

BILLS: AB 2011 (Holden, D-Pasadena)
Introduced January 28, 2020

SB 1390 (Portantino, D-Glendale)
Introduced February 21, 2020

SUBJECT: AB 2011 and SB 1390 would create a new construction authority for the purposes of extending the Metro Gold Line light rail from the City of Montclair to the Ontario International Airport.

STATUS: AB 2011 is pending in the Assembly Transportation Committee
SB 1390 is pending in the Senate Transportation Committee

SUMMARY AS OF MARCH 31, 2020:

AB 2011 (Holden, D-Pasadena) and SB 1390 (Portantino, D-Glendale) would create a new construction authority for the purposes of extending the Metro Gold Line light rail from the City of Montclair to the Ontario International Airport. In both AB 2011 and SB 1390, the board would be made up of seven voting members. One member would be appointed from each of the following cities: Montclair, Ontario, Rancho Cucamonga, and Upland. One member would be appointed from each of the following agencies: Los Angeles County Metropolitan Transportation Authority (LA Metro), Ontario International Airport Authority (OIAA), and the San Bernardino County Transportation Authority (SBCTA). Additionally, there would be one nonvoting member to be appointed by the Governor.

AB 2011 and SB 1390 both establish a new authority with all of the powers necessary to complete the project. Although both bills are seeking the same outcome, SB 1390 goes further in establishing the financial parameters of a future project. A primary component in SB 1390, which is currently not included in AB 2011, is that SBCTA shall transfer the unencumbered balance of all local funds, the unencumbered balance of all funds that have been identified by Measure I, and an additional unidentified source to this new authority for completion of the project. For context, Measure I is SBCTA's local sales tax measure that funds transportation improvement projects and programs. SB 1390 would also make the new authority eligible for state and federal funds, including any unencumbered funds from two unidentified sources SBCTA programmed for the completion of the project.

Key differences in AB 2011 and SB 1390 are also found in the operations and responsibility upon completion of the project. AB 2011 states SBCTA as the agency to assume operations and responsibility for this extension component of the project whereas SB 1390 lists LA Metro as the operator and requires SBCTA to reimburse LA Metro for operating costs.

EFFECTS ON ORANGE COUNTY:

The Metro Gold Line Foothill Extension Construction Authority (Construction Authority) was established under SB 1847 (Chapter 1021, Statutes of 1998), to complete the Metro Gold Line from Los Angeles to Pasadena, with direction to construct a fixed mass transit guideway eastward to Claremont. AB 1600 (Chapter 189, Statutes of 2012) expanded upon this authority to extend the terminus of the Metro Gold Line from Claremont to Montclair in San Bernardino County. AB 1600 acknowledged SBCTA as the regional transportation planning agency in San Bernardino County, and thus designated SBCTA as a non-voting member of the Construction Authority board. Several efforts to expand this authority have been introduced over the years, including AB 2417 (Rodriguez, D-Pomona) in 2018, which sought to add a voting member from the City of Montclair to the Construction Authority. The Orange County Transportation Authority (OCTA), alongside other stakeholders including SBCTA, opposed this effort unless it was amended to upgrade SBCTA's membership on this board to be a voting member from its current ex-officio status.

While OCTA recognizes the regional significance in establishing rail access to the Ontario International Airport, it is also understood that SBCTA has been evaluating this project's potential for more than six years through a deliberate and methodical process. To that end, the SBCTA Board recently approved an alternative analysis to be done in order to find the most efficient way of bringing rail access to the airport. The assessment will include evaluating options such as:

- The Metro light-rail via the Montclair Transcenter;
- Metrolink zero-emission multiple unit service on the San Bernardino Line via the Rancho Cucamonga station area;
- Service from the Los Angeles Union Station via the Alhambra Subdivision which runs immediately north of the Ontario International Airport; and,
- A private partnership for emerging technology that could ultimately connect the Metrolink San Bernardino Line and Riverside Line with the airport.

