meeting, the Board will be asked to consider a resolution de-certifying the 2010 revised Final Program EIR and rescinding its 2012 decisions, a step which is required by the final court papers that were served on the Authority on February 13, 2012.

**Agenda Item # 11 – Legislative Update**

Karen Greene-Ross provided an informational update about the important dates coming up in the legislative calendar that pertain to high-speed rail. There is a prehearing March 2, 2012 for Senate budget subcommittee two in advance of their scheduled hearing scheduled on March 13, 2012. They are aware that we will not release our revised business plan by that date. There is a prehearing on April 9<sup>th</sup>, 2012 and the actual hearing on April 18<sup>th</sup>, 2012, the same afternoon as the budget subcommittee takes up our revised business plan. There is a discussion scheduled for the prehearing assembly budget committee for Caltrans' budget. It refers to the Governor's proposal with respect to High-Speed Rail Authority and other entities involved in the BT&H agency. There should be more information on this topic by the next board meeting.

**Agenda Item # 12 – Members' Report**

There were no member reports given.

**Agenda Item # 13 – Chief Executive Officer's Report**

Mr. van Ark presented the CEO report to the Board. The first important date referenced was the RFP would be going to the Public Works Board for approval on March 9<sup>th</sup>, 2012. The new revised business plan will be presented to the Board at the next board meeting on April 5, 2012. On April 19, 2012 there will be a special board meeting held to present the partially revised draft San Francisco, San Jose, or Bay Area to Central Valley programmatic EIR. In May there will be a two-day board meeting, May 2-May3, 2012 to go into doing the notice of determination for the EIR for Merced to Fresno. The hiring of a new CEO has been initiated. Mr. Tom Fellenz will be acting in the capacity of the Chief Executive Officer in the interim.

Chairman Richard adjourned the meeting at 3:18 pm.

