

Federal Railroad Administration

Office of Passenger and Freight Programs

California High-Speed Train Program

FR-HSR-0009

Grant Update & Status Briefing

November 2015



FRA - Office of Communications & Legislative Affairs



U.S. Department
of Transportation
**Federal Railroad
Administration**

Program Overview

Federal Funding

- ARRA Grant: \$2,552,556,231
- FY10 Grant: \$ 928,620,000

Scope of Work

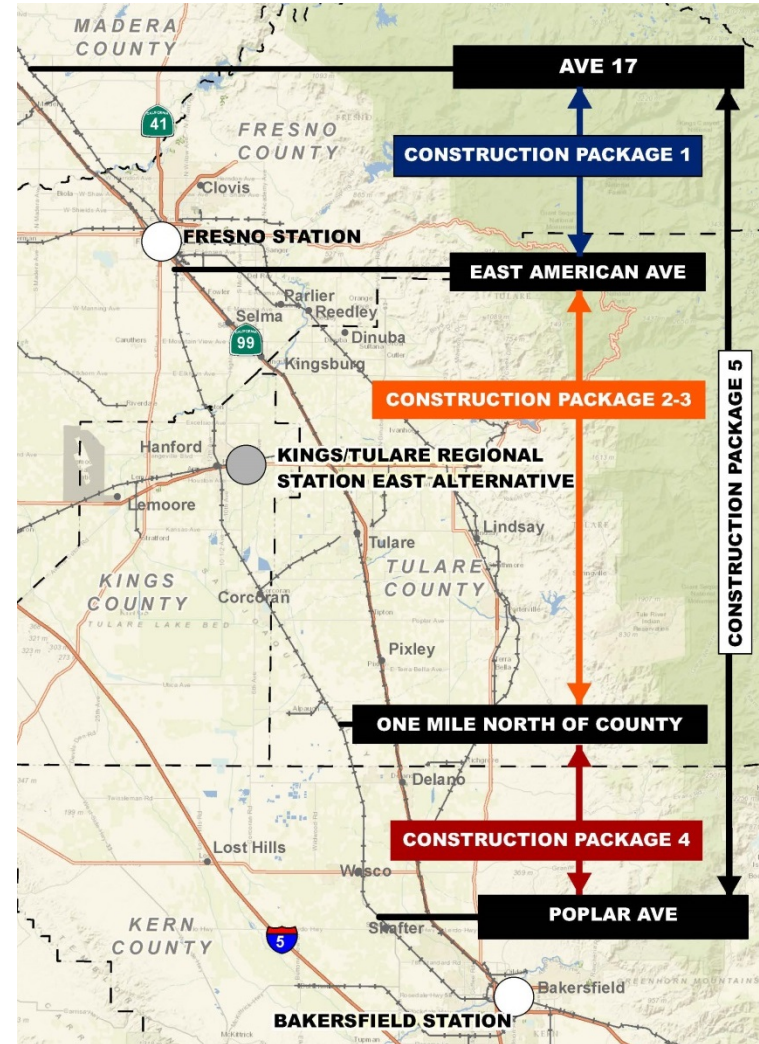
Phase 1 of the HST program (520 miles)

- Preliminary engineering
- Environmental reviews

First Construction Section (FCS) (122 miles)

- Environmental reviews
- Preliminary engineering
- Right-of-way acquisition
- Permitting
- Utility relocations
- Stakeholder agreements
- Final design
- Construction

First Construction Segment (FCS)



Program Funding

Federal Funding: \$3.48B

• ARRA Grant	\$2,552,556,231	Grant End Date 9/30/2017
• FY10 Grant	\$ 928,620,000	Grant End Date 12/31/2018

Other Funding Sources: \$10.15B+

The \$2.87B Federal match requirement is budgeted to be met through a combination of these funding sources

- **Prop 1A**
\$4.3B appropriated + \$4.7B available
 - \$2.6B in Construction/ROW appropriated plus \$4.7B in additional bond availability
 - \$378M in Planning appropriated
 - \$1.1B in Phase 1 Blended appropriated
 - \$225M in Support appropriated
- **Cap & Trade**
 - FY14-15: \$250M
 - FY15-16 and beyond: \$400M one-time appropriation, plus continuous appropriation of 25% of Greenhouse Gas Reduction Fund (GHGRF) Auction Proceeds (est. \$500M annually)

Source: CHSRA BOD Finance and Audit Committee Presentation - Cash Management Report - Funding Sources 5/12/15 ; CHSRA Legal Dept 10/29/15



Business Plan

2016 Business Plan

- **March 1, 2016:** Draft Business Plan issued for public comment (projected*)
- **May 1, 2016:** Final Business Plan issued (projected*)

2014 Business Plan

- **February 7, 2014:** Draft issued for public comment.
- **February 2014 through April 2014:** Public comment period.
- **April 2014:** Adopted by CHSRA Board. Finalized and issued to State Legislature on April 30, 2014.
- Posted on CHSRA website:
http://www.hsr.ca.gov/About/Business_Plans/

* Per California Public Utilities Code Sections 185000-185038; Section 185033



Environmental Status – November 2015

Within FCS Limits:

