



**TECHNICAL ADVISORY COMMITTEE TO THE MSRC
THURSDAY, JUNE 3, 2021 MEETING MINUTES
21865 Copley Drive, Diamond Bar, CA 91765**

**All participants attended the meeting remotely pursuant to
Executive Orders N-25-20 and N-29-20**

MSRC-TAC MEMBERS PRESENT:

MSRC-TAC Chair Jenny Chan, representing Riverside County Transportation Commission
MSRC-TAC Vice-Chair Steven Lee, representing Los Angeles County Metropolitan Transportation Authority
Denis Bilodeau, representing Orange County Board of Supervisors
Adriann Cardoso, representing Orange County Transportation Authority
Jason Farin, representing Riverside County Board of Supervisors
Steve Hillman, representing City of Los Angeles
Rick Yee, representing Cities of Orange County
Minh Le, representing Los Angeles County Board of Supervisors
Rongsheng Luo, representing Southern California Association of Governments
Kelly Lynn, representing San Bernardino County Transportation Authority
Sean O'Connor, representing Cities of San Bernardino County
Tim Olson, Air Pollution Control Expert
Nicole Soto, representing Regional Rideshare Agency
Vicki White, representing South Coast AQMD
Derek Winters, representing California Air Resources Board
Dan York, representing Cities of Riverside County

OTHERS PRESENT:

Israel Gomez
Brendan O'Donnell
Lauren Dunlap
Omar Gonzales
AJ Marquez

SCAQMD STAFF & CONTRACTORS

Leah Alfaro, Contracts Assistant
Maria Allen, MSRC Administrative Liaison

6/3/2021 MSRC-TAC Meeting Minutes

Ray Gorski, Technical Advisor
John Kampa, Financial Analyst
Aaron Katzenstein, Assistant Deputy Executive Officer
Daphne Hsu, Principal Deputy District Counsel
Matt MacKenzie, Contracts Assistant
Matt Miyasato, Deputy Executive Officer
Cynthia Ravenstein, MSRC Contracts Administrator

CALL TO ORDER

- Call to Order
MSRC-TAC Chair Jenny Chan called the meeting to order at 1:31 p.m.

STATUS REPORT

- Clean Transportation Policy Update

The Clean Transportation Policy Update provides information on key legislative and regulatory initiatives of potential interest to the MSRC. The report can be viewed at www.cleantransportationfunding.org.

CONSENT CALENDAR

Receive and Approve

Agenda Item #1 – Minutes of December 10, 2020 MSRC-TAC meeting

The minutes for the December 10, 2020 MSRC-TAC Meeting were included in the agenda package.

ON MOTION BY MSRC-TAC VICE-CHAIR STEVEN LEE AND SECONDED BY MSRC-TAC MEMBER DAN YORK, UNDER APPROVAL OF CONSENT CALENDAR ITEMS #1 – #4, THE MSRC-TAC RECEIVED AND APPROVED THE MINUTES OF THE DECEMBER 10, 2020 MSRC-TAC MEETING.

ACTION: MSRC staff will place the approved meeting minutes on the MSRC's website.

Agenda Item #2 – Summary of Final Report by MSRC Contractor

One final report was submitted for MSRC-TAC review and approval during June:

- Orange County Transportation Authority, Contract #MS21003 (\$468,298 – Provide Clean-Fuel Bus Service to the Orange County Fair)

ON MOTION BY MSRC-TAC VICE-CHAIR STEVEN LEE AND SECONDED BY MSRC-TAC MEMBER DAN YORK, UNDER APPROVAL OF CONSENT CALENDAR ITEMS #1 - #4, THE MSRC-TAC RECEIVED AND VOTED TO RECOMMEND APPROVAL OF THE MSRC CONTRACTORS' FINAL REPORT SUMMARY LISTED ABOVE.

ACTION: The Summary of Final Report by MSRC Contractor will be included on the MSRC's next agenda for final action.

Information Only – Receive and File

Agenda Item #3 – MSRC Contracts Administrator’s Report

The Contracts Administrator’s Report for April 29, 2021 through May 26, 2021 was included in the agenda package.

