



**AGENDA AND NOTICE OF THE MEETING OF THE
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE**



SPECIAL MEETING

THURSDAY, SEPTEMBER 15, 2022 - 3:00 PM PACIFIC TIME*

Teleconference Meeting

Zoom Link:

<https://us06web.zoom.us/j/86118397082?pwd=Snlkek9FUWxyazkrdHdtYUs1MGVDQT09>

Youtube Link: <https://youtu.be/Xe8EkVmPmJI>

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Mayor, City of Industry
ACE City

VICE CHAIR

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Mayor, City of La Verne
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ACE City

The San Gabriel Valley Council of Governments (SGVCOG)'s Capital Project and Construction Committee consists of five (5) regional districts; Northeast, Southeast, Central, Southwest, Northwest, the County of Los Angeles and the San Gabriel Valley Council of Governments. Members of the former Alameda Corridor-East Construction Authority (ACE) Board shall maintain a seat on the Committee unless or until completion of all ACE Project(s) in their respective cities. Each member or alternate shall have one vote. A quorum is 50% of its membership. Action taken by the Committee shall be by simple majority of the members present. All disclosable public records related to this meeting are available at <https://www.sgvkog.org/capitalprojects> and viewing at the Rivergrade Road office during normal business hours.

MEETINGS: Regular meetings of the Capital Projects and Construction Committee are held on the fourth Monday of each month at 12:00 PM at the West Covina City Hall MRC Room, 3rd Floor (1444 West Garvey Avenue South, West Covina, CA 91791). The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 4900 Rivergrade Road, Suite A120, Irwindale, CA, and on the website, www.sgvkog.org. A copy of the agenda is also viewable at Alhambra City Hall, 111 S 1st St, Alhambra, CA. Copies are available via email upon request (sgv@sgvkog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Capital Projects and Construction Committee meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the meeting refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the SGVCOG during the public comment period at the beginning of the agenda, on any item(s) that is on the Consent Calendar prior to action taken on the Consent Calendar, and on any other agenda item prior to the time it is considered by the Committee. At a special meeting, the public may only comment on items that are on the agenda. Members of the public are requested to state their name prior to speaking, and comments are limited to a maximum of three minutes per person. The Committee Chair may impose additional time limits if comments become repetitious, an individual member of the public seeks to speak on numerous items, or a large number of members of the public seek to speak on an item. The Committee may not take action on items not on the agenda and is restricted in discussing items on the agenda.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 962-9292. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



AGENDA ITEMS: The Agenda contains the regular order of business of the Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar.

***MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL EMERGENCY RESULTING FROM THE THREAT OF COVID-19:** AB 361 (Rivas), signed by California Governor Gavin Newsom on September 16, 2021, authorizes local agencies to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new provisions in AB 361 and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Capital Projects and Construction Committee meeting will not be allowed. To allow for public participation, the Capital Projects and Construction Committee will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://us06web.zoom.us/j/86118397082?pwd=Snlkek9FUWxyazkrdHdtYUs1MGVDQT09>. You may also access the meeting via the livestream link on the front of the agenda page.

Instructions for Public Comments: For those wishing to make public comments on agenda and non-agenda items, but within the SGVCOG's subject matter jurisdiction, you may submit written comments via email or provide a verbal comment by participating through Zoom.

Written Comments (Email): If you wish to submit written public comments to be distributed to the committee members prior to or during the meeting, please submit these materials via email to CapitalProjects@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email "FOR PUBLIC COMMENT." Emailed public comments will be read into the record and will be part of the recorded meeting minutes. Written public comments may include, but are not limited to letters, reports, and presentations. While there is no page or word count limit for written comments, the time for reading written public comments into the record will be limited to three minutes, which is the same time allotted for verbal comments.

Verbal Comments (Zoom): Through Zoom, you may provide a verbal comment by using the web interface "Raise Hand" feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring reasonable accommodation to participate in this meeting should contact SGVCOG Management Analyst/Capital Projects and Construction Committee liaison, Charlotte Stadelmann, at least 48 hours prior to the meeting at (626) 962-9292 or at CapitalProjects@sgvcog.org.

PRELIMINARY BUSINESS

1. Pledge of Allegiance
2. Roll Call
3. Public Comment

ACTION ITEMS

1. Approval of Updated Construction, Operation, and Maintenance agreement with Union Pacific Railroad and the City of Montebello for the Montebello Boulevard Grade Separation Project (*Pages 4-5*)
Authorize the Executive Director to execute a Construction, Operation, and Maintenance Agreement with Union Pacific Railroad and the City of Montebello for the Montebello Boulevard Grade Separation Project in the not to exceed (NTE) amount of One Million One Hundred Nineteen Thousand Four Hundred and Seventy Dollars (\$1,119,470).