• Merced – Fresno EIS	Notice of Determination (NOD): May 2012 Record of Decision (ROD): September 2012
• Fresno – Bakersfield EIS	NOD: May 2014 ROD: June 27, 2014 STB Approval: August 12, 2014

Beyond FCS Limits:

• San Francisco – San Jose EIS	Anticipated ROD: December 2017
• San Jose – Merced EIS	Anticipated ROD: December 2017
• M-F/Central Valley Wye Supp. EIS	Anticipated ROD: February 2017
• Bakersfield Supplemental EIS	Anticipated ROD: February 2017
• Bakersfield – Palmdale EIS	Anticipated ROD: December 2017
• Palmdale – Burbank EIS	Anticipated ROD: December 2017
• Burbank – Los Angeles EIS	Anticipated ROD: December 2017
• Los Angeles – Anaheim EIS	Anticipated ROD: December 2017

Source: CHSRA Environmental Schedule 7/1/15



Real Estate Status – November 2015

Right-of-Way Acquisition Status:

Section	# of Parcels	Delivered to DB	Remaining Balance
CP1AB	527 parcels	285 parcels	242 parcels
CP1C	171 parcels	76 parcels	95 parcels
CP2-3	543 parcels	93 parcels	450 parcels
CP4A	191 parcels	0 parcels	191 parcels
CP4B	35 parcels	0 parcels	35 parcels
TOTAL	1467 parcels	454 parcels	1013 parcels

Source: ROW Status Executive Summary 11/6/15

Utility Agreement Status – November 2015

Utility Agreements: Utility design and relocations are underway.

Entity	Master/Cooperative Agreement Status
AT&T	• Executed 10/6/15
City of Fresno	• Executed 11/7/14
Comcast	• Executed 3/26/14
CVIN	• Executed 1/28/15
Fresno Irrigation District	• Executed 7/10/13
Kinder Morgan	• Executed 3/11/14
Level 3	• Executed 5/15/13
FMFCD	• Executed 2/14/13
Madera Irrigation District	• Executed 3/1/13
PG&E	• Executed 8/31/15
Qwest	• Executed 8/8/14
Sebastian (Kerman)	• Executed 2/8/15
Sprint	• Executed 9/8/15
TW Telecom	• Executed 5/15/13
Verizon/MCI	• Executed 8/28/15

Source: CHSRA CP1 Status Report 9/15/15, CHSRA PCM Coordination Meeting 9/30/15, 11/9/15, TPZP 3rd Party Weekly Status Update 11/5/15



Third Party Agreement Status – November 2015

Railroad Agreements:

Entity	Agreement Status
UPRR	• 5 executed, 1 pending
BNSF	• 1 executed, 4 pending
SJVRR	• 1 executed, 3 pending

Other Third Party Agreements:

Entity	Agreement Status
City of Fresno	• 2 executed (Facility Relocation Agreement, ROW 9/1/15); • 2 pending (Grade Separation, O&M)
Fresno County	• 2 executed (Cooperative Agreement, ROW 10/2015) • 1 pending (Grade Separation)
Madera County	• 3 executed (Master Agreement, Cooperative Agmt, ROW 9/2015); • 1 pending (Grade Separation Agreement)
Caltrans	• Master/Cooperative Agreements executed; • Joint Use Maintenance Agreement (JUMA) pending

Source: CHSRA CP1 Status Report 9/15/15, CHSRA PCM Coordination Meeting 10/28/15, TPZP 3rd Party Weekly Status Update 11/5/15



FCS Status – November 2015

CP 1: Avenue 17 – East American Avenue

Contract Award: August 2013

Design-Build Contractor:
Tutor Perini/Zachry/Parsons

Contract Amount: \$969,988,000

Statement of Work: Preparation of high-speed rail track roadbed and structures within project limits.

Current Activities: Right-of way acquisition; geotechnical explorations; building demolition; utility design and relocation; design of Fresno and Madera county bridges and roadway packages; Fresno River Bridge construction.

Upcoming Construction Activities: Ongoing hazardous materials abatement and building demolition; geotechnical explorations, foundation construction, and utility work.



FCS Status – November 2015

CP 1 Focus Areas for Major Construction

Structure	Anticipated Start
Fresno River Viaduct	In Progress
Herndon Canal	November 2015
Avenue 12	November 2015
AT&T Relocation – McKinley to Belmont	November 2015
SR 180	December 2015
Tulare Street Underpass	December 2015
Ventura Street Underpass	December 2015
Fresno Viaduct	February 2016
Tuolumne Street	February 2016
San Joaquin River Viaduct	February 2016

Source: Construction Strategy Weekly Log 8/31/15; Construction Weekly Strategy Meeting 11/9/15



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FCS Status – November 2015: CP1 Field Activity Photos



Drilling for CIDH Bent #5 at the Fresno River Viaduct.



Assembling rebar cage for Column #10 at Fresno River Viaduct.



Driving sheet pile for Bent #4 at the Fresno River Viaduct.



Continuing with 72" storm drain work on F Street.

