



## **BOARD OF DIRECTOR MEETING AGENDA**

**August 16, 2023 - 1:30 PM**

5401 Old Redwood Highway, 1<sup>st</sup> Floor  
Petaluma, CA 94954

The SMART Board of Directors will facilitate using a dual format with listening and participation available through Zoom and in-person. SMART provides several remote methods for viewing the SMART Board Meetings and providing Public Comment.

### **HOW TO WATCH THE LIVE MEETING USING THE ZOOM**

<https://sonomamarintrain-org.zoom.us/j/86117249784?pwd=TzBvYW15b1VLejVndFA4enN4M21Mz09>

Webinar ID: 861 1724 9784

Passcode: 742217

### **TELECONFERENCE**

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### **HOW TO PROVIDE COMMENTS ON AGENDA ITEMS**

*Prior To Meeting:*

Technology limitations may limit the ability to receive verbal public comments during the meeting. If you wish to make a comment you are strongly encouraged to please submit your comment to [Board@SonomaMarinTrain.org](mailto:Board@SonomaMarinTrain.org) by 5:00 PM on Tuesday, August 15, 2023.

*During the Meeting:*

The SMART Board Chair will open the floor for public comment during the Public Comment period on the agenda. Please check and test your computer settings so that your audio speaker and microphones are functioning. Speakers are asked to limit their comments to two (2) minutes. The amount of time allocated for comments during the meeting may vary at the Chairperson's discretion depending on the number of speakers and length of the agenda.



# BOARD OF DIRECTOR MEETING AGENDA

August 16, 2023

5401 Old Redwood Highway, 1<sup>st</sup> Floor  
Petaluma, CA 94954

1. Call to Order
2. Approval of the July 19, 2023 Board Meeting Minutes
3. Board Member Announcements
4. General Manager's Report
5. Public Comment on Non-Agenda Items

## Consent Calendar

- 6a. Accept Monthly Ridership Report-July 2023
- 6b. Approve a Resolution Authorizing the General Manager to execute Change Order 002 to Contract No. FR-BB-22-004 with Koppers Railroad Structures to provide services for the Brazos Branch Timber Bridge Repairs Phase 1 Project Inc. for an amount of \$20,852 and a total contract amount of \$1,297,235

## Regular Calendar

7. Approve a Resolution Authorizing the General Manager to Execute Contract Amendment No. 2 with CSW/Stuber-Stroeh Engineering Group, Inc. (CSW/ST2) to provide professional services in civil systems engineering design for an amount of \$382,800 and a total not-to-exceed of \$1,682,819 and extend the contract through December 31, 2024 – *Presented by Aaron Parkes*
8. Review and Approve responses to the Marin County Civil Grand Jury Finding Report, dated June 22, 2023, entitled "SMART at a Crossroads – Here Today, Gone Tomorrow" – *Presented by General Manager Cumins*

## Closed Session

9. Conference with Legal Counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a); Number of Cases: Two (2); Felimon Hernandez, et al. v. Sonoma-Marín Area Rail Transit District (SMART) – United States District Court for the Northern District of California – CIV No. 4:321-CV-01782; and Dennis Muelrath, et al. v. Sonoma-Marín Area Rail Transit District (SMART) – Sonoma Court of California, Count of Sonoma – SCV-271787
10. Next Regular Meeting Board of Directors, September 20, 2023 – 1:30 PM – 5401 Old Redwood Highway, 1<sup>st</sup> Floor, Petaluma, CA 94954
11. Adjournment

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**BOARD OF DIRECTORS  
REGULAR MEETING MINUTES**

July 19, 2023 – 1:30 PM  
5401 Old Redwood Highway, 1<sup>st</sup> Floor  
Petaluma, CA 94954

1. Call to Order

Chair Lucan called the meeting to order at 1:30pm. Directors Bagby, Coursey, Farac, Fudge, Pahre, Paulson, Rabbitt and Rogers were present; Director Colin absent; Directors Garbarino and Sackett arrived later.

2. Approval of the June 21, 2023, Board Meeting

**MOTION:** Director Rogers moved approval of the June 21, 2023 Board Meeting Minutes as presented. Director Rabbitt second. The motion carried 9-0 (Director Colin absent; Directors Garbarino and Sackett arrived later)

Director Garbarino arrived 1:33pm

3. Board Members Announcements

None

4. General Manager's Report

Director Sackett arrived 1:35pm

General Manager Cumins provided a brief overview on the following:

- Marin County Fair Service
- Ridership
- June Grant Funding
- SMART Highlight of the Month
- Questions

Marin County Fair Service

SMART partnered with Marin County to run additional service during 4<sup>th</sup> of July weekend in support the Marin County Fair and provide post-fireworks service.

- 5 Days: Friday June 30<sup>th</sup> through Tuesday July 4<sup>th</sup>
- Carried 970 people post-fireworks
- Total of 5,785 trips to and from the Marin County Fair over five days
- All-time ridership record on Friday, June 30<sup>th</sup>: 3,598 riders
- A video of passengers boarding the train was shown

#### Ridership

- May 2023 SMART had the highest ridership recovery rate in the Bay Area for 3<sup>rd</sup> month
- June ridership: 67,172; up 62% over June 2022 and 120% of June 2019
- June Average Weekday ridership: 2,551; 8% higher than June 2019
- July Average Weekday ridership to date: 2,576; 7% higher than July 2019
- SMART carried 9,693 youth riders in June, 197% over June 2022 and 183% over than June 2019
  - Sonoma County Transit – up 175% from June 2022, 130% over June 2019
  - Santa Rosa CityBus – up 22% over June 2022 (free fares), 132% higher than June 2019
  - Marin Transit – up slightly; most youth already ride free
- Fiscal Year 2023 ridership: 640,099
  - Equates to over 14M passenger miles
  - Second highest ridership year for SMART
  - Fiscal Year 2024 is to exceed Fiscal Year 2019
- SMART carried over 9,000 bikes in June 2023
- In Fiscal Year 2023 bike boarding: 92,741
- Projected to carry over 90,000 bikes in fiscal year 2023; 34% higher than previous record in Fiscal Year 2019
- June Pathway Count Users: 69,952

#### June Grant Funding

- SB1 Solutions for Congested Corridors - \$30 million for Windsor construction (Programmed)
- Interregional Transportation Improvement Program - \$6 million for SMART Pathway construction (Santa Rosa North to Airport)
- Short-Line Freight Rail Improvement Program - \$1.25 million for State of Good Repair (reprogramming)
- Local Partnership Program Formula - \$1.86 million for SMART Pathway construction (San Rafael McInnis to Smith Ranch)
- State Budget - \$1.5 million for SMART Connect – 3 years of service

#### SMART Highlight of the Month

Garrett Hardisty and David Gabler are the first two graduates from SMART’s Internal Vehicle Maintenance Technician Training Program. Both employees began their SMART careers as Laborers and after graduating they were promoted on May 30, 2023.

#### Comments

Director Rogers announced that the City of Santa Rosa opened its first protected bike lanes connecting Santa Rosa Junior College students with the Highway 101 Bike/Pedestrian overcrossing. He asked if there was increased ridership from the Snoopy Senior World Ice Hockey Championship that occurred in July.

Director Paulson asked about the performance of SMART's special programs – Marin County Fair service, the Starlighter late-night service, and the SMART Connect shuttle service. General Manager Cumins referred to the ridership report above. Regarding the Starlighter, he added, there are about 70-80 people taking that service per night. General Manager Cumins will present data for the SMART Connect shuttle at the next board meeting.

Director Farac asked if SMART intended to partner with communities to take advantage of popular events to leverage transit. General Manager Cumins stated that staff works closely with local jurisdictions when they advertise events where the SMART Train can serve the public.

Mathew Hartzell congratulated SMART for ridership improvements. Even if there are drastic commute patterns in the Bay area there are still uses that SMART can fulfill in our community.

Richard Brand congratulated General Manager Cumins and staff for the impressive ridership numbers. He is pleased to see a positive article in the newspaper about the SMART Connect Shuttle.

Eris Weaver congratulated SMART on all the great news, especially the grants SMART was awarded. She is pleased to see the percentage of bicycles on the train. She suggested using the café area to add more bicycles.

Matt Callaway stated that it's great to hear about the improvements and increase in ridership on the SMART train. The train is important to achieve our sustainability goals and climate change. He was disappointed that Measure I did not pass, and he wants the measure to pass to keep SMART operating.

Director Fudge stated that regarding SMART Connecting to Community events she has received positive feedback regarding the SMART social media campaign that staff provide.

Vice Chair Bagby stated that the resident of Cloverdale who wrote a letter to the Press Democrat Editor is a docent at the Air Force Museum at Hamilton.

## 5. Public Comment on Non-Agenda Items

Warren Wells stated he is excited about the bicycle ride along the Marin County pathway on Friday, July 28<sup>th</sup>. He is also happy to accommodate anyone who wants to go on a particular segment on other times.

Richard Brand suggested to General Manager Cumins to add a Freight Service section on SMART website to inform customers and the public of various freight service opportunities.

Mike Pechner stated that the Freight Service Section on the website is very informative. He said that Amazon Fulfillment Center is rail serviced and suggested that staff consider having an industrial park between Geyserville and Cloverdale. Senate Bill 350 (Clean Energy and Pollution Reduction Act) states that state agencies reduce greenhouse gas emissions.

6. Consent
  - a. Accept Monthly Ridership Report – June 2023
  - b. Approval of Monthly Financial Reports – May 2023
  - c. Approve a Resolution Authorizing the General Manager to secure an encroachment permit and enter into a Maintenance Agreement with Caltrans to install a bicycle and pedestrian counter on a portion of the Pathway within Caltrans’ right of way in San Rafael
  - d. Authorize the General Manager to execute Contract Amendment No. 4 to Contract No. OP-SV-19-001 with Richard A. Sanchez dba A.J. Janitorial Service in an amount of \$114,000 to continue providing Janitorial Services at SMART’s Stations and Facilities
  - e. Approve a Resolution Authorizing the General Manager to Execute Contract Amendment No. 2 to CV-PS-21-003, with BKF Engineers for an amount of \$254,550.76 and extend the contract through December 31, 2024
  - f. Authorize the General Manager to Execute Contract Amendment No 2 to Contract No. OP-PS-21-004 with Modern Railway Systems in an amount of \$93,983.22 to continue providing Track Driver Extra (TDX) Dispatch System Technical Support Services, Rail Network Technical Support Services and Rail Network Management System Implementation
  - g. Authorize the General Manager to execute Contract Amendment No. 3 with Nossaman, LLP in an amount of \$400,000 for legal services and extend the term to December 31, 2024

Chair Lucan asked for Board and public comments on the proposed Consent Agenda.

**MOTION:** Director Rogers moved approval of Consent Agenda as presented. Director Paulson second. The motion carried 10-0 (Directors Bagby and Colin were absent).

7. Pathway Wayfinding Update (*Information*) – Presented by Emily Betts

Principal Planner, Emily Betts provided a PowerPoint presentation, which is located on SMART’s website. Highlights include:

Pathway Wayfinding Plan Update

- Why Wayfinding
- Wayfinding Plan Outreach
- Intercept Survey
- Intercept Survey Insights
  - How often people travel on the Pathway
  - Use of the train and the Pathway
  - Typical distance traveled when using the Pathway
  - Reasons for using the Pathway (trip purpose)
  - Modes of travel used on and to reach the Pathway
  - Whether people travel in groups or solo on the Pathway
  - Survey respondent demographics
- Informing Wayfinding
- Virtual Public Workshop
  - Hosted on Zoom on June 29<sup>th</sup> in the evening and a total of 37 people participated.
- Next Steps
  - Coordinate with local partners
  - Develop initial Pathway Wayfinding design concepts

- Bring the design concepts back to the public for input:
  - Sample concepts placed in the field
  - Online input opportunity

Comments

Director Coursey asked if staff considering adding wayfinding signs not on SMART right-of way but on roads like Rohnert Park Expressway and Guerneville Road. Ms. Betts responded that staff will be coordinating with cities and jurisdictions on a one by one basis on how to implement something like that.

Director Rogers asked if staff received feedback from the people using the pathway about how near or far they live in relation to the pathway Ms. Betts responded that the survey did ask the question and 6% use public transportation, 6% drive, which implies that 12% of the users may not be near the pathway.

Director Pahre stated that she appreciates all the time and effort in collecting specific data.

Director Paulson asked if there was discussion about ADA. Ms. Betts responded that ADA requirements are being considered for signage. Staff have met with Marin County Parks staff who have received input on signage. Director Paulson asked if there are any concerns regarding e-bikes on the pathway.

Director Fudge suggested doing a “Did you know” campaign with the pathway wayfinding program.

Eris Weaver stated that she is happy to see the project moving forward. She would like to see data of people’s pattern of travel on the pathway once the gaps are completed. She suggested including the Sonoma County demographic to get a better understanding of who uses the pathway. Including the speed limit on the signs to help users, she added.

Chair Lucan asked for clarification on the next steps. Ms. Betts responded the staff will work to develop initial Pathway Wayfinding design concepts and present the design concepts to the public for input in September. Chair Lucan is excited to see the naming branding for the pathway.

8. Approve a Resolution Authorizing the General Manager to Execute Contract No. CV-BB-22-003 with Ghilotti Brothers, Inc. in the amount of \$3,436,924 for construction of McInnis Parkway to Smith Ranch Road Multi-Use Pathway in San Rafael – *Presented by Bill Gamlen*

Chief Engineer, Bill Gamlen provided a PowerPoint presentation, which is located on SMART’s website. Highlights include:

*McInnis Parkway to Smith Ranch Road Non-Motorized Pathway Construction*

- Project Location
- Project Overview
- Project Components
  - 0.9 miles of pathway in San Rafael.
  - Pedestrian bridge, grade crossing improvements, paving, striping, and fencing

SMART issued a formal Invitation for Bid on May 15, 2023. On June 20, 2023, SMART held a public bid opening. The final project bid amounts were each read out loud and tabulated. SMART received a total of 2 sealed bids. Following evaluations of each bid, SMART deemed Ghilotti Brothers, Inc, to have submitted the lowest responsive and responsible bid for the construction of the Non-Motorized Pathway from McInnis Parkway to Smith Ranch Road. Target construction shall begin on September 1, 2023.

*Project Funding:*

<b>Funding Source</b>	<b>Amount (in Millions)</b>	<b>Percentage of Total Funding</b>
<i>Federal – Quick Strike (CMAQ)</i>	\$ 1.858	41%
<i>State – Local Partnership Program (LPP)</i>	\$ 1.858	41%
<i>Local – Measure Q</i>	\$ 0.790	18%
<b>TOTAL ALL:</b>	<b>\$ 4.506</b>	<b>100%</b>

Therefore, staff recommend approval of Resolution No. 2023-27 authorizing the General Manager to execute Contract No. CV-BB-22-003 with Ghilotti Bros. Inc. in the amount of \$3,436,924.

Comments

Director Sackett stated that she and Director Colin are excited about this project. This project is connectivity to a community and a great asset for them to use.

Director Coursey asked for clarification regarding the pedestrian bridge and would like to know the cost of asphalt per mile. Mr. Gamlen responded that its approximately \$200k-\$300k.

Warren Wells stated he is excited about this project. This project opens and connects various segments and communities. He thanked SMART staff for sharing the pathway design criteria on this segment and allowing the Marin County Bicycle Coalition to provide feedback.

Mike Pechner suggested that the pathway should be elevated since the area has flooded various times in the past 15-20 years.

Director Farac asked for the time of completion and if the flooding issue has been considered. Mr. Gamlen responded that the project should be completed in the Spring, however it is going to be weather dependent, it is a vulnerable area and flooding has been considered.

**MOTION:** Director Sackett moved to Approve a Resolution Authorizing the General Manager to Execute Contract No. CV-BB-22-003 with Ghilotti Brothers, Inc. in the amount of \$3,436,924 for construction of McInnis Parkway to Smith Ranch Road Multi-Use Pathway in San Rafael as presented. Director Farac second. The motion carried 11-0 (Director Colin absent).

9. SMART Freight Storage (*Information/Discussion*) - Presented by General Manager Cumins

General Manager Cumins stated that in March 2023 he gave a presentation of Freight deficit regarding revenue and expenses. One of the goals from that meeting was to increase revenue by \$500k a year. As ideas have been explored it was considered maximizing freight storage that can



be done with existing staff and does not require additional investment. Staff would like to establish clear guidelines to share with rail storage brokers.

He provided a PowerPoint presentation, which is located on SMART's website. Highlights include:

#### Freight Storage

- Freight Storage Locations
  - Schellville Yard
  - Burdell Siding
- Freight Storage Current Status
  - LPG Storage was suspended on November 17, 2021
  - Previous Storage Revenue: \$500k - \$750k
  - Fiscal Year 2023 Storage Revenue: \$7,488
- Rail Car Types
- Rail Tank Car Type
  - Pressurized
  - Non-Pressurized
- Freight Storage Questions
  - Non-tanker cars?
  - Non-Pressurized tankers?
  - Pressurized tankers?
- Discussion

#### Comments

Director Rabbitt stated that Freight service has survived the last decade because of freight storage and not movement. He asked if its market driven, is it demand and supply, or the types of cars being stored? General Manager Cumins responded that it depends on the type of cars which range from \$4.00 - \$15.00 a day. Freight Manager Kerruish continues to contact rail storage brokers informing them that SMART is open for business, we just haven't had much out there.

Director Rogers asked if there is a standard policy that other railroads utilize that SMART is looking for. General Manager Cumins responded that most operators would jump at a chance to have storage on their tracks. Director Rogers asked what the risk tolerance is associated with the different types of cars. General Manager Cumins responded that the cost has not been discussed; tanker cars are safe but there is always a level of risk, however overall, they are relatively safe.

Director Sackett stated that she was not a board member during the controversial discussion of LPG storage cars. She asked if SMART's insurance company had the opportunity to review the risk and would they charge differently depending on the type of storage. District Counsel Lyons responded that insurance companies on a yearly basis ask what is being transported. SMART is a common carrier that is required to take all types of commodities; therefore, we are speaking about a tank car being parked and not moving. There are various risks that will need to be discussed with the rail storage brokers. Director Sackett suggested looking at various agencies that can assist to tell the story about safety. District Counsel Lyons stated that the movement of tanker cars is regulated by the Federal Railroad Administration with their guidelines and requirements.

General Manager Cumins stated that staff will do additional research with the insurance company and peer agencies and will bring feedback to the Board. Director Sacket asked for clarification about the cost. General Manager Cumins responded that if the tank car is empty, SMART pays money and we need to be careful with the Business Plan on how many empty cars can be stored.

Director Coursey asked who charges those switching fees. General Manager Cumins responded that Cal Northern. Director Coursey stated that the definition of non-pressurized and pressurized tankers will be a good discussion for the board and with the community.

Director Garbarino stated that she recalls that there was an issue about the length of time the LPG tanker cars were stored and not moved. She asked if there is a contract for a duration of time that they are stored and gives SMART the control. General Manager Cumins responded that it depends on the demand of the company and from a revenue perspective they don't care how long they are stored. The terms of the Agreement will need to be established and negotiated.

Director Pahre stated that it is important to check the impact with the insurance. She suggested contacting the agencies that have tanker storage to see what considerations were taken. Also, we don't have the full report of the circumstances of the accidents that have occurred with tanker cars that could outline the risk. We are all concerned about accidents and often that drives a decision.

Director Paulson asked what the risk profile of the SMART's storage locations and where are the LPG tankers being stored currently. General Manager Cumins responded that he is not aware where the LPG tankers are stored currently. The Schellville area is located on Hwy 121 in a remote area and the Burdell area is next to SMART's right-of way and close to Hwy 101.

Director Rabbitt stated that as a common carrier, SMART is required to take whatever Freight is coming. He asked if Schellville is strictly a storage yard. What is SMART's obligation and requirement to allow storage at Schellville. District Counsel Lyons responded that since SMART is a common carrier it cannot say no to the transportation of commodities, however once it's no longer being transported it becomes a non-common carrier issue.

Director Farac asked if with technological changes and advancements would the newer tank cars have features that could mitigate and decrease the risk. General Manager Cumins responded that this industry is heavily regulated by the Federal Railroad Administration and needs to meet expectations and requirements.

Chair Lucan asked what the increase revenue may offset within the freight operations. General Manager Cumins responded that more repairs can be done at crossings, like Schellville and Black point and get more things done from a capital perspective.

David Schonbrunn stated that what was missing in the 2021 meeting was a coherent risk analysis and series of public safety findings and the Board should focus on. The 2021 meeting was driven by public hysteria and does not make sense for the Board to be driven by public sentiment.

Janice Oakley asked who is responsible for the maintenance of the pressurized tanks, and who insurers they are well maintained.

Ricard Brand suggested contacting the Federal Railroad Administration for data on accidents of sitting rail tank cars.

Mike Pechner stated that he worked for Northwestern Pacific Railroad. They provided 3 shifts of security for the tanker cars at Schellville to make sure they were safe. The FRA does not have any incidents reported with Cal Northern and Union Pacific handling tank cars. He believes that Supervisor Susan Gorin spread untruth and hysteria prior to the Board banning tank cars. The tanker cars are federally regulated, and Ms. Gorin used the Canada accident to create the hysteria that caused the board to ban the cars. In Solano County they have 20 LPG cars on the tracks in front of the fire department and are not worried about any incident.

Norman Gilroy stated that the people of Sonoma Valley are listening/watching this item. Prior to General Manager Cumins at SMART, the people and the Board considered the people before the profit, and you saw that there was a significant risk and concern for the public in the Sonoma Valley and that there was a concern for public safety. Primarily there's also a concern for environmental safety. He suggested reaching out to the public who can also provide feedback.

Chair Lucan stated that there is no decision being made today, just a discussion and opportunity to hear from members of the public.

General Manager Cumins stated that he has a lot of notes and staff will put together a presentation that answers some of these questions. They will follow up with our peers and talk to the insurance agency about all these different things. We will bring a detailed report back to the Board.

Director Paulson asked for clarification of the risk management. General Manager Cumins responded that SMART has been operating under the impression that only non-tankers cars can be stored currently and there is no business. We have earned less than \$7,500 in one year. We have received feedback that the market in this area is for tanker cars. We want to create very clear guidance to tell the storage brokers what we can accept or not accept.

Director Fudge stated she is interested in what the customer base and the financial opportunity would be for non-pressurized tankers. Who all those customers would be, would there be enough of them to really help us bridge the \$500,000 gap?

Director Rabbitt stated that SMART needs to consider the long-term financial plan if freight storage is not going to occur.

Director Pahre asked how many calls are made each month either to the freight broker or individuals after the freight broker gives us information. Freight Manager Kerruish responded that he speaks to individuals weekly and nothing has come up that is solid.

Lastly, General Manager Cumins stated that he and staff will conduct additional research and present to the Board in the future.

10. Marin County Civil Grand Jury Report, dated June 22, 2023, entitled “SMART at a Crossroads – Here Today, Gone Tomorrow?” (*Information/Discussion*) - Presented by General Manager Cumins

General Manager Cumins provided a PowerPoint presentation, which is located on SMART’s website. Highlights include:

Marin County Civil Grand Jury Report

- Report Summary
  - SMART SWOT Analysis
  - SMART Ridership Reports
  - Recent Board Actions
- Findings (6)
  - F1. SMART is heavily dependent on revenue from voter approved Marin and Sonoma County sales taxes for funding its operations.
  - F2. SMART has never attained the ridership levels that it promised in 2008.
  - F3. SMART’s *past* inability to be open and transparent about decision making and operations contributed to the erosion of public confidence leading to the defeat of the Measure I sales tax extension in 2020.
  - F4. SMART will likely be forced to discontinue services if Marin and Sonoma County voters do not approve a sales tax extension by the required supermajority in an election before 2029.
  - F5. SMART’s new leadership, especially its General Manager and Chief Financial Officer, appear qualified, energetic, and motivated to take on the many challenges that SMART is facing.
  - F6. SMART does not have a comprehensive marketing and communications strategy.
- Recommendations (3)
  - R1. By December 1, 2023, the Board of Directors should initiate a fully transparent, public process to be completed by April 1, 2024 that examines how SMART might continue funding its operations beyond April 2029, including an evaluation of when the voters would decide whether to continue levying a sales tax for SMART’s operations.
  - R2. By December 1, 2023, SMART’s Board of Directors should direct staff to develop a written strategic marketing communications and public outreach plan and budget focused on educating voters in Marin County about the community benefits derived from the continued operation of the SMART rail system.
  - R3. SMART’s Board of Directors should consider hiring consultants to help evaluate the feasibility and timing of future tax measures.
- Next Steps
  - Determine if/when the board wants to implement accepted recommendations
  - Respond to Marin County Civil Grand Jury by September 22, 2023
- Discussion

Comments

Chair Lucan stated that he thinks our entire board saw this grand jury report shortly after it came out. He suggested that it be beneficial to form an Ad Hoc Committee to go through the response and bring it back to the full Board.

Director Rogers said it was a more positive report than we have heard back over several years. Most of the criticisms are things that have been self-identified and are already moving forward on fixes. He is supportive of their recommendations from a high level. It continues to be a question of how do we tell our story to the community? It's not our train, it's their train and what value and utility do they find in it. Are they willing to continue to support it? The potential for a renewal is in our thoughts, there is no public transit agency that's self-supporting, and it has to be supported by the community that it serves. Otherwise, it's not going to be a success.

Director Paulson stated that he likes the idea of an Ad Hoc Committee. He said that even outside the Ad hoc Committee that staff, and the board continue to look at metrics on how things are being measured. He asked for clarification on Finding No. 6 – Marketing expense of \$200,000. General Manager Cumins responded that there is an outside marketing contact for \$200,000, however, SMART overall marketing budget is approximately \$1.1 million.

Director Sacket stated that she looks forward to the Quality of Life Study that SMART is doing as it will provide the value that the train brings to the economy. In her recent visit to Minneapolis, there was a sign at the airport that said, “this Airport creates 973 million dollars for the public programs”. She thinks there is an opportunity to provide the story of the value that the train brings to the community. She said that in Finding No. 3, that it is important to tell the story in a very open and transparent way and needs to be honest when SMART falls short.

Director Rabbitt stated that the \$2.2 million opposition campaign which is why Measure I was defeated. The marketing has been great, and more money can be spent. SMART is the number one transit agency in terms of recovery out of the 27 in the Bay Area. The Regional Network Management Committee is following the North Bay's example of really collaborating and cooperating in a much tighter fashion to really maximize the 27 different transit agencies that we have in the Bay Area to work together to make it more seamless. There is a lot of opportunity there and SMART has been leading the way with the partner agencies in the North Bay. He suggested telling our story in response to the grand jury report.

Director Garbarino stated that telling the story and the positive aspects of the train goes a long way. The last time she was on Amtrak, she saw a poster that talked beautifully about how rail travel is the way to go in terms of personnel passenger miles, saving the environment and a carbon footprint reduced. When she became a Board member, after her first meeting, she said this is a great agency, and a resource of what the next generation wants. You're all doing a fine job and supplying us with a way to get somewhere in the right direction away from the effects of global warming.

Director Coursey stated that the way agencies respond to the Grand Jury are very dry and he doesn't object to us responding to the Grand Jury in that way. However, the response we give to the public to this report needs to be very different and a story needs to be told. In 2008, SMART did not exist, and the voters/people were voting for a dream. A picture of SMART potential needs to be created for the public. We need to continue to provide positive messages like earlier 14 million passenger miles off the road. He said that the Grand Jury recognizes that SMART problems are in the past in Finding No. 3. The 2006 EIR did not predict the Pandemic and 2008 economic crisis, which happened after voters approved Measure Q. We need to get people back in the in the mode of thinking What does the future of SMART offer to all of us?

Director Fudge stated that a message that needs to get out to the public is that with all the successes that were mentioned in today's meeting, this agency never sits on its laurels and continues improvement. She said that we need to tell the grand jury as a story instead of this dry response, and it will get back to the public as well.

Director Farac stated that we have been innovative and adaptive to post pandemic behavior. One example is the new fare pricing for 3 day commuter pass, which shows the strength of this agency. SMART can pivot in the right manner that shows effective measurement and showing progress. General Manager Cumins and the Board have said absolutely the right things you can advertise. As SMART further connects it will get more support. He suggested that SMART start to discuss getting passenger service to Healdsburg.

Rick Luttmann stated that he was appalled when he read the grand jury report. He thinks its extremely unfair and naive. The suggestions that were made were already known to the Board. His finding is that SMART Board has very little to learn from this report that they don't already know. His recommendation is that you feel free to say so publicly and that you spend some effort on trying to persuade the public specifically that this grand jury report is wrong.

Steve Birdleough stated that during the campaign he met a man that said he would buy a house that would not restrict him to his town by using the train to get from home to work. He suggested talking about the value of the train, how the community benefits and how it makes real estate more valuable. SMART has a great future.

Dani Shehan Meyer stated that this negative report can be turned into a positive campaign piece for SMART. The responses should be a positive story and make a big deal out of it.

Tarquin Haussermann stated that having listened to the grand jury's report, he thinks that they make a good point about ridership and the public awareness, and you can get more public awareness through increasing ridership. The addition of fill stations along the existing main line to allow more people a shorter trip to a station will add more riders. Consider Smith Ranch Road and behind Vintage Oaks in Novato.

Chair Lucan said that what he is hearing from his colleagues that this is an opportunity for us. He applauds the work of the Grand Jury; he knows how much work, time, and effort they put into this and the number of hours that they work and serve. Looking through the list of the findings and the recommendations, with most of them we agree and there are some that SMART can improve and others will need to tell the story. Maybe SMART is at a crossroads as stated in the title of the report, but the Board is ready to take this opportunity to respond with a positive story. Having a background in marketing, he appreciates it when its discussed that more marketing is needed, however it's difficult to determine and amount of money needed for marketing or programs.

Chair Lucan appointed Directors Colin, Pahre, Rabbitt, Vice Chair Bagby and himself to the Ad Hoc Committee. The committee will prepare the written responses and will present them to the full board. He informed the public and the Board that any comments, thoughts, and additional feedback can be sent to the General Manager.

Lastly, Director Coursey said that what he read in the grand jury report is a call for SMART to start a campaign to renew the sales tax. Their third recommendation states to hire consultants to help evaluate feasibility and timing of future tax increases. It is time for us to start having a good solid discussion about what we're going to do when this tax expires in 2029. He believes that the Measure needs to be on the ballot during a Presidential year either 2024 or 2028. He suggested to give direction to staff to start investigating the possibilities that are out there to start the campaign and develop an executive committee or Ad Hoc Committee.

Director Fudge suggested that Director Coursey be on the Ad Hoc Committee. Chair Lucan responded that Director Coursey will be helpful to be on the Campaign Ad Hoc Committee when its formed.

11. Next Regular Meeting Board of Directors, August 16, 2023 – 1:30 PM – 5401 Old Redwood Highway, 1<sup>st</sup> Floor, Petaluma, CA 94954
12. Adjournment – Meeting adjourned at 4:00pm

Respectfully submitted,

Leticia Rosas  
Clerk of the Board

Approved on : \_\_\_\_\_



**Eric Lucan, Chair**  
Marin County Board of Supervisors

**Melanie Bagby, Vice Chair**  
Sonoma County Mayors' and Councilmembers Association

**Kate Colin**  
Transportation Authority of Marin

**Chris Coursey**  
Sonoma County Board of Supervisors

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Highway/Transportation District

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General Manager

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August 16, 2023

Sonoma-Marin Area Rail Transit Board of Directors  
5401 Old Redwood Highway, Suite 200  
Petaluma, CA 94954

**SUBJECT:** Monthly Ridership Report – July 2023

Dear Board Members:

**RECOMMENDATIONS:** Accept Monthly Ridership Report

**SUMMARY:**

We are presenting the monthly ridership report for activity for the month of July 2023. This report shows trends in ridership for SMART by tracking Totals, Average Weekday riders, and Average Saturday riders, Average Sunday/Holiday riders, as well as bicycles and mobility devices.

With the transition to the Automatic Passenger Counter (APC) in October 2022, SMART now has a highly accurate method of tracking boardings and alightings at stations that does not depend on manual counts by the conductors. The APC system has been tested and validated at a 99% accuracy level, and has been certified for passenger count use by the Federal Transit Administration (FTA). Both APC-based ridership and fare-based collection rider counts are shown in the attached report to give a full picture of ridership. APC-based ridership captures all riders, including riders with passes who neglect to tag on or off, riders who fail to activate their mobile app tickets, as well as categories of riders such as children under five years old.

This report compares the most recent month to the same month during the prior year, as is standard industry practice for tracking trends over time. These reports also note relevant details associated with fare program discount usage and trends in riders bringing bicycles onboard as well as riders who use mobility devices.

SMART's ridership data through July 2023 is posted on the SMART Ridership website (<http://sonomamarintrain.org/RidershipReports>).



**FISCAL IMPACT:** None

**REVIEWED BY:** [ x ] Finance       /s/      

[ x ] Counsel       /s/      

Respectfully,

      /s/      

Emily Betts

Principal Planner

Attachment(s): Monthly Ridership Report – July 2023

## JULY 2023 SMART RIDERSHIP REPORT

July 2023 ridership held steady, with average weekday ridership at 2,550, and saw small increases in average Saturday and Sunday ridership, up .8% and 1.9% respectively from the previous month. Average weekday ridership was up 57% over July 2022. Total monthly ridership was 66,261, a 51% increase over last July, and up 105% over July 2019 (pre-COVID).

As a reminder, SMART modified services in March 2020 due to the COVID-19 pandemic, with weekend service annulled and weekday service reduced to 16 trips. In May 2021, SMART added back 10 weekday trips. Saturday service was restored in May 2021, and Sunday service in May 2022. In June 2022, SMART added 10 additional weekday trips, and in October 2022, SMART added 2 additional midday trips, for the current schedule of 38 trips per weekday. In May 2023, SMART added two evening trips on Friday and Saturday, known as the Starlighter. In June 2023, SMART began offering free rides for K-12 youth along with other North Bay transit agencies, which will continue through the month of August. SMART has seen very strong youth ridership this summer, with 9,693 youth carried in June and 10,530 in July.

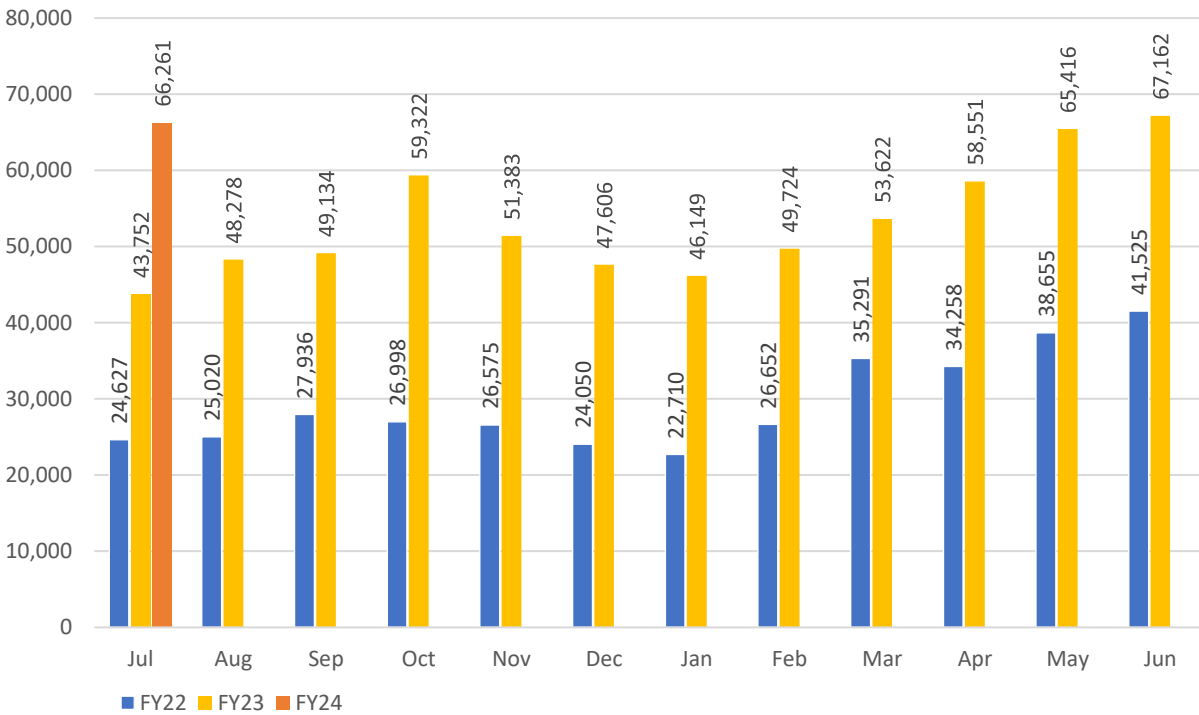
The table below presents data for July 2022 and 2023; year-over-year data is not presented this month due to the start of a new fiscal year. Bicycles on board were up 31% over last July and passengers boarding with mobility devices were down 16%. In July, 14% of riders brought bikes on the train, with a total of 9,575 bikes on board.

<b>MONTHLY TOTALS YEAR-OVER-YEAR</b>	<b>JULY 2022</b>	<b>JULY 2023</b>	<b>% Change</b>
<b>Ridership</b>	43,752	66,261	51%
<b>Fare Payments (Clipper + App Only)</b>	38,939	47,322	22%
<b>Average Weekday Ridership</b>	1,626	2,550	57%
<b>Average Saturday Ridership</b>	1,139	1,490	31%
<b>Average Sunday Ridership</b>	922	1,301	41%
<b>Bicycles</b>	7,310	9,575	31%
<b>Mobility Devices</b>	233	197	-16%

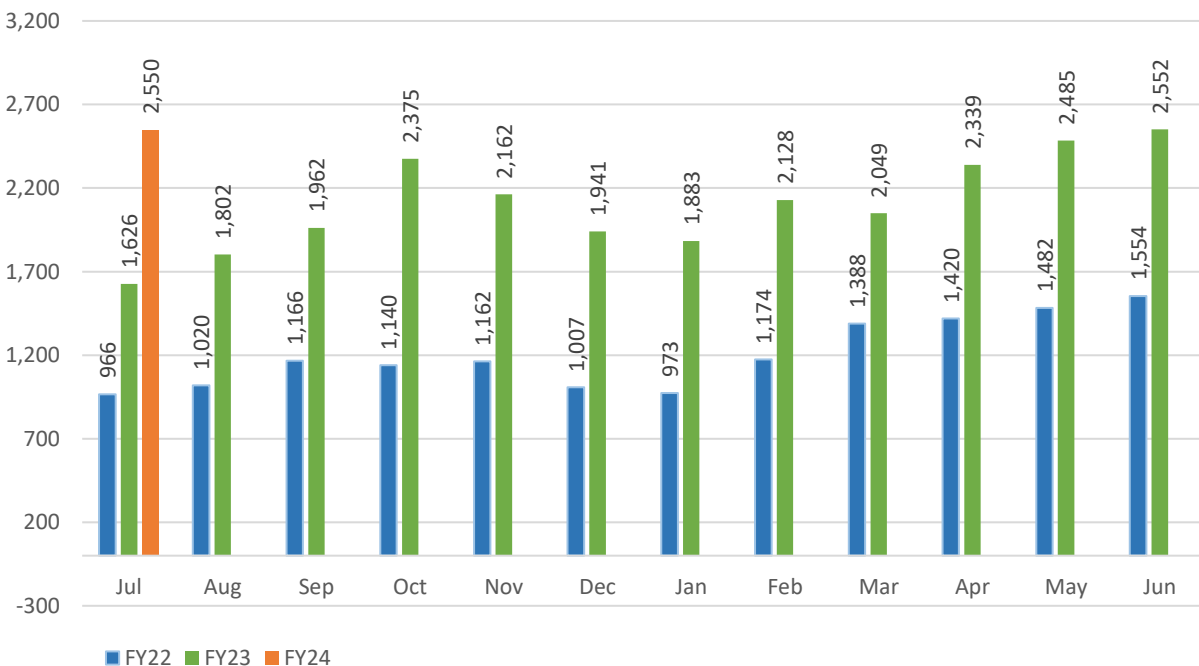
# JULY 2023 SMART RIDERSHIP REPORT

The following charts compare the average weekday ridership and monthly totals for FY22-FY23.

### SMART Monthly Ridership (FY22 - FY24)



### SMART Average Weekday Ridership (FY22 - FY24)





**Eric Lucan, Chair**  
Marin County Board of Supervisors

**Melanie Bagby, Vice Chair**  
Sonoma County Mayors' and Councilmembers Association

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Transportation Authority of Marin

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August 16, 2023

Sonoma-Marín Area Rail Transit Board of Directors  
5401 Old Redwood Highway, Suite 200  
Santa Rosa, CA 94954

**SUBJECT:** Approve a Resolution Authorizing the General Manager to execute Change Order 002 to Contract No. FR-BB-22-004 with Koppers Railroad Structures for the Brazos Branch Timber Bridge Repairs Phase 1

Dear Board Members:

**RECOMMENDATION:**

Approve Resolution No. 2023-29 Authorizing the General Manager to Execute Change Order 002 to Contract No. FR-BB-22-004 with Koppers Railroad Structures, Inc. in the amount of \$20,852 for a total contract amount of \$1,297,235 for the Brazos Branch Timber Bridge Repairs Phase 1 Project.

**SUMMARY:**

This construction contract repairs five (5) timber trestle bridges on the Brazos railroad branch, between Novato and the Napa River. The repairs are needed due to wear and tear over many years. The work includes repairing or replacing stringers, reconstructing frame bents, repairing walkways and railings and miscellaneous debris removal.

These timber bridges are old and have been exposed to the elements for many years. As we replace worn and deteriorated bridge components it is not uncommon to discover additional components that need replacement. This is one of those instances. Change Order 002 replaces an additional pile cap on the Novato Creek Bridge and provides 2 additional pile caps for future use.

The six locations within this contract include:

1. MP B27.37 Simmons Slough – Remove debris, replace walkway metal grating, replace chord, install sway bracing, and shim a pile.
2. MP B28.68 Blackpoint Bridge – Replace cap, shim or post piles, replace cross bracing, replace 55 bridge ties, and replace stringers.

3. MP B38.97 Railroad Slough – Replace stringer chord, replace caps, replace walkway outriggers and install metal walkway.
4. MP B40.69 Schell Creek – Install metal walkway, replace stringers, repair frame bent, and repair backwall.
5. MP B44.03 Tributary – Replace riser and top cap, install girt, post piles, and repair backwalls.
6. MP B26.26 Novato Creek: Replace stringers, repair walkway, replace guard timbers, shim chords, replace caps, repair bents, and post piles.

Staff recommends approving Resolution No. 2023-29 authorizing the General Manager to execute Change Order 002 in the amount of \$20,852 for a total contract amount of \$1,297,235 with Koppers Railroad Structures.

**FISCAL IMPACT:** Budget for this work is included in the FY24 Freight budget.

**REVIEWED BY:** [ x ] Finance     /s/          [ x ] Counsel     /s/    

Very truly yours,

    /s/      
Bill Gamlen, P.E.  
Chief Engineer

Attachment(s):

- 1) Resolution No. 2023-29
- 2) Koppers Railroad Structures Change Order No. 002

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT APPROVING CHANGE ORDER 002 TO CONTRACT NO. FR-BB-22-004 WITH KOPPERS RAILROAD STRUCTURES, INC. FOR BRAZOS TIMBER BRIDGE REPAIRS – PHASE 1**

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**WHEREAS**, the Sonoma-Marín Area Rail Transit District (SMART) owns the track between Novato to just east of the Napa River; and

**WHEREAS**, SMART awarded Contract No. FR-BB-22-004 to repair six (6) timber trestle bridges to Koppers Railroad Structures, Inc.; and

**WHEREAS**, SMART executed Change Order 001 in an amount of \$111,081 to repair piles on the Blackpoint Bridge; and

**WHEREAS**, SMART has discovered additional repair work that is necessary on the Novato Creek Bridge; and

**WHEREAS**, SMART has negotiated Change Order No. 002 in an amount of \$20,852 to make the repairs to the Novato Creek Bridge;

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF SMART HEREBY FINDS, DETERMINES, DECLARES, AND ORDERS AS FOLLOWS:**

1. The forgoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
2. Authorize the General Manager to execute Change Order No. 002 to Contract No. FR-BB-22-004 with Koppers Railroad Structures, Inc., for an amount of \$20,853 for a total contract amount of \$1,297,235.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Sonoma-Marín Area Rail Transit District held on the 16<sup>th</sup> day of August 2023, by the following vote:

**DIRECTORS:**

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Eric Lucan , Chair, Board of Directors  
Sonoma-Marín Area Rail Transit District

ATTEST:

---

Leticia Rosas, Clerk of Board of Directors  
Sonoma-Marín Area Rail Transit District

Contract No.: FR-BB-22-004  
Contract Title: Brazos Branch Timber Bridge Repairs – Phase 1.  
Change Order No: 002  
Title: Novato Bridge Pile Cap Scope Revision



**Issued to:**

Koppers Railroad Structures, Inc.  
4546 Tompkins Dr  
Madison, WI 53716  
Phone: (608) 515-4588

**CO Title:** Novato Bridge Pile Cap Scope Revision

**Change Notice Reference:** N/A

**The Contract Price due to this CO will change by:** \$20,852.00

**The Contract Performance Time due to the CO will be change by:** 0 calendar days

EXCEPT AS MODIFIED BY THIS CHANGE ORDER, ALL TERMS AND CONDITIONS OF THE CONTRACT, AS PREVIOUSLY MODIFIED, REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE PARTIES AGREE THAT THIS CHANGE ORDER IS A FINAL AND EQUITABLE ADJUSTMENT OF THE CONTRACT TIME AND CONTRACT AMOUNT AND CONSTITUTES A MUTUAL ACCORD AND SATISFACTION OF ALL CLAIMS, CURRENT OR FUTURE, OF WHATEVER NATURE CAUSED BY OR ARISING OUT OF THE FACTS AND CIRCUMSTANCES SURROUNDING THIS CHANGE ORDER INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT AND CONSEQUENTIAL COSTS; ADDITIONAL TIME FOR PERFORMANCE; AND THE IMPACT OF THE CHANGE SPECIFIED IN THIS CHANGE ORDER, ALONE OR TAKEN WITH OTHER CHANGES, ON THE UNCHANGED WORK.

**Description of change:**

This Change Order directs the Contractor to replace an additional pile cap and to provide 2 additional pile caps for future use.

<b>Concurred By:</b>		<b>Concurred By:</b>	
_____	_____	_____	_____
Project Manager	Date	District Chief Engineer	Date
<b>John Riley</b>		<b>Bill Gamlen</b>	

**The undersigned agrees to the terms and conditions described herein.**

<b>Contractor Acceptance</b>		<b>Sonoma-Marín Area Rail Transit</b>	
_____		_____	
<b>Title: President</b>		<b>Title: General Manager</b>	
_____	_____	_____	_____
(Authorized Signature for Contractor)	Date	(Authorized Signature for Owner)	Date
<b>Mike Tweet</b>		<b>Eddy Cumins</b>	

Contract No.: FR-BB-22-004  
 Contract Title: Brazos Branch Timber Bridge Repairs – Phase 1.  
 Change Order No: 002  
 Title: Novato Bridge Pile Cap Scope Revision



**Compensation for this Change Order will be made by changing the following Pay Item(s):**

Pay Item No.	Funding Source	Description	Unit	Qty.	Unit Price	Item Total
CO 002	3002C.C.44	Revised Pile Cap Quantity at Novato Creek Bridge	LS	1	N/A	\$20,852.00

<b>Initials:</b> _____ <div style="text-align: center; margin-top: 5px;">Project Manager</div>	_____ <div style="text-align: center; margin-top: 5px;">Contractor</div>	_____ <div style="text-align: center; margin-top: 5px;">Chief Engineer</div>
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**Eric Lucan, Chair**  
Marin County Board of Supervisors

**Melanie Bagby, Vice Chair**  
Sonoma County Mayors' and Councilmembers Association

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August 16, 2023

Sonoma-Marín Area Rail Transit Board of Directors  
5401 Old Redwood Highway, Suite 200  
Petaluma, CA 94954

**SUBJECT:** Approve a Resolution Authorizing the General Manager to Execute Contract Amendment No 2 to Contract No CV-PS-22-003 with CSW/Stuber-Stroeh Engineering Group, Inc.

Dear Board Members:

**RECOMMENDATIONS:**

Approve Resolution No. 2023-28 authorizing the General Manager to Execute Contract Amendment No. 2 to Contract No. CV-PS-22-003 with CSW/Stuber-Stroeh Engineering Group, Inc. (CSW/ST2) in the amount of \$382,800 for a total not-to-exceed of \$1,682,819 and extend the contract through December 31, 2024.

**SUMMARY:**

In January of 2023, SMART entered an agreement with CSW/ST2 to provide professional services in civil and systems engineering design. CSW/ST2 was tasked with preparing design and construction documents for two (2) sections of Non-Motorized Pathway (NMP) in Sonoma County between Southpoint Boulevard in Petaluma and Main Street in Penngrove (1), and between Golf Course Drive in Rohnert Park and Bellevue Avenue in Santa Rosa (2). Services also included preparation of design and construction documents for the reconstruction of the at-grade crossing at North McDowell Boulevard in Petaluma, and construction of the new Petaluma North Station located south of Corona Road in Petaluma.

In July 2023, Contract Amendment No. 1 was executed to extend the expiration date of the contract to August 31, 2023, to facilitate completion of bidding documents.

Contract Amendment No. 2 will incorporate additional design services for preparation and testing of vital and non-vital train control and grade crossing warning system software for twenty-two locations.

These specific train control and grade crossing warning system locations are included in or affected by the implementation of Pathway Segments 1 and 2, reconstruction of the at-grade crossing at North McDowell Boulevard, and the construction of the new Petaluma North Station. Design services include preparation of preliminary and final software modifications, development of preliminary and final laboratory simulation test plans and procedures, execution of software configuration management, performance of simulation testing of software, and preparation of final documentation for all modified train control and grade crossing warning system software.

**FISCAL IMPACT:** Expenditure authority and funding are included in the Fiscal Year 2023-24 budget.

**REVIEWED BY:**  Finance     /s/           Counsel     /s/    

Sincerely,

    /s/    

Aaron J. Parkes  
Manager of Train Control Systems

Attachment(s):

- 1) Resolution Number 2023-28
- 2) CSW/Stuber-Stroeh Engineering Group, Inc. (CSW/ST2) Contract Amendment No. 2

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT APPROVING CONTRACT AMENDMENT NO. 2 TO CONTRACT CV-PS-22-003 TO CSW/STUBER-STROEH ENGINEERING GROUP, INC. FOR THE DESIGN OF THE PETALUMA NORTH STATION & MINOR DESIGN MODIFICATIONS TO PATHWAYS AND GRADE CROSSINGS**

---

**WHEREAS**, the District entered into Contract No. CV-PS-22-003 with CSW/Stuber-Stroeh Engineering Group, Inc. for professional Engineering Design services to design the Petaluma North Station, finish the designs of the McDowell Blvd Reconstruction, and modify the design of the Southpoint Blvd. to Main St. and Golf Course Dr. to Bellevue Ave. multi use pathway projects; and

**WHEREAS**, Amendment No. 2 to Contract No. CV-PS-22-003 provides for additional scope to complete design and testing of train control software; and

**WHEREAS**, Amendment 2 meets the specifications and requirements of Contract No. CV-PS-22-003; and

**WHEREAS**, Contractor and SMART staff negotiated a final cost of \$382,800 for the increase in scope; and

**WHEREAS**, Contractor and SMART staff negotiated to extend contract CV-PS-22-003 until December 31, 2024;

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF SMART HEREBY FINDS, DETERMINES, DECLARES, AND ORDERS AS FOLLOWS:**

1. The forgoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
2. Authorize the General Manager to execute Amendment No. 2 to CV-PS-22-003 with CSW/Stuber-Stroeh Engineering Group, Inc., for a total contract amount of \$1,682,819.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Sonoma-Marín Area Rail Transit District held on the 16<sup>th</sup> day of August 2023, by the following vote:

**DIRECTORS:**

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Eric Lucan, Chair, Board of Directors  
Sonoma-Marín Area Rail Transit District

ATTEST:

---

Leticia Rosas, Clerk of Board of Directors  
Sonoma-Marín Area Rail Transit District

**SECOND AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT  
AND CSW/STUBER-STROEH ENGINEERING GROUP, INC.**

This Second Amendment dated as of August 16, 2023 (the “Second Amendment”), to the Agreement for Consultant Services by and between CSW/Stuber-Stroeh Engineering Group, Inc. (hereinafter referred to as “CONSULTANT”) and the Sonoma-Marín Area Rail Transit District (hereinafter referred to as “SMART”), dated as of January 4, 2023 (the “Original Agreement,” as amended and supplemented by the First Amendment and now this Second Amendment, the “Agreement”).

**RECITALS**

WHEREAS, CONSULTANT and SMART previously entered into the Original Agreement on January 4, 2023 to design and engineer the Petaluma North Station and finalize construction drawings for the North McDowell Boulevard grade crossing and Segment 2 and 3 Class I non-motorized pathways located in Sonoma County; and

WHEREAS, SMART previously entered into Amendment No. 1 to extend the term through August 31, 2023; and

WHEREAS, SMART desires to amend the Agreement to modify the scope of work related to final design, configuration, and testing of the train control software, extend the term through December 31, 2024, and increase the not-to-exceed amount by \$382,800.00 for a total Agreement not-to-exceed amount of \$1,682,819.00 and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**AGREEMENT**

1. **“ARTICLE 2. LIST OF EXHIBITS”.**

Section 2.01 The follow exhibits are attached hereto and incorporated herein:

(a) Exhibit A: Scope of Work & Timeline

The Exhibit A “Scope of Work & Timeline” of the Agreement is hereby deleted and replaced with the Exhibit A included in this Second Amendment.

(b) Exhibit B: Schedule of Rates

The Exhibit B “Schedule of Rates” of the Agreement is hereby deleted and replaced with the Exhibit B included in this Second Amendment.

2. **“ARTICLE 5. PAYMENT”**. Section 5.01 is hereby deleted and replaced in its entirety with the following:

“Section 5.01 Consultant shall be paid, as full compensation for the satisfactory completion of the work described in the Scope of Work and Timeline (Exhibit A) in accordance with the milestone payment structure included in the Schedule of Rates (Exhibit B) for a total amount of \$1,682,819.00, regardless of whether it takes Consultant more time to complete or costs are more than anticipated. The total amount paid to Consultant includes compensation for all work and deliverables, including travel and equipment described in the Exhibit A Scope of Work and Timeline. No additional compensation will be paid to Consultant, unless there is a change in the scope of the work or the scope of the project. In the instance of a change in the scope of work or scope of the project, adjustment to the total amount of compensation will be negotiated between Consultant and SMART. Adjustment in the total amount of compensation will not be effective until authorized by written Amendment and approved by SMART.”

3. **“ARTICLE 6. TERM OF AGREEMENT”**. Section 6.01 is hereby deleted and replaced in its entirety with the following:

Section 6.01 The term of this Agreement shall remain in effect through December 31, 2024, unless terminated earlier in accordance with the provisions of **Article 7.**”

4. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with all supplements, amendments and exhibits thereto is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to, modify, invalidate, or otherwise affect any provision of the Agreement.

*SIGNATURE PAGE TO FOLLOW*

**IN WITNESS WHEREOF**, the parties hereto have executed this Second Amendment as of the date first set forth above.

**SONOMA-MARIN AREA RAIL TRANSIT DISTRICT**

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Eddy Cumins, General Manager

**CSW/STUBER-STROEH ENGINEERING GROUP, INC.**

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Robert Stevens, President

**APPROVED AS TO FORM:**

Dated: \_\_\_\_\_

By \_\_\_\_\_  
District Counsel

**EXHIBIT A**  
**SCOPE OF WORK & TIMELINE**

**I. Overview**

The Sonoma-Marín Area Rail Transit District (SMART) is contracting with CSW/Stuber-Stroeh Engineering Group, Inc. (“Consultant”) to conduct and coordinate specified tasks related to preparing and advancing the design of the Petaluma North Station, North McDowell Blvd. Reconstruction, and Non-Motorized Pathway Segments.

The Consultant shall be required to sign SMART’s Confidentiality and Non-Disclosure Agreement prior to the start of any work being performed under this Agreement given the Safety Sensitive Information “SSI” that will be handled during the performance of the contract.

**II. Project Management**

All work shall be initiated, scheduled, and reviewed by SMART’s Chief Engineer or designee (hereinafter “SMART Manager”).

**III. Scope of Work**

Consultant shall complete Civil and Systems design for the new Petaluma North Station, North McDowell Boulevard at-grade crossing reconstruction, and 2 segments of non-motorized pathway (“NMP”) located in Sonoma County. The scope of work includes preparing final issued for construction drawings, developing designs, integrating work elements, and supplemental specifications.

**A. Electronic Design Files**

1. Designer will be supplied with design files in native AutoCAD format to serve as a basis upon which to advance and complete the design and prepare the Issued for Construction package. SMART’s goal is to maintain consistency, minimize the level of effort required and expedite the completion of the design.
2. Autodesk Construction Cloud
  - a. All AutoCAD files shall be uploaded and maintained on Autodesk Construction Cloud and organized in accordance with the District’s administrator’s guidelines.
  - b. Version Control shall be implemented in accordance with the District’s administrator’s guidelines.

3. Design packages include the following project elements, at the associated levels of design completion
  - a. Petaluma North Station – 10% Concept
  - b. North McDowell Blvd. – 75% design complete
  - c. Pathway Segment 2 – Southpoint Blvd. to Main St. - 100% design complete
  - d. Pathway Segment 3 – Golf Course Dr. to Bellevue Ave. - 100% design complete

B. Design Package Scope

1. Petaluma North Station

Consultant will prepare a complete Civil and Systems design package for the new Petaluma North Station located South of Corona Road in Petaluma, including train control components, communications, grade crossing warning, parking lot, and incorporation of adjacent 100% designed pathway work and signalized crosswalk of Corona Rd. A preliminary design for the station layout is complete. Incorporate station access from the adjacent pathway including pedestrian gates. This task will include the development of engineer’s estimate, bid sheet, and bid item descriptions, as well as finalizing and completing the technical specifications to include special specifications (*Refer to Attachment I – “Station Design Materials” included in the Request for Proposal which is hereby incorporated into this Agreement by reference*).

For system design work, refer to Attachment J – “System Standard References” included in the Request for Proposal which is hereby incorporated into this Agreement by reference for a baseline.

- i. The station configuration will be a single side platform, a standard used throughout SMART’s alignment, oriented on the west side of the track, with an ADA-compliant ramp on the north end of the platform, and an emergency egress stairway on the south end of the platform. The station platform and station area design will include:
  1. “Standard” SMART side platform.
  2. Access ramp on north end and emergency stairs on south.
  3. Two station platform shelters.
  4. Standard SMART platform amenities – kiosk, waste/recycle receptacles, lighting, cameras, speaker, etc.
  5. Provisions for three (3) card readers: two at south ramp, & one at the TVM.



6. Provisions for one ticket vending machine.
7. Bike lockers (8 bike capacity) & bike rack (10 bike capacity).
8. Construct sidewalk along the south side of Corona Road between existing sidewalk west of track to east of track.
9. New pedestrian path-of-travel across track at Corona Road– including panels, conduits and foundations, grade crossing warning system replacement and devices including new 8’x8’ signal house, pedestrian & emergency swing gates, truncated domes, striping, stencils and pedestrian channelization fencing.
10. Electrical service, panel, conduits, pull boxes, and all appurtenances for station-area loads, including station devices, communication cases, lighting, and signal house.
11. Underground conduits and pull boxes connecting communication cases, wayside signals, track circuits, power switch machines, and SMART’s fiber optic ductbank to the new signal house adjacent to the station platform.
12. Control point, consisting of a gauntlet track, power switch machines, 10’x16’ signal house, high 3-aspect signals, vital microprocessors, track circuits, cab generators, redundant grade crossing predictors.
13. Train Control Fiber optic network connecting Petaluma North Gauntlet Control Point to adjacent locations.
14. Station area network, including station communications cabinet and station communications equipment housed in control point signal house, serving fare collection, fare validation and CCTV systems. No radio coverage studies are required to be performed.
15. Station area and park and ride CCTV system, along with provisions for additional data storage at SMART’s Rail Operations Center.
16. CCTV cameras at Corona Rd. providing field of view of the traffic and pedestrian crossing.
17. Prepare new vital and non-vital ElectroLogIXS software based on seed software provided by SMART
18. Modify existing vital and non-vital ElectroLogIXS software provided by SMART
  - a. Locations include:
    - i. 38.13 CP Hopper North
    - ii. 38.49 Petaluma Passenger Gauntlet
    - iii. 39.68 Cut Section 382/397
    - iv. 40.42 Southpoint Boulevard

- v. 40.63 North McDowell Boulevard Main
  - vi. 40.76 North McDowell Boulevard Remote
  - vii. 40.95 CP Petaluma North
  - viii. 41.07 Corona Road
  - ix. 41.36 Cut Section 411T/414T
  - x. 42.18 Willowbrook Electric Lock
  - xi. 42.24 Ely Road
  - xii. 43.30 Main Street
  - xiii. 43.60 Adobe Road
  - xiv. 44.20 Cut Section 433T/442T
  - xv. 44.77 East Railroad Avenue
  - xvi. 45.15 Cut Section 442T/452T
  - xvii. 45.82 CP Redwood South
  - xviii. 46.02 CP Cotati Gauntlet South
  - xix. 46.15 CP Cotati Gauntlet North
  - xx. 46.58 CP Redwood South
  - xxi. 49.51 Scenic Avenue
  - xxii. 50.80 Todd Rd
19. Prepare software changes in accordance design shown in IFC systems package Volume 5
  20. Perform reduced-test validation changes and associated documentation for existing locations that require software modifications.
  21. Update location names at Hopper North, Redwood South, Redwood North; not to include name references throughout software and remote statuses.
  22. Remove WB\_NWLPP check from 423SS in 42.24 Ely Road vital logic.
  23. Maintain records of all checksums, CRCs and compile date data on configuration management spreadsheet as provided by SMART.
  24. Parking Lot. This task will include the design of a new parking lot supporting the Petaluma North Station. This will be a surface parking lot that will include a kiss and ride lot, CCTV, lighting, and storm water quality components consistent with the California Building Code. Consultant will provide the following:
    - a. Technical Studies. Consultant will complete additional topographic surveys with the parking area along the south side of Corona Road. In addition, the Consultant shall complete four samples of subsurface soil to determine the R-value for use in pavement design.
    - b. Concept Plan. Consultant will prepare concept plan illustrating the layout of the parking lot and

related amenities. This will include a frontage improvement along Corona Road. Consultant will provide a screen check for review by SMART. Following this review, Consultant will prepare a draft document for formal review. SMART will coordinate the review with the developer and the City.

- c. Consultant will prepare documents at the 50%, 90%, 100%, and IFC level with the station plans. These will include the following:
  - i. Layout, Striping, and Paving Plan
  - ii. Grading and Drainage Plan
  - iii. Corona Road frontage improvements limited to curb, gutter, sidewalk, and striping.
  - iv. Lighting Plan
  - v. Electrical plan for vehicle chargers
  - vi. CCTV Plan
  - vii. Erosion Control details
  - viii. Specifications, bid schedule, and cost estimate.
  - ix. Hydrology and hydraulics report consistent with BASMAA standards for water quality.
  - x. Assumptions. Consultant has made the following assumptions for this task:
    1. No planning or building permits are required.
    2. No environmental review is required.
    3. Major modifications to Corona Road are not included.
    4. Offsite storm water improvements are not included.
    5. The project will include one fire water service to the parking lot. Upsizing of the water main in the public right of way is not included in this scope of work.
    6. No flood zone modification is included in this work.
    7. No landscape or irrigation design is included in this scope of work.
    8. Boundary and easement mapping for the parcel will be provided by SMART.

9. All site signage is SMART standard or typical regulatory signs.

## 2. North McDowell Boulevard Crossing Reconstruction

- a. Complete civil and systems design for the reconstruction of one (1) railroad grade crossing at North McDowell Blvd., including train control components, communications, grade crossing warning, and incorporation of the adjacent 100% designed signalized pedestrian crossing of North McDowell. Design is at roughly 75% level of completion. Typical sections as well as alignment are prepared. *(Refer to Attachment H – “Prepared Plansets” included in the Request for Proposal which is hereby incorporated into this Agreement by reference).*

This task includes finalizing and completing technical specifications to include special job specific specifications *(Refer to Attachment I – “Station Design Materials” included in the Request for Proposal which is hereby incorporated into this Agreement by reference)*, development of engineers estimate, bid sheet, and bid item descriptions.

For system design work, refer to Attachment J – “System Standard References” included in the Request for Proposal which is hereby incorporated into this Agreement by reference for a baseline.

Crossing shall be replaced in kind with the below provisions:

- i. Switch from 136 RE to 115 RE
- ii. Electrical service, panel, conduits, pull boxes, and all appurtenances for area loads, including grade crossing warning system signal houses.
- iii. Underground conduits and pull boxes connecting communication cases, track circuits, and SMART’s fiber optic ductbank to the new signal houses associated with the grade crossing warning system.
- iv. Grade crossing warning system replacement, including new signal house(s) minimum 8’x8’ in size, pedestrian gates, track circuits, redundant grade crossing predictors.
- v. Train Control Fiber optic network connecting grade crossing warning system signal houses to adjacent locations.
- vi. 2 CCTV cameras with multiple lenses providing field of view of the crossing, including both pedestrian crossings.

3. Pathway Segment 2 – Southpoint Boulevard to Main Street

- a. Refine 100% pathway design to conform to consultant’s design for the Petaluma North Station. Pathway design includes modifications to existing pathway alignment necessary to provide a connection to the new Petaluma North Station on the south side of Corona Road, designed in coordination with the station design. *(Refer to Attachment H – “Prepared Plansets” included in the Request for Proposal which is hereby incorporated into this Agreement by reference).*

For system design work, refer to Attachment J – “System Standard References” included in the Request for Proposal which is hereby incorporated into this Agreement by reference for a baseline.

- b. Designer shall revise the pedestrian crosswalk at Southpoint Blvd. to incorporate a wireless flashing pedestrian warning system. At Ely Rd consultant shall complete systems design of grade crossing warning devices including preemption.
  - i. Ely Road
    1. Additional equipment and terminations for one new flasher to be housed in existing signal house. Anticipated design will use existing ElectroLogIXS microprocessor and XIP 20-B panels.
    2. Design includes removal of cantilever in NE quadrant, and relocation and reorientation of existing entry gates in NE and SW quadrants.
    3. Design also includes the addition of simultaneous preemption interconnect.

4. Pathway Segment 3 – Golf Course Dr. to Bellevue Ave

- a. Pathway design includes railroad systems designs for the addition of pedestrian warning devices at Todd Road and Scenic Road. Also includes modifications to the traffic control devices proposed for the pathway crosswalks at Bellevue Avenue, Scenic Road, & W. Robles Avenue to incorporate a wireless flashing pedestrian warning system. *(Refer to Attachment H – “Prepared Plansets” included in the Request for Proposal which is hereby incorporated into this Agreement by reference).*

For system design work, refer to Attachment J – “System Standard References” included in the Request for Proposal which is hereby incorporated into this Agreement by reference for a baseline.

- b. Pedestrian gates are to be integrated into the grade crossing warning system at Scenic Road, and Todd Road.

- i. Scenic
  - 1. Additional equipment and terminations for two new pedestrian gates to be housed in existing signal house. Anticipated design will use existing ElectroLogIXS microprocessor, reallocation of existing inputs and outputs, revised vital software, additional IXC module, XIP-20B panel, and all necessary appurtenances.
  - 2. Design includes removal of cantilever in SW quadrant, and relocation and reorientation of existing entry gate in SW quadrant, along with replacement of existing vehicle detection loops as necessary.
- ii. Todd Road
  - 1. Additional equipment and terminations for two new pedestrian gates to be housed in existing signal house. Anticipated design will use existing ElectroLogIXS microprocessor, revised vital software, additional IXC module, XIP-20B panel, and all necessary appurtenances.
  - 2. Design also includes the addition of simultaneous preemption interconnect.

C. Services to be Provided

The Consultant shall provide all services necessary to complete the engineering design tasks. Specifically, the Consultant will be required to complete the following tasks:

- 1. Project Management** - The consultant shall be responsible for project management activities throughout the life of the contract and the scope of activities includes, but is not limited to:
  - a) Coordination of weekly meetings with SMART staff and key Consultant design personnel including project manager and lead designers. Consultant shall prepare and circulate meeting agendas and minutes.
  - b) Coordinate work activity with the project staff.
  - c) Update SMART on the design progress and establish work priorities.
  - d) Identify key issues and major decisions and bring them to the attention of the SMART management for resolution and decision making. Consultant shall provide a recommended solution/resolution(s) for SMART's consideration.
  - e) Ensure that appropriate arrangements are made to satisfy SMART, local, state, and federal requirements for quality assurance, safety and security, and environmental compliance. Consultant shall not be responsible for revision of any Positive Train Control Plans ("PTC")
  - f) Provide 7-day period for SMART review and comment on each submittal.

## **DELIVERABLES:**

Monthly status reports are to be included with each invoice that summarize work completed during the billing period, progress to date, challenges, schedule update, and other relevant project management metrics to monitor the progress of the work.

- 2. Engineering Design** – Perform design activities needed to complete the final design such as Geometrics, Hydraulics, Traffic Operations, Train Control, Grade Crossing Warning Systems, Communications, Electrical, etc. The designer shall comply with SMART’s Design Criteria Manual, and the following:
  - a) Develop detailed design drawings, including, but not limited to:
    - a. Structural details for station design
    - b. Drainage structures
    - c. Lighting diagrams for station area
    - d. Track Drawings
    - e. Station Area Drawings
    - f. Electrical Drawings
    - g. Train Control Drawings
    - h. Vital and Non-Vital Software
    - i. Grade Crossing Warning System Drawings
    - j. Communication Drawings
    - k. Class I pathway construction drawings
  - b) Develop detailed engineering designs with sections, details, and supporting calculations.
  - c) Develop supplemental technical specifications. SMART will provide draft standard specifications.
  - d) Conduct field surveys as needed to complete design.
  - e) Create utility composite drawings that show existing utilities, existing easements, potential utility conflicts and the resolution for the conflicts, and fencing alignment. Consultant shall pothole where utility conflicts are anticipated, or where the design dictates underground structures such as, but not limited to, signal foundations, traffic pole foundations, and station amenities.
  - f) Modify existing grade crossing approach plans, including changes necessary for near-side stop operation at North McDowell Boulevard and Corona Road.
  - g) Modify existing E-ATC Control Line Diagrams depicting all appropriate changes to speed commands for freight and passenger equipment associated with the enforced near side station stops, and other changes associated with the implementation of the project elements. Optimize speed commands for passenger equipment operation for station stops.

- h) Perform independent verification of block design changes to confirm that changes are safely implemented in compliance with SMART's block design criteria, and manufacturer's safety-related application conditions.
- i) Prepare conduit and cable schedules and plans that details all conduit and cable sizes, types, consist, function, origin, and destinations, including copper and fiber optic signal and communications cables.
- j) Prepare site layout plans that depict all signal houses, track, track circuits, warning devices, foundations, power switch machines, insulated joints, predictor circuits.
- k) Prepare signal house layout plans that depict all equipment dimensions, types, locations, elevations, terminal boards, cable entries.
- l) Prepare voltage drop calculations demonstrating that the design meets the manufacturer's recommended guidelines and industry best practices.
- m) Prepare traffic signal preemption interconnect diagrams.
- n) Prepare communication node and communication case layout plans that depict all equipment dimensions, types, locations, elevations, terminal boards, cable entries.
- o) Prepare communications block diagrams
- p) Modify existing Fiber Optic Topology Diagram to include new RSTP loop and connections to device locations.
- q) Traffic signal design includes preemption interconnection to railroad equipment, interconnection to neighboring traffic signals, power and load calculations, signal design, required striping and signage, raceways, pull boxes, and power drops that adhere to the roadway jurisdictions requirements.
- r) Grade crossing warning system designs includes approach lengths, approach frequencies, near-side stop operations, raceways, pull boxes, cameras, and foundation designs for pedestrian gates, vehicle gates, and cantilevers.
- s) Hydrology calculations for station area
- t) Designers shall comply with SMART Design Criteria Manual and applicable codes, regulations and standards.
- u) Prepare detailed construction cost estimates, bid sheet and detailed bid descriptions for the work. The estimate shall be based upon the construction documents and shall correspond to the contract bid sheet. Each project component (Station, McDowell Blvd, Segment 2 Pathway, & Segment 3 Pathway) will need independent bid sheets for cost tracking of each project component individually.
- v) All design documents shall be signed and stamped by a licensed Professional Engineer registered in the state of California.

**DELIVERABLES:**

- 1. Petaluma North Station
  - a) 50% Civil and Systems Design Package
    - i. Site plan of station area including at minimum:
      - I. Index listing all civil and systems sheets proposed to be included in IFC package.



- II. Utility composite drawings including any conflicts with station design. Consultant shall pothole where utility conflicts are anticipated, or where the design dictates underground structures such as, but not limited to, signal foundations, traffic pole foundations, and station amenities.
- III. Station platform and ramps.
- IV. Station plaza and public access from Corona, including path of travel in station area and across track on south side of Corona Road.
- V. Trackwork, including temporary trackwork for station construction, and plan and profile of mainline and gauntlet track, including points of switch.
- VI. Signal house and comm case sizes and locations.
- VII. Grade crossing warning devices.
- VIII. Electrical service connection for all station area loads.
- IX. Site utility plan depicting all existing overhead and underground utilities and identifying all utility conflicts that must be addressed prior to construction.
- X. Constructability analysis and staging memorandum
  - a. Consultant shall prepare a narrative description of proposed staging of construction and installation activities starting at the 50% design submittal and resubmitted for agency review and comment with each submission. Consultant's design shall minimize impact to rail operations by incorporating staged construction and installation of trackwork, fencing, train control systems, grade crossing warning systems, and all associated elements. Components of focus include adjusting existing track alignment to accommodate workspace for gauntlet install and station construction, replacement of McDowell track, cut overs.
  - b. Description of construction, installation, and testing schedule to maintain rail operation including all required shutdowns and time required.
- XI. Electronic copy and two (2) half sized hard copies of construction documents.

b) 90% Civil and Systems Design Package

- I. All sheets included in 50% submittal.
- II. Station Platform Structural and Architectural Plans and Details.
- III. Track drawings.

- IV. Systems conduit and cable plans.
- V. Systems signal house plans.
- VI. Systems comm case plans.
- VII. E-ATC Control Line Diagram Modifications.
- VIII. Grade Crossing Approach Modifications.
- IX. Draft construction cost estimate Draft pothole plan.
- X. Incorporation of all comments to previous submittal and spreadsheet tracking responses to comments.
- XI. Constructability analysis and staging memorandum
  - a. Consultant shall prepare a narrative description of proposed staging of construction and installation activities starting at the 50% design submittal and resubmitted for agency review and comment with each submission. Consultant's design shall minimize impact to rail operations by incorporating staged construction and installation of trackwork, fencing, train control systems, grade crossing warning systems, and all associated elements. Components of focus include adjusting existing track alignment to accommodate workspace for gauntlet install and station construction, replacement of McDowell track, cut overs.
  - b. Description of construction, installation, and testing schedule to maintain rail operation including all required shutdowns and time required.
- XII. Electronic copy and two (2) half sized hard copies of construction documents and cost estimate.

c) 100% Civil and Systems Design Package

- i. Incorporation of all comments to previous submittal and spreadsheet tracking responses to comments.
- ii. Constructability analysis and staging memorandum.
  - a. Consultant shall prepare a narrative description of proposed staging of construction and installation activities starting at the 50% design submittal and resubmitted for agency review and comment with each submission. Consultant's design shall minimize impact to rail operations by incorporating staged construction and installation of trackwork, fencing, train control systems, grade crossing warning systems, and all associated elements. Components of focus include adjusting existing track alignment to accommodate workspace for

- gauntlet install and station construction, replacement of McDowell track, cut overs.
  - b. Description of construction, installation, and testing schedule to maintain rail operation including all required shutdowns and time required.
  - iii. Electronic copy and two (2) half sized hard copies of construction documents and cost estimate.
- d) IFC Civil and Systems Design Package
  - i. Incorporation of all comments to previous submittal and spreadsheet tracking responses to comments.
  - ii. Constructability analysis and staging memorandum.
    - a. Consultant shall prepare a narrative description of proposed staging of construction and installation activities starting at the 50% design submittal and resubmitted for agency review and comment with each submission. Consultant's design shall minimize impact to rail operations by incorporating staged construction and installation of trackwork, fencing, train control systems, grade crossing warning systems, and all associated elements. Components of focus include adjusting existing track alignment to accommodate workspace for gauntlet install and station construction, replacement of McDowell track, cut overs.
    - b. Description of construction, installation, and testing schedule to maintain rail operation including all required shutdowns and time required.
  - iii. Electronic copy, two (2) half sized hard copies of plan, two (2) full sized hard copies of plan, two (2) copies of Engineers Cost Estimate, and two (2) copies of the specifications. All IFC deliverables shall be signed and stamped by a licensed California Engineer, as appropriate, by the designer.
- e) Software and Testing
  - i. Prepare and submit vital and non-vital software for SMART review and approval.
  - ii. Draft Software (Pre-Simulation) Milestone submittal to include software markups for all existing locations that are to be modified via Reduced Test Validation.
  - iii. Prepare and submit draft test procedures and test forms for SMART's review and approval (Draft Test Forms & Procedures Milestone)

- iv. Prepare and submit vital and non-vital software for SMART review and approval.
- v. Final Simulated & Checked Software Milestone submittal to include all final versions of software for all new and validated locations.
- vi. Submit all completed test documentation for SMART's review and approval (Final Test Forms & Procedures Milestone)
- vii. Provide SMART with all electronic report and source files, as part of Final Simulated & Checked Software Submittal.
- viii. Participate in 10 8-hour application software review sessions with SMART and Contractor staff at SMART's facilities in Petaluma Ca (SFAT Simulations Milestone)
- ix. Prepare agenda for application software review sessions, in coordination with SMART
- x. Demonstrate software functions via simulation test environment during sessions.
- xi. Respond to contractor questions during application software review sessions.
- xii. Modify software as required during software review sessions. Retransmit all electronic report and source files to SMART.
  - a. Prepare bound field copies of vital and non-vital software reports and binary files and provide to SMART in format approved by SMART (Transmit Final Field Copies Milestone) prior to contractor cutover.
  - b. For all new locations, the following tests shall be performed in simulation as applicable. For locations modified with a reduced validation, validation to be reviewed to determine which tests apply.
  - c. Simulate operating conditions to ensure that each software function is in accordance with the design. Functions tested shall include, but not be limited to, the following:
    - i. Control Point Tests:
      - 1. Route verification and breakdown.
      - 2. Signal aspect verification.
      - 3. Cab code rate verification.
      - 4. Vital data transmission verification.
      - 5. Coded track code transmission.
      - 6. Lamp-out downgrade verification.
      - 7. Approach and time locking verification.
      - 8. Route locking verification.
      - 9. Detector locking verification.
      - 10. Local control panel verification.
      - 11. SCADA control and indication verification.
      - 12. Track and switch blocking.

13. Temporary Speed Restriction application and removal.
  14. Mandatory Directive Application and Removal
  - ii. Cut Section and Electric Lock Testing:
    1. Cab code rate verification.
    2. Vital data transmission verification.
    3. Coded track code transmission.
    4. Traffic Stick verification.
    5. Local control panel verification.
    6. SCADA control and indication verification.
    7. Track blocking.
    8. Temporary Speed Restriction application and removal.
    9. Electric Lock release operation, exiting and entering main track.
    10. Mandatory Directive Application and Removal
  - iii. Grade Crossing Tests:
    1. Warning device activation.
    2. Near-Side Stop and dwell time-delayed activation.
    3. Downstream Activation.
    4. Vehicle detection system operation.
    5. Vital data transmission verification.
    6. SCADA control and indication verification
    7. Mandatory Directive Application and Removal
  - iv. Perform and document end-to-end simulation testing of all affected software including:
    1. Control line verification
    2. Signal aspect verification
    3. Mandatory directive verification
    4. Temporary Speed restriction verification
    5. Warning device activation.
    6. Near-Side Stop and dwell time-delayed activation.
    7. Downstream Activation
2. North McDowell Boulevard Crossing Reconstruction
    - a) 90% Civil and Systems Design Package.
      - i. Index listing all civil and systems sheets proposed to be included in IFC package.

- ii. Incorporate pathway in design drawings.
    - iii. Draft construction cost estimate.
    - iv. Electronic copy and two (2) half sized hard copies of construction documents and cost estimate.
  - b) 100% Civil and Systems Design Package.
    - i. 100% civil and systems design package.
    - ii. Electronic copy and two (2) half sized hard copies of construction documents and cost estimate.
  - c) IFC Civil and Systems Design Package
    - i. Construction cost estimate.
    - ii. IFC civil and systems design package.
    - iii. Electronic copy and two (2) half sized hard copies of plan, two (2) full sized hard copies of plan, and two (2) copies of Engineers Cost Estimate. All IFC deliverables shall be signed and stamped by a licensed California Engineer, as appropriate, by the designer.
- 3. Segment 2 Pathway (Southpoint Blvd. to Main St.)
  - a) 100% Civil and Systems Design Package
  - b) IFC Civil and Systems Drawings Incorporating Revisions of Corona Rd Including Pedestrian Gates.
    - i. Electronic copy and two (2) half sized hard copies of plan, two (2) full sized hard copies of plan. All IFC deliverables shall be signed and stamped by a licensed California Engineer, as appropriate, by the designer.
- 4. Segment 3 Pathway (Golf Course Dr. to Bellevue Ave.)
  - a) 100% Civil and Systems Design Package
  - b) IFC Civil and Systems Drawings
    - i. Electronic copy and two (2) half sized hard copies of plan, two (2) full sized hard copies of plan. All IFC deliverables shall be signed and stamped by a licensed California Engineer, as appropriate, by the designer.

**The following additional services and deliverables will be required:**

1. **Surveys and Mapping** – The Consultant shall be responsible for data collection, mapping, and surveying necessary for engineering, design, cost estimates, right-of-way impacts for station area between Corona Rd. and the southern end of the station. The scope of comprehensive base mapping and surveying includes but is not limited to Control Surveys, Design Level Topographic Surveys, Right-of-Way Retracement, plats and legals for pathway outside of SMART’s right-of-way, and a Record of Survey.

DELIVERABLE: AutoCAD format copy of final topographical survey compatible with SMARTs existing base file system. The survey shall use SMARTs drawing standards (drawing entity layers, file naming and xref pathing, and coordinate basis)

to match existing topographic base mapping. All surveying will be NAD83 coordinate basis and tied to SMARTs existing survey control system.

**Additional Information:**

Equipment Requirements – The Consultant shall have and provide adequate office equipment and supplies to complete the work required by this Contract. Consultant shall have and provide adequate field tools, instruments, equipment, materials, supplies, and safety equipment to complete the required field work and that meet or exceed Caltrans Specifications per the Caltrans Manuals.

Quality Control/Assurance Measures – Implementing and maintaining quality control procedures to manage conflicts, ensure product accuracy, and identify critical reviews and milestones.

Materials to be provided by the Agency – Unless otherwise specified in this Contract, the Consultant shall provide all materials to complete the required work in accordance with the delivery schedule and cost estimate outlined in each Task. Materials (if deemed applicable, necessary, and when available from the Sonoma-Marín Area Rail Transit District) that may be furnished or made available by the Sonoma-Marín Area Rail Transit District, and where listed in each Task and this Contract, are for the Consultant’s use only, shall be returned at the end of the Contract.

**IV. Timeline for Each Requirement / Task**

All work and deliverables under this Agreement shall be completed, submitted, and approved by SMART no later than December 31, 2024.

**EXHIBIT B  
SCHEDULE OF RATES**

The Consultant agrees to perform the services stated in the contract documents for an agreed amount as compensation, including a net fee or profit. Payment will be made on a milestone basis in accordance with the tasks identified in **Section I “Milestone Payment Schedule”** below.

In addition to providing Lump Sum Fees in the **Section I “Milestone Payment Schedule”**, the Consultant shall submit a bottoms-up cost proposal for the Prime Consultant and all subconsultants in **Section II “Prime and Subconsultant Cost Proposals”**.

**Section I: “Milestone Payment Schedule”**

<b>TASK 1: PETALUMA NORTH STATION</b>	
<i><b>Milestones</b></i>	<i><b>Lump Sum Fee</b></i>
50 Percent Design Level Package	\$638,803.00
90 Percent Design Level Package	\$241,091.00
100 Percent Design Level Package	\$96,437.00
IFC Percent Design Level Package	\$48,219.00
Draft Software (Pre-Simulation)	\$118,800.00
Final Simulated & Checked Software	\$118,653.00
SFAT Simulations	\$42,290.00
Transmit Final Field Copies	\$48,961.00
Draft Test Forms & Procedures	\$34,619.00
Final Test Forms & Procedures	\$19,477.00
<b>TOTAL SEGMENT FEE</b>	
	<b>\$1,407,350.00</b>



<b>TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION</b>	
<i>Milestones</i>	<i>Lump Sum Fee</i>
90 Percent Design Level Package	\$116,403.00
100 Percent Design Level Package	\$3,677.00
IFC Percent Design Level Package	\$2,452.00
<b>TOTAL SEGMENT FEE</b>	
	<b>\$122,532.00</b>

<b>TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BLVD. TO MAIN ST.)</b>	
<i>Milestones</i>	<i>Lump Sum Fee</i>
100 Percent Design Level Package	\$78,734.00
IFC Percent Design Level Package	\$4,145.00
<b>TOTAL FEE</b>	
	<b>\$82,879.00</b>

<b>TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DR. TO BELLEVUE AVE.)</b>	
<i>Milestones</i>	<i>Lump Sum Fee</i>
100 Percent Design Level Package	\$66,554.00
IFC Percent Design Level Package	\$3,504.00
<b>TOTAL FEE</b>	
	<b>\$70,058.00</b>

<b>Total Project Cost (Sum of Tasks 1-4):</b>	<b>\$1,682,819.00</b>
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**Section 2: “Prime and Subconsultant Cost Proposal”**

The following pages include the Consultant’s bottom’s up cost proposal for the Prime Consultant and all subconsultants proposed for the project.

**PETALUMA NORTH STATION AND MINOR DESIGN MODIFICATIONS TO PATHWAY AND GRADE CROSSINGS**

SUMMARY OF PRIME CONSULTANT LABOR EFFORT

CSW ST2 Project Manager, Engineer, and Surveyor								Total Hours	Total Base Fee
Robert Stevens PM and PIC	Julia Harberson Project Engineer	Josh Woelbing Survey Manager	Varies Survey Crew	Varies Engineer 3	Varies Engineer 2	Varies Engineer 1	Varies Admin		
2022 Hourly Rate (\$/ hour)	62.00	68.00	68.00	55.00	52.00	47.00	43.00	40.00	
Fringe	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Overhead	175.97%	175.97%	175.97%	175.97%	175.97%	175.97%	175.97%	175.97%	
Profit	10%	10%	10%	10%	10%	10%	10%	10%	
Multiplier	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	
Billable Rate (Overhead & Profit) (\$/ hour)	188.21	206.43	206.43	166.96	157.85	142.68	130.53	121.43	



**TASK 1: PETALUMA NORTH STATION**

1.1 Project Kickoff	4	4							8	\$1,579
1.2 Data Collection and Field Review	8	10	10			20			48	\$8,488
1.3 Existing Conditions Mapping			20	40			60		120	\$18,639
1.4 Hydrology Assessment		10			40				50	\$8,378
1.5 At-Grade Pedestrian Crossing		30			20	20			70	\$12,203
1.6 Prepare Plans										
50% PSE	10	100			100	120	120		450	\$71,095
90% PSE	10	80			100	100	120		410	\$64,113
100% PSE	10	80			80	80	100		350	\$55,492
IFC% PSE	8	20			40	40	40		148	\$22,877
1.7 Parking Lot										
Concept	20	60	8	16	60	40	40		244	\$40,872
50% PSE	16	40			40	40	40		176	\$28,511
90% PSE	10	20			30	30	40		130	\$20,248
100% PSE	8	20			20	20	20		88	\$14,256
IFC% PSE	4	8			8	8	8		36	\$5,853
1.8 Contract Management										
General Project Management	40							20	60	\$9,957
QA/QC	8								8	\$1,506
Meetings	10	8							18	\$3,534
Contract Administration	4							30	34	\$4,396
Billing								40	40	\$4,857
<b>SUBTOTAL</b>	<b>170</b>	<b>490</b>	<b>38</b>	<b>56</b>	<b>538</b>	<b>518</b>	<b>588</b>	<b>90</b>	<b>2488</b>	<b>\$396,853</b>

Reimbursable Expenses										
General										\$1,000
R Value Testing										\$12,000
Potholing										\$10,000
<b>Total Reimbursable Expenses:</b>										<b>\$23,000</b>
<b>Total TASK 1: PETALUMA NORTH STATION FEE</b>										<b>\$419,853</b>
										<b>Task 1: 50 Percent Design Level Package \$251,912</b>
										<b>Task 1: 90 Percent Design Level Package \$104,963</b>
										<b>Task 1: 100 Percent Design Level Package \$41,985</b>
										<b>Task 1: IFC Percent Design Level Package \$20,993</b>
										<b>TASK 1: PETALUMA NORTH STATION TOTAL COST: \$419,853</b>

**TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION**

2.1 Data Collection and Field Review									0	\$0
2.2 Existing Conditions Mapping									0	\$0
2.3 Prepare Plans										
90% PSE		40			30	20	40		130	\$21,068
100% PSE		30			30	20	30		110	\$17,698
IFC% PSE		4			8	8	8		28	\$4,274
2.4 Contract Management										
General Project Management	20							10	30	\$4,978
QA/QC	8								8	\$1,506
Meetings	8								8	\$1,506
<b>SUBTOTAL</b>	<b>36</b>	<b>74</b>	<b>0</b>	<b>0</b>	<b>68</b>	<b>48</b>	<b>78</b>	<b>10</b>	<b>314</b>	<b>\$51,030</b>

Reimbursable Expenses										
General										\$1,000
Potholing										\$6,000
<b>Total Reimbursable Expenses:</b>										<b>\$7,000</b>
<b>Total TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION FEE</b>										<b>\$58,030</b>
										<b>Task 1: 90 Percent Design Level Package \$55,128</b>
										<b>Task 1: 100 Percent Design Level Package \$1,741</b>
										<b>Task 1: IFC Percent Design Level Package \$1,161</b>
										<b>TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION TOTAL COST: \$58,030</b>

**TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BOULEVARD TO MAIN STREET)**

3.1 Data Collection and Field Review									0	\$0
3.2 Prepare Plans										
100% PSE	2	40			40	20	10		112	\$19,107
IFC% PSE	2	8			20	10	8		48	\$7,656
3.3 Contract Management										
General Project Management	20								20	\$3,764
QA/QC	4								4	\$753
Meetings	8								8	\$1,506
<b>SUBTOTAL</b>	<b>36</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>30</b>	<b>18</b>	<b>0</b>	<b>192</b>	<b>\$32,785</b>

Reimbursable Expenses										
General										\$1,000
<b>Total Reimbursable Expenses:</b>										<b>\$1,000</b>
<b>Total TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BOULEVARD TO MAIN STREET) FEE</b>										<b>\$33,785</b>
										<b>Task 1: 100 Percent Design Level Package \$32,096</b>
										<b>Task 1: IFC Percent Design Level Package \$1,689</b>
										<b>TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BOULEVARD TO MAIN STREET) TOTAL COST: \$33,785</b>

**TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DRIVE TO BELLEVUE AVENUE)**

4.1 Data Collection and Field Review									0	\$0
4.2 Prepare Plans										
100% PSE	2	40			20	10	8		80	\$14,262
IFC% PSE	2	8			8	4	4		26	\$4,384
4.3 Contract Management										
General Project Management	16								16	\$3,011
QA/QC	4								4	\$753
Meetings	8								8	\$1,506
<b>SUBTOTAL</b>	<b>32</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>14</b>	<b>12</b>	<b>0</b>	<b>134</b>	<b>\$23,915</b>

Reimbursable Expenses										
General										\$1,000
<b>Total Reimbursable Expenses:</b>										<b>\$1,000</b>
<b>Total TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DRIVE TO BELLEVUE AVENUE) FEE</b>										<b>\$24,915</b>

**PETALUMA NORTH STATION AND MINOR DESIGN MODIFICATIONS TO PATHWAY AND GRADE CROSSINGS**

**SUMMARY OF PRIME CONSULTANT LABOR EFFORT**



CSW ST2 Project Manager, Engineer, and Surveyor									Total Hours	Total Base Fee
Robert Stevens PM and PIC	Julia Harberson Project Engineer	Josh Woelbing Survey Manager	Varies Survey Crew	Varies Engineer 3	Varies Engineer 2	Varies Engineer 1	Varies Admin			
2022 Hourly Rate (\$/ hour)	62.00	68.00	68.00	55.00	52.00	47.00	43.00	40.00		
Fringe	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Overhead	175.97%	175.97%	175.97%	175.97%	175.97%	175.97%	175.97%	175.97%		
Profit	10%	10%	10%	10%	10%	10%	10%	10%		
Multiplier	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		
Billable Rate (Overhead & Profit) (\$/ hour)	188.21	206.43	206.43	166.96	157.85	142.68	130.53	121.43		
<b>Task 1: 100 Percent Design Level Package</b>										<b>\$23,669</b>
<b>Task 1: IFC Percent Design Level Package</b>										<b>\$1,246</b>
<b>TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DRIVE TO BELLEVUE AVENUE) TOTAL COST:</b>										<b>\$24,915</b>

**CERTIFICATION OF DIRECT COSTS:**

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Designee Related Services
- 6 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not libel for reimbursement. Local governments are responsible for applying only cognizant agency approved or CALTRANS accepted Indirect Cost Rate(s).

**Prime Consultant**

Name: Robert Stevens

Title: President

Signature:

Date: 8.8.2023

Email: rstevens@cswst2.com

Phone Number: 415.533.1864

Address: 45 Leveroni Court, Novato CA 94949

Date of Certification: 08.8.23

<b>PETALUMA NORTH STATION AND MINOR DESIGN MODIFICATIONS TO PATHWAY AND GRADE CROSSINGS</b>  <b>SUB CONSULTANT LABOR EFFORT</b>	<b>PACIFIC RAILWAY ENTERPRISES</b> Railway Systems and Communications									<b>Total Hours</b>	<b>Total Base Fee</b>
	Jennifer Secombe Principal in Charge	Eric Roe Railroad Signal Designer	Chris Elliot Senior Rail Systems Tech 2	John Kind Senior Rail Systems Tech 1	Eric Perez Rail Systems Tech 3	Caroline Le Systems Engineer 2	Grace Lenart Systems Engineer 1	Brandy Nethken Signal Designer 3	Adelino Valadao Senior Rail Systems Tech 4		
	2022 Hourly Rate (\$/hour)	\$ 115.00	\$ 96.00	\$ 70.00	\$ 66.00	\$ 56.00	\$ 44.00	\$ 41.75	\$ 41.75		
	2024 Hourly Rate (\$/ hour)	\$ 115.00	\$ 98.00	\$ 72.00					\$ 96.00		
	Fringe	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
	Overhead	96.50%	96.50%	96.50%	96.50%	96.50%	96.50%	96.50%	96.50%		
	Profit	10%	10%	10%	10%	10%	10%	10%	10%		
	Multiplier	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2		
	Billable Rate (Overhead & Profit) (\$/ hour) 2022	248.57	207.50	151.31	142.66	121.04	95.11	90.24	90.24		
	Billable Rate (Overhead & Profit) (\$/ hour) 2024	248.57	211.83	155.63					207.50		
<b>TASK 1: PETALUMA NORTH STATION</b>											
<b>1.1 Project Kickoff</b>										0	\$0
<b>1.2 Data Collection and Field Review</b>	24	24	48		40	40				176	\$26,854
<b>1.3 Existing Conditions Mapping</b>										0	\$0
<b>1.4 Hydrology Assessment</b>										0	\$0
<b>1.5 At-Grade Pedestrian Crossing</b>										0	\$0
<b>1.6 Prepare Plans</b>										0	\$0
50% PSE	70	116	264		200	200		200		1050	\$142,694
90% PSE	120	80	148		160	160		160		828	\$117,845
100% PSE	40	40	80		80	80		160		480	\$62,078
IFC% PSE	16	16	24		24	40		40		160	\$21,248
<b>1.7 Parking Lot</b>										0	\$0
Concept	4					4				8	\$1,375
50% PSE	2					4				6	\$878
90% PSE						4				4	\$380
100% PSE						4				4	\$380
IFC% PSE						2				2	\$190
<b>1.8 Contract Management</b>										0	\$0
General Project Management										0	\$0
QA/QC										0	\$0
Meetings	20	20								40	\$9,122
<b>1.9 Design Review and Preparation</b>	8	40	24						24	96	\$19,177
<b>1.10 Modify existing vital and non-vital software (22 locations)</b>											
Software Development									690	690	\$143,178
Software Simulation									120	120	\$24,900
Internal Check			200							200	\$31,126
Progress Meetings w/ SMART (21, 1 hour meetings)		20	20						20	60	\$11,499
Update configuration management spreadsheet			8						8	16	\$2,905
<b>1.11 Software Factory Acceptance Test (SFAT) Simulations</b>											
Demonstration Preparation, Travel and Simulation Setup/Breakdown			24						24	48	\$8,715
Software Demonstration with Construction Contractor			80						80	160	\$29,051
<b>1.12 Prepare Electronic/Field Copies of Software, deliver to SMART</b>									32	32	\$6,640
<b>1.13 Test Form Development</b>											
Draft Test Forms & Procedures		200	80						40	320	\$63,116
Test Document Review Meeting (2 meetings, 2 hours each)		4	4						4	12	\$2,300
Final Test Forms & Procedures		40	16						24	80	\$15,943
<b>SUBTOTAL</b>	<b>304</b>	<b>600</b>	<b>1020</b>	<b>0</b>	<b>504</b>	<b>538</b>	<b>0</b>	<b>560</b>	<b>1066</b>	<b>4592</b>	<b>\$741,593</b>
<b>Reimbursable Expenses</b>											
Travel, Materials, Shipping w/ valid receipts											\$15,000
Travel, ODC Trip 1&2 (3 days, 2 people)											\$4,748
<b>Total Reimbursable Expenses:</b>											<b>\$19,748</b>
<b>Total TASK 1: PETALUMA NORTH STATION FEE</b>											<b>\$761,342</b>
											<b>task 1: 50% Design Level Package \$232,675</b>
											<b>task 1: 90% Design Level Package \$96,948</b>
											<b>task 1: 100% Design Level Package \$38,779</b>
											<b>task 1: IFC Design Level Package \$19,390</b>
											<b>Task 1: Draft Software (Pre-simulation) \$115,800</b>
											<b>Task 1: Final Simulated &amp; Checked Software \$115,800</b>
											<b>Task 1: SFAT Simulations \$41,090</b>
											<b>Task 1: Draft Test Forms &amp; Procedures \$48,561</b>
											<b>Task 1: Final Test Forms &amp; Procedures \$33,619</b>
											<b>Task 1: Transmit Final Field Copies \$18,677</b>
											<b>TASK 1: PETALUMA NORTH STATION TOTAL COST: \$761,342</b>

TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION											
2.1	Data Collection and Field Review			8	8	16				0	\$0
2.2	Existing Conditions Mapping									32	\$5,153
2.3	Prepare Plans										
	90% PSE	4		24		64	40	24	200	356	\$40,277
	100% PSE	2		16	4	16			24	62	\$8,871
	IFC% PSE	2		16	2	8		24		52	\$7,544
2.4	Contract Management										
	General Project Management									0	\$0
	QA/QC									0	\$0
	Meetings	4		8						12	\$2,654
<b>SUBTOTAL</b>		<b>12</b>		<b>72</b>	<b>14</b>	<b>104</b>	<b>40</b>	<b>48</b>	<b>224</b>	<b>0</b>	<b>\$64,499</b>
Reimbursable Expenses											
Total Reimbursable Expenses:											
<b>\$0</b>											
Total TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION FEE											
<b>\$64,499</b>											
Task 1: 90 Percent Design Level Package											
<b>\$61,274</b>											
Task 1: 100 Percent Design Level Package											
<b>\$1,935</b>											
Task 1: IFC Percent Design Level Package											
<b>\$1,290</b>											
TASK 2: NORTH MCDOWELL BOULEVARD RECONSTRUCTION TOTAL COST:											
<b>\$64,499</b>											
TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BOULEVARD TO MAIN STREET)											
3.1	Data Collection and Field Review			8	8	16				32	\$5,153
3.2	Prepare Plans										
	100% PSE	2		24		64	16	160		266	\$30,568
	IFC% PSE	2		16	4	16	8	4	24	74	\$10,220
3.3	Contract Management										
	General Project Management									0	\$0
	QA/QC									0	\$0
	Meetings	6		8						14	\$3,151
<b>SUBTOTAL</b>		<b>10</b>		<b>56</b>	<b>12</b>	<b>96</b>	<b>8</b>	<b>20</b>	<b>184</b>	<b>0</b>	<b>\$49,092</b>
Reimbursable Expenses											
General											
Total Reimbursable Expenses:											
<b>\$0</b>											
Total TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BOULEVARD TO MAIN STREET) FEE											
<b>\$49,092</b>											
Task 1: 100 Percent Design Level Package											
<b>\$46,637</b>											
Task 1: IFC Percent Design Level Package											
<b>\$2,455</b>											
TASK 3: SEGMENT 2 PATHWAY (SOUTHPOINT BOULEVARD TO MAIN STREET) TOTAL COST:											
<b>\$49,092</b>											
TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DRIVE TO BELLEVUE AVENUE)											
4.1	Data Collection and Field Review			8	8	16				32	\$5,153
4.2	Prepare Plans										
	100% PSE	4		24		64			136	228	\$27,378
	IFC% PSE	2		16	4	16	8	24		70	\$9,956
4.3	Contract Management										
	General Project Management									0	\$0
	QA/QC									0	\$0
	Meetings	4		8						12	\$2,654
<b>SUBTOTAL</b>		<b>10</b>		<b>56</b>	<b>12</b>	<b>96</b>	<b>8</b>	<b>24</b>	<b>136</b>	<b>0</b>	<b>\$45,141</b>
Reimbursable Expenses											
General											
Total Reimbursable Expenses:											
<b>\$0</b>											
Total TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DRIVE TO BELLEVUE AVENUE) FEE											
<b>\$45,141</b>											
Task 1: 100 Percent Design Level Package											
<b>\$42,884</b>											
Task 1: IFC Percent Design Level Package											
<b>\$2,257</b>											
TASK 4: SEGMENT 3 PATHWAY (GOLF COURSE DRIVE TO BELLEVUE AVENUE) TOTAL COST:											
<b>\$45,141</b>											

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PETALUMA NORTH STATION AND MINOR DESIGN MODIFICATIONS TO PATHWAY AND GRADE CROSSINGS  SUB CONSULTANT LABOR EFFORT	CSEG Structural Engineering					Total Hours	Total Base Fee
	Shawn M. Cullers PIC	N. Bobby Zermeno Project Manager	Varies Project Engineer	Mark Weaver QC Manager	Varies QC Engineer		
2022 Hourly Rate (\$/ hour)	85.38	65.31	45.58	64.04	42.69		
Fringe	100.19%	100.19%	100.19%	100.19%	100.19%		
Overhead	94.62%	94.62%	94.62%	94.62%	94.62%		
Profit	10%	10%	10%	10%	10%		
Multiplier	3.2429	3.2429	3.2429	3.2429	3.2429		
Billable Rate (Overhead & Profit) (\$/ hour)	276.88	211.79	147.81	207.68	138.44		
<b>TASK 1: PETALUMA NORTH STATION</b>							
<b>1.1 Project Kickoff</b>	2	2	0	0	0	4	\$977
<b>1.2 Data Collection and Field Review</b>	0	2	4	0	0	6	\$1,015
<b>1.3 Existing Conditions Mapping</b>	0	2	4	0	0	6	\$1,015
<b>1.4 Hydrology Assessment</b>	0	0	0	0	0	0	\$0
<b>1.5 At-Grade Pedestrian Crossing</b>	0	0	0	0	0	0	\$0
<b>1.6 Prepare Plans</b>							
50% PSE	16	40	80	0	0	136	\$24,727
90% PSE	6	20	40	20	40	126	\$21,501
100% PSE	4	12	20	10	20	66	\$11,451
IFC% PSE	4	8	12	0	0	24	\$4,576
<b>1.8 Contract Management</b>							
General Project Management	2	12	0	0	0	14	\$3,095
QA/QC	0	2	0	0	0	2	\$424
Meetings	0	20	0	0	0	20	\$4,236
<b>SUBTOTAL</b>	<b>34</b>	<b>120</b>	<b>160</b>	<b>30</b>	<b>60</b>	<b>404</b>	<b>\$73,016</b>
<b>Reimbursable Expenses</b>							
General							
<b>Total Reimbursable Expenses:</b>							<b>\$0</b>
<b>Total TASK 1: PETALUMA NORTH STATION FEE</b>							<b>\$73,016</b>
							<b>Task 1: 50 Percent Design Level Package \$43,809</b>
							<b>Task 1: 90 Percent Design Level Package \$18,254</b>
							<b>Task 1: 100 Percent Design Level Package \$7,302</b>
							<b>Task 1: IFC Percent Design Level Package \$3,651</b>
							<b>TASK 1: PETALUMA NORTH STATION TOTAL COST: \$73,016</b>

PETALUMA NORTH STATION AND MINOR DESIGN MODIFICATIONS TO PATHWAY AND GRADE CROSSINGS  SUB CONSULTANT LABOR EFFORT	AURUM Electrical Engineering							Total Hours	Total Base Fee
	Eldridge Bell Engineering Director	Najib Anwary Sr. PM	Jhim Meza Electrical Engineer II	Jose Gonzales CADD Manager	Varies Drafter	Varies Bookkeeper	Varies Administrative Assistant		
2023 Hourly Rate (\$/ hour)	217.00	194.00	188.00	139.00	119.00	86.00	75.00		
Fringe									
Overhead									
Profit									
Multiplier									
Billable Rate (Overhead & Profit) (\$/ hour)	217.00	194.00	188.00	139.00	119.00	86.00	75.00		
<b>TASK 1: PETALUMA NORTH STATION</b>									
<b>1.1 Project Kickoff</b>		2	2					4	\$764
<b>1.2 Data Collection and Field Review</b>			10					10	\$1,880
<b>1.3 Existing Conditions Mapping</b>								0	\$0
<b>1.4 Hydrology Assessment</b>								0	\$0
<b>1.5 At-Grade Pedestrian Crossing</b>								0	\$0
<b>1.6 Prepare Plans</b>									
50% PSE		20	40	4	30			94	\$15,526
90% PSE		8	30	2	20			60	\$9,850
100% PSE	4	4	8	2	8			26	\$4,378
IFC% PSE	2	2	3					7	\$1,386
<b>1.7 Parking Lot</b>									
Concept	4	8	10		10			32	\$5,490
50% PSE		4	20	4	10		3	41	\$6,507
90% PSE			10		11			21	\$3,189
100% PSE			10					10	\$1,880
IFC% PSE			10					10	\$1,880
<b>1.8 Contract Management</b>									
General Project Management	8					8	4	20	\$2,724
QA/QC	4							4	\$868
Meetings	2	8	10					20	\$3,866
<b>SUBTOTAL</b>	<b>24</b>	<b>56</b>	<b>163</b>	<b>12</b>	<b>89</b>	<b>8</b>	<b>7</b>	<b>359</b>	<b>\$60,188</b>
<b>Reimbursable Expenses</b>									
General									
<b>Total Reimbursable Expenses:</b>									<b>\$0</b>
<b>Total TASK 1: PETALUMA NORTH STATION FEE</b>									<b>\$60,188</b>
Task 1: 50 Percent Design Level Package									\$36,113
Task 1: 90 Percent Design Level Package									\$15,047
Task 1: 100 Percent Design Level Package									\$6,019
Task 1: IFC Percent Design Level Package									\$3,009
<b>TASK 1: PETALUMA NORTH STATION TOTAL COST:</b>									<b>\$60,188</b>

<b>PETALUMA NORTH STATION AND MINOR DESIGN MODIFICATIONS TO PATHWAY AND GRADE CROSSINGS</b> <b>SUB CONSULTANT LABOR EFFORT</b>		<b>KAPPE ARCHITECTS</b> Architecture and Peer Review			<b>Total Hours</b>	<b>Total Base Fee</b>
		<b>Ron Kappe PM and PIC</b>	<b>Varies Architect</b>	<b>Varies Admin</b>		
2022 Hourly Rate (\$/ hour)	80.00	70.00	40.00			
Fringe	45.00%	45.00%	45.00%			
Overhead	125.00%	125.00%	125.00%			
Profit	10%	10%	10%			
Multiplier	3.0	3.0	3.0			
Billable Rate (Overhead & Profit) (\$/ hour)	237.60	207.90	118.80			
<b>TASK 1: PETALUMA NORTH STATION</b>						
<b>1.1 Project Kickoff</b>	2	2		4	\$891	
<b>1.2 Data Collection and Field Review</b>				0	\$0	
<b>1.3 Existing Conditions Mapping</b>				0	\$0	
<b>1.4 Hydrology Assessment</b>				0	\$0	
<b>1.5 At-Grade Pedestrian Crossing</b>				0	\$0	
<b>1.6 Prepare Plans</b>						
50% PSE	40	80		120	\$26,136	
90% PSE	40	80		120	\$26,136	
100% PSE	40	60		100	\$21,978	
IFC% PSE	10	10		20	\$4,455	
<b>1.8 Contract Management</b>						
General Project Management	20		8	28	\$5,702	
QA/QC	20			20	\$4,752	
Meetings	8			8	\$1,901	
<b>SUBTOTAL</b>	<b>180</b>	<b>232</b>	<b>8</b>	<b>420</b>	<b>\$91,951</b>	
<b>Reimbursable Expenses</b>						
General					\$1,000	
<b>Total Reimbursable Expenses:</b>					<b>\$1,000</b>	
<b>Total TASK 1: PETALUMA NORTH STATION FEE</b>					<b>\$92,951</b>	
Task 1: 50 Percent Design Level Package					<b>\$55,771</b>	
Task 1: 90 Percent Design Level Package					<b>\$23,238</b>	
Task 1: 100 Percent Design Level Package					<b>\$9,295</b>	
Task 1: IFC Percent Design Level Package					<b>\$4,648</b>	
<b>TASK 1: PETALUMA NORTH STATION TOTAL COST:</b>					<b>\$92,951</b>	





**Eric Lucan, Chair**  
Marin County Board of Supervisors

August 16, 2023

**Melanie Bagby, Vice Chair**  
Sonoma County Mayors' and  
Councilmembers Association

Sonoma-Marín Area Rail Transit Board of Directors  
5401 Old Redwood Highway, Suite 200  
Petaluma, CA 94954

**Kate Colin**  
Transportation Authority of Marin

**Chris Coursey**  
Sonoma County Board of Supervisors

**SUBJECT:** Responses to the Marin County Civil Grand Jury report, dated June 22, 2023, entitled "SMART at a Crossroads – Here Today, Gone Tomorrow?"

**Rachel Farac**  
Transportation Authority of Marin

Dear Board Members:

**Debora Fudge**  
Sonoma County Mayors' and  
Councilmembers Association

**RECOMMENDATIONS:**

**Patty Garbarino**  
Golden Gate Bridge,  
Highway/Transportation District

Review and approve responses to the Marin County Civil Grand Jury finding report.

**Barbara Pahre**  
Golden Gate Bridge,  
Highway/Transportation District

**SUMMARY:**

On June 22, 2023, The Marin County Civil Grand Jury released a report on SMART entitled "SMART at a Crossroads – Here Today, Gone Tomorrow?" The report consisted of six findings and three recommendations. At the July 19, 2023 board meeting, the board established an Ad Hoc Committee to draft responses to the report. The Ad Hoc Committee consisted of the following

**Gabe Paulson**  
Marin County Council of Mayors and  
Councilmembers

Board Members:

**David Rabbitt**  
Sonoma County Board of Supervisors

- Chair Eric Lucan
- Vice Chair Melanie Bagby
- Director Barbara Pahre
- Director Kate Colin
- Director David Rabbitt

**Chris Rogers**  
Sonoma County Mayors' and  
Councilmembers Association

**Mary Sackett**  
Marin County Board of Supervisors

The purpose of this agenda item is to review and approve the SMART Board of Directors responses to the report's findings and recommendations. Responses are due to the Marin County Civil Grand Jury no later than September 22, 2023.

**Eddy Cumins**  
General Manager

Very truly yours,

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/s/  
Eddy Cumins  
General Manager