SBCTA has worked with both authors to communicate its continued commitment for the airport connection, noting the economic value it would bring to the region. At SBCTA's March 4, 2020, Board Meeting, they invited Assembly Member Holden (D-Pasadena) and Senator Portantino (D-Glendale) to discuss their bill proposals to which the legislators both reaffirmed their willingness to collaborate, but commitment to move the bills forward if they do not see progress on a project. SBCTA agreed to create an ad hoc committee to discuss how to move forward while evaluating the aforementioned alternatives to the light rail connection.

AB 2011 and SB 1390 set a concerning precedent of allowing the state and certain jurisdictions to dictate local planning strategies. OCTA believes creating this new authority is duplicative of SBCTA's designated responsibilities and is an effort to bypass a locally governed transportation agency. Furthermore, AB 2011 and SB 1390 would be inconsistent of SBCTA's with voter-approved transportation sales tax measures, such as

Measure I in San Bernardino County. The taxpayers, especially those in self-help counties like Orange and San Bernardino, providing funding for transportation projects deserve to be assured that these dollars are being used in a manner that is consistent with the transportation sales tax plan.

Stakeholders taking an oppose position on the bill include SBCTA, Metrolink, Mobility 21, and the Riverside County Transportation Commission. An oppose position is consistent with OCTA's 2019-20 State Legislative Platform principle to "oppose efforts to reduce local prerogative over regional program funds."

OCTA POSITION:

Staff recommends: OPPOSE

ASSEMBLY BILL

No. 2011

**Introduced by Assembly Member Holden
(Principal coauthor: Assembly Member Rodriguez)**

January 28, 2020

An act to add Chapter 6.5 (commencing with Section 132500) to Division 12.7 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2011, as introduced, Holden. West San Bernardino County Rail Construction Authority.

Existing law creates the Metro Gold Line Foothill Extension Construction Authority for the purpose of awarding and overseeing all design and construction contracts for completion of the Los Angeles-Pasadena Foothill Extension Gold Line light rail project extending from Union Station in the City of Los Angeles to Sierra Madre Villa Boulevard in the City of Pasadena and any mass transit guideway that may be planned east of Sierra Madre Villa Boulevard along the rail right-of-way extending to the City of Montclair.

This bill would create the West San Bernardino County Rail Construction Authority for purposes of awarding and overseeing all design and construction contracts for completion of an extension of the Metro Gold Line light rail project from the City of Montclair to the Ontario International Airport. The bill would prescribe the powers and duties of the construction authority.

The bill would require the construction authority to be governed by a board consisting of 7 voting members and one nonvoting member. The city councils of the Cities of Montclair, Ontario, Rancho Cucamonga, and Upland would each appoint one member to the

governing board and the Los Angeles County Metropolitan Transportation Authority (LACMTA), the Ontario International Airport Authority (OIAA), and the San Bernardino County Transportation Authority (SBCTA) would each appoint one member. The nonvoting member would be appointed by the Governor.

The bill would require the construction authority and the SBCTA to enter into an agreement for the construction authority to hold in trust all real property interests held by the SBCTA that are necessary for the planning, design, and construction of the project at no cost to the construction authority.

The bill would require the construction authority to enter into a memorandum of understanding with the SBCTA that specifically authorizes the SBCTA to review any significant changes in the scope of the design or construction, or both design and construction, of the project, as specified. The bill would require the construction authority to coordinate its work in the City of Montclair with the Metro Gold Line Foothill Extension Construction Authority, as specified, and would require the construction authority to coordinate its work in the City of Ontario with the OIAA.

The bill would prohibit the construction authority from encumbering the project with any obligation that is transferable to LACMTA or the SBCTA upon completion of the design and construction of the project without the consent of those entities, except the bill would require the SBCTA to assume responsibility for operating all completed phases of the project. The bill would require the construction authority to be dissolved upon completion of the project.

This bill would create a state-mandated local program by imposing these duties on local government entities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 132500) is added to Division 12.7 of the Public Utilities Code, to read:

CHAPTER 6.5. WEST SAN BERNARDINO COUNTY RAIL
CONSTRUCTION AUTHORITY

132500. For purposes of this chapter, the following definitions apply:

(a) "Authority" means the West San Bernardino County Rail Construction Authority created by this chapter.

(b) "Board" means the governing board of the authority.

(c) "Extension cities" means the Cities of Montclair, Ontario, Rancho Cucamonga, and Upland.

(d) "Foothill Gold Line Construction Authority" means the Metro Gold Line Foothill Extension Construction Authority created pursuant to Section 132405.

(e) "LACMTA" means the Los Angeles County Metropolitan Transportation Authority.

(f) "OIAA" means the Ontario International Airport Authority.

(g) "Project" means the extension of rail access to the Ontario International Airport.

(h) "SBCTA" means the San Bernardino County Transportation Authority.

132505. The authority is hereby created for purposes of awarding and overseeing all design and construction contracts for completion of the project.

132510. (a) The authority has all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and building the project, including, but not limited to, all of the following:

(1) Acceptance of grants, fees, allocations, and transfers of funds from federal, state, and local agencies, as well as private entities.

(2) Acquiring, through purchase or through eminent domain proceedings, any property necessary for, incidental to, or convenient for, the exercise of the powers of the authority.

(3) Incurring indebtedness, secured by pledges of revenue available for project completion.

1 (4) Contracting with public and private entities for services
2 related to the planning, design, and construction of the project.
3 These contracts may be assigned separately or may be combined
4 to include any or all tasks necessary for completion of the project.

5 (5) Entering into cooperative or joint development agreements
6 with local governments or private entities. These agreements may
7 be entered into for any project-related purpose, including, but not
8 limited to, the purpose of sharing costs, selling or leasing land, air,
9 or development rights, the transferring of passengers, making
10 pooling arrangements, or for any other purpose that is necessary
11 for, incidental to, or convenient for the full exercise of the powers
12 granted the authority. For purposes of this paragraph, “joint
13 development” includes, but is not limited to, an agreement with
14 any person, firm, corporation, association, or organization for the
15 operation of facilities or development of projects adjacent to, or
16 physically or functionally related to, the project.

17 (6) Relocation of utilities, as necessary for completion of the
18 project.

19 (b) The duties of the authority include, but are not limited to,
20 all of the following:

21 (1) Conducting the financial studies and the planning and
22 engineering necessary for completion of the project.

23 (2) Adoption of an administrative code, not later than 60 days
24 after establishment of the authority, for administration of the
25 authority in accordance with any applicable laws, including, but
26 not limited to, the Ralph M. Brown Act (Chapter 9 (commencing
27 with Section 54950) of Part 1 of Division 2 of Title 5 of the
28 Government Code), this chapter, laws generally applicable to local
29 agency procurements and contracts, and the Political Reform Act
30 of 1974 (Title 9 (commencing with Section 81000) of the
31 Government Code).

32 (c) Board members and alternate members shall not be
33 considered financially interested for purposes of Section 1090 of
34 the Government Code solely by virtue of their holding office with
35 the authority and, concurrently, holding office with an entity set
36 forth in subdivision (a) of Section 132515, an extension city, or
37 both that entity and city, and they may participate in decisions and
38 agreements regarding the authority, any of the entities set forth in
39 subdivision (a) of Section 132515, and any of the extension cities.

40 The participation described in this clause shall not constitute a

1 conflict of interest for purposes of Section 1090 of the Government
2 Code, or an incompatible employment, activity, or enterprise for
3 purposes of Section 1126 of the Government Code.

4 132515. (a) The authority shall be governed by a board
5 consisting of seven voting members and one nonvoting member
6 who shall be appointed as follows:

7 (1) Four members shall be appointed by the city councils of the
8 Cities of Montclair, Ontario, Rancho Cucamonga, and Upland,
9 with each city council appointing one member by a majority vote
10 of the membership of that city council.

11 (2) One member shall be appointed by the OIAA.

12 (3) One member shall be appointed by the SBCTA.

13 (4) One member shall be appointed by the LACMTA.

14 (5) One nonvoting member shall be appointed by the Governor.

15 (b) All members shall serve a term of not more than four years,
16 with no limit on the number of terms that may be served by any
17 person.

18 (c) Each appointing authority shall also appoint an alternate
19 member to serve in a member's absence. If the position of a voting
20 member becomes vacant, the alternate member shall serve until
21 the position is filled as required pursuant to subdivision (a).

22 (d) Four members of the board shall constitute a quorum.

23 (e) The board shall elect a chairperson and vice chairperson
24 from among the membership of the board.

25 (f) Each member of the board may be compensated at a rate of
26 not more than one hundred fifty dollars (\$150) per day spent
27 attending to the business of the authority. Compensation, if paid,
28 shall not exceed six hundred dollars (\$600) per month, plus
29 expenses directly related to the performance of duties imposed by
30 the authority, including, but not limited to, travel and personal
31 expenses.

32 (g) Members appointed to the board may include members of
33 the entities set forth in subdivision (a), and members of the city
34 councils or other elected officials of the extension cities, or both.
35 The simultaneous membership described in this subdivision shall
36 not constitute a violation of Section 1099 of the Government Code.

37 132520. (a) The board may appoint an executive director to
38 serve at the pleasure of the authority.

39 (b) The executive director is exempt from all civil service
40 provisions and shall be paid a salary established by the board.

1 (c) The executive director may appoint staff or retain consultants
2 as necessary to carry out the duties of the authority.

3 (d) All contracts approved and awarded by the board of the
4 construction authority shall be awarded in accordance with state
5 laws generally applicable to local agency procurements and
6 contracts, subject to the provisions of this chapter. Awards shall
7 be based on price or competitive negotiation, or on both of those
8 things.

9 132525. The authority and the SBCTA shall expeditiously
10 enter into an agreement for the authority to hold in trust all real
11 property interests held by the SBCTA that are necessary for the
12 planning, design, and construction of the project at no cost to the
13 authority.

14 132530. (a) The authority shall design the project in
15 accordance with the SBCTA design criteria and standards.

16 (b) The authority shall enter into a memorandum of
17 understanding with the SBCTA that shall specifically authorize
18 the SBCTA to review any significant changes in the scope of the
19 design or construction, or both design and construction, of the
20 project. For purposes of this subdivision, the term "significant
21 change" means any change of mode or technology, or any other
22 substantive change that affects the connectivity and operation of
23 the project as part of the overall transit system operated by SBCTA,
24 or any combination of those things. Design and construction of a
25 light rail project that is consistent with the current scope of the
26 project shall not be deemed to be a significant change in the scope
27 of the project and shall not require concurrence by SBCTA.

28 (c) The authority shall coordinate its work in the City of
29 Montclair with the Foothill Gold Line Construction Authority and
30 shall not modify any portion of the Metro Gold Line light rail
31 project that has been or is being designed or constructed, or both,
32 by the Foothill Gold Line Construction Authority without the
33 approval of the Foothill Gold Line Construction Authority, unless
34 the Foothill Gold Line Construction Authority no longer exists.

35 (d) The authority shall coordinate its work in the City of Ontario
36 with the OIAA.

37 132535. The authority shall not encumber any future farebox
38 revenue anticipated from the operation of the project.

39 132540. Except as provided in this chapter, the authority shall
40 not encumber the project with any obligation that is transferable

1 to LACMTA or the SBCTA upon completion of the design and
2 construction of the project without the consent of LACMTA or
3 the SBCTA, respectively. The design and construction to be
4 administered by the authority does not include rolling stock, which
5 is a component of the operation of the project and shall be
6 administered by the SBCTA. This section does not apply to any
7 joint development agreements, as authorized by paragraph (5) of
8 subdivision (a) of Section 132510, that may be used to contribute
9 to the financing of project design and construction.

10 132545. (a) The SBCTA shall assume responsibility for
11 operating all completed phases of the project.

12 (b) The authority shall be dissolved when project construction
13 has been completed.

14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

Introduced by Senator Portantino

February 21, 2020

An act to add Chapter 6.5 (commencing with Section 132500) to Division 12.7 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1390, as introduced, Portantino. Montclair to Ontario Airport Construction Authority.

Existing law creates the Metro Gold Line Foothill Extension Construction Authority for the purpose of awarding and overseeing all design and construction contracts for completion of the Los Angeles-Pasadena Foothill Extension Gold Line light rail project extending from Union Station in the City of Los Angeles to Sierra Madre Villa Boulevard in the City of Pasadena and any mass transit guideway that may be planned east of Sierra Madre Villa Boulevard along the rail right-of-way extending to the City of Montclair.

This bill would create the Montclair to Ontario Airport Construction Authority for purposes of awarding and overseeing all design and construction contracts for completion of an extension of the Metro Gold Line light rail project from the City of Montclair to the Ontario International Airport. The bill would prescribe the powers and duties of the construction authority.

The bill would require the construction authority to be governed by a board consisting of 7 voting members and one nonvoting member. The city councils of the Cities of Montclair, Ontario, Rancho Cucamonga, and Upland would each appoint one member to the governing board and the Los Angeles County Metropolitan Transportation Authority (LACMTA), Ontario International Airport Authority (OIAA), and San Bernardino County Transportation Authority

(SBCTA) would each appoint one member. The nonvoting member would be appointed by the Governor.

The bill would require the construction authority and SBCTA to enter into an agreement for the construction authority to hold in trust all real property interests held by SBCTA that are necessary for the planning, design, and construction of the project at no cost to the construction authority.

The bill would require SBCTA to transfer the unencumbered balance of all local funds programmed for completion of the project, the unencumbered balance of all funds identified by a local transaction and use tax measure, and an unspecified source of funding to the construction authority for completion of the project. The bill would authorize the construction authority to receive allocations of state and federal funds for the project, and would require the unencumbered balance of funds programmed or allocated by SBCTA for completion of the project and that have been identified in unspecified documents to be allocated to the construction authority for completion of the project.

The bill would require the construction authority to enter into a memorandum of understanding with LACMTA that specifically authorizes LACMTA to review any significant changes in the scope of the design or construction, or both design and construction, of the project, as specified. The bill would require the construction authority to coordinate its work in the City of Montclair with the Metro Gold Line Foothill Extension Construction Authority, as specified, and would require the construction authority to coordinate its work in the City of Ontario with the OIAA.

The bill would prohibit the construction authority from encumbering the project with any obligation that is transferable to LACMTA or SBCTA upon completion of the design and construction of the project without the consent of those entities, except the bill would require LACMTA to assume responsibility for operating all completed phases of the project and would require SBCTA to reimburse LACMTA for the costs of operating the project. The bill would require the construction authority to be dissolved upon completion of the project.

This bill would create a state-mandated local program by imposing these duties on local government entities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 132500) is added to Division 12.7 of the Public Utilities Code, to read:

CHAPTER 6.5. MONTCLAIR TO ONTARIO AIRPORT
CONSTRUCTION AUTHORITY

132500. For purposes of this chapter, the following definitions apply:

(a) "Authority" means the Montclair to Ontario Airport Construction Authority created by this chapter.

(b) "Board" means the governing board of the authority.

(c) "Extension cities" means the Cities of Montclair, Ontario, Rancho Cucamonga, and Upland.

(d) "Foothill Gold Line Construction Authority" means the Metro Gold Line Foothill Extension Construction Authority created pursuant to Section 132405.

(e) "LACMTA" means the Los Angeles County Metropolitan Transportation Authority.

(f) "OIAA" means the Ontario International Airport Authority.

(g) "Project" means the extension of the Metro Gold Line light rail project from the City of Montclair to the Ontario International Airport.

(h) "SBCTA" means the San Bernardino County Transportation Authority.

132505. The authority is hereby created for purposes of awarding and overseeing all design and construction contracts for completion of the project.

132510. (a) The authority has all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing,

1 procuring, and building the project, including, but not limited to,
2 all of the following:

3 (1) Acceptance of grants, fees, allocations, and transfers of funds
4 from federal, state, and local agencies, as well as private entities.

5 (2) Acquiring, through purchase or through eminent domain
6 proceedings, any property necessary for, incidental to, or
7 convenient for, the exercise of the powers of the authority.

8 (3) Incurring indebtedness, secured by pledges of revenue
9 available for project completion.

10 (4) Contracting with public and private entities for services
11 related to the planning, design, and construction of the project.
12 These contracts may be assigned separately or may be combined
13 to include any or all tasks necessary for completion of the project.

14 (5) Entering into cooperative or joint development agreements
15 with local governments or private entities. These agreements may
16 be entered into for any project-related purpose, including, but not
17 limited to, the purpose of sharing costs, selling or leasing land, air,
18 or development rights, the transferring of passengers, making
19 pooling arrangements, or for any other purpose that is necessary
20 for, incidental to, or convenient for the full exercise of the powers
21 granted the authority. For purposes of this paragraph, "joint
22 development" includes, but is not limited to, an agreement with
23 any person, firm, corporation, association, or organization for the
24 operation of facilities or development of projects adjacent to, or
25 physically or functionally related to, the project.

26 (6) Relocation of utilities, as necessary for completion of the
27 project.

28 (b) The duties of the authority include, but are not limited to,
29 all of the following:

30 (1) Conducting the financial studies and the planning and
31 engineering necessary for completion of the project.

32 (2) Adoption of an administrative code, not later than 60 days
33 after establishment of the authority, for administration of the
34 authority in accordance with any applicable laws, including, but
35 not limited to, the Ralph M. Brown Act (Chapter 9 (commencing
36 with Section 54950) of Part 1 of Division 2 of Title 5 of the
37 Government Code), this chapter, laws generally applicable to local
38 agency procurements and contracts, laws relating to contracting
39 goals for minority and women business participation, and the

1 Political Reform Act of 1974 (Title 9 (commencing with Section
2 81000) of the Government Code).

3 (c) Board members and alternate members shall not be
4 considered financially interested for purposes of Section 1090 of
5 the Government Code solely by virtue of their holding office with
6 the authority and, concurrently, holding office with an entity set
7 forth in subdivision (a) of Section 132515, an extension city, or
8 both that entity and city, and they may participate in decisions and
9 agreements regarding the authority, any of the entities set forth in
10 subdivision (a) of Section 132515, and any of the extension cities.
11 The participation described in this clause shall not constitute a
12 conflict of interest for purposes of Section 1090 of the Government
13 Code, or an incompatible employment, activity, or enterprise for
14 purposes of Section 1126 of the Government Code.

15 132515. (a) The authority shall be governed by a board
16 consisting of seven voting members and one nonvoting member
17 who shall be appointed as follows:

18 (1) Four members shall be appointed by the city councils of the
19 Cities of Montclair, Ontario, Rancho Cucamonga, and Upland,
20 with each city council appointing one member by a majority vote
21 of the membership of that city council.

22 (2) One member shall be appointed by the OIAA.

23 (3) One member shall be appointed by SBCTA.

24 (4) One member shall be appointed by LACMTA.

25 (5) One nonvoting member shall be appointed by the Governor.

26 (b) All members shall serve a term of not more than four years,
27 with no limit on the number of terms that may be served by any
28 person.

29 (c) Each appointing authority shall also appoint an alternate
30 member to serve in a member's absence. If the position of a voting
31 member becomes vacant, the alternate member shall serve until
32 the position is filled as required pursuant to subdivision (a).

33 (d) Four members of the board shall constitute a quorum.

34 (e) The board shall elect a chairperson and vice chairperson
35 from among the membership of the board.

36 (f) Each member of the board may be compensated at a rate of
37 not more than one hundred fifty dollars (\$150) per day spent
38 attending to the business of the authority. Compensation, if paid,
39 shall not exceed six hundred dollars (\$600) per month, plus
40 expenses directly related to the performance of duties imposed by

1 the authority, including, but not limited to, travel and personal
2 expenses.