Source: CP1 Status Report 9/15/15

FCS Status – November 2015

CP 2-3: East American Avenue – One Mile North of Tulare-Kern County Line

Contract Award: June 2015 (NTP July 2015)

Design-Build Contractor:

Dragados/Flatiron

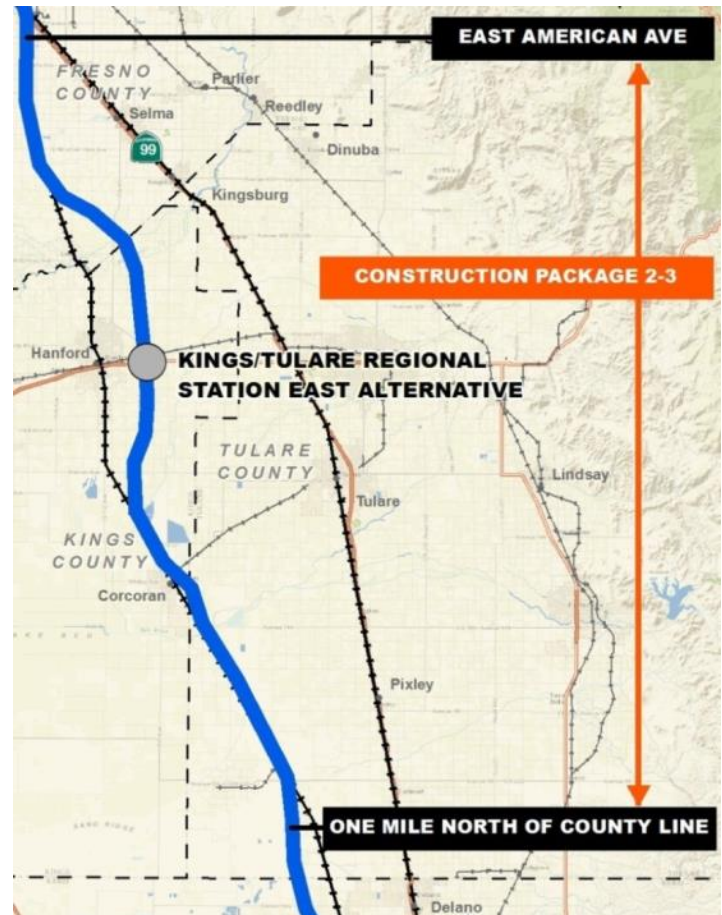
Contract Amount: \$1,365,335,890

Statement of Work:

Preparation of high-speed rail track roadbed and structures within project limits.

Current Activities:

- Right-of-way acquisition underway
- Environmental re-examinations underway
- Preliminary construction submittals underway



FCS Status – November 2015

CP 4: One Mile North of Kings County Line – Poplar Avenue

Estimate: \$400M-\$500M

Current Activities:

- Request for Proposals (RFP) Issued: May 27, 2015
- Bids Due: November 25, 2015

DB Contract Award:

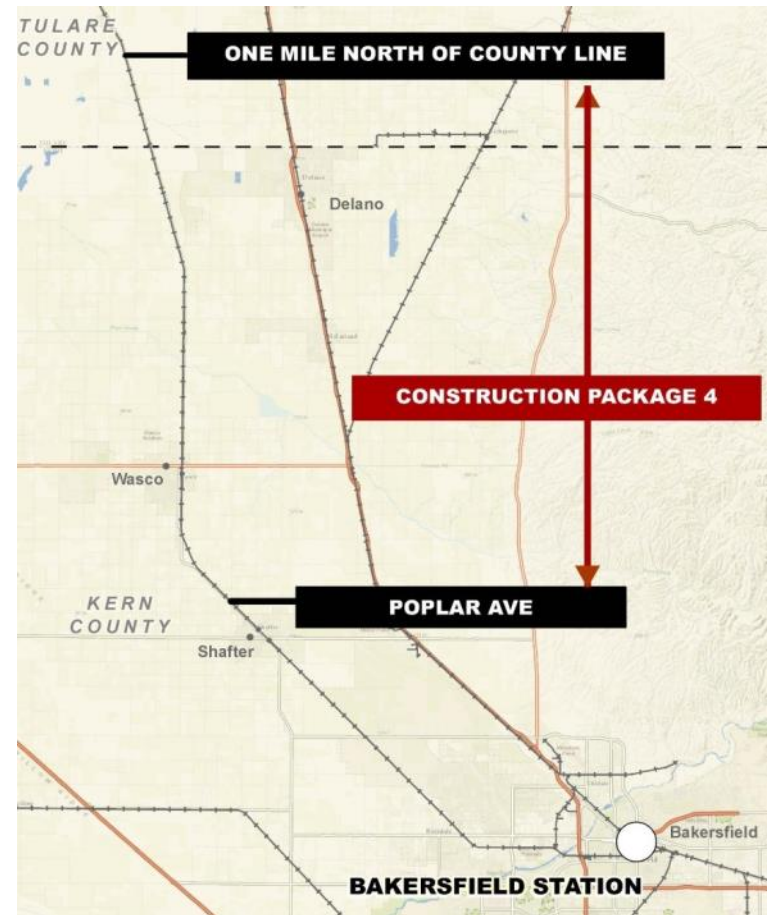
January 2016 (projected Board Approval)

DB Contract Execution:

January 2016 (projected)

Statement of Work:

Preparation of high-speed rail track roadbed and structures within the project limits.