ANNOUNCEMENTS/MEMBER COMMENTS

CLOSED SESSION

Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(d) San Gabriel Valley Council of Governments v. DBJ 2018, LLC, et al. LASC Case No.: 22STCV03834

ADJOURNMENT

REPORT

DATE: September 15, 2022

TO: Capital Projects and Construction Committee Members & Alternates

FROM: Marisa Creter, Executive Director

RE: APPROVAL OF UPDATED CONSTRUCTION, OPERATION, AND MAINTENANCE AGREEMENT WITH UNION PACIFIC RAILROAD AND THE CITY OF MONTEBELLO FOR THE MONTEBELLO BOULEVARD GRADE SEPARATION PROJECT

RECOMMENDED ACTION

Authorize the Executive Director to execute a Construction, Operation, and Maintenance Agreement with Union Pacific Railroad and the City of Montebello for the Montebello Boulevard Grade Separation Project in the not to exceed (NTE) amount of One Million One Hundred Nineteen Thousand Four Hundred and Seventy Dollars (\$1,119,470).

BACKGROUND

In 2001, SGVCOG throughout the formal Alameda Corridor-East Construction Authority, entered into a master agreement with the Union Pacific Railroad (UPRR) for the design, construction, operation and maintenance of project underpasses. That agreement specifies general terms for designing and constructing these projects, and requires that ACE, UPRR, and any local agency having jurisdiction of the grade crossing enter into a specific Construction, Operation, and Maintenance (COM) Agreement prior to initiating construction.

On April 13, 2022, the City of Montebello Council reviewed and approved the attached COM Agreement (see Attachment 1). The agreement specifies that SGVCOG will bid, award and construct the grade separation project in accordance with the approved plans. UPRR will accept ownership of all track improvements and the deck portion of the bridge structure. The City of Montebello will accept ownership of the bridge abutments and the roadway underpass. In addition, under this agreement, the City of Montebello will accept ownership of the retaining walls located within UPRR's right of way. The agreement specifies that UPRR shall contribute a 10% contribution based on the theoretical cost of the grade separation as required under state law. The estimated Railroad contribution is \$2,488,432.87. Final plans for the Montebello Boulevard Grade Separation project have been completed and accepted by UPRR as of August 2022. This agreement is similar to the agreements utilized for the other grade separation projects constructed by ACE as underpasses, and staff is recommending approval.

CURRENT ISSUES

The Executive Director was authorized to execute a COM Agreement with UPRR for the Montebello Boulevard Grade Separation Project at the April 25, 2022 Capital Projects and

SGVCOG Capital Projects and Construction Committee
COM Agreement for the Montebello Boulevard Grade Separation Project
September 15, 2022
Page 2 of 2

Construction Committee. Section 1.02 of the COM Agreement stated that payment for the easements to be acquired would be determined when the area boundaries are finalized (see Attachment 2). Soon afterwards, the easement areas boundaries were finalized and appraised. UPRR has accepted as compensation the amount of \$1,090,238 for easements and \$29,232 for temporary construction easements to be acquired necessary for the project, for a total amount of \$1,119,470. UPRR has also reviewed and accepted the Final Plans and is ready to sign off the COM Agreement. The COM Agreement must be fully executed by all parties (i.e., Montebello, Union Pacific Rail Road, and SGVCOG) as soon as possible in order to be included as part of the Right-of-Way (ROW) Certification in the funding allocation package for the California Transportation Commission's approval. On August 18, 2022, CTC staff approved a 4-month extension request on the funding allocation package approval for December 7, 2022. The allocation package must be submitted not later than the first week of October to be considered at the December CTC meeting.

FISCAL IMPACT

The purchase of permanent and temporary easements is included in the overall right of way project costs. In addition to the effects of general construction cost and bid inflation, costs for the Montebello Grade Separation project were driven higher due to design revisions requested by UPRR that required significant changes in track plans and the railroad bridge. As of August 2022, Los Angeles County Metropolitan Transportation Authority (LA Metro) has been authorized to reach an agreement with SGVCOG for advancing local transportation sales tax measure funds sufficient to cover the costs to complete the project.

Prepared by:  _____
Rene Coronel
Senior Project Manager

Approved by:  _____
Marisa Creter
Executive Director

Attachments:

- [Attachment 1: The City of Montebello agenda package, April 13, 2022](#)
- [Attachment 2: COM Agreement for the Montebello Boulevard Grade Separation Project, dated March 11, 2020](#)
- [Attachment 3: COM Agreement \(with redlines\) for the Montebello Boulevard Grade Separation Project, dated August 20, 2022](#)
- [Attachment 4: COM Agreement \(clean\) for the Montebello Boulevard Grade Separation Project, dated August 20, 2022](#)