

A G E N D A

***Governing Board of the
Alameda Corridor Transportation Authority***

Meeting Date:	September 9, 2010
Time:	9:00 A.M.
Location:	Port of Long Beach 925 Harbor Plaza 6th Floor Board Room Long Beach, California

A. Roll Call

B. Opening Statement

Persons in the audience who wish to address the Governing Board on any agenda item are invited to identify themselves when that agenda item is called. Persons wishing to address the Governing Board on an item not on the agenda but within the subject matter jurisdiction of the Board should ask to be recognized after the last agenda item before any closed session item. Ordinarily, the Governing Board will not act on any matter which does not appear on the published agenda. The Governing Board may consider and act upon any of the items listed on the agenda.

C. Agenda Items

1. Closed Session:

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision [a] of Section 54956.9) (Two cases)**

- (a) NRDC et al vs. California Department of Transportation District 7
with ACTA as Real Party in Interest
Los Angeles Superior Court Case BS 122539**
- (b) NRDC et al vs. USDOT; Ray Lahood, Secretary, USDOT; FHA;
J. Paviati, Deputy Director, FHA; California Department of
Transportation with ACTA as Real Party in Interest
U.S. District Court for California Central District
Case No. 2:09-cv-8055-CAS-MAN**

**CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subsection [b] of Section 54956.9:
(One potential case)**



CONSENT: (Items 2 through 10)

2. **Minutes of the June 10, 2010 regular meeting of the Governing Board of the Alameda Corridor Transportation Authority. (APPROVAL)**
3. **Quarterly Investment Report (R/F)**
4. **Authorize the Chief Executive Officer or Chief Financial Officer to issue Change Orders to Contract Work Orders CWO) with the Alameda Corridor Engineering Team (ACET) for FY10 final adjustments in the net aggregate deductive amount of <\$238,129>. (APPROVAL)**
5. **Authorize the Chief Executive Officer or Chief Financial Officer to execute a Construction and Maintenance Agreement with Union Pacific Railroad (UPRR) for a new two-mile long service road to be located between the Alameda Corridor south end storage tracks and the UPRR Dolores Yard tracks at a not-to-exceed cost of \$444,446. (APPROVAL)**
6. **Ratify the issuance of task orders to Balfour Beatty, ACTA's maintenance contractor, under Agreement No. 782 for the purchase and installation of upgraded signal and communications equipment in the amount of \$208,778, and authorize an additional 10% contingency amount to be used, if necessary, to complete the work. (APPROVAL)**
7. **Authorize the Chief Executive Officer or Chief Financial Officer to execute amendments to Agreement No. 823 with Convergent Communications, Inc. (CCI), ACTA's railroad communications specialty consultant, increasing the not-to-exceed amount from \$100,000 to \$225,000 to complete Phases 2 and 3 of the communications upgrade project. (APPROVAL)**
8. **Authorize the Chief Executive Officer or Chief Financial Officer to execute an amendment to Agreement No. 466 with Ninyo and Moore for additional Phase II Environmental Site investigation for Segment I of the SR-47 Project, increasing the total Board-approved amount by \$300,000 from \$2,000,000 to \$2,300,000. (APPROVAL)**
9. **Confirm that the Chief Executive Officer or Chief Financial Officer is authorized to execute any amendments and/or written understandings as necessary to clarify existing Caltrans District Cooperative Agreement No. 07-4872 for the SR-47 Project. (APPROVAL)**
10. **Authorize the Chief Executive Officer or Chief Financial Officer to issue an amendment to Agreement No. 795 with Jones Day for legal services in the additional not-to-exceed amount of \$50,000.**

REGULAR

11. **Approve the selection of Chandler Asset Management to serve as ACTA's Investment Manager; and authorize the Chief Executive Officer or Chief Financial Officer to execute a contract with Chandler Asset Management for a five-year period, in the not-to-exceed amount of \$540,000. (APPROVAL)**
12. **Confirmation of Investment Policy. (APPROVAL)**

- 13. (1) Authorize the Chief Executive Officer (CEO) or Chief Financial Officer (CFO) to continue to pursue a refunding loan from the US DOT Federal Railroad Administration (FRA) under the Railroad Rehabilitation & Improvement Financing (RRIF) Program; (2) authorize the CEO or CFO to take such actions as necessary to support the FRA credit evaluation of ACTA's loan application, provide for rating agency review, prepare legal documents, agreements, and related materials, and take all other actions necessary to complete the ACTA RRIF loan and prepare it for final approval of the Governing Board; appropriate \$650,000 from available funds to the FY11 budget to advance cash requirements, pay for credit evaluations, and prepare necessary documents. (APPROVAL)**
- 14. Legislative Update (INFORMATION)**
- 15. ACTA July Performance Update (INFORMATION)**
- 16. SR-47 and Rail Bridge Update (INFORMATION)**
- 17. Public Comment**
- 18. Adjournment**