FCS Status – November 2015

CP 5: Track Work for Full FCS

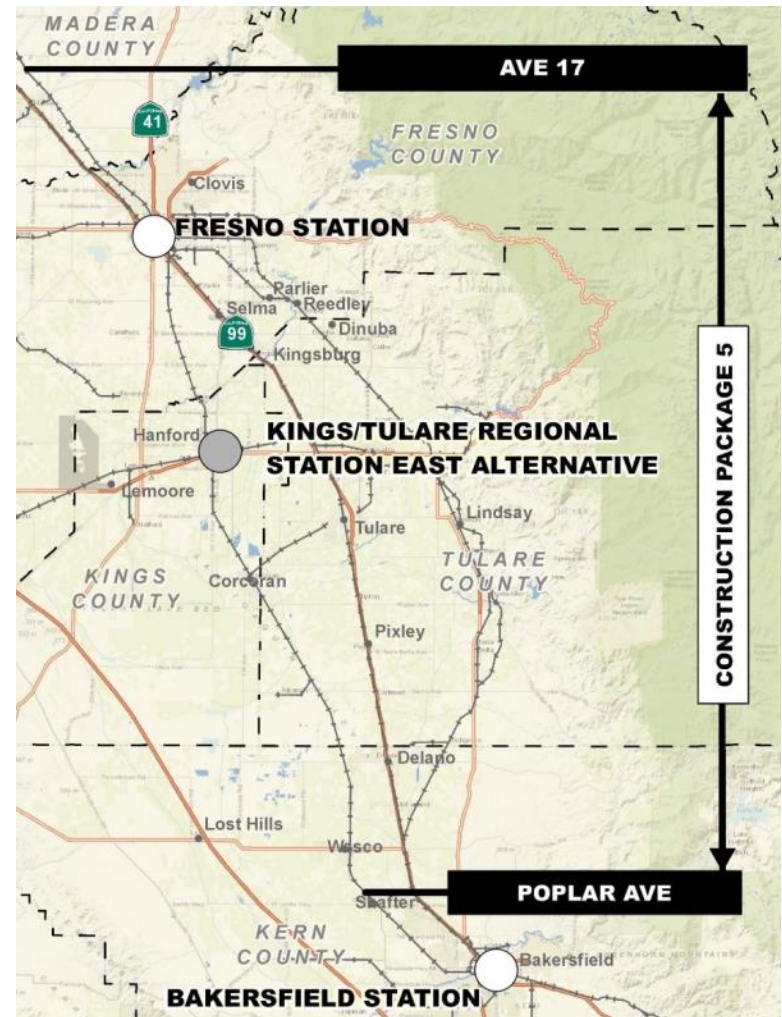
Estimate: \$650M

Current Activities:

Procurement strategy and timing to be developed by early 2016.

Statement of Work:

High-speed rail track within the project limits.



CHSRA High-Speed Trainset Procurement

Trainset Procurement – Completed Activities

Event	Date
Issue Request for Expression of Interest (RFEI)	October 1, 2014
Issue Draft Request for Proposal (RFP) for Industry Review	January 30, 2015
One-on-One Meetings with Interested Parties	March 2-9, 2015

Trainset Procurement – Upcoming Activities

- Procurement strategy and timing to be developed by early 2016.

CHSRA Initial Operating Segment Options

Alternative Delivery Approach

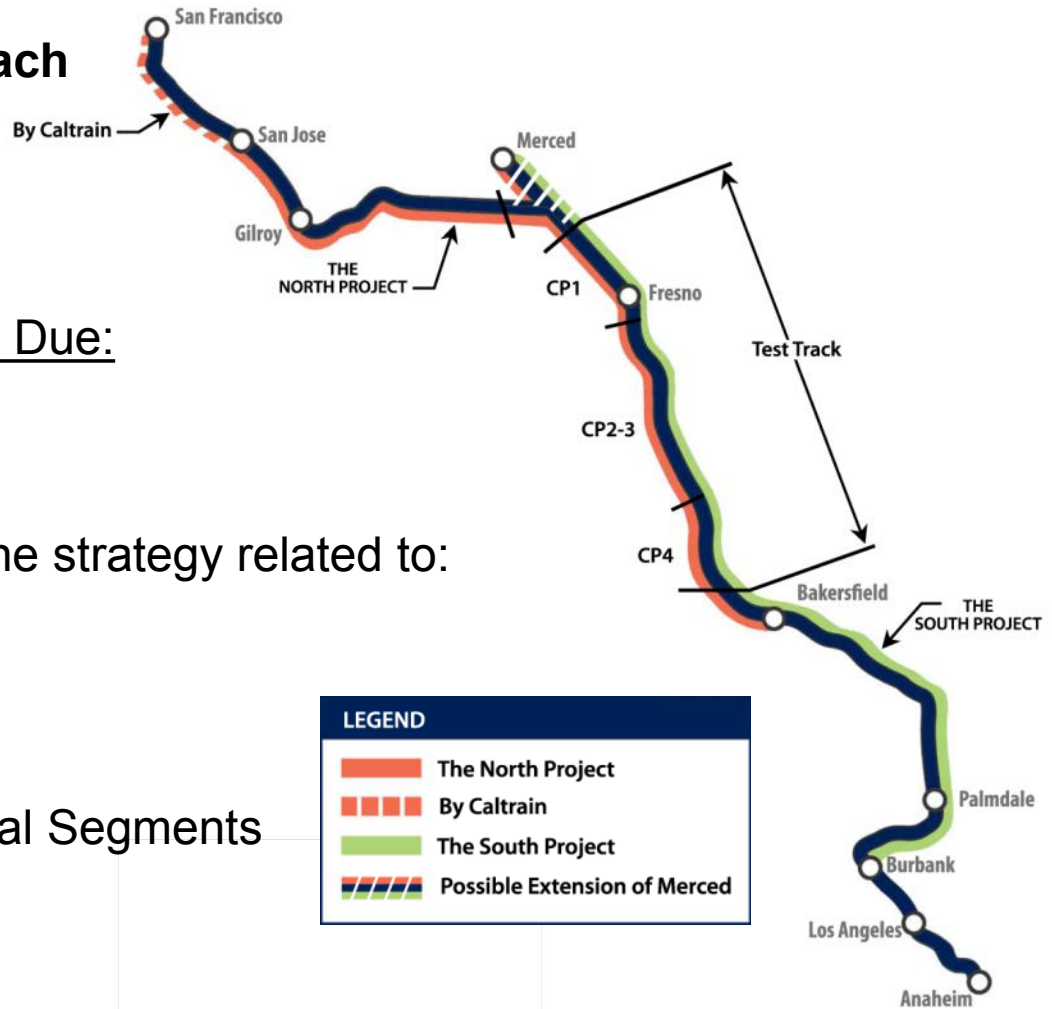
Request for Expressions of Interest (RFEI) Issued:
June 22, 2015