ON MOTION BY MSRC-TAC VICE-CHAIR STEVEN LEE AND SECONDED BY MSRC-TAC MEMBER DAN YORK, UNDER APPROVAL OF CONSENT CALENDAR ITEMS #1 – #4, THE MSRC-TAC UNANIMOUSLY VOTED TO RECEIVE AND FILE THE MSRC CONTRACTS ADMINISTRATOR’S REPORT LISTED ABOVE.

ACTION: The Contracts Administrator’s Report will be included on the MSRC’s next agenda for final action.

Agenda Item #4 – Financial Report on AB 2766 Discretionary Fund

The Financial Report on the AB 2766 Discretionary Fund for April 2021 was included in the agenda package.

ON MOTION BY MSRC-TAC VICE-CHAIR STEVEN LEE AND SECONDED BY MSRC-TAC MEMBER DAN YORK, UNDER APPROVAL OF CONSENT CALENDAR ITEMS #1 – #4, THE MSRC-TAC UNANIMOUSLY VOTED TO RECEIVE AND FILE THE FINANCIAL REPORT FOR THE MONTH OF APRIL 2021.

ACTION: No further action is required.

ACTION CALENDAR

Agenda Item #5 – Consider FY-2021-22 Administrative Budget

John Kampa, South Coast AQMD Financial Services Manager, explained the Health and Safety Code allows for the South Coast AQMD to be reimbursed for costs relating to the support of the MSRC program. These administrative costs are capped at 6.25% of the annual fee revenue that’s collected within a fiscal year. For the proposal being presented, the administrative budget is at \$829,544 and this is against a projected cap of \$1,018,750. This leaves an unallocated balance of approximately \$189,000. We’re not projecting any changes to the administrative cap, because we’ve seen the revenues coming in at the same level as they have in the past couple of years. Also, this budget has not changed any staffing hours, service and supplies from the budget that was approved in the previous fiscal years. The costs for this admin budget are increasing by approximately \$20,000; this is mainly due to increased labor cost. The admin budget was presented to the TAC Administrative Subcommittee and unanimously recommended for approval.

ON MOTION BY MSRC-TAC MEMBER DENIS BILODEAU AND SECONDED BY MSRC-TAC MEMBER TIM OLSON, THE MSRC-TAC

UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE THE FY 2021-22 ADMINISTRATIVE BUDGET.

ACTION: MSRC staff will include this budget on the next MSRC agenda for approval.

Agenda Item #6 – Consider Two-Year No-Cost Term Extension by City of Indian Wells, Contract #ML18036 (\$50,000 - Install EV Charging Infrastructure)

Cynthia Ravenstein, MSRC Contracts Administrator, explained these extension requests were due to delays associated with impacts caused by the COVID-19 pandemic. In some cases, there were some additional delays due to staff turnover. No comments were made by any MSRC-TAC members. No public comments were made.

ON MOTION BY MSRC-TAC MEMBER ADRIANN CARDOSO AND SECONDED BY MSRC-TAC MEMBER RONGSHENG LUO, UNDER APPROVAL OF ITEMS #6 - #9, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR THE CITY OF INDIAN WELLS CONTRACT #ML18036, A TWO-YEAR NO-COST TERM EXTENSION

ACTION: MSRC staff will include this contract term extension on the next MSRC agenda for approval.

Agenda Item #7 – Consider Seventeen-Month No-Cost Term Extension by City of Carson, Contract #ML18057 (\$106,250 – Procure Five Light-Duty Zero Emission Vehicles and Install EV Charging Infrastructure)

Cynthia Ravenstein, MSRC Contracts Administrator, explained these extension requests were due to delays associated with impacts caused the COVID-19 pandemic. In some cases, there were some additional delays due to staff turnover. No comments were made by any MSRC-TAC members. No public comments were made.

ON MOTION BY MSRC-TAC MEMBER ADRIANN CARDOSO AND SECONDED BY MSRC-TAC MEMBER RONGSHENG LUO, UNDER APPROVAL OF ITEMS #6 - #9, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR THE CITY OF CARSON CONTRACT ML#18057, A SEVENTEEN-MONTH NO-COST TERM EXTENSION.

ACTION: MSRC staff will include this contract term extension on the next MSRC agenda for approval.

