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EXEMPT FROM FEES PER
GOVERNMENT CODE §6103

Attorneys for Plaintiffs and Plaintiffs
JOHN TOS, AARON FUKUDA,
AND COUNTY OF KINGS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

JOHN TOS, AARON FUKUDA, and COUNTY
OF KINGS,
Plaintiffs
v.
CALIFORNIA HIGH SPEED RAIL Authority *et*
al.,
Defendants

No. 34-2011-00113919 filed 11/14/2011
Judge Assigned for All Purposes:
HONORABLE MICHAEL P. KENNY
Department: 31 (to be handled as writ)
DECLARATION OF RITA WESPI IN
SUPPORT OF PLAINTIFFS' REPLY
BRIEF ON REMEDIES

Date: November 8, 2013
Time: 9:00 AM
Dept. 31
Judge: Hon. Michael P. Kenny

I, Rita Wespi, declare as follows:

1. I am a resident of the City of Palo Alto and the County of Santa Clara. I have personal knowledge of the facts contained in this declaration and am competent to testify as to them if called as a witness.
2. I have been investigating the California high-speed rail project since the passage of Proposition 1A in November 2008. I have studied and analyzed many aspects of the project including compliance with many of the requirements and mandatory safeguards under prop 1A. I have particularly concentrated on matters having to do with the following: financing for the project, progress reports for planning, construction, environmental studies, technical reports, design, trip time requirements from Los Angeles to San Francisco, the California High-Speed

1 Rail Authority's ("Authority's") own budget accounting, financial records, and bidding process.
2 In the course of my investigations, I have obtained and reviewed many records related to the
3 High-Speed Rail peer review group and other state oversight groups such as the Legislative
4 Analyst's Office ("LAO") and the State Auditor. I have also analyzed the \$225,900,000 contract
5 that the Authority entered into with the California Department of transportation ("Caltrans"),
6 HSR Agreement No. 12-06 and DOT Agreement No. 06A1816, referred to hereafter as the
7 "Caltrans CP1 contract" which largely deals with construction work to be done. The executed
8 contract is on the internet at [http://www.calhsr.com/wp-content/uploads/2009/05/Executed-](http://www.calhsr.com/wp-content/uploads/2009/05/Executed-Contract-Agreement.pdf)
9 [Contract-Agreement.pdf](http://www.calhsr.com/wp-content/uploads/2009/05/Executed-Contract-Agreement.pdf). I've also reviewed and analyzed the Tutor-Perini-Parsons contract that
10 the Authority entered into for \$1,022,988,000 to build CP1, the first segment of the Central
11 Valley project that the Authority intends to construct.

12 3. Over the course of several years I have served many public records requests on the
13 Authority seeking information related to the above matters. These requests have included
14 requests for financial information and information having to do with expenditures under
15 Proposition 1A and financial commitments by the Authority to expend Proposition 1A bond
16 funds for construction purposes.

17 4. The purpose of this declaration is to bring to the attention of the Court documentary
18 evidence which I have received from the authority about what bond expenditures have actually
19 been made for construction purposes and what financial commitments the Authority has made to
20 expend bond funds for construction purposes. These expenditures and financial commitments
21 fall into various categories, which for the convenience of the Court are organized separately and
22 below.

23 FY2012-13 CAPITAL OUTLAY AND EXPENDITURE REPORT

24 5. The above-entitled report was delivered to me by the Authority on October 17, 2013. It
25 was delivered pursuant to my public records request dated August 26, 2013 which is attached
26 hereto as Exhibit A. The Authority's response to this request is attached hereto as Exhibit B. It
27 relates to expenditures of bond funds for construction purposes. Exhibit B, page 7, indicates that
28 \$4,000,000 was expended for construction purposes from the bond funds.

29 **CA High-Speed Rail Authority FY 2012-13** **Capital Outlay Budget and Expenditure Report**

As of May 31, 2013

Bond Fund (Prop 1A) - Construction

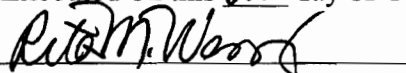
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13
Merced - Fresno	\$4,000,000
TOTALS	\$4,000,000

IMMINENT ADDITIONAL CONSTRUCTION-RELATED EXPENDITURES (RELOCATION OF UTILITIES)

6. The High Speed Rail Authority approved Resolutions HSRA #13-22 and HSRA #13-23 on September 10, 2013. HSRA #13-22 allows the CEO to enter into a series of agreements with AT&T for relocating AT&T's facilities in CP1 for a total not to exceed \$18,412,133, \$15,425,913 of which is categorized as "Construction." HSRA #13-23 allows the CEO to enter into a series of agreements with PG&E for relocating PG&E's facilities in CP1 for a total not to exceed \$50,433,506, \$42,785,783 of which is categorized as "Construction." The September 10, 2013 staff memo to the Board which describes these two resolutions, attached hereto as Exhibit C, is on the HSRA's website at the following address:
http://www.hsr.ca.gov/docs/brdmeetings/2013/brdmtg_0913_item5_Approve_Agreements_with_Utility_Co_Relocation.pdf. This is Exhibit C staff report contains a table which outlines specific expenditures to be made, with the word "construction" used frequently.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on this 21st day of October, 2013, at Redwood City, California.



Rita Wespi

Exhibit A

From: Rita Wespi [REDACTED]
Sent: Monday, August 26, 2013 12:19 PM
To: HSR records@HSR
Cc: CARRD
Subject: Request for HSRA awards and expenditures

Annie,

I'll be in Sacramento on Thursday the 28th and am planning to visit you for some records. Rather than pop in unannounced, here's the request.

We request information on all awards, commitments and expenditures of all Federal High-Speed Intercity Rail (HSIPR), the Federal Trust Fund and State of California Prop 1A General Obligation bond funds for the period of January 1, 2009 to the present. Items of special interest are under the following accounts:

2660-104-6043,
2660-304-6043,
2665-104-6043,
2665-304-0890,
2665-304-6043,
2665-305-0890,
2665-305-6043,
2665-306-0890, and
2665-306-6043.

We also request high-speed rail (HSR) funds for account 2660, used by Caltrans for the purposes of meeting the objectives of the High-Speed Rail Authority. For example, accounts 2660-xxx-6043, and 2660-xxx-0890 that was earmarked for HSR-related work. We request accounts payable information for each account as well.

If you prefer to set a time to meet, how about somewhere between 10:30 and 12?

Thanks, and looking forward to meeting you in person!
Rita

Rita Wespi
Co-founder, CARRD - Californians Advocating Responsible Rail Design
Phone: 650-269-1781
Email: ritawespi@calhsr.com
Web: www.calhsr.com

From: Parker, Annie@HSR <Annie.Parker@hsr.ca.gov> on behalf of HSR records@HSR <records@hsr.ca.gov>
Sent: Tuesday, August 27, 2013 3:15 PM
To: Rita Wespi; HSR records@HSR
Cc: CARRD
Subject: RE: Request for HSRA awards and expenditures

Hi Rita – Thanks for your email. Due to the amount of documentation you are looking for, and the short time-frame you have provided to collect everything, we will not have those records available for viewing on August 28 as per your request.

However, we would be happy to schedule a viewing time for you when we will be able to provide you with everything you need. We'll get back to you in the next couple of days to select a date and time.

I look forward to meeting you in person as well.

Thanks.

Annie Parker

Information Officer

www.hsr.ca.gov

annie.parker@hsr.ca.gov

(916) 403-6931 (w)



From: Parker, Annie@HSR [<mailto:Annie.Parker@hsr.ca.gov>] **On Behalf Of** HSR records@HSR

Sent: Tuesday, September 03, 2013 3:52 PM

To: Rita Wespi; HSR records@HSR

Cc: CARRD

Subject: RE: Request for HSRA awards and expenditures

Rita – For this PRA, can you please provide clarification so we be responsive to your request.

Can you please identify the records you are requesting for the following accounts listed below?

Annie Parker

Information Officer

www.hsr.ca.gov

annie.parker@hsr.ca.gov

(916) 403-6931 (w)



From: Rita Wespi [REDACTED]

Sent: Thursday, September 05, 2013 8:41 AM

To: records@hsr.ca.gov

Cc: CARRD

Subject: RE: Request for HSRA awards and expenditures

Annie,

Since this request appears to be somewhat more complex on the surface than other requests, we're invoking the part of the Public Records Act that requires the agency to assist in identifying records and information that are responsive to the request, Gov. Code 6253.1 (a)(1).

