AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070

May 2, 2013 – Thursday

1. Pledge of Allegiance

2. Call to Order/Roll Call

3. Public Comment
   Public comment by each individual speaker shall be limited to two minutes

4. Consent Calendar
   Members of the public or Board may request that an item under the Consent Calendar be considered separately
   a) Approval of Minutes of April 4, 2013
   b) Authorize Execution of Contracts of More than $100,000 for Technology-Related Products and Services to Vendors Under Cooperative Purchasing Programs for an Aggregate Not-to-Exceed Amount of $1 Million for Fiscal Year 2014
   c) Authorize Execution of Contracts of More than $100,000 for Information Technology License Renewals, Maintenance Services and Professional Services for an Aggregate Not-to-Exceed Amount of $500,000 for Fiscal Year 2014

RESOLUTIONS

5. Chairperson’s Report

6. Report of the Citizens Advisory Committee

7. Report of the Executive Director

8. Acceptance of Statement of Revenues and Expenses for March 2013

MOTION


RESOLUTION
10. Authorize Award of Contract to Alameda Bicycle to Operate the San Francisco Caltrain Bicycle Parking Facility for a Not-to-Exceed Amount of $245,000 for a Three-year Term


12. Authorize Amending and Increasing the Fiscal Year 2013 Caltrain Capital Budget in the Amount of $844,000 for a Total Capital Budget of $90,437,085 and Execute a Service Contract Amendment to Receive Programmed Federal Highway Administration Section 130 Railroad/Highway At-grade Crossing Grant Funds for the Redwood City Broadway Crossing Improvement Project

13. Annual Passenger Counts

14. Preliminary Fiscal Year 2014 Operating Budget

15. Preliminary Fiscal Year 2014 Capital Budget

16. Legislative Update

17. Correspondence

18. Board Member Requests

19. Date/Time of Next Meeting: Thursday, June 6, 2013, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

20. General Counsel Report
   a) Closed Session: Conference with Real Property Negotiators
      Property: 4020 Campbell Avenue, Menlo Park, CA
      Agency Negotiators: Gigi Harrington; David Miller
      Property Owner: Campbell Avenue Portfolio, LLC
      Negotiations Scope: Price and Terms of Payment

21. Adjourn
INFORMATION FOR THE PUBLIC

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board.

If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at www.caltrain.com.

Location, Date and Time of Regular Meetings

Regular meetings are held at the San Mateo County Transit District Administrative Building located at 1250 San Carlos Ave., San Carlos, which is located one block west of the San Carlos Caltrain Station on El Camino Real. The building is also accessible by SamTrans bus Routes: 260, 295, 390, 391, and KX.

The JPB meets regularly on the first Thursday of the month at 10 a.m. The JPB Citizens Advisory Committee meets regularly on the third Wednesday of the month at 5:40 p.m. at the same location. Date, time and place may change as necessary.

Public Comment

If you wish to address the Board, please fill out a speaker’s card located on the agenda table and hand it to the JPB Secretary. If you have anything that you wish distributed to the Board and included for the official record, please hand it to the JPB Secretary, who will distribute the information to the Board members and staff.

Members of the public may address the Board on non-agendized items under the Public Comment item on the agenda. Public testimony by each individual speaker shall be limited to two minutes and items raised that require a response will be deferred for staff reply.

Accessibility for Individuals with Disabilities

Upon request, the JPB will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and a preferred alternative format or auxiliary aid or service at least two days before the meeting. Requests should be mailed to the JPB Secretary at Peninsula Corridor Joint Powers Board, 1250 San Carlos Avenue, San Carlos, CA 94070-1306; or emailed to board@caltrain.com; or by phone at 650.508.6242, or TDD 650.508.6448.

Availability of Public Records

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at 1250 San Carlos Avenue, San Carlos, CA 94070-1306, at the same time that the public