Agenda Item #8 – Consider One-Year No-Cost Term Extension by Universal Waste Systems, Contract #MS18122 (\$200,000 – Install Limited Access CNG Fueling Station)

Cynthia Ravenstein, MSRC Contracts Administrator, explained these extension requests were due to delays associated with impacts caused the COVID-19 pandemic. In some cases, there were some additional delays due to staff turnover. No comments were made by any MSRC-TAC members. No public comments were made.

ON MOTION BY MSRC-TAC MEMBER ADRIANN CARDOSO AND SECONDED BY MSRC-TAC MEMBER RONGSHENG LUO, UNDER APPROVAL OF ITEMS #6 - #9, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR UNIVERSAL WASTE SYSTEMS, CONTRACT #MS18122, A ONE-YEAR NO-COST TERM EXTENSION.

ACTION: MSRC staff will include this contract term extension on the next MSRC agenda for approval.

Agenda Item #9 – Consider Two-Year No-Cost Term Extension by Riverside County Transportation Commission (RCTC), Contract #MS18024 (\$1,500,000 – Implement Vanpool Incentive Program)

Cynthia Ravenstein, MSRC Contracts Administrator, explained these extensions were due to delays associated with impacts caused the COVID-19 pandemic. In some cases, there were some additional delays due to staff turnover. No comments were made by any MSRC-TAC members. No public comments were made.

ON MOTION BY MSRC-TAC MEMBER ADRIANN CARDOSO AND SECONDED BY MSRC-TAC MEMBER RONGSHENG LUO, UNDER APPROVAL OF ITEMS #6 - #9, THE MSRC-TAC UNANIMOUSLY VOTED TO RECOMMEND TO APPROVE FOR RIVERSIDE COUNTY TRANSPORTATION COMMISSION, CONTRACT #MS18024, A TWO-YEAR NO-COST TERM EXTENSION.

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item #10 – Consider Modified Scope of Work by City of Big Bear Lake, Contract #ML18088 (\$50,000 – Install Bicycle Trail)

Cynthia Ravenstein, MSRC Contracts Administrator, explained that the City of Big Bear Lake was awarded \$50,000 as part of the MSRC's Local Government Partnership Program to install a segment of bicycle trail. The Rathbun Creek Trail was identified as 0.3-mile segment. It was described in the contract as approximately 1,500 linear feet of 10-foot-wide paved trail, as well as 120 linear feet of six-foot tall wood privacy fence with two gates and 850 linear feet of split rail fencing with two gates and a prefabricated bridge. The City has installed the trail and it is now in use, but they still need to complete the bicycle and pedestrian usage counts as required by their contract. Staff has noted that the completed trail is approximately 1,200 linear feet and doesn't have privacy fencing. The City explained that during construction, certain elements had to be adjusted to match the actual field conditions. They originally intended alignment for the trail was going to go through some private property. They still have a longer-term goal of doing that, but they currently weren't able to work things out with the property owner. The City was able to get an easement through some property of the County of San Bernardino, but that made it a shorter trail. Since the trail didn't go through private property, there was no need for privacy fencing, but they did install split rail fencing. They also installed a retaining wall and some concrete cross-gutters, which they hadn't expected to need. Since the City has made so many changes, they are asking the TAC if their changes could be deemed equivalent. If not, the City is

requesting a one-year extension to complete the other elements as described in the contract, otherwise the contract will expire this August.

Israel Gomez from the City of Big Bear Lake explained that the City had revised the scope of the project in the field. At the beginning a couple of property owners wanted privacy fences, but towards the end they said they didn't want them. The City instead installed wood rail fence on both sides of the trail for the whole alignment. Originally, they intended 700 linear feet of wood rail fence, but they ended up placing 2,400 feet of wood fence, additional cross-gutters and a retaining wall. The trail is now functional and being used by pedestrians and cyclists.

MSRC-TAC Member Minh Le asked the cost of the work they did. Even though it's modified from the original contract, what was the actual cost to the City? Was it more than \$50,000?

Mr. Gomez said he did not have the exact total with him, but that the project cost the City an estimated \$600,000.

Mr. Le stated that the project scope changed slightly, and the changes made by the City were in the spirit of the grant, he would move to approve the request.

MSRC-TAC Member Tim Olson asked if the City faced any local public opposition to what the City has completed or not completed? Did the City create a process for public input?

Mr. Gomez stated they performed the project outreach in 2017 when the master plan of the trail was approved and during the preparation of plans, there was no opposition. The public has actually been very supportive of the project.

ON MOTION BY MSRC-TAC MEMBER MINH LE AND SECONDED BY
MSRC-TAC MEMBER TIM OLSON, THE MSRC-TAC VOTED TO
RECOMMEND TO APPROVE FOR THE CITY OF BIG BEAR LAKE,
CONTRACT #ML18088, A MODIFIED SCOPE OF WORK

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item #11 – Consider Modified Statement of Work and Two-Year Term Extension by City of South Gate, Contract #ML18146 (\$127,400 – Procure Five Light-Duty Zero Emission Vehicles and Install EV Charging Infrastructure)

Cynthia Ravenstein, MSRC Contracts Administrator, explained the City of South Gate had been awarded funding to purchase five light duty EVs and to install three Level II charging stations. In November 2020 the City had asked the MSRC to make one of those Level II charging stations a Level III charging station, and for a one-year term extension. The MSRC approved the modifications and granted an additional two years because Level III charging stations have a longer operational requirement associated with them under the MSRC Local Government Partnership Program. A contract modification document was prepared, but the City did not end up executing that document. The City decided they would do better with Level II charging stations after all. The City is now seeking to increase the number of Level II charging stations from three to six. These additional stations would be limited access. The City is not seeking

additional MSRC funding, but they are asking for a two-year term extension, which was previously approved.

MSRC-TAC Member Denis Bilodeau asked if the City had received additional funds when they were initially approved for the one Level III charger?

Ms. Ravenstein answered no that it is not possible, because under the MSRC program once you've been awarded funding under a program, the funds cannot be increased. Ms. Ravenstein added that she noticed some of the EV charging stations projects are finding that they have overestimated how much it was going to cost. It is unusual because more often in our projects, we find that people's costs increase, but in this particular category of project, we have a lot of cases where they're able to do more than what they originally thought.

MSRC-TAC Member Tim Olson asked what were the prime contributing factors for the City to go back to Level II and increase the number?

Ms. Ravenstein answered stating that the original rationale for going with the Level III was that they didn't expect to be doing any more installations after this particular round. They wanted to make sure that what they put in would be sufficient. We don't know exactly what came up in their thinking as to why they decided that Level II was going to be the best way to go, but maybe they just wanted to cover more locations.

Mr. Olson asked is the charging during the day or off-peak hours?

Ms. Ravenstein stated that the City didn't give that information.

South Coast AQMD Deputy Executive Officer Dr. Matt Miyasato shared some experience that they've had on their site. If it's for dedicated fleet vehicles, Level II makes more sense since it's less costly and you can have more of them. If it's for short term public charging, then DC fast charging makes more sense.

ON MOTION BY MSRC-TAC MEMBER DAN YORK AND SECONDED BY MSRC-TAC MEMBER STEVE HILLMAN, THE MSRC-TAC VOTED TO RECOMMEND TO APPROVE FOR THE CITY OF SOUTH GATE, CONTRACT #ML18146, A MODIFIED STATEMENT OF WORK AND TWO-YEAR TERM EXTENSION

ACTION: MSRC staff will include this contract modification on the next MSRC agenda for approval.

Agenda Item #12 – Consider Incorporating a Labor Law Provision in MSRC Contracts for On-Road Truck Projects

Principal Deputy District Counsel Daphne Hsu explained that in a recent South Coast AQMD Governing Board meeting there was an issue of incorporating a labor law provision into MSRC on-road truck contracts. The provision would require the contractor to notify South Coast AQMD in writing if it had been found by a court or an agency to have violated labor laws. They also would submit a yearly certification with this type of information and South Coast AQMD

would reserve the right to terminate a contract and request a return of funds, depending on the labor law violation.

MSRC-TAC Member Kelly Lynn asked for clarification in regards to companies which operate in various states and may be subject to different local and state labor laws.

Ms. Hsu answered the proposed language has been used previously in other South Coast AQMD contracts. It says court, federal or state agency is what they are required to report.

MSRC-TAC Member Tim Olson commented he thinks this provision is a good addition but wanted to add that the letter from Wayne Nastri also addressed another topic and that was the MSRC is interested in seeing better cost share information on projects. Having that kind of information enhances the decision-making for the MSRC to know what the matches are and where the rest of the capital is coming from.

Ray Gorski, MSRC Technical Advisor stated that when you assess a project, you really need to look at its overall ability to be successfully implemented and as we all understand being successfully implemented is usually a function of having the necessary financial resources. He thinks the comment that the Governing Board made during the discussion on this topic, that was articulated in the letter from Executive Officer Wayne Nastri to the MSRC, was how much visibility we share with the Governing Board when they're making their MSRC decision as to whether or not to allow a Work Program to go forward. That's really the discussion between Ms. Ravenstein, Contracts Administrator and Ms. Hsu, Principal Deputy District Counsel and everyone to determine what is the amount of information that needs to be in a Board report to the South Coast AQMD Governing Board members. We need to present a complete enough picture of the financial makeup of a project so they can make a good public policy call. He thinks that it's something that we will continue to work together and come up with a formula for presenting that information to the Governing Board so that in the future they have a comfort level that they are seeing the complete financial picture for a project.

MSRC-TAC Member Minh Le asked if the MSRC would be inserting the language around labor laws to awards moving forward and not onto existing projects?

Ms. Hsu answered stating this provision has not been executed yet. Also, part of the TAC's recommendation depends on how it would like to see this implemented.

Mr. Le stated that he has some concerns around the clawback of already spent funds; he thinks it sets a bad precedent. The award was given for a specific purpose and though the labor provision is important, he doesn't feel that it is necessarily directly related to the award. If a company were found to have violated some labor laws, he assumes that the courts would have imposed some kind of penalty on that organization. The company would have to pay back restitution or be under some kind of stipulated agreements. Wouldn't that mean that they are repaying back society or that law violation?

Ms. Hsu responded by stating that this provision is to protect the South Coast AQMD and its proprietary interests. We would be looking at violations that may increase our potential for liability. For example, if workers are driving hours beyond what they are supposed to, that will be the type of thing that we would be looking at. Ms. Hsu also stated that since this provision has

been in other contracts, we have not been aware of any adjudicated labor law violations, so there haven't been instances where we have actually terminated a contract or asked for funds back on other contracts.

Ms. Ravenstein added that when we notify someone that they've been awarded funds, in that time before we actually get the contract executed, we advise them that if they proceed with any of the work, they do so at their own risk. If they were to do something that was contrary to their contract it would be at their own risk.

Mr. Le stated that Ms. Ravenstein's statement wasn't his concern. He gave an example of a company given an award to buy some zero emission heavy duty trucks, then some other part of the South Coast AQMD were to find a labor violation unrelated to the work the MSRC is engaged with the zero emission trucks. He's not trying to defend a hypothetical labor law violation, but it's also unrelated to what the MSRC award would be for. It doesn't look good for the company nor the MSRC to be associated with a company that has a labor law violation, but that labor law regulation has nothing to do with the work that is at hand. That seems overly harsh, but he understands the optics and politics of it.

Ms. Hsu stated that since the provision has been used in other contracts, we haven't seen any findings or violations. We haven't terminated a contract based on something like that. This provision is not meant to penalize any contractor, it really is to protect the South Coast AQMD from liability. If something did happen, if there was an accident, if a driver was driving exceeding the allowed hours, those types of violations, that's what we're looking at. We are not looking at any and all violations, just very specific ones that might potentially increase our liability.

Mr. Gorski asked Ms. Hsu if there was a labor law violation found, who would have the final say to request the repayment provision?

Ms. Hsu stated that someone in the legal department would take a look and make a determination as to whether or not that might potentially affect the South Coast AQMD liability and proprietary interests. This issue has not come up in practice.

Dr. Miyasato recommended that the decision would typically rest with our General Counsel, but for this instance, because there are concerns from the TAC, we could put in the provision that if any such clawback provision was to occur, we would confer with the TAC or MSRC board.

MSRC-TAC Member Vicki White stated this process has been in place since 2018 for the South Coast AQMD incentive funding programs. Like Ms. Hsu had said, it is more about vetting the fleet owners before we move ahead with an award. We want to make sure they're in good standing. That being said, labor law violations are one of those situations that we know can happen among these fleet operators and that's something we have to be very concerned about and want to make sure we have a process in place that requires the applicants to disclose the information so that our legal counsel can look at it. They wouldn't be looking for one single violation that has penalties paid in full, they would be looking for a pattern. She doesn't want to speak on behalf of legal but that's her experience so far.

ON MOTION BY MSRC-TAC MEMBER VICKI WHITE AND SECONDED

BY MSRC-TAC MEMBER TIM OLSON, THE MSRC-TAC VOTED TO RECOMMEND TO APPROVE INCORPORATING A LABOR LAW PROVISION IN MSRC CONTRACTS FOR ON-ROAD TRUCK PROJECTS, WITH THE PROVISION OF CONFERRING WITH THE MSRC BEFORE REQUESTING A RETURN OF FUNDS

ACTION: MSRC staff will include this contract language on the next MSRC agenda for approval.

FYs 2016-18 WORK PROGRAM

Agenda Item #13 – Consider Project Concepts and Proposals Received under the Hydrogen Infrastructure Partnership Program (Marquez/White)

Hydrogen Infrastructure Subcommittee Chair AJ Marquez co-presented this item with MSRC-TAC Member Vicki White. Last month Ray Gorski, MSRC Technical Advisor, presented the 2016-18 Hydrogen Infrastructure Partnership Program at the May TAC meeting and also brought that forward to the MSRC meeting. The MSRC provided some guidance for the Subcommittee. They said to continue with the evaluations of the candidate proposals and concept papers. The MSRC was open to these projects even if they exceed the current targeted funding amount for the program of \$3 million. They expressed some enthusiasm for the shovel-ready projects presented.

For SBCTA's Arrow Maintenance Facility Hydrogen Fuel Upgrade Project, the hydrogen station will support operation of the zero-emission multiple unit (ZEMU) train operations. The Arrow Maintenance facility is currently under construction; it will open in July of 2021. The hydrogen refueling area construction begins in 2022. The ZEMU will begin a non-revenue demonstration service in the fall of 2023. Revenue passenger service will begin in 2024. This will be a two-year initial demonstration period and the ZEMU's operational life expectancy is 25 years.

MSRC-TAC Member Vicki White explained that the Subcommittee also evaluated a full proposal submitted by CSULA. This project involved an upgrade to the existing hydrogen station located on the CSULA campus. The project would be implemented in two phases. The first phase involves adding medium and high-pressure storage vessels and a new dual stage compressor to increase the existing station capacity. The second phase involves updating the cooling system and dispensing equipment to reduce the fueling time. The proposal submitted by CSULA was based on co-funding from the Department of Defense to complete the project, which was ultimately not awarded. In addition, the proposal identified Argon Laboratories as a partner using their new compression technology that would be funded by the Department of Energy. This partnership was subsequently removed from the project. CSULA is currently pursuing other funding sources and they have identified SoCal Gas as a potential partner, however there is no clear nexus between that funding and the project as it has been proposed. Since this project has experienced a substantial loss of project co-funding, the Subcommittee is not recommending an award for this project at this time.

The Subcommittee has also evaluated three project concepts that were submitted in response to the Program Opportunity Notice. The Subcommittee is recommending that full proposals be solicited from the three entities. The project concept submitted by Air Products, involves a new hydrogen station that would be located at the World Energy site in Paramount in Los Angeles

County. The new station would be connected to an Air Products hydrogen pipeline and serve as the world's first pipeline-supplied dual service hydrogen refueling station that would be capable of supporting all vehicle classes ranging from Class 8 trucks to light-duty passenger vehicles. The station would serve hydrogen fuel cell vehicles operated in the Gateway Cities region, including trucks traveling along the drayage corridor to and from the Port facilities. The MSRC also received a concept paper from Nikola Energy. Nikola is a truck original equipment manufacturer (OEM), however they also plan to develop hydrogen production and fueling infrastructure through their Nikola Energy Division. The project would involve a new hydrogen fueling station located in San Bernardino County. The project involves a partnership with Travel Centers of America, who own and operate full-service truck stops throughout the United States, including two of the largest truck stops in the South Coast Air District. The station would be available to all fueling customers, including those utilizing other OEM's fuel cell vehicles. The station would involve a liquid hydrogen storage system; the proposed station capacity would be 4,000 kilograms per day. The third project concept was submitted by Clean Energy. This project concept involves a new hydrogen filling station located in the City of San Bernardino at the corner of Central and Tippecanoe Avenues. The new hydrogen station would co-located with the Clean Energy renewable natural gas station. This project is intended to support a large-scale deployment of new fuel cell trucks associated with ecommerce operations in the area. The project will include liquid hydrogen sourced from a local plant in Ontario with renewable content of at least 33%; the station would be accessible to the public 24/7.

Mr. Marquez stated that the Infrastructure Subcommittee recommends the MSRC-TAC do the following: 1) recommend an award to the SBCTA in the amount of \$1.662 million. This recommendation is conditioned upon SBCTA's contractual agreement to reconfigure the hydrogen station as needed, and allow station access to other users at no cost to the MSRC, in the event that the ZEMU train is not in operation for at least five years; 2) Make no recommendation of award to Cal State LA at this time due to reasons cited earlier; and 3) Recommend that the MSRC authorize the submittal of full proposals from Air Products, Nikola Energy and Clean Energy with the guidance that any MSRC funding request be at a level previously or concurrently awarded by the MSRC.

MSRC-TAC Member Minh Le asked when was staff last in contact with Nikola regarding this project. Mr. Le asked about Nikola's commitment since their acquisition by General Motors and various scandals related to some allegations about their vehicles?

Ray Gorski, MSRC Technical Advisor, stated that Cynthia Ravenstein, MSRC Contracts Administrator, has been in contact with Nikola within the last couple of weeks. He added that oftentimes the Subcommittee does seek clarification of certain elements within the concept paper and staff wants to make sure that they are evaluating the correct information. We do have an ongoing dialogue with all project proponents.

Public Comment:

Omar Gonzalez, Nikola Manager of State and Local Government Affairs, spoke on behalf the company. Mr. Gonzalez thanked the MSRC for their support of hydrogen fueling infrastructure and its efforts to reduce emissions associated with the transportation sector. Nikola is both the manufacturer of battery electric and hydrogen fuel cell vehicles and is engaged in the development of hydrogen production and refueling stations to support the increasing presence of

all zero emission heavy duty fleets and passenger vehicles, leading to the creation of a comprehensive zero emission transportation ecosystem. Programs such as the Hydrogen Infrastructure Partnership enable Nikola's plans to build an expansive hydrogen production and fueling network in California and assist the state in achieving its goals for an innovative clean energy and transportation future. They're driven to revolutionize the economic and environmental impact of commerce as we know it and they request the MSRC's support to seek a full proposal from Nikola to construct a hydrogen fueling station intended to serve the needs of the heavy-duty truck sector operating in Inland Empire portion of San Bernardino County. Mr. Gonzalez thanked the staff and Subcommittee for reviewing their project concept and the committee for their consideration. Mr. Gonzalez stated that if there are members unfamiliar with Nikola or are referencing stories from a year ago, he would be happy to set up a meeting to discuss and give more information.

ON MOTION BY MSRC-TAC MEMBER MINH LE AND SECONDED BY MSRC-TAC MEMBER KELLY LYNN, THE MSRC-TAC VOTED TO RECOMMEND TO APPROVE THE SUBCOMMITTEE'S RECOMMENDATIONS FOR PROJECT CONCEPTS AND PROPOSALS UNDER THE HYDROGEN INFRASTRUCTURE PARTNERSHIP PROGRAM

ACTION: MSRC staff will include these project concepts and proposals on the next MSRC agenda for consideration.

OTHER BUSINESS

PUBLIC COMMENTS:

MSRC-TAC Chair Jenny Chan thanked former Chair AJ Marquez for his service on the MSRC-TAC. He served from May 2007 to June 2021, for a total of 14 years. MSRC staff will be mailing him a certificate as a token of appreciation for all his time on the MSRC.

AJ Marquez thanked Ms. Chan for her kind words. He added that when he was nominated for the committee 14 years ago, he was a complete novice at the work of the MSRC-TAC. He is an accountant by schooling and by trade but added that being a part of the committee was a wonderful experience and he learned a whole lot. The collective knowledge of this committee is tremendous and with that knowledge he wishes the committee to have success in the future.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, THE MSRC-TAC MEETING ADJOURNED AT 2:42 P.M.

NEXT MEETING: Next meeting: Thursday, August 5, 2021, 1:30 p.m.

(Minutes prepared by Maria M. Allen)