I'd like to set up a time to discuss this on the phone, preferably with someone from your Accounting Department on the call as well. I think this will be the most expeditious way to identify a request which is concise, takes the least amount of your time, and is responsive to our request.

Could you set up a time with Accounting this afternoon? I'm available the entire afternoon, excluding 3-3:30.

If you have any questions, please don't hesitate to ask.

Thanks,
Rita

Rita Wespi
Co-founder, CARRD - Californians Advocating Responsible Rail Design
Phone: 650-269-1781
Email: ritawespi@calhsr.com
Web: www.calhsr.com

From: Rita Wespi [REDACTED]
Sent: Thursday, September 05, 2013 6:06 PM
To: HSR records@HSR
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Annie,

I haven't heard back from you today. Can we set up a time tomorrow to clarify this request? Once we discuss this with someone from your Accounting Dept., we should be able to narrow the request down to something manageable. Without that conversation we could be playing email tag for longer than is necessary, as so often happens.

I'm generally available on Friday except at 10:30-11, 12:00-12:30, and 3:00-3:30. Please let me know a time that works for you and your accounting person.

Until we have that conversation, please continue to search for budget information by year for each of the budget categories listed below in the original request. We are requesting basic income (awards) and expenditures by account number, including accounts payable. If commitments are not included in the described records, we request them as well. I believe Accounting can run a report by month or year for each account number given.

If this is unclear, we need to have that phone conversation ASAP since the original request was submitted to you on August 26.

Thanks,
Rita

From: Parker, Annie@HSR [<mailto:Annie.Parker@hsr.ca.gov>] **On Behalf Of** HSR records@HSR
Sent: Friday, September 06, 2013 4:44 PM
To: Rita Wespi; HSR records@HSR
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Rita - Although I am available by phone, it would be most helpful and productive if you would provide in writing a more clear description of documents you are requesting so I can discuss with personnel at the Authority who may be knowledgeable about those types of documents and determine if they exist.

At this time, we are unable to send you a determination letter in response to your Public Records Act made on August 26, 2013 as we have not yet received clarification from you on what documents you are requesting.

Please send clarification so we may assist you in completing your Public Records Act request.

Thank you.

Annie Parker

Information Officer

www.hsr.ca.gov

annie.parker@hsr.ca.gov

(916) 403-6931 (w)



From: Rita Wespi [REDACTED]
Sent: Friday, September 06, 2013 5:15 PM
To: 'HSR records@HSR'
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Annie,

I'm asking to have that clarification be conducted over the phone. Accounting is not my expertise so I need assistance in phrasing the request in a way that would be acceptable to you. Is it possible to do a quick conference call with someone in your Accounting Department? I'm trying very hard to make this request less complicated. Without such a conversation, we'll be stuck with an all-encompassing public records request.

Let me try, anyhow. We are requesting any records which would show awards, commitments and expenditures from January 2009 to present for the following accounts (and including accounts payable):

2660-104-6043,
2660-304-6043,
2665-104-6043,
2665-304-0890,
2665-304-6043,
2665-305-0890,
2665-305-6043,
2665-306-0890, and
2665-306-6043.

I assume that Accounting can query their system by account number and produce monthly/yearly totals from 2009 to present. If that's not true, could you please forward this request to them and ask what they can offer to do that would likely be responsive to this request.

I really do fear that without their involvement or suggestions, you and I will be going a few more rounds since it's not familiar territory for either of us! I'm unable to provide additional clarity without your assistance. The PRA is written in such a way that the agency must do all it can to avoid exactly this situation.

Thanks in advance for your assistance,
Rita

From: Rita Wespi [REDACTED]
Sent: Tuesday, September 10, 2013 11:17 AM
To: HSR records@HSR
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Annie,

This request is past due. Could you please clarify whether we're going to have a quick phone conference or whether you've forwarded this email to Accounting for their assistance?

Thanks,
Rita

From: Parker, Annie@HSR <Annie.Parker@hsr.ca.gov> on behalf of HSR records@HSR <records@hsr.ca.gov>
Sent: Tuesday, September 10, 2013 3:24 PM
To: Rita Wespi; HSR records@HSR
Cc: 'CARRD'

Subject:

RE: Request for HSRA awards and expenditures

Rita – We are still unable to issue a determination letter for your request at this time. Please contact me to clarify the request as we have no one on accounting that is available to talk to you at this time.

Thanks

Annie Parker

Information Officer

www.hsr.ca.gov

annie.parker@hsr.ca.gov

(916) 403-6931 (w)



September 11, 2013

Ms. Rita Wespi

SENT BY EMAIL

BOARD MEMBERS

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Lynn Schenk

VICE CHAIRPERSON

Thomas Richards

VICE CHAIRPERSON

Richard Frank

Jim Hartnett

**Katherine
Perez-Estolano**

Michael Rossi

Thomas J. Umberg

Jeff Morales

CHIEF EXECUTIVE OFFICER

Dear Ms. Wespi,

On August 26, 2013, the California High-Speed Rail Authority (Authority) received a Public Records Act request for the following:

“We request information on all awards, commitments and expenditures of all Federal High-Speed Intercity Rail (HSIPR), the Federal Trust Fund and State of California Prop 1A General Obligation bond funds for the period of January 1, 2009 to the present. Items of special interest are under the following accounts:

- 2660-104-6043,
- 2660-304-6043,
- 2665-104-6043,
- 2665-304-0890,
- 2665-304-6043,
- 2665-305-0890,
- 2665-305-6043,
- 2665-306-0890, and
- 2665-306-6043.

We also request high-speed rail (HSR) funds for account 2660, used by Caltrans for the purposes of meeting the objectives of the High-Speed Rail Authority. For example, accounts 2660-xxx-6043, and 2660-xxx-0890 that was earmarked for HSR-related work. We request accounts payable information for each account as well.”

On September 3 and 6, 2013, the Authority requested clarification from you regarding which records you were requesting. You replied to these emails requesting to speak with Authority staff and did not provide clarification.

On September 10, 2013, you stated in an email that this request was past due and asked to speak directly with our Authority staff.

On September 10, 2013, the Authority replied to your email that we were unable to issue a determination letter at that time regarding your August 26 request as required by the California Public Records Act as you had not yet provided clarification for the records you were requesting.

On September 10, 2013, you replied that you would not be able to clarify the request until you spoke with the HSRA's accounting, business or finance departments.

EDMUND G. BROWN JR.
GOVERNOR



As we have stated before, HSRA's accounting, business or finance departments are not available to speak with you at this time. As the Public Records Officer, I have been attempting to get clarification from you, but at this time, remain unable to identify the requested information you are seeking after making a reasonable effort to elicit additional clarifying information from you.

According to the Public Records Act Section 6253.1:

6253.1. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- 1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- 2) Describe the information technology and physical location in which the records exist.
- 3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

I am available via email at records@hsr.ca.gov or via phone at (916) 403-6931, as I have stated in our earlier communications to assist you with this public records act request.

At this time, the Authority continues to be unable to fulfill your public records request because you have not yet provided clarification regarding which records you are requesting.

Sincerely,

A handwritten signature in cursive script that reads "Annie L. Parker".

Annie Parker
Public Records Act Staff

From: Rita Wespi [REDACTED]
Sent: Thursday, September 26, 2013 3:58 PM
To: HSR records@HSR
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Hi Annie,

Are we getting any closer to fulfilling this request after our phone conversation last week? We discussed the meaning of 'awards' as Prop 1A or federal funds; 'commitments' as any obligation or commitment, including but not limited to pending obligations or encumbrances, and 'expenditures' was self-explanatory and included activities such as checks.

I'm fairly certain your accounting folks can simply run these reports by budget item number. If it makes it any easier, we request monthly reports from January 2013 to present, and yearly reports from June 2009 through June 2013.

Please send a date for when we can expect these records, keeping in mind that the request originated on August 26.