Expressions of Interest (EOI) Due:
September 28, 2015

➤ 36 responses received

EOI's will be reviewed to refine strategy related to:

- Equipment
- CP5
- Financing
- Operations and Operational Segments
- Maintenance
- Additional Items

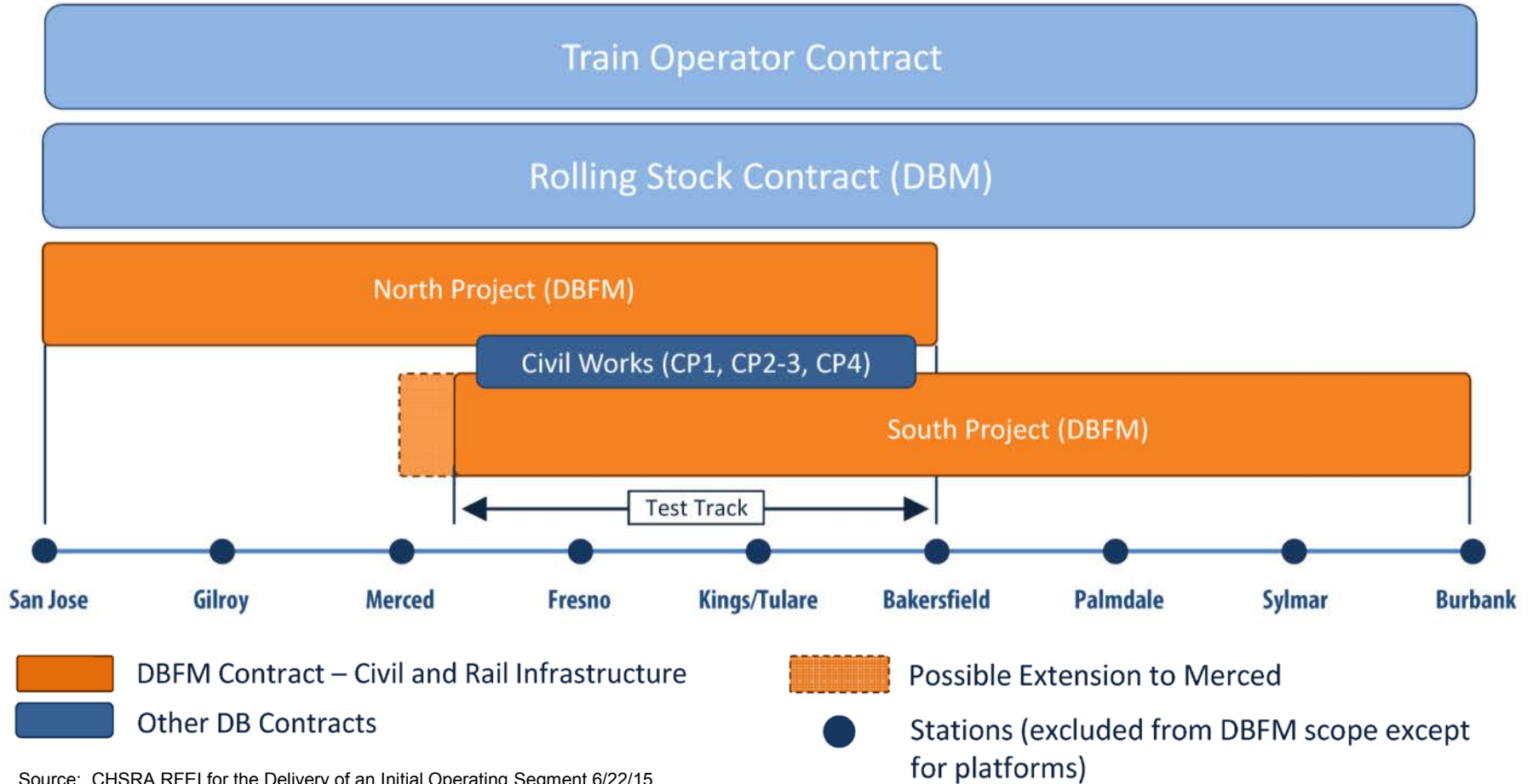


Source: CHSRA Request for Expressions of Interest for the Delivery of an Initial Operating Segment 6/22/15



CHSRA Program Delivery Strategy

Potential Program Delivery Strategy



Source: CHSRA RFEI for the Delivery of an Initial Operating Segment 6/22/15

FCS Status – November 2015

4-Week Look Ahead Schedule:

CP 1 Activities:

- Hazard abatement
- Building demolition
- Geotechnical work
- Storm drain relocation
- PG&E relocation
- 90% design work underway
- Utility design, approvals, and relocation
- Fresno River Viaduct Bridge construction
- Avenue 12 clear and grub

Source: TPZP JV Four Week Look Ahead Schedule 11/12/15

Federal Expenditures to Date – November 2015

Federal Expenditures: \$679,574,428 (approved invoices as of 11/12/2015)

Invoices Approved After 9/21/2015:

Amount	FRA Approval Date	Activities Supported
\$19,207,000	9/25/2015	Right-of-way acquisition
\$1,555,077	11/4/2015	Environmental, planning, DB program management, right-of-way acquisition
\$4,738,415	11/4/2015	DB contract work
\$26,268,292	11/12/2015	Right-of-way acquisition

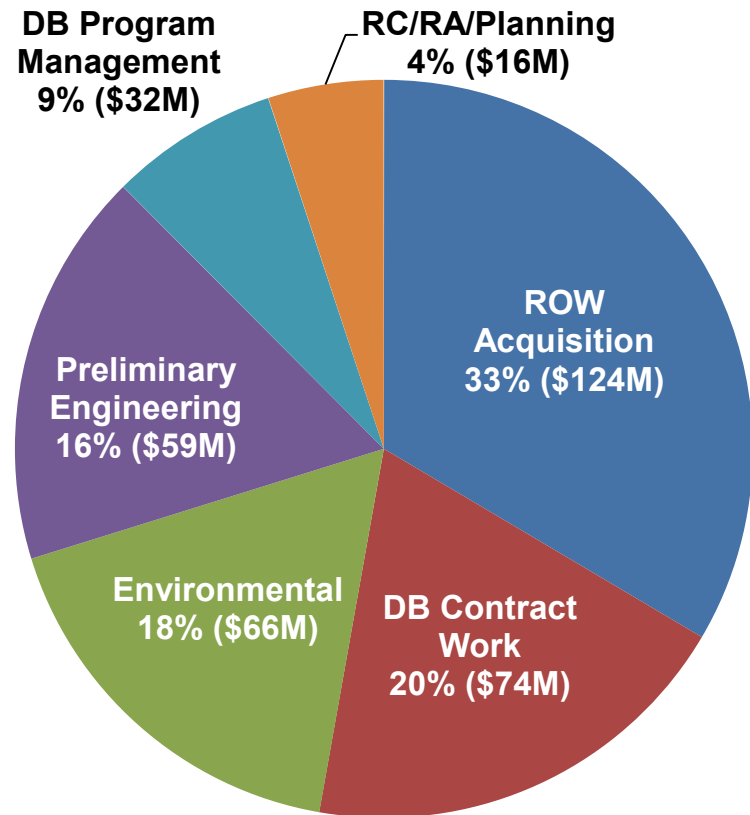
Source: PMT 11/12/2015

State Expenditures to Date – November 2015

Distribution of State Expenditures:

<i>State Funding Source</i>
Prop 1A Expenditure \$102,056,503 + Cap & Trade Expenditure \$269,213,756 = Total State Expenditure \$371,270,259 (through 8/31/2015)

Activities Supported



Source: August 2015 CT Expenditure Report ARRA Final 8/31/15

Forecasted Expenditures

Forecasted Monthly Expenditures:

Month	Federal	State and Local
November 2015	\$138,425,000	\$17,794,000
December 2015	\$107,115,000	\$53,282,000
January 2016	\$ 70,424,000	\$72,529,000
February 2016	\$ 69,317,000	\$71,452,000
March 2016	\$ 68,668,000	\$71,067,000
April 2016	\$ 78,554,000	\$56,907,000
May 2016	\$ 75,891,000	\$65,511,000
June 2016	\$ 80,958,000	\$70,658,000
July 2016	\$109,126,000	\$46,704,000
August 2016	\$116,288,000	\$31,435,000
September 2016	\$112,387,000	\$30,463,000
October 2016	\$111,901,000	\$30,308,000

Source: CHSRA FCP June 2015 v1.4



Legal Status – November 2015

CHSRA et al. v. the Superior Court of Sacramento County (Tos Lawsuit):

Summary

- Kings County and 2 private citizens allege that the project as designed is not financially viable and will require an operating subsidy, and that it cannot meet Prop 1A travel time requirements between SF and LA.

Developments

- **January 2014:** CHSRA requested that the taxpayer claims be dismissed.
- **March 2014:** Superior Court denied CHSRA's request and ordered a trial on taxpayer claims.
- **July 2014:** The Court granted the Authority's Motion to Limit Evidence to the Administrative Record.
- **March 2015:** Plaintiffs filed a Motion to Augment the Administrative Record.
- **August 2015:** The Court partially granted the Plaintiffs' Motion to Augment the Administrative Record, but fortunately denied the part of the Motion that the Authority strongly opposed.
- **Next Steps:** A trial is set for February 11, 2016.

Legal Status – November 2015

TRANSDEF v. California ARB, State Controller, and CHSRA:

Summary:

- This litigation challenges the Air Resource Board (ARB)'s approval of a 2014 Scoping Plan update to the 2012 Scoping Plan. The 2012 Scoping Plan and the 2014 update included HSR as a project that would reduce greenhouse gas (GHG) emissions. **This litigation seeks to block the flow of GHG/cap-and-trade funding towards construction of the HSR project.** These funds are currently being used to match the federal funding.
- The Attorney General's office represents CHSRA and ARB in this lawsuit.

Developments:

- **November 12, 2014:** This action was transferred from the Fresno Superior Court to Sacramento Superior Court.
- **December 10, 2014:** CHSRA filed a Notice of Appearance.
- **July 9, 2015:** Stipulation Regarding Record of Proceedings and Order was filed by the parties.
- **Next steps:** Merits hearing is anticipated late Spring or Summer 2016.

Legal Status – November 2015

CEQA Challenges Filed on Fresno to Bakersfield EIR/EIS:

Summary: CEQA challenges were been filed against the CHSRA regarding the Fresno to Bakersfield EIR/EIS. Alleged CEQA violations include a legally inadequate Environmental Impact Report, and inadequate CEQA required findings. Challenges were filed in June 2014 by:

- Coffee-Brimhall LLC
- County of Kings
- First Free Baptist Church of Bakersfield
- Dignity Health
- County of Kern
- City of Shafter
- City of Bakersfield

SETTLED

SETTLED

Developments:

- **January 2015 to February 2015:** Settlements were reached with the City of Bakersfield and Coffee-Brimhall LLC.
- **May 15, 2015:** Order granting stay filed for the remaining cases.
- **Next Steps:** Awaiting the outcome of a relevant case – *Eel River v. NCRA* – in which the CA Supreme Court will decide whether CEQA is preempted for a publically owned railroad that is under the jurisdiction of the STB. A decision is not expected until 2016.

Legal Status – November 2015

Surface Transportation Board:

Summary: Finance Docket No. 35861

- **October 2014 to December 2014:** The Authority filed a petition for declaratory order with the Surface Transportation Board (STB) regarding whether the ICCTA preempted CEQA remedies that would stop STB-authorized construction. The STB concluded that 49 U.S.C. § 10501(b) preempts CEQA, allowing construction of Fresno-Bakersfield to proceed.
- **December 2014 to May 2015:** Two Petitions for Reconsideration were filed. STB denied the Petitions for Reconsideration. Appeals to the STB declaratory order were filed in the DC Federal Appellate Circuit and the 9th Circuit. The DC Federal Appellate Circuit dismissed that appeal; the 9th Circuit has not acted. Federal appeals are now expected to proceed.
- **August 2015:** The California Supreme Court granted the Authority's request to file an amicus brief in the *Eel River v. NCRA* case, in which the Supreme Court will decide whether federal STB jurisdiction over a railroad project in California preempts CEQA.
- **October 2015:** Eel River amicus brief complete. 2016 hearing date not yet set.

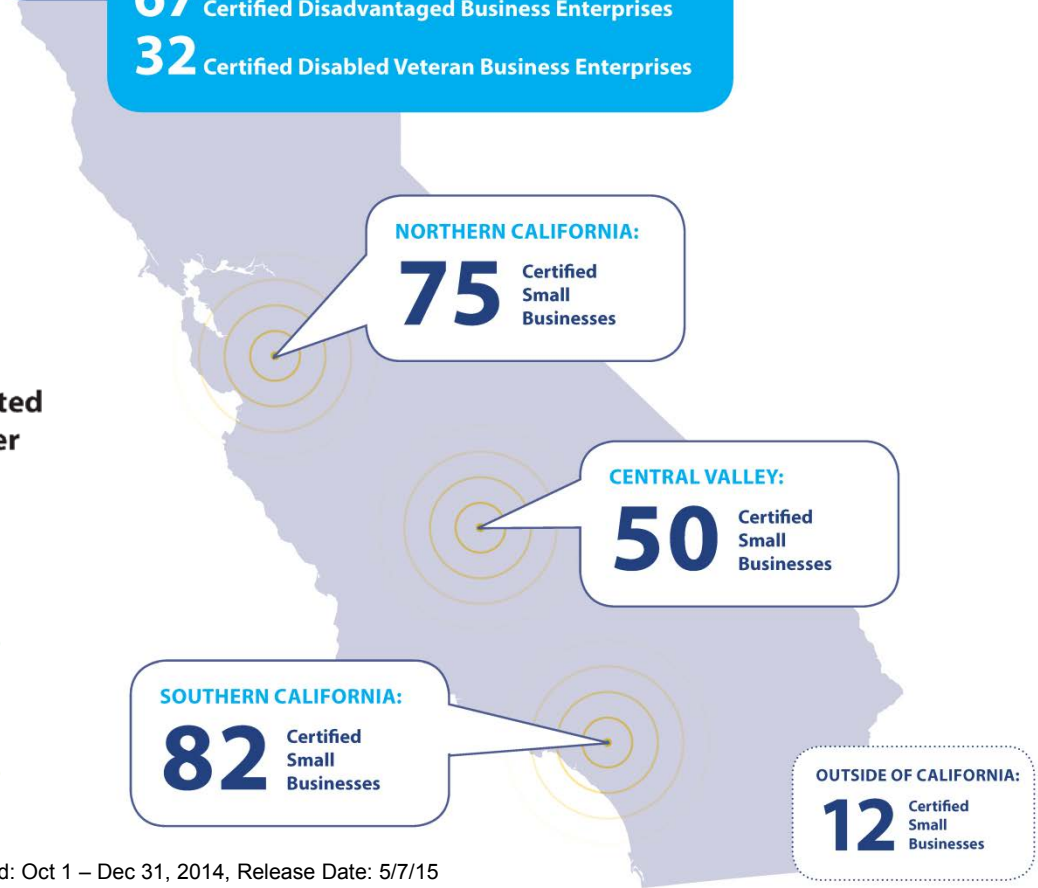
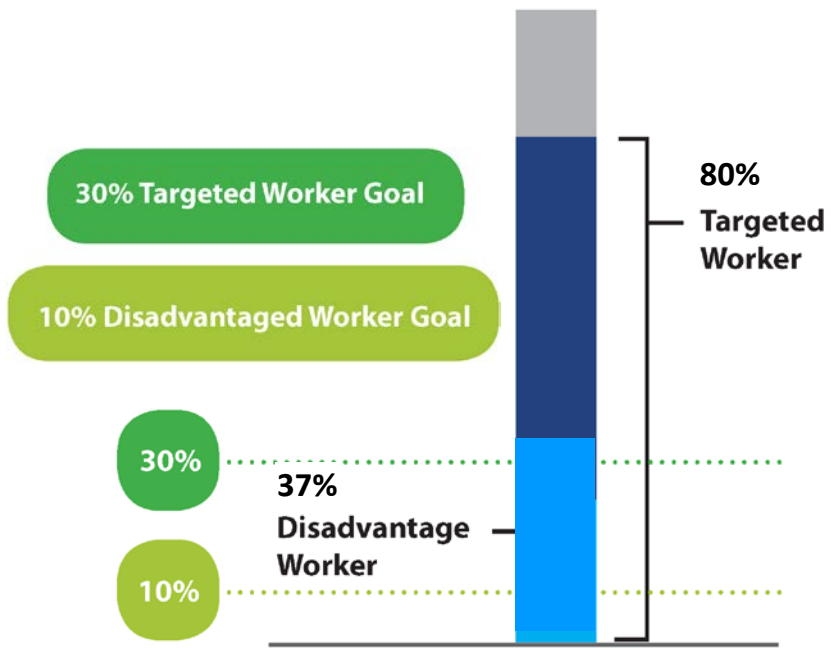
Small Business Participation and Employment

65 Small Businesses have active contracts on CP1 valued at \$307.5M

219 Certified Small Businesses working on the high-speed rail program statewide

67 Certified Disadvantaged Business Enterprises
32 Certified Disabled Veteran Business Enterprises

CUMULATIVE LABOR HOURS: 26,457



Source: CHSRA Small Business Participation and Jobs Report, Reporting Period: Oct 1 – Dec 31, 2014, Release Date: 5/7/15



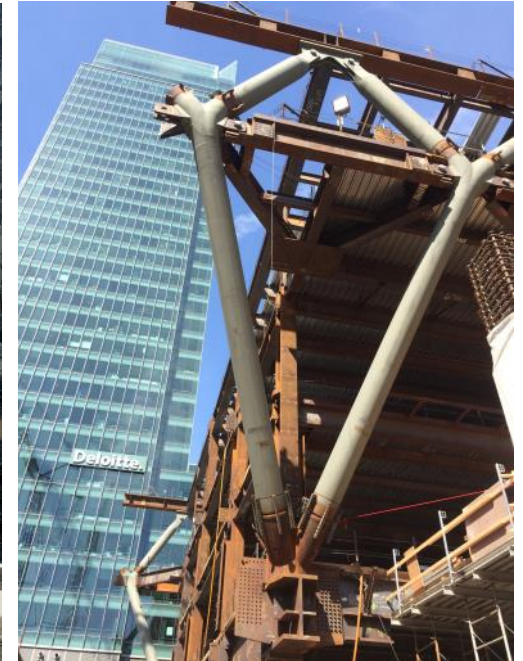
Transbay Transit Center, San Francisco, California

Project Budget and Status

- \$1.899 Billion multi-modal center for CHSR, Caltrain and 9 other Bay Area transit systems, linking 8 Bay Area counties
- FRA funding: \$400 Million “Trainbox”; 98.3% of FRA funds expended

Schedule

- “Trainbox” completion: December 2015
- Total project completion: Fall 2017



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