

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
23	12/10/12	Open	Action	11/16/12

Subject: Approving Joint Exercise of Powers Agreement to Establish the San Joaquin Joint Powers Authority and Appointing One Member and One Alternate to the San Joaquin Joint Powers Authority Board

ISSUE

Whether to (1) Approve the Joint Exercise of Powers Agreement (JEPA) to establish the San Joaquin Joint Powers Authority (SJJPA) and (2) Appoint one member and one alternate of the RT Board to provide RT Board oversight, guidance, and updates in the establishment of the SJJPA Board by no later than December 31, 2013; and then, if established, participate as a voting member of the SJJPA.

RECOMMENDED ACTION

- A. Adopt Resolution No. 12-12-_____ Approving a Joint Exercise of Powers Agreement to Establish the San Joaquin Joint Powers Authority; and
- B. Motion: Appointing One RT Board Member and One RT Board Alternate to Establish the San Joaquin Joint Powers Authority Board

FISCAL IMPACT

No financial obligation is created against RT solely as a consequence of executing the Joint Exercise of Powers Agreement to establish the SJJPA. Future RT financial liabilities, if any, would be limited to an amount RT agrees to incur to support any specific SJJPA activities. If this scenario were to arise, the RT Board would have to first specifically ratify any funding, debt, or financial obligation associated with the SJJPA for it to be incurred.

DISCUSSION

Background on SJJPA Formation

The National Passenger Railroad Corporation, Amtrak, operates rail passenger services throughout the nation including California. In California, Amtrak in partnership with the California Department of Transportation, Division of Rail, operates intrastate rail passenger services on the Capitol Corridor, the Pacific Surfliner and the San Joaquin corridors. The “San Joaquins” operate between Sacramento/Bay Area and Bakersfield with bus connections to Los Angeles, as well as feeder bus connections throughout northern California.

The San Joaquins are presently managed by Caltrans Division of Rail with actual service provided by Amtrak under contract. There are six trains operating daily with southbound rail departures from Sacramento at 6:40 AM and 4:55 PM and connecting bus departures from Sacramento to Stockton at 7:50 AM, 10:25 AM, 1:45 PM and 6:25 PM. Via connecting bus service in Bakersfield,

Approved:

Presented:

Final 12/03/12

General Manager/CEO

Principal Planner

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the trip to Los Angeles Union Station (LAUS) takes approximately eight hours. Northbound arrivals to Sacramento are at 12:30 PM and 11:30 PM by rail and at 10:05 AM, 3:15 PM, 6:35 PM and 8:55 PM by connecting bus from Stockton.

Reflecting the potential of the market, the San Joaquins have grown in ridership to become the fifth highest passenger rail service in the United States, carrying almost one million passengers per year.

RT Board members, management, and staff, along with our transportation partners in the Central Valley, have been meeting on a regular basis for a year to discuss matters associated with the retention and improvement of the San Joaquin Rail service between Sacramento/Bay Area and Bakersfield/So. California. Presently, the San Joaquins operate four roundtrip trains between the Bay Area and Bakersfield and two roundtrip trains between Sacramento and Bakersfield daily with connecting bus services to So. California, various Central Valley communities, and other northern California communities. The level of service provided over the past 20 years has grown from the original four roundtrips per day to six roundtrips provided today.

The California High Speed Rail Authority (CHSRA) 2012 Business Plan prioritizes the Initial Operating Section-First Construction (IOS – First Construction) in the Central Valley and the extension of an Initial Operating Section (IOS) south of Bakersfield over the Tehachapi Mountains to close the passenger rail gap between Northern and Southern California as its top priorities. With the implementation of the IOS -- First Construction between Bakersfield and Merced moving forward, a stronger regional perspective, more aggressive advocacy, and better partnerships with local agencies was identified as needed to provide a stronger voice for integrating rail services in the Central Valley. Improved and more cost-effective passenger service that attracts greater ridership is also more likely to occur with a new paradigm – rather than maintaining the status quo management of the San Joaquins.

AB1779 (Galgiani), the Intercity Passenger Rail Act of 2012, was developed in concert with RT and other Central Valley partners with the goal to combine the various interested parties' efforts to protect the San Joaquin Rail Corridor services and facilities and expand the services through a single, more coordinated and responsive, and more cost-effective position.

The Intercity Passenger Rail Act of 2012 was signed into law by the Governor in September 2012. It provides the opportunity to form the SJJPA and execute an interagency transfer agreement of the San Joaquin rail services to the SJJPA by December 31, 2014. With this legislation, the State of California would continue to maintain funding to the San Joaquins in an amount to support the level of passenger service in effect at the time of the transfer to the SJJPA for not less than a three-year period following the transfer. After that three-year period, the State would continue to be responsible for funding of the operating, administrative, and marketing needs of the San Joaquins and its rail feeder bus services at a level to be determined based on funding and the coordinated and combined voice of the Central Valley and members of the SJJPA during the state budget development process.