Thanks,

Rita

BOARD MEMBERS**Dan Richard**

CHAIRPERSON

Lynn Schenk

VICE CHAIRPERSON

Thomas Richards

VICE CHAIRPERSON

Richard Frank**Jim Hartnett****Katherine
Perez-Estolano****Michael Rossi****Thomas J. Umberg****Jeff Morales**

CHIEF EXECUTIVE OFFICER

September 26, 2013

Ms. Rita Wespi

SENT BY EMAIL

Dear Ms. Wespi,

On August 26, 2013, the California High-Speed Rail Authority (Authority) received a Public Records Act request for the following:

“We request information on all awards, commitments and expenditures of all Federal High-Speed Intercity Rail (HSIPR), the Federal Trust Fund and State of California Prop 1A General Obligation bond funds for the period of January 1, 2009 to the present. Items of special interest are under the following accounts:

- 2660-104-6043,
- 2660-304-6043,
- 2665-104-6043,
- 2665-304-0890,
- 2665-304-6043,
- 2665-305-0890,
- 2665-305-6043,
- 2665-306-0890, and
- 2665-306-6043.

We also request high-speed rail (HSR) funds for account 2660, used by Caltrans for the purposes of meeting the objectives of the High-Speed Rail Authority. For example, accounts 2660-xxx-6043, and 2660-xxx-0890 that was earmarked for HSR-related work. We request accounts payable information for each account as well.”

On September 11, the Authority issued a letter stating that we were unable to fulfill your Public Records Act request as we had not yet received clarification from you regarding which records you were requesting.

On September 20, you spoke with Annie Parker, the Authority’s Public Records Officer to provide clarification. We spoke at length and agreed to comply with the following requests:

- **“From August 2012 through August 2013, you are requesting high-level, monthly reports for funds that have gone out of the accounts above. If the Authority doesn’t have monthly reports, you are requesting any reporting mechanism we have for these accounts.”**
- **“From August 2009 through July 2013, you are looking for some type of yearly statement for the accounts above.”**

EDMUND G. BROWN JR.
GOVERNOR

- **You are also seeking records the show any funds the Authority has agreed to pay out with other entities.**

The Authority will research your request and provide you with responsive documents by October 18, 2013.

Regarding your request above:

We also request high-speed rail (HSR) funds for account 2660, used by Caltrans for the purposes of meeting the objectives of the High-Speed Rail Authority. For example, accounts 2660-xxx-6043, and 2660-xxx-0890 that was earmarked for HSR-related work. We request accounts payable information for each account as well.”

To view the any accounts starting with “2660,” you must request that account information from Caltrans. The Authority does not administer accounts to Caltrans from that fund.

Please send any questions to records@hsr.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Annie L. Parker".

Annie Parker
Public Records Act Staff

October 17, 2013

Ms. Rita Wespi

SENT BY EMAIL

BOARD MEMBERS

Dan Richard

CHAIRPERSON

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Richard Frank

Jim Hartnett

**Katherine
Perez-Estolano**

Michael Rossi

Thomas J. Umberg

Jeff Morales

CHIEF EXECUTIVE OFFICER

Dear Ms. Wespi,

On August 26, 2013, the California High-Speed Rail Authority (Authority) received a Public Records Act request for the following:

“We request information on all awards, commitments and expenditures of all Federal High-Speed Intercity Rail (HSIPR), the Federal Trust Fund and State of California Prop 1A General Obligation bond funds for the period of January 1, 2009 to the present. Items of special interest are under the following accounts:

- 2660-104-6043,
- 2660-304-6043,
- 2665-104-6043,
- 2665-304-0890,
- 2665-304-6043,
- 2665-305-0890,
- 2665-305-6043,
- 2665-306-0890, and
- 2665-306-6043.

We also request high-speed rail (HSR) funds for account 2660, used by Caltrans for the purposes of meeting the objectives of the High-Speed Rail Authority. For example, accounts 2660-xxx-6043, and 2660-xxx-0890 that was earmarked for HSR-related work. We request accounts payable information for each account as well.”

On September 11, 2013 the Authority issued a letter stating that we were unable to fulfill your Public Records Act request as we had not yet received clarification from you regarding which records you were requesting related to these accounts.

On September 20, 2013 you spoke with Annie Parker, the Authority’s Public Records Officer to provide clarification. We spoke at length and agreed to comply with the following requests as stated in a determination letter sent to you on September 26, 2013:

- **“From August 2012 through August 2013, you are requesting high-level, monthly reports for funds that have gone out of the accounts above. If the Authority doesn’t have monthly reports, you are requesting any reporting mechanism we have for these accounts.**
- **From August 2009 through July 2013, you are looking for some type of yearly statement for the accounts above.”**

EDMUND G. BROWN JR.
GOVERNOR



The Authority agreed to research your request and provide you with responsive documents by October 18, 2013. Attached to this determination letter are the following documents:

- Capital Outlay and Expenditure Report 2012-13
- Capital Outlay and Expenditure Report 2013-14
- **“You were also seeking records the show any funds the Authority has agreed to pay out with other entities.”**

On the Authority’s website, you can find the following information:

- Funding & Finance for High-Speed Rail:
http://www.hsr.ca.gov/About/Funding_Finance/index.html.
- Bid Opening Results:
http://www.hsr.ca.gov/About/Doing_Business_with_HSR/bid_opening_results.html.
- Contracts Currently Out for Bid:
http://www.hsr.ca.gov/About/Doing_Business_with_HSR/contracts_for_bid.html.
- Expired Solicitations:
http://www.hsr.ca.gov/About/Doing_Business_with_HSR/expired_solicitations.html.
- Notice of Intent to Award:
http://www.hsr.ca.gov/About/Doing_Business_with_HSR/notice_of_intent_to_award.html.
- California High-Speed Rail Partnerships: <http://www.hsr.ca.gov/About/partnerships.html>

In the September 26, 2013 letter, the Authority also determined the following:

We also request high-speed rail (HSR) funds for account 2660, used by Caltrans for the purposes of meeting the objectives of the High-Speed Rail Authority. For example, accounts 2660-xxx-6043, and 2660-xxx-0890 that was earmarked for HSR-related work. We request accounts payable information for each account as well.”

To view the any accounts starting with “2660,” you must request that account information from Caltrans. The Authority does not administer accounts to Caltrans from that fund.

Please send any questions to records@hsr.ca.gov.

Sincerely,



Annie Parker
Public Records Act Staff

From: Rita Wespi [REDACTED]
Sent: Friday, October 18, 2013 1:10 PM
To: 'HSR records@HSR'
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Annie,

Thanks for the 2 yearly reports. This partially fulfills our request which we clarified on September 26 after our phone call:

“we request monthly reports from January 2013 to present, and yearly reports from June 2009 through June 2013.”

Could you please arrange to send the remainder of the Capital Outlay and Expenditure Reports, and in particular the monthly reports for this year. Now that you’ve identified the specific reports, it should be relatively easy to finish off this request ASAP.

Also, a few accounts are missing from the reports: 2665-104-0890 and 2665-104-6043.

Thanks,
Rita

From: Rita Wespi [REDACTED]
Sent: Friday, October 18, 2013 1:30 PM
To: 'HSR records@HSR'
Cc: 'CARRD'
Subject: RE: Request for HSRA awards and expenditures

Annie,

I have a few other questions about the obligations and commitments. You referred me to several parts of the HSRA’s website, but they don’t seem to be up-to-date or complete. Or maybe I’m not looking in the right place.

For example, contracts with the RCs, the PMO, PMT, CMO, cities & counties such as Fresno, municipalities, PG&E, SPE, UPRR, Caltrain, etc. Where would one find those?

We’re not requesting all these contracts; just a yearly & monthly view of commitments, obligations, encumbrances, and expenditures. If these commitments are not included in the Expenditure Reports, how does the Authority keep track of them? That would be responsive to our request.

Thanks again,
Rita

Exhibit B

CA High-Speed Rail Authority FY 2012-13
Capital Outlay Budget and Expenditure Report
As of May 31, 2013



Budget Summary

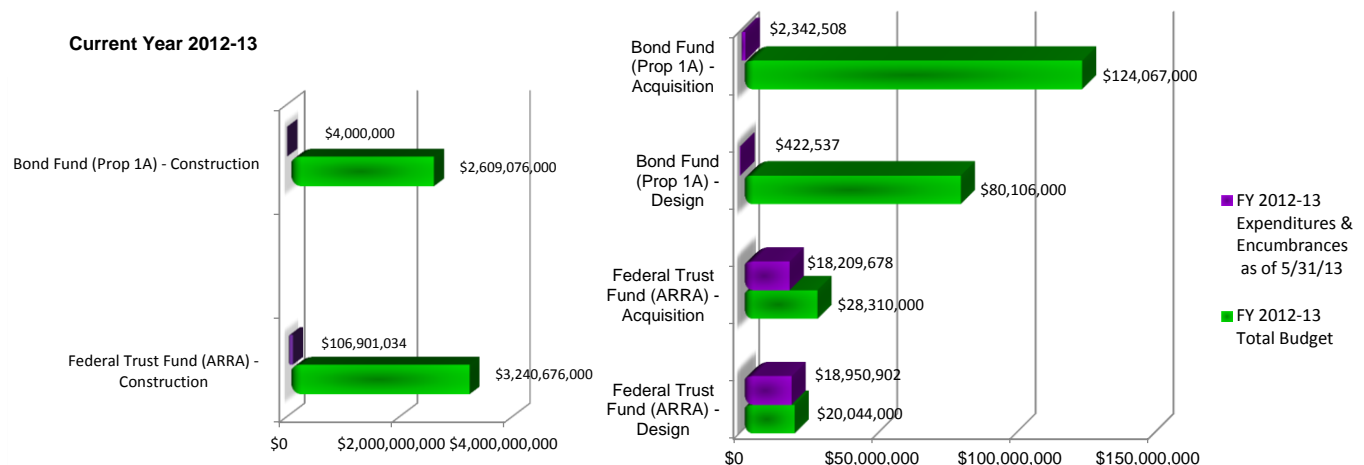
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
Bond Fund (Prop 1A) - Acquisition	\$2,342,508	\$124,067,000	\$113,728,083	1.9%	\$121,724,492
Bond Fund (Prop 1A) - Design	\$422,537	\$80,106,000	\$73,430,500	0.5%	\$79,683,463
Federal Trust Fund (ARRA) - Acquisition	\$18,209,678	\$28,310,000	\$25,950,833	64.3%	\$10,100,322
Federal Trust Fund (ARRA) - Design	\$18,950,902	\$20,044,000	\$18,373,667	94.5%	\$1,093,098
Federal Trust Fund (ARRA) - Construction	\$106,901,034	\$3,240,676,000	\$2,970,619,667	3.3%	\$3,133,774,966
Bond Fund (Prop 1A) - Construction	\$4,000,000	\$2,609,076,000	\$2,391,653,000	0.2%	\$2,605,076,000
TOTAL	\$150,826,658	\$6,102,279,000	\$5,593,755,750	2.5%	\$5,951,452,342

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
Bond Fund (Prop 1A) - Acquisition	\$0	\$0	\$0	\$0	%
Bond Fund (Prop 1A) - Design	\$0	\$0	\$0	\$0	%
Federal Trust Fund (ARRA) - Acquisition	\$0	\$0	\$0	\$0	%
Federal Trust Fund (ARRA) - Design	\$0	\$0	\$0	\$0	%
Federal Trust Fund (ARRA) - Construction	\$0	\$0	\$0	\$0	%
Bond Fund (Prop 1A) - Construction	\$0	\$0	\$0	\$0	%
TOTAL	\$0	\$0	\$0	\$0	%

Current Year 2012-13



CA High-Speed Rail Authority FY 2012-13
Capital Outlay Budget and Expenditure Report
As of May 31, 2013



Bond Fund (Prop 1A) - Acquisition

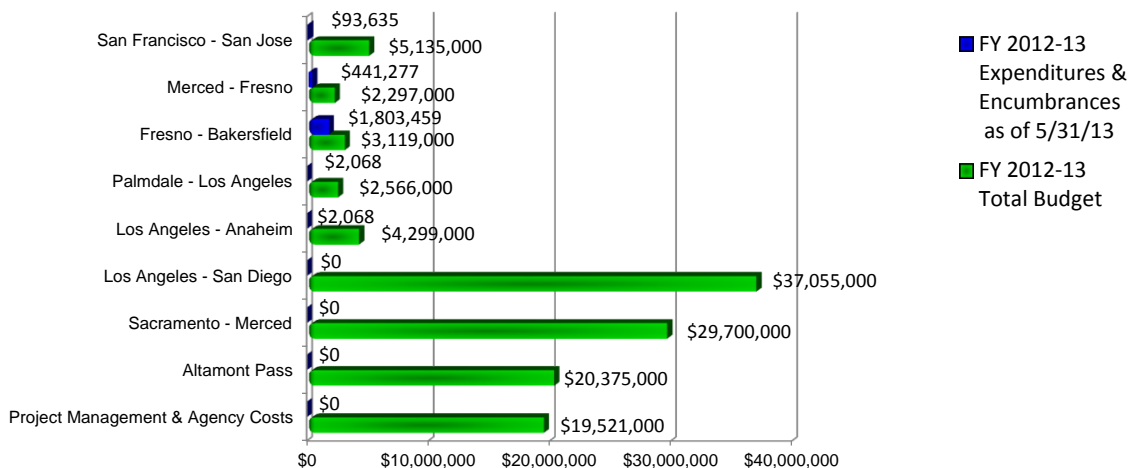
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
San Francisco - San Jose	\$93,635	\$5,135,000	\$4,707,083	1.8%	\$5,041,365
Merced - Fresno	\$441,277	\$2,297,000	\$2,105,583	19.2%	\$1,855,723
Fresno - Bakersfield	\$1,803,459	\$3,119,000	\$2,859,083	57.8%	\$1,315,541
Palmdale - Los Angeles	\$2,068	\$2,566,000	\$2,352,167	0.1%	\$2,563,932
Los Angeles - Anaheim	\$2,068	\$4,299,000	\$3,940,750	0.0%	\$4,296,932
Los Angeles - San Diego	\$0	\$37,055,000	\$33,967,083	0.0%	\$37,055,000
Sacramento - Merced	\$0	\$29,700,000	\$27,225,000	0.0%	\$29,700,000
Altamont Pass	\$0	\$20,375,000	\$18,677,083	0.0%	\$20,375,000
Project Management & Agency Costs	\$0	\$19,521,000	\$17,894,250	0.0%	\$19,521,000
TOTALS	\$2,342,508	\$124,067,000	\$113,728,083	1.9%	\$121,724,492

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
San Francisco - San Jose	\$0	\$0	\$0	\$0	%
Merced - Fresno	\$0	\$0	\$0	\$0	%
Fresno - Bakersfield	\$0	\$0	\$0	\$0	%
Palmdale - Los Angeles	\$0	\$0	\$0	\$0	%
Los Angeles - Anaheim	\$0	\$0	\$0	\$0	%
Los Angeles - San Diego	\$0	\$0	\$0	\$0	%
Sacramento - Merced	\$0	\$0	\$0	\$0	%
Altamont Pass	\$0	\$0	\$0	\$0	%
Project Management & Agency Costs	\$0	\$0	\$0	\$0	%
TOTALS	\$0	\$0	\$0	\$0	%

Current Year 2012-13



CA High-Speed Rail Authority FY 2012-13
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As of May 31, 2013



Bond Fund (Prop 1A) - Design

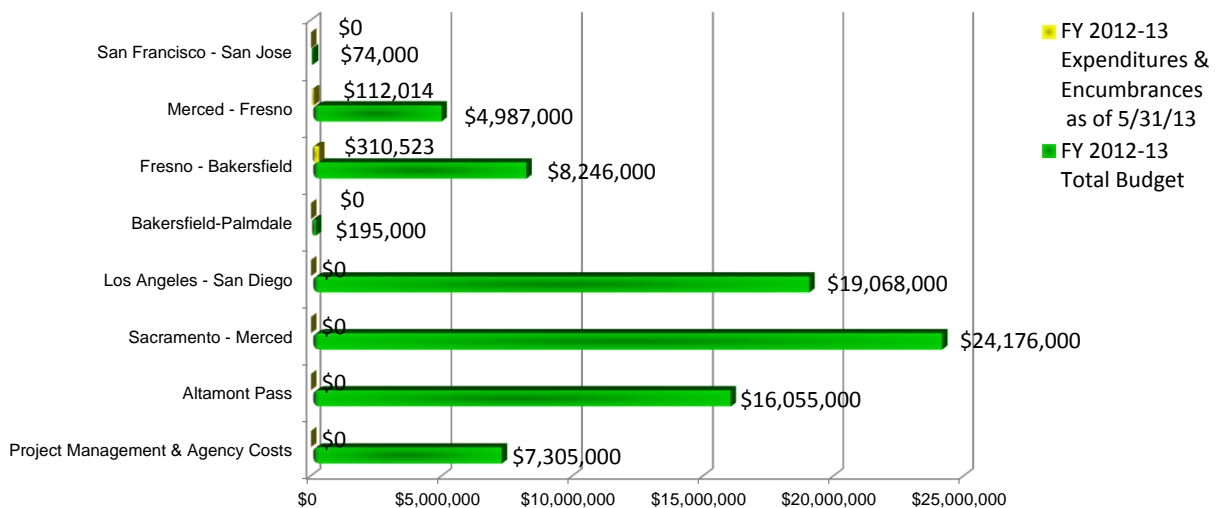
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
San Francisco - San Jose	\$0	\$74,000	\$67,833	0.0%	\$74,000
Merced - Fresno	\$112,014	\$4,987,000	\$4,571,417	2.2%	\$4,874,986
Fresno - Bakersfield	\$310,523	\$8,246,000	\$7,558,833	3.8%	\$7,935,477
Bakersfield-Palmdale	\$0	\$195,000	\$178,750	0.0%	\$195,000
Los Angeles - San Diego	\$0	\$19,068,000	\$17,479,000	0.0%	\$19,068,000
Sacramento - Merced	\$0	\$24,176,000	\$22,161,333	0.0%	\$24,176,000
Altamont Pass	\$0	\$16,055,000	\$14,717,083	0.0%	\$16,055,000
Project Management & Agency Costs	\$0	\$7,305,000	\$6,696,250	0.0%	\$7,305,000
TOTALS	\$422,537	\$80,106,000	\$73,430,500	0.5%	\$79,683,463

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
San Francisco - San Jose	\$0	\$0	\$0	\$0	%
Merced - Fresno	\$0	\$0	\$0	\$0	%
Fresno - Bakersfield	\$0	\$0	\$0	\$0	%
Palmdale - Los Angeles	\$0	\$0	\$0	\$0	%
Los Angeles - Anaheim	\$0	\$0	\$0	\$0	%
Los Angeles - San Diego	\$0	\$0	\$0	\$0	%
Sacramento - Merced	\$0	\$0	\$0	\$0	%
Altamont Pass	\$0	\$0	\$0	\$0	%
Project Management & Agency Costs	\$0	\$0	\$0	\$0	%
TOTALS	\$0	\$0	\$0	\$0	%

Current Year 2012-13



CA High-Speed Rail Authority FY 2012-13
Capital Outlay Budget and Expenditure Report
As of May 31, 2013



Federal Trust Fund (ARRA) - Acquisition

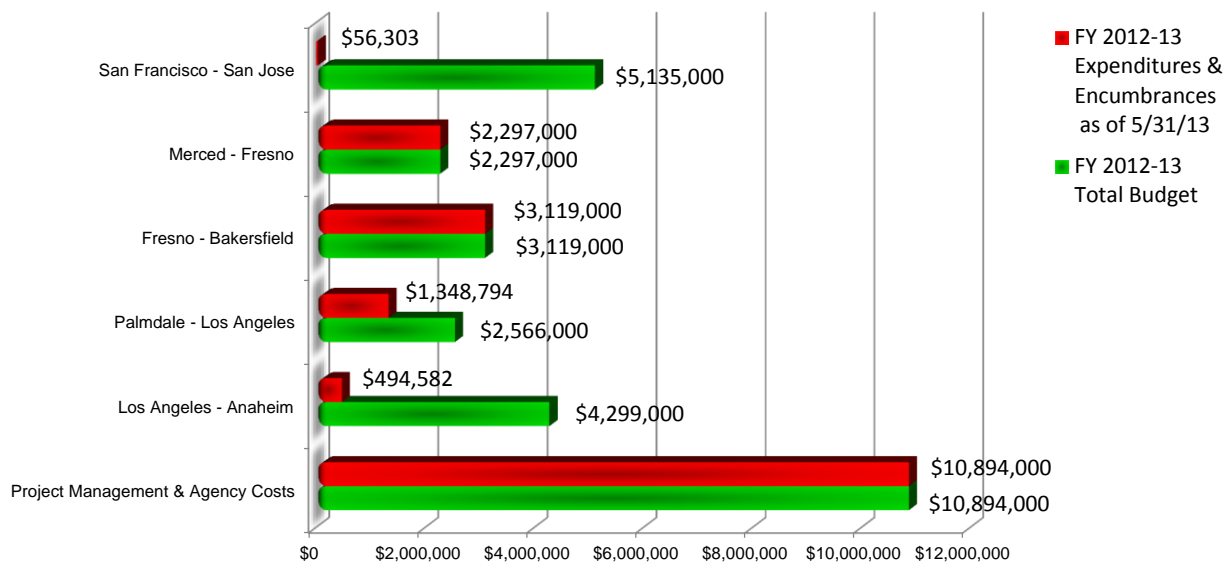
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
San Francisco - San Jose	\$56,303	\$5,135,000	\$4,707,083	1.1%	\$5,078,697
Merced - Fresno	\$2,297,000	\$2,297,000	\$2,105,583	100.0%	\$0
Fresno - Bakersfield	\$3,119,000	\$3,119,000	\$2,859,083	100.0%	\$0
Palmdale - Los Angeles	\$1,348,794	\$2,566,000	\$2,352,167	52.6%	\$1,217,206
Los Angeles - Anaheim	\$494,582	\$4,299,000	\$3,940,750	11.5%	\$3,804,418
Project Management & Agency Costs	\$10,894,000	\$10,894,000	\$9,986,167	100.0%	\$0
TOTALS	\$18,209,678	\$28,310,000	\$25,950,833	64.3%	\$10,100,322

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
San Francisco - San Jose	\$0	\$0	\$0	\$0	%
Merced - Fresno	\$0	\$0	\$0	\$0	%
Fresno - Bakersfield	\$0	\$0	\$0	\$0	%
Palmdale - Los Angeles	\$0	\$0	\$0	\$0	%
Los Angeles - Anaheim	\$0	\$0	\$0	\$0	%
Project Management & Agency Costs	\$0	\$0	\$0	\$0	%
TOTALS	\$0	\$0	\$0	\$0	%

Current Year 2012-13



CA High-Speed Rail Authority FY 2012-13
Capital Outlay Budget and Expenditure Report
As of May 31, 2013



Federal Trust Fund (ARRA) - Design

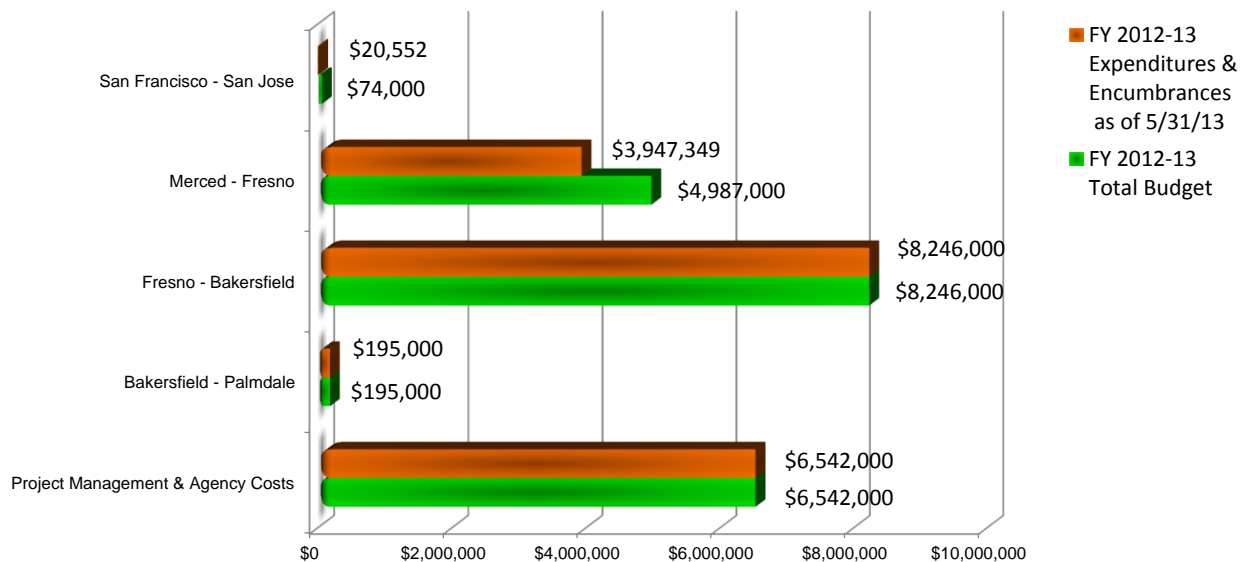
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
San Francisco - San Jose	\$20,552	\$74,000	\$67,833	27.8%	\$53,448
Merced - Fresno	\$3,947,349	\$4,987,000	\$4,571,417	79.2%	\$1,039,651
Fresno - Bakersfield	\$8,246,000	\$8,246,000	\$7,558,833	100.0%	\$0
Bakersfield - Palmdale	\$195,000	\$195,000	\$178,750	100.0%	\$0
Project Management & Agency Costs	\$6,542,000	\$6,542,000	\$5,996,833	100.0%	\$0
TOTALS	\$18,950,902	\$20,044,000	\$18,373,667	94.5%	\$1,093,098

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
San Francisco - San Jose	\$0	\$0	\$0	\$0	%
Merced - Fresno	\$0	\$0	\$0	\$0	%
Fresno - Bakersfield	\$0	\$0	\$0	\$0	%
Bakersfield - Palmdale	\$0	\$0	\$0	\$0	%
Project Management & Agency Costs	\$0	\$0	\$0	\$0	%
TOTALS	\$0	\$0	\$0	\$0	%

Current Year 2012-13



CA High-Speed Rail Authority FY 2012-13
Capital Outlay Budget and Expenditure Report
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Federal Trust Fund (ARRA) - Construction

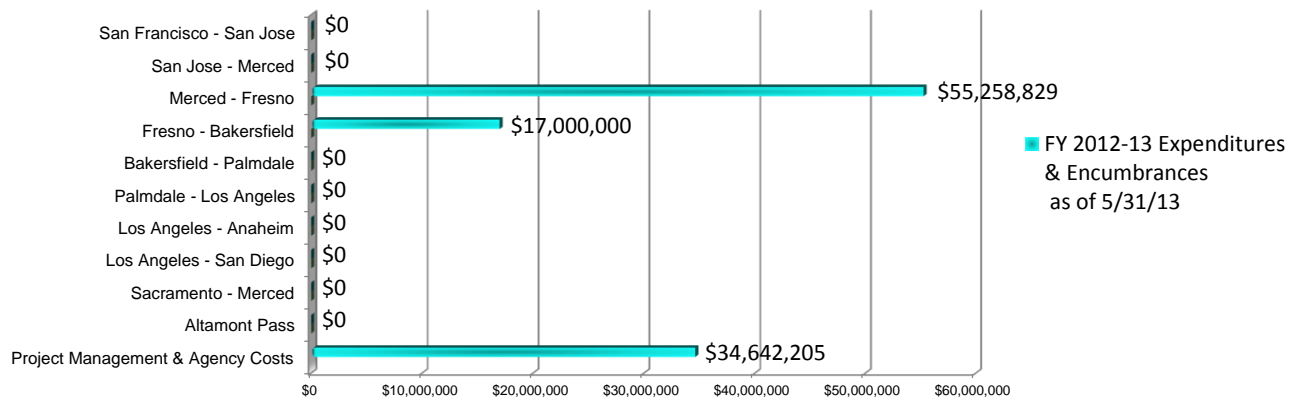
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
San Francisco - San Jose	\$0	\$0	\$0	0.0%	\$0
San Jose - Merced	\$0	\$0	\$0	0.0%	\$0
Merced - Fresno	\$55,258,829	\$0	\$0	1.7%	\$0
Fresno - Bakersfield	\$17,000,000	\$0	\$0	0.5%	\$0
Bakersfield - Palmdale	\$0	\$0	\$0	0.0%	\$0
Palmdale - Los Angeles	\$0	\$0	\$0	0.0%	\$0
Los Angeles - Anaheim	\$0	\$0	\$0	0.0%	\$0
Los Angeles - San Diego	\$0	\$0	\$0	0.0%	\$0
Sacramento - Merced	\$0	\$0	\$0	0.0%	\$0
Altamont Pass	\$0	\$0	\$0	0.0%	\$0
Project Management & Agency Costs	\$34,642,205			1.1%	
Total Appropriation		\$3,240,676,000			
TOTALS	\$106,901,034	\$3,240,676,000	\$2,970,619,667	3.3%	\$3,133,774,966

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
San Francisco - San Jose	\$0	\$0	\$0	\$0	%
San Jose - Merced	\$0	\$0	\$0	\$0	%
Merced - Fresno	\$0	\$0	\$0	\$0	%
Fresno - Bakersfield	\$0	\$0	\$0	\$0	%
Bakersfield - Palmdale	\$0	\$0	\$0	\$0	%
Palmdale - Los Angeles	\$0	\$0	\$0	\$0	%
Los Angeles - Anaheim	\$0	\$0	\$0	\$0	%
Los Angeles - San Diego	\$0	\$0	\$0	\$0	%
Sacramento - Merced	\$0	\$0	\$0	\$0	%
Altamont Pass	\$0	\$0	\$0	\$0	%
Project Management & Agency Costs	\$0	\$0	\$0	\$0	%
TOTALS	\$0	\$0	\$0	\$0	%

Current Year 2012-13



CA High-Speed Rail Authority FY 2012-13
Capital Outlay Budget and Expenditure Report
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Bond Fund (Prop 1A) - Construction

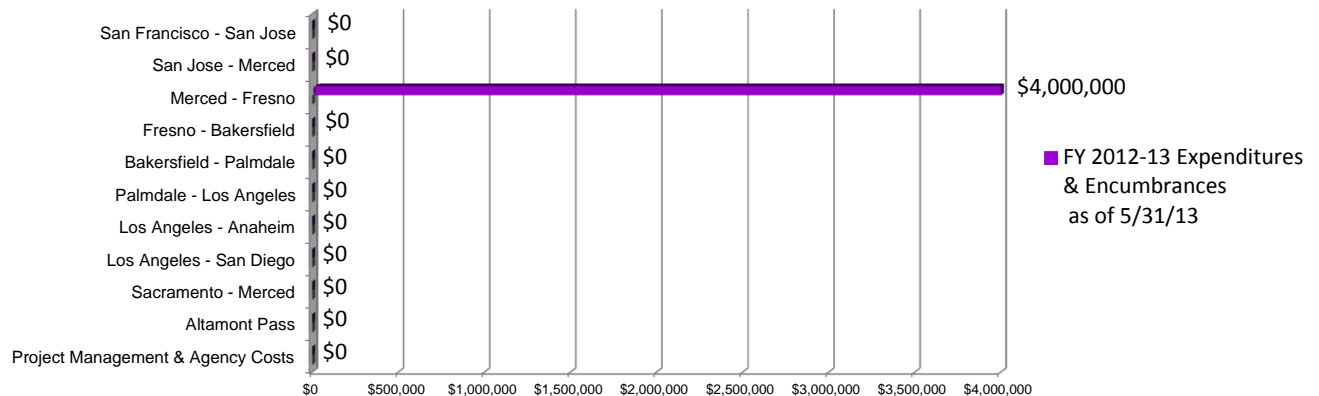
Current Year 2012-13

	FY 2012-13 Expenditures & Encumbrances as of 5/31/13	FY 2012-13 Total Budget	Projected Budget as of 5/31/2013	% Budget Expended	Total Remaining Budget
San Francisco - San Jose	\$0	\$0	\$0	0.0%	\$0
San Jose - Merced	\$0	\$0	\$0	0.0%	\$0
Merced - Fresno	\$4,000,000	\$0	\$0	0.2%	\$0
Fresno - Bakersfield	\$0	\$0	\$0	0.0%	\$0
Bakersfield - Palmdale	\$0	\$0	\$0	0.0%	\$0
Palmdale - Los Angeles	\$0	\$0	\$0	0.0%	\$0
Los Angeles - Anaheim	\$0	\$0	\$0	0.0%	\$0
Los Angeles - San Diego	\$0	\$0	\$0	0.0%	\$0
Sacramento - Merced	\$0	\$0	\$0	0.0%	\$0
Altamont Pass	\$0	\$0	\$0	0.0%	\$0
Project Management & Agency Costs	\$0	\$0	\$0	0.0%	\$0
Total Appropriation		\$2,609,076,000			
TOTALS	\$4,000,000	\$2,609,076,000	\$2,391,653,000	0.2%	\$2,605,076,000

Previous Year Comparison

	FY 2011-12 Expenditures & Encumbrances as of 5/31/12	FY 2011-12 Expenditures as of 5/31/12	Projected Budget as of 5/31/2013	\$ (Over)/ Under	% (Over)/ Under
San Francisco - San Jose	\$0	\$0	\$0	\$0	%
San Jose - Merced	\$0	\$0	\$0	\$0	%
Merced - Fresno	\$0	\$0	\$0	\$0	%
Fresno - Bakersfield	\$0	\$0	\$0	\$0	%
Bakersfield - Palmdale	\$0	\$0	\$0	\$0	%
Palmdale - Los Angeles	\$0	\$0	\$0	\$0	%
Los Angeles - Anaheim	\$0	\$0	\$0	\$0	%
Los Angeles - San Diego	\$0	\$0	\$0	\$0	%
Sacramento - Merced	\$0	\$0	\$0	\$0	%
Altamont Pass	\$0	\$0	\$0	\$0	%
Project Management & Agency Costs	\$0	\$0	\$0	\$0	%
TOTALS	\$0	\$0	\$0	\$0	%

Current Year 2012-13





California High-Speed Rail Authority
2012-13 Budget & Expenditure Summary
Proposition 1A - Acquisition

As of May 31, 2013

Bond Fund
2665-304-6043

Program	PCA	Description	Budgeted Amount	Expenditures	Remaining Encumbrance	Projected Budget	Total Budget Remaining
20.15.010	50000	San Francisco - San Jose	5,135,000	93,635	-	4,707,083	5,041,365
20.25.010	50001	San Jose - Merced	-	-	-	-	-
20.30.010	50002	Merced - Fresno	2,297,000	614,668	-	2,105,583	1,682,332
20.40.010	50003	Fresno - Bakersfield	3,119,000	1,410,068	393,391	2,859,083	1,315,541
20.45.010	50004	Bakersfield - Palmdale	-	-	-	-	-
20.50.010	50005	Palmdale - Los Angeles	2,566,000	2,068	-	2,352,167	2,563,932
20.60.010	50006	Los Angeles - Anaheim	4,299,000	2,068	-	3,940,750	4,296,932
20.70.010	50007	Los Angeles - San Diego	37,055,000	-	-	33,967,083	37,055,000
20.80.010	50008	Sacramento-Merced	29,700,000	-	-	27,225,000	29,700,000
20.90.010	50009	Altamont Pass	20,375,000	-	-	18,677,083	20,375,000
20.99.010	50010	Project Management & Agency Costs	19,521,000	-	-	17,894,250	19,521,000
* TOTAL EXPENDITURES			124,067,000	2,122,508	393,391	113,728,083	121,551,102
** TOTALS			124,067,000	2,122,508	393,391	113,728,083	121,551,102

Percentage of Total Budget Expended

2%



California High-Speed Rail Authority
2012-13 Budget & Expenditure Summary
Proposition 1A - Design

As of May 31, 2013

Bond Fund
2665-305-6043

Program	PCA	Description	Budgeted Amount	Expenditures	Remaining Encumbrance	Projected Budget	Total Budget Remaining
20.15.010	70000	San Francisco - San Jose	74,000	-	-	67,833	74,000
20.25.010	70001	San Jose - Merced	-	-	-	-	-
20.30.010	70002	Merced - Fresno	4,987,000	299,913	-	4,571,417	4,687,087
20.40.010	70003	Fresno - Bakersfield	8,246,000	343,523	-	7,558,833	7,902,477
20.45.010	70004	Bakersfield - Palmdale	195,000	-	-	178,750	195,000
20.50.010	70005	Palmdale - Los Angeles	-	-	-	-	-
20.60.010	70006	Los Angeles - Anaheim	-	-	-	-	-
20.70.010	70007	Los Angeles - San Diego	19,068,000	-	-	17,479,000	19,068,000
20.80.010	70008	Sacramento-Merced	24,176,000	-	-	22,161,333	24,176,000
20.90.010	70009	Altamont Pass	16,055,000	-	-	14,717,083	16,055,000
20.99.010	70010	Project Management & Agency Costs	7,305,000	-	-	6,696,250	7,305,000
* TOTAL EXPENDITURES			<u>80,106,000</u>	<u>643,436</u>	<u>-</u>	<u>73,430,500</u>	<u>79,462,564</u>
** TOTALS			<u>80,106,000</u>	<u>643,436</u>	<u>-</u>	<u>73,430,500</u>	<u>79,462,564</u>

Percentage of Total Budget Expended

1%



California High-Speed Rail Authority
2012-13 Budget & Expenditure Summary
Federal Trust Fund - Acquisition

As of May 31, 2013

Federal Trust Fund
2665-304-0890

Program	PCA	Description	Budgeted Amount	Expenditures	Remaining Encumbrance	Projected Budget	Total Budget Remaining
20.15.010	30000	San Francisco - San Jose	5,135,000	50,223	6,080	4,707,083	5,078,697
20.25.010	30001	San Jose - Merced	-	-	-	-	-
20.30.010	30002	Merced - Fresno	2,297,000	2,190,288	106,712	2,105,583	0
20.40.010	30003	Fresno - Bakersfield	3,119,000	4,208,726	-	2,859,083	(1,089,726)
20.45.010	30004	Bakersfield - Palmdale	-	-	-	-	-
20.50.010	30005	Palmdale - Los Angeles	2,566,000	1,328,914	19,880	2,352,167	1,217,206
20.60.010	30006	Los Angeles - Anaheim	4,299,000	448,690	45,892	3,940,750	3,804,418
20.99.010	30010	Project Management & Agency Costs	10,894,000	9,644,100	1,249,900	9,986,167	-
* TOTAL EXPENDITURES			28,310,000	17,870,941	1,422,383	25,950,833	9,010,596
** TOTALS			28,310,000	17,870,941	1,422,383	25,950,833	9,010,596

Percentage of Total Budget Expended 63%



California High-Speed Rail Authority
2012-13 Budget & Expenditure Summary
Federal Trust Fund - Design

As of May 31, 2013

Federal Trust Fund
2665-305-0890

Program	PCA	Description	Budgeted Amount	Expenditures	Remaining Encumbrance	Projected Budget	Total Budget Remaining
20.15.010	40000	San Francisco - San Jose	74,000	19,455	1,097	67,833	53,448
20.25.010	40001	San Jose - Merced	-	-	-	-	-
20.30.010	40002	Merced - Fresno	4,987,000	2,031,503	1,915,847	4,571,417	1,039,651
20.40.010	40003	Fresno - Bakersfield	8,246,000	5,214,991	3,031,009	7,558,833	-
20.45.010	40004	Bakersfield - Palmdale	195,000	195,000	-	178,750	-
20.50.010	40005	Palmdale - Los Angeles	-	-	-	-	-
20.60.010	40006	Los Angeles - Anaheim	-	-	-	-	-
20.99.010	40010	Project Management & Agency Costs	6,542,000	5,792,000	750,000	5,996,833	-
* TOTAL EXPENDITURES			<u>20,044,000</u>	<u>13,252,949</u>	<u>5,697,953</u>	<u>18,373,667</u>	<u>1,093,098</u>
** TOTALS			<u>20,044,000</u>	<u>13,252,949</u>	<u>5,697,953</u>	<u>18,373,667</u>	<u>1,093,098</u>

Percentage of Total Budget Expended 66%



California High-Speed Rail Authority
2012-13 Budget & Expenditure Summary
Federal Trust Fund - Construction

As of May 31, 2013

Federal Trust Fund
2665-306-0890

Program	PCA	Description	Budget	Expenditures	Remaining Encumbrance	Projected Budget	Total Budget Remaining
			3,240,676,000				
20.10.010	30306	San Francisco - San Jose	-	-	-	-	-
20.10.010	30306	San Jose - Merced	-	-	-	-	-
20.10.010	30306	Merced - Fresno	-	2,708,642	52,550,187	-	-
20.10.010	30306	Fresno - Bakersfield	-	-	17,000,000	-	-
20.10.010	30306	Bakersfield - Palmdale	-	-	-	-	-
20.10.010	30306	Palmdale - Los Angeles	-	-	-	-	-
20.10.010	30306	Los Angeles - Anaheim	-	-	-	-	-
20.10.010	30306	Los Angeles - San Diego	-	-	-	-	-
20.10.010	30306	Sacramento-Merced	-	-	-	-	-
20.10.010	30306	Altamont Pass	-	-	-	-	-
20.10.010	30306	Project Management & Agency Costs	-	-	34,642,205	-	-
* TOTAL EXPENDITURES			3,240,676,000	2,708,642	104,192,392	2,970,619,667	3,133,774,966
** TOTALS			3,240,676,000	2,708,642	104,192,392	2,970,619,667	3,133,774,966

Percentage of Total Budget Expended 0%



California High-Speed Rail Authority
2012-13 Budget & Expenditure Summary
Proposition 1A - Construction

As of May 31, 2013

Bond Fund
2665-306-6043

Program	PCA	Description	Budget	Expenditures	Remaining Encumbrance	Projected Budget	Total Budget Remaining
			2,609,076,000				
20.01.010	50306	San Francisco - San Jose	-	-	-	-	-
20.01.010	50306	San Jose - Merced	-	-	-	-	-
20.01.010	50306	Merced - Fresno	-	-	4,000,000	-	-
20.01.010	50306	Fresno - Bakersfield	-	-	-	-	-
20.01.010	50306	Bakersfield - Palmdale	-	-	-	-	-
20.01.010	50306	Palmdale - Los Angeles	-	-	-	-	-
20.01.010	50306	Los Angeles - Anaheim	-	-	-	-	-
20.01.010	50306	Los Angeles - San Diego	-	-	-	-	-
20.01.010	50306	Sacramento-Merced	-	-	-	-	-
20.01.010	50306	Altamont Pass	-	-	-	-	-
20.01.010	50306	Project Management & Agency Costs	-	-	-	-	-
* TOTAL EXPENDITURES			2,609,076,000	-	4,000,000	2,391,653,000	-
** TOTALS			2,609,076,000	-	4,000,000	2,391,653,000	2,605,076,000

Percentage of Total Budget Expended 0%

Exhibit C



BRIEFING: SEPTEMBER 10, 2013, BOARD MEETING AGENDA ITEM #5

TO: Chairman Richard and Board Members

FROM: Thomas Fellenz, Chief Counsel

DATE: September 10, 2013

RE: Approval of Agreements with Utility Companies for Relocation

Introduction

The relocation of utilities is a component of virtually all infrastructure projects. As such, the California High-Speed Rail Authority (Authority), under Public Utilities Code section 185036(f) may relocate utilities. Construction Package 1 (CP 1), extending for 29 miles from Avenue 17 in Madera County in the north and to American Avenue in Fresno County to the south, will require the relocation of several utilities. While most of the utility relocation will be completed under the design-build contract, two major utilities will be completing their own relocations due to the size, nature, safety, and regulatory considerations of their facilities. This resolution seeks the Board's approval to allow the Authority's Chief Executive Officer or his designee to enter into a series of agreements with Pacific, Gas and Electric Company (PG&E) and Pacific Bell and Telephone Company dba AT&T California (AT&T) for the work required to remove, protect, alter, replace, reconstruct, support or otherwise rearrange or modify (Relocate) the facilities owned by PG&E and AT&T to accommodate or permit the construction of the High-Speed Rail Project (project) in CP 1.

Background

Relocation locations were estimated based on identified conflicts between existing facilities and the preliminary engineering designs for the project. A single location may have more than one actual conflict that is functionally grouped together, for example, an overhead line relocation would include all of the connections that "T" off of that line at the same time.

AT&T owns facilities, including aerial cable, buried cable, and fiber optic cable, that are required to be relocated in order to construct high-speed rail facilities as part of CP 1. In the rural sections of Madera County and Fresno County, the project conflicts with mostly aerial cable and some buried cable predominately where the project intersects with a public road. In the City of Fresno, the project conflicts with underground fiber optic lines, including a major 96,000 pair trunk line. There are 54 identified conflict locations for AT&T within CP01.

PG&E owns facilities, including gas distribution and transmission and electric distribution and transmission lines, which are required to be relocated. Major conflicts include a 16" gas transmission line under the San Joaquin River and another 16" gas transmission line at Belmont

Avenue within the City of Fresno. There are 85 identified conflict locations for PG&E within CP 1.

Discussion

When the project conflicts with a utility owned facility, the facility may need to be moved, protected, reconstructed or otherwise Relocated. Public Utilities Code section 185036 allows the Authority to relocate utilities. Public Utilities Code sections 185036 and 185505 allow the Authority to enter into an agreement with a utility for relocation of facilities.

To address the needs of the major utilities and the scope of the coordination required, the Authority is developing cooperative agreements with each entity to establish the framework that allocates responsibilities and liabilities; then for an actual conflict a separate agreement will be completed that is task specific. The Authority is requesting approval to enter into a series of agreements with AT&T and PG&E for the above described services. The agreements will vary in duration from about 1 year for a minor Relocation to 5 years for coordination.

While individual task orders may be of a lower amount, the estimated total with contingencies is presented in the charts below. The figures presented are the estimates based on the identified conflicts, the Authority will be invoiced for actual costs up to the not to exceed figure. The numbers presented are an estimate based on industry standards for the known conflicts and types of facilities; however, until the engineering designs have been developed further and Buy America requirements can be fully addressed, these costs are only estimates.

These agreements will be managed by the Authority's Supervising Transportation Engineer in conjunction with the Authority's CP 1 Contract Manager. Funding for these agreements is included in the cost estimates contained in the Revised 2012 Business Plan.

Recommendations:

The staff recommends that the Board approve the proposed resolution allowing the High-Speed Rail Authority CEO to enter into a series of agreements with AT&T for performance of Relocation work for AT&T's facilities in Construction Package 1 of the High-Speed Rail Project with a total not to exceed amount of \$18,412,133. The estimate breakdown is approximately \$2 million for plans, specifications, and estimates, (PS &E) \$15.4 million for Relocation, and \$1 million for staff time coordination with the Authority on CP 1.

The staff recommends that the Board approve the proposed resolution allowing the High-Speed Rail Authority CEO to enter into a series of agreements with PG&E for performance of Relocation work for PG&E's facilities in Construction Package 1 of the High-Speed Rail Project with a total not to exceed amount of \$50,433,506. The estimate breakdown is approximately \$15.6 million for plans, specifications, and estimated, \$34.2 million for Relocation, and \$2 million for staff time coordination with the Authority on CP 1.

AT&T		
Construction	\$12,340,730	
Construction Contingency	\$3,085,183	
	Construction Subtotal	\$15,425,913
Preliminary Specifications & Engineering (PS&E)	\$1,851,110	

PS&E Contingency	\$185,111	
PS&E Subtotal		\$2,036,221
Coordination Subtotal		\$950,000
TOTAL		\$18,412,133

PG&E		
Construction	\$34,228,626	
Construction Contingency	\$8,557,157	
Construction Subtotal		\$42,785,783
Preliminary Specifications & Engineering (PS&E)	\$5,134,294	
PS&E Contingency	\$513,429	
PS&E Subtotal		\$5,647,723
Coordination Subtotal		\$2,000,000
TOTAL		\$50,433,506

Attachments:

- Resolution HSRA #13-22
- Resolution HSRA #13-23