3 (g) Members appointed to the board may include members of
4 the entities set forth in subdivision (a), and members of the city
5 councils or other elected officials of the extension cities, or both.
6 The simultaneous membership described in this subdivision shall
7 not constitute a violation of Section 1099 of the Government Code.

8 132520. (a) The board may appoint an executive director to
9 serve at the pleasure of the authority.

10 (b) The executive director is exempt from all civil service
11 provisions and shall be paid a salary established by the board.

12 (c) The executive director may appoint staff or retain consultants
13 as necessary to carry out the duties of the authority.

14 (d) All contracts approved and awarded by the executive director
15 shall be awarded in accordance with state laws generally applicable
16 to local agency procurements and contracts, subject to the
17 provisions of this chapter. Awards shall be based on price or
18 competitive negotiation, or on both of those things.

19 132525. The authority and SBCTA shall expeditiously enter
20 into an agreement for the authority to hold in trust all real property
21 interests held by SBCTA that are necessary for the planning,
22 design, and construction of the project at no cost to the authority.

23 132530. (a) The SBCTA shall transfer the unencumbered
24 balance of all local funds programmed for completion of the
25 project, the unencumbered balance of all funds that have been
26 identified by Measure I, and ____ to the authority for completion
27 of the project.

28 (b) The authority is eligible to receive allocations of state and
29 federal funds for the project. The unencumbered balance of funds
30 currently programmed or allocated by SBCTA for completion of
31 the project and that have been identified in ____ and ____ shall
32 be allocated to the authority for completion of the project.

33 (c) For purposes of this section, "Measure I" means Ordinance
34 No. 04-01 adopted by the San Bernardino County Transportation
35 Authority and approved by the voters of the County of San
36 Bernardino at the November 2, 2004, statewide general election
37 that authorizes the imposition of a transactions and use tax to fund
38 transportation project improvements and programs.

39 132535. (a) The authority shall design the project in
40 accordance with LACMTA design criteria and standards.

1 (b) The authority shall enter into a memorandum of
2 understanding with LACMTA that shall specifically authorize
3 LACMTA to review any significant changes in the scope of the
4 design or construction, or both design and construction, of the
5 project. For purposes of this subdivision, the term “significant
6 change” means any change of mode or technology, or any other
7 substantive change that affects the connectivity and operation of
8 the project as part of the overall transit system operated by
9 LACMTA, or any combination of those things. Design and
10 construction of a light rail project that is consistent with the current
11 scope of the project shall not be deemed to be a significant change
12 in the scope of the project and shall not require concurrence by
13 LACMTA.

14 (c) The authority shall coordinate its work in the City of
15 Montclair with the Foothill Gold Line Construction Authority and
16 shall not modify any portion of the Metro Gold Line light rail
17 project that has been or is being designed or constructed, or both,
18 by the Foothill Gold Line Construction Authority without the
19 approval of the Foothill Gold Line Construction Authority, unless
20 the Foothill Gold Line Construction Authority no longer exists.

21 (d) The authority shall coordinate its work in the City of Ontario
22 with the OIAA.

23 132540. The authority shall not encumber any future farebox
24 revenue anticipated from the operation of the project.

25 132545. Except as provided in this chapter, the authority shall
26 not encumber the project with any obligation that is transferable
27 to LACMTA or SBCTA upon completion of the design and
28 construction of the project without the consent of LACMTA or
29 SBCTA, respectively. The design and construction to be
30 administered by the authority does not include rolling stock, which
31 is a component of the operation of the project and shall be
32 administered by LACMTA. This section does not apply to any
33 joint development agreements, as authorized by paragraph (5) of
34 subdivision (a) of Section 132510, that may be used to contribute
35 to the financing of project design and construction.

36 132550. (a) LACMTA shall assume responsibility for
37 operating all completed phases of the project. SBCTA shall
38 reimburse LACMTA for the costs of operating the project.

39 (b) The authority shall be dissolved when project construction
40 has been completed.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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