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The SJJPA would be deemed organized when at least six of the eleven potential Member Agencies approve the JEPA and appoint Board Members and Alternates to serve on the SJJPA Board. The deadline for this to occur is no later than December 31, 2013. If the SJJPA is not organized, the opportunity ends beginning 2014. The SJJPA potential Member Agencies are:

1. Sacramento Regional Transit District (RT)
2. San Joaquin Regional Rail Commission (SJRRRC)
3. Stanislaus Council of Governments (StanCOG)
4. Merced County Association of Governments (Merced CAG)
5. Madera County Transportation Commission (Madera CTC)
6. Fresno Council of Governments (Fresno COG)
7. Kings County Association of Governments (Kings CAG)
8. Tulare County Association of Governments (Tulare CAG)
9. Kern Council of Governments (Kern COG)
10. Contra Costa Transportation Authority (Contra Costa TA)
11. Alameda County

Once organized and the JEPA has been executed by at least six Member Agencies, the identified Member Agencies not initially joining the SJJPA may do so based on their Board's decision and direction at a future date. Potentially at some later date, other agencies not initially identified as Member Agencies could also join the SJJPA by amending the JEPA with a two-thirds approval of the voting Member Agencies. Any Member Agency in the SJJPA may withdraw from the SJJPA by giving 90 days advance written notice to the SJJPA.

Characteristics of the SJJPA

The purpose of the SJJPA is to plan, develop, and implement policy to administer and manage the operations, funding, improvements, negotiations, and marketing of the San Joaquins. The SJJPA will also be responsible for coordinating with and advocating for rail improvements and operating strategies with state and federal agencies. The SJJPA will also develop procedures for and undertake the selection of a Managing Agency to run the day-to-day operations of the San Joaquins. Candidate Managing Agencies initially discussed include RT.

The SJJPA will consist of one representative (and one alternate) each for up to eleven identified agencies. The establishment of the San Joaquin Joint Powers Authority is contingent upon approval of the Joint Exercise of Powers Agreement by at least six of the eleven potential Member Agencies.

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The SJJPA shall select a chairperson and at least one vice-chairperson from the members. These terms of service shall be one year and no Member Agency may serve more than two consecutive years as chairperson of the Board.

A majority of the voting Member Agencies shall constitute a quorum for business and official acts of the SJJPA and a majority of the Member Agencies is required to approve actions not specifically identified as requiring a two-thirds affirmative vote. A two-thirds affirmative vote is required for select actions including, but not limited to, amendments to the JEPA , addition of new members to the SJJPA, and selection of a Managing Agency.

Managing Agency Duties

A to-be-selected Managing Agency will be responsible for completing and presenting to the SJJPA Board for approval select actions including, but not limited to, negotiations with the various entities related to rail operations and integration of services; annual development and implementation of the Business Plan including capital and operating budgets, maintenance of property, and risk management; grant application strategies; scheduling and fares; and negotiations with third parties.

The SJJPA will be responsible for compensating the Managing Agency and the Managing Agency contract shall not exceed five years in duration. A new Managing Agency will be selected for following procedures to be developed by the SJJPA Board for another five-year period following completion of the previous contract.

Budgeting and Capital Improvement Program

The SJJPA shall approve an administrative budget and capital improvement program by April 1 for the succeeding fiscal year and adopt a final budget no later than June 30 of each year.

Recommendation

Staff recommends approval of the JEPA to establish the SJJPA and appointment of one RT Board member as Member and one RT Board member as Alternate to the SJJPA Board.

RESOLUTION NO. 12-12-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

December 10, 2012

**APPROVING A JOINT EXERCISE OF POWERS AGREEMENT
TO ESTABLISH THE SAN JOAQUIN JOINT POWERS AUTHORITY**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Joint Exercise of Powers Agreement (Agreement) to establish the San Joaquin Joint Powers Authority between the Sacramento Regional Transit District, the San Joaquin Regional Rail Commission, the Stanislaus Council of Governments, the Merced County Association of Governments, the Madera County Transportation Commission, the Fresno Council of Governments, the Kings County Association of Governments, the Tulare County Association of Governments, the Kern Council of Governments, the Contra Costa Transportation Authority, and Alameda County, whereby the San Joaquin Joint Powers Authority is created and the rights and obligations of the San Joaquin Joint Powers Board and its member agencies are specified, is hereby approved.

THAT, the Chair is hereby authorized and directed to execute said Agreement upon satisfaction of the condition set out in Section 2.0 of the Agreement that each signatory to the Agreement shall have appointed its member to the SJJPA Board prior to executing the Agreement.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary