



**TECHNICAL ADVISORY COMMITTEE TO THE MSRC
THURSDAY, FEBRUARY 3, 2022 MEETING MINUTES
21865 Copley Drive, Diamond Bar, CA 91765**

**All participants attended the meeting remotely pursuant to
Executive Orders N-25-20 and N-29-20**

MSRC-TAC MEMBERS PRESENT:

MSRC-TAC Vice-Chair Steven Lee, representing Los Angeles County Metropolitan Transportation Authority
Denis Bilodeau, representing Orange County Board of Supervisors
Cliff Thorne (Alt), representing Orange County Transportation Authority
Jason Farin, representing Riverside County Board of Supervisors
Steve Hillman, representing City of Los Angeles
Minh Le, representing Los Angeles County Board of Supervisors
Ron Lindsay, representing San Bernardino County Board of Supervisors
Rongsheng Luo, representing Southern California Association of Governments
Sean O'Connor, representing Cities of San Bernardino County
Tim Olson, Air Pollution Control Expert
Nicole Soto, representing Regional Rideshare Agency
Ash Nikravan (Alt), representing South Coast AQMD
Derek Winters, representing California Air Resources Board
Rick Yee, representing Cities of Orange County

OTHERS PRESENT:

Ginger Koblasz, SBCTA
Eric Cowle
Mayor Michael Cacciotti, City of South Pasadena
Bill Kelly
Jack Symington, LACI
Todd Gutjahr, City of Yucaipa
Mark Abramowitz
David Thornburg, 4 Gen Logistics

SCAQMD STAFF & CONTRACTORS

Leah Alfaro, Contracts Assistant
Maria Allen, MSRC Administrative Liaison
Barbara Baird, Chief Deputy Counsel
Ray Gorski, Technical Advisor
Aaron Katzenstein, Assistant Deputy Executive Officer

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Anish Pathak, Financial Analyst
Matt MacKenzie, Contracts Assistant
Cynthia Ravenstein, MSRC Contracts Administrator
Alejandra Vega, MSRC Administrative Liaison
Lane Garcia, Program Supervisor
Yuh Jiun Tan, Program Supervisor

CALL TO ORDER

- Call to Order
MSRC-TAC Vice-Chair Steven Lee called the meeting to order at 1:34 p.m.

CONSENT CALENDAR

Information Only – Receive and File

Agenda Item #1 – MSRC Contracts Administrator’s Report

The Contracts Administrator’s Report for January 6, 2022 through January 26, 2022 was included in the agenda package.

ON MOTION BY MSRC-TAC MEMBER DENIS BILODEAU AND SECONDED BY MSRC-TAC MEMBER MINH LE, UNDER APPROVAL OF CONSENT CALENDAR ITEMS #1 – #2, THE MSRC-TAC UNANIMOUSLY VOTED TO RECEIVE AND FILE THE MSRC CONTRACTS ADMINISTRATOR’S REPORT LISTED ABOVE.

ACTION: The Contracts Administrator’s Report will be included on the MSRC’s next agenda to be considered for receipt and filing by the MSRC.

Agenda Item #2 – Financial Report on AB 2766 Discretionary Fund

The Financial Report on the AB 2766 Discretionary Fund for December 2021 was included in the agenda package.

ON MOTION BY MSRC-TAC MEMBER DENIS BILODEAU AND SECONDED BY MSRC-TAC MEMBER MINH LE, UNDER APPROVAL OF CONSENT CALENDAR ITEMS #1 – #2, THE MSRC-TAC UNANIMOUSLY VOTED TO RECEIVE AND FILE THE FINANCIAL REPORT FOR THE MONTH OF DECEMBER 2021.

ACTION: No further action is required.

ACTION CALENDAR

Agenda Item #3 – Consider Twelve-Month Term Extension by Riverside County Transportation Commission (RCTC), Contract #MS14059 (\$1,250,000 – Implement Various Signal Synchronization Projects)

Cynthia Ravenstein, MSRC Contracts Administrator, explained that the Scope Changes Subcommittee considered this request from RCTC regarding Contract number MS14059, for a 12-month term extension, and they recommend approval.

ON MOTION BY MSRC-TAC MEMBER DENIS BILODEAU AND SECONDED BY MSRC-TAC MEMBER MINH LE, THE MSRC-TAC

UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR RIVERSIDE COUNTY TRANSPORTATION, CONTRACT #MS14059, A 12-MONTH TERM EXTENSION

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item#4 – Consider Two-Year Term Extension by San Bernardino County Transportation Authority (SBCTA), Contract #MS14072 (\$1,250,000 – Implement Various Signal Synchronization Projects)

Cynthia Ravenstein, MSRC Contracts Administrator, explained that the Subcommittee recommends approval of this request from SBCTA for a two-year term extension, but they would also require a check-in at the one-year point for SBCTA to show that the project is moving forward.

ON MOTION BY MSRC-TAC MEMBER TIM OLSON AND SECONDED BY MSRC-TAC MEMBER LE, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, CONTRACT #MS14072, A TWO-YEAR TERM EXTENSION, CONTINGENT UPON DEMONSTRATION OF PROGRESS AT THE ONE-YEAR POINT.

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item #5– Consider 18-Month Term Extension by Cathedral City, Contract #ML16006 (\$25,000 – Conduct Bicycle-Related Outreach)

Sean O’Connor was unable to vote for this item due to technical difficulties

Cynthia Ravenstein, MSRC Contracts Administrator, explained that the City of Cathedral City has requested an 18-month extension to complete conducting community-related events. The Subcommittee is instead recommending a 12-month term extension. The City’s projected completion is only a couple of months after the current termination date. The Subcommittee felt that 12 months would allow adequate time for reasonable slippage if some things did come up that really required additional time, rather than tie up the funds for 18 months.

ON MOTION BY MSRC-TAC MEMBER TIM OLSON AND SECONDED BY MSRC-TAC MEMBER JASIN FARIN, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR THE CITY OF CATHEDRAL CITY, CONTRACT #ML16006, A 12-MONTH TERM EXTENSION

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item #6 – Consider Three-Year Term Extension by City of Yucaipa, Contract #ML18129 (\$63,097 – Install EV Charging Infrastructure)

Sean O'Connor was unable to vote for this item due to technical difficulties

Cynthia Ravenstein, MSRC Contracts Administrator, explained that the City of Yucaipa is requesting a three-year term extension for the installation of charging stations. They indicated that they have resolved their staffing issues and they're looking into some other funding to help them complete the charging stations. The Subcommittee is recommending approval of the extension request, but with a contingency that the City will have to submit reports demonstrating that they are keeping with the timeline that they laid out in their letter.

MSRC-TAC Member Minh Le stated he wanted to clarify that when he initially saw three years' extension, he thought it doesn't take three years to build charging stations. It turns out, it's really about one year, and the extension is really about monitoring the use of those charging stations for the following year. Based on that he would grant the extension with the caveat that City reports back in accordance with the milestones that they laid out in their letter.

ON MOTION BY MSRC-TAC MEMBER MINH LE AND SECONDED BY MSRC-TAC MEMBER TIM OLSON, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR THE CITY OF YUCAIPA, CONTRACT #ML18129, A 3-YEAR TERM EXTENSION

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item #7 – Consider Reduced Inland Empire Operational Requirement by 4 Gen Logistics, LLC, Contract #MS21013 (proposed) (\$7,000,000 – Deploy 40 Zero Emission Trucks)

Cynthia Ravenstein, MSRC Contracts Administrator, explained that the Scope Changes Subcommittee considered this request from 4 Gen Logistics to reduce the required percentage of vehicle trips serving Inland Empire facilities from 100% to 80%, and they recommend approval.

ON MOTION BY MSRC-TAC MEMBER DENIS BILODEAU AND SECONDED BY MSRC-TAC MEMBER MINH LE, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR 4 GEN LOGISTICS, LLC, CONTRACT #MS21013, A CONTRACT MODIFICATION REDUCING THE REQUIRED PERCENTAGE OF VEHICLE TRIPS SERVING INLAND EMPIRE FACILITIES FROM 100% TO 80%, AND MODIFYING THE REIMBURSEMENT FOR NONCOMPLIANCE PROVISION TO BE PROPORTIONAL TO THE PERCENTAGE OF TRIPS THAT 4 GEN FALLS SHORT, IF ANY

ACTION: MSRC staff will include this Contract modification on the next MSRC agenda for approval.

Agenda Item #8 – Rescind MSRC Policies Titled “Contract Modifications, Scope Changes, Extensions and Cost Reallocations” and “Policies on Contracts Administrator Responsibilities for Scope Changes” and Adopt Policy Titled “Contract Modifications”

Cynthia Ravenstein, MSRC Contracts Administrator, explained that this item has to do with looking at potential changes to the MSRC policy as it relates to extensions. The MSRC has provided direction to look at ways that it might be possible to reduce the number and length of contract term extensions that are being brought to them for consideration. If the projects aren't moving forward, that's tying up funding that could instead be made available for other projects, things that are going to achieve near term emission reductions or might catalyze bigger changes. The Scope Changes Subcommittee took a look at the existing policies that the MSRC has with respect to extension requests and found there are a few different policies.

The most relevant current policy focuses on contract modifications, scope changes, extensions and cost reallocations. It states that extension requests are going to be considered on a case-by-case basis. There's no overarching rubric on an extension being too long or requesting too many extensions. The MSRC policies state that there's going to be a consideration of the reason behind the request. If it's due to problems with delivery, or manufacturing of equipment or vehicles and circumstances beyond the control of the contractor, that's considered somewhat differently than if it's problems or delays caused by internal management or administration, or if somebody is just looking to use the unexpended balance on a contract. Those are deemed for the contractors convenience, and theoretically, would be viewed a little bit differently. The MSRC could ask for some kind of consideration in granting those kinds of extensions. This has not happened often.

The Subcommittee looked at that existing policy and they also deliberated a lot of different ways that the MSRC might refine or expand on that policy. They acknowledged there's a need to retain some flexibility. There are a lot of different situations that can occur. The Subcommittee is recommending that the Contracts Administrator have greater authority, both to approve and disapprove extension requests. Currently, the Contracts Administrator has the authority to approve extension requests up to one year. They're recommending that the Contracts Administrator to have the authority to approve extension requests up to 18 months. The Subcommittee is also recommending that the Contracts Administrator have the authority to deny extension requests. The MSRC has reserved that right to themselves to decide if they don't want something to be extended. This would be a change, but it could potentially reduce the number of extensions. It wouldn't necessarily be the final word. If the contractor really felt that they had a good case, and the Contracts Administrator had already denied their request, the request could be brought forth to the committee for consideration.

Because there were a couple of different policies that talked about the Contracts Administrator's authority, the Subcommittee recommends to rescind those and put everything together into a new policy. The last page of the staff report lays out exactly what the changes would be over the existing policy. In summary, to increase the Contract Administrator's authority to approve extension requests from one year to 18 months - anything beyond the first 18 months would have to have MSRC approval; to allow the Contracts Administrator to deny a request; the contractor would be responsible for ensuring that they get the request in soon enough that if it is denied there would still be time that they could go to the committee; revisions related to other ways that

a request can be submitted; and updating the deadlines to reflect the fact that the MSRC-TAC meets on the first Thursday of the month.

MSRC-TAC Member Minh Le stated that he served on the Subcommittee and expressed that they wanted the Contracts Administrator to have the authority, flexibility, but also the responsibility to push back against random contract extensions and modifications and to use that responsibly to achieve the overall outcome of the entire program. Recognizing also that it is a political process sometimes and entities might want run around a staff recommendation. That's why they are proposing that the Contracts Administrator have more flexibility, but also responsibility to manage these contracts appropriately.

MSRC-TAC Vice-Chair Steven Lee asked if the Administrator will receive these extensions or contract modifications and then the Subcommittee will review it before the Administrator makes a decision?

Cynthia Ravenstein answered Mr. Lee by stating that the Contracts Administrator would have the authority without the Subcommittee review.

MSRC-TAC Member Ashkaan Nikravan asked if the MSRC contracts have quarterly, semi-annual or annual progress reports that they need to submit with their projects? From the Contract Administrator's perspective as long as they're providing justifiable documentation over those quarterly reports, then giving this authority would be quite justifiable in his opinion, if it's for 18 months. If there's no progress, then there'd be reason to say we need more justification.

Ms. Ravenstein stated that in most cases the MSRC does require quarterly reports.

MSRC-TAC Member Alternate Cliff Thorne stated that as long as the requester is able to request to go to MSRC if they're denied, it seems that it would be pretty low risk.

ON MOTION BY MSRC-TAC MEMBER ALTERNATE CLIFF THORNE AND SECONDED BY MSRC-TAC MEMBER MINH LE, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO RESCIND THE MSRC POLICIES TITLED "CONTRACT MODIFICATIONS, SCOPE CHANGES, EXTENSIONS AND COST REALLOCATIONS" AND "POLICIES ON CONTRACTS ADMINISTRATOR RESPONSIBILITIES FOR SCOPE CHANGES" AND ADOPT THE POLICY TITLED "CONTRACT MODIFICATIONS"

ACTION: MSRC staff will include this policy modification on the next MSRC agenda for approval.

FYs 2021-24 WORK PROGRAM

Agenda Item #9 – Update on the FYs 2021-24 Work Program Development Process and Consider Potential Partnership to Pursue State and Federal Funding

Sean O'Connor was unable to vote for this item due to technical difficulties

Ray Gorski, MSRC Technical Advisor, updated the MSRC-TAC on the Work Program development progress and provided Subcommittee reports. There are two MSRC-TAC Work

Program Development subcommittees, the Innovative Transportation Subcommittee chaired by MSRC-TAC Member Minh Le and the Goods Movement Subcommittee chaired by MSRC-TAC member Tim Olson. The Subcommittees are requesting the MSRC-TAC to recommend that the MSRC: authorize the development of a Major Event Center Transportation Programs Request for Proposals and to recommend to the MSRC that we formally pursue additional funding from State and Federal agencies to augment the MSRC's 2021-24 Work Program.

The Innovative Transportation Subcommittee is looking at several potential program categories which involve the movement of people as opposed to the movement of goods. While they may still bring other ideas forward, at this time they recommend the development of a formal solicitation document for the Major Event Center Transportation Program. This MSRC investment, which has spanned more than 10 years, would be providing transit-oriented access to major event venues within the four-county region. This would be the final MSRC funding offer for major event center transportation. The primary objective is to transition event center transportation providers to ongoing sustainable operations beyond the MSRC funding period. The MSRC is seeking to partner with transportation providers and venues to identify pathways to secure ongoing sponsorships or funding, which would allow continuation of the transportation. The Subcommittee went through their initial deliberations where they identified several pathways that are common and intuitive, such as sponsorships, advertising, sales tax surcharge through the County Transportation Commission as a half-cent sales tax, and/or a surcharge on individual ticket price. Also, most of the services that had been offered to date have been at no cost. It's possible that there could be a reasonable charge for utilizing event center transportation that would help pay its way. The transportation providers themselves may have other ideas and revenue generation mechanisms that they could bring to the table.

The MSRC would fund an additional maximum of two event seasons. The goal is to wean the transportation providers off of these subsidies incrementally over a two-year period, with reductions in MSRC co-funding. There would be an obligation to continue event center transportation for a minimum of two additional event seasons beyond the MSRC funding period; this would be for a total of up to four years. We believe that many of the requirements, conditions and restrictions that were already in place for the most recent MSRC Event Center Program, could be just carried over to the new program. Past performance is being considered as part of the proposed evaluation criteria for this RFP. The Subcommittee believes that credit should be given for entities which have participated with the MSRC program in the past and have successfully performed their event center service, because this shows not only a commitment, but substantially reduces the risk to the MSRC that the event center transportation program is in fact feasible. The next criterion would be a service continuation or sustainability plan showing how they would generate the necessary revenue to make the service sustainable beyond the MSRC funding. The last criterion would be cost effectiveness. The MSRC is obligated to fund projects which result in quantifiable air pollution reductions and to do so in a cost-effective manner. The RFP would be developed over the next month and brought back to MSRC-TAC for review and consideration of moving that RFP to the MSRC. We are seeking a green light from the committee to move this recommendation to the MSRC to put the effort into developing a formal RFP.

The Goods Movement Subcommittee has made substantial progress as there are multiple concepts which are currently under development. However, the formal recommendation coming from the Goods Movement Subcommittee is to have the MSRC pursue additional

funding from both State and Federal agencies for the purpose of leveraging the available MSRC goods movement investments. The MSRC Goods Movement Program has been directly in alignment with the stated goals of both the Air Resources Board and California Energy Commission as they pertain to goods movement and investment into not only vehicles but also infrastructure, which allows zero emission goods movement to become a reality. The MSRC also has elected members who will provide oversight as well as an administrative structure that is already in place which makes it well positioned to help the state and federal agencies invest their money into programs of mutual benefit. The MSRC should be very attractive to these agencies, because MSRC offers a hard cash match. This would allow an agency to more than double their own agency's leverage. MSRC projects would also be making co-funding investments, both cash and in kind, that would further leverage the agency's investment. This is a win-win in that it would help the agencies leverage their funds, but that money would be deployed within the South Coast AQMD, so the air quality benefits would be accrued by the MSRC within the South Coast AQMD. The funding source should be comparable with the level of MSRC investment which is offered and also fall within the MSRC staff's capacity to perform. We will try to match a reasonable level of MSRC investment against a reasonable level of state investment. The South Coast AQMD within this process is an essential partner as the MSRC itself is not a legal entity. Any funding that the MSRC would get from another agency would need to come through the South Coast AQMD and be put into the MSRC's Discretionary Fund. This has been successfully demonstrated in the past. The Subcommittee recommended actions are to approve and seek authorization of the MSRC to formally pursue additional funding. This could be in block grants or any other form from state and federal agencies.

Vice-Chair Steven Lee asked if the Major Event Center Transportation Program goes to the MSRC Board, when would the RFP be out? What timeline do we anticipate?

Mr. Gorski stated there are two open issues, the amount of the RFP and the timeline. The amount is at the final discretion of the MSRC. The Subcommittee is currently deliberating between \$2 to \$3 million though that could change as the RFP goes through its development. If we can move this item to the MSRC this month then bring it back in March, we could potentially have this go to the South Coast AQMD Governing Board as soon as April and that would be when it would be released. The first Friday of April is the anticipated timeline and expectation for having this on the street and available for project proponents to submit their applications.

Mr. Lee asked for any input from the TAC Members present and not part of a subcommittee to make any comments or suggestions regarding to any type of Innovative Transportation Projects. Mr. Lee also asked for members to provide any type of comments or any ideas for funding innovative programs by email.

Chief Deputy Counsel Barbara Baird reminded the TAC members to send emails to a central location. The Subcommittee chair would be acceptable.

Public Comment:

South Coast AQMD board member for Eastern LA County, Mayor Michael Cacciotti,

wanted to testify that he's ready to go forward with a very innovative program, a whole law enforcement department ready to convert to electric vehicles. Mayor Cacciotti asked if some of the funding could go towards a program like he mentioned or if it's all going to go to Major Events Center funding?

MSRC-TAC Member Minh Le answered Mr. Cacciotti by explaining that the Innovative Transportation Subcommittee is still discussing a lot of ideas and proposals. Mr. Gorski presented the Major Events Center Program because the Subcommittee wanted to start moving on it and because it's a continuation of a program that's been running for a decade. There is an opportunity to fund projects that will have catalytic effects in moving industries, and that's really where a lot of their discussion has been around.

Mr. Lee asked how a member of the public could get more information on any type of MSRC projects?

Mr. Gorski answered stating it's best to work through the MSRC staff, that way, we can serve as the collection and dissemination point.

ON MOTION BY MSRC-TAC MEMBER TIM OLSON AND SECONDED BY MSRC-TAC MEMBER RONGSHENG LUO, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE THE PURSUIT OF POTENTIAL STATE AND FEDERAL FUNDING PARTNERSHIPS AND THE DEVELOPMENT OF A MAJOR EVENT CENTER RFP

ACTION: MSRC staff will include this proposal on the next MSRC agenda for approval.

OTHER BUSINESS

MSRC-TAC Member Rick Yee stated that Yuritzy Randle from the County of Orange will be replacing him as he will be stepping down. Also, Raphael Cobian, from the City of Anaheim, will be serving as the alternate for the Cities of Orange County.

MSRC-TAC Member Minh Le stated that his team is pulling together the finishing touches of a \$25 million grant application to the Department of Commerce's Economic Development Administration. Their program is called the Southern California Green Careers Accelerator and one of the pillars of the program is to support workforce development, especially with an equity lens in this space. Mr. Le stated if any agency is interested in helping, they can write a letter of support to add to their grant application. They're going to help train 1,600 people to enter green careers over the three-year program of this grant.

Mr. Lee asked if TAC members have the option to continue to conduct these meetings virtually in the future.

Ms. Ravenstein stated that it's still to be determined. There had been waivers of certain legal provisions to allow the meetings to happen in this way. Some of the MSRC members were interested in seeing that kind of change occur on a more permanent basis. We will have to coordinate with legal to see if there's anything on the horizon in terms of it changing. In the past, we were able to do video conferencing and we will still be able to do that.

Barbara Baird, Chief Deputy Counsel, stated that this is the amendment to the Brown Act for local government agencies, which allows virtual meetings without having members be in a place where the public is accessible, and that it must be renewed every 30 days. It is based on a finding that the public health authorities are still recommending social distancing as a means of health protection. If that should ever not be the case we could go back to video conferencing. However, that type of video conferencing requires the members of the committee to be participating from a place where the public can participate and requires public noticing of those locations.

PUBLIC COMMENTS:

No public comment

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, THE MSRC-TAC MEETING
ADJOURNED AT 2:45 P.M.

NEXT MEETING: Next meeting: Thursday, March 3, 2022, 1:30 p.m.

(Minutes prepared by Maria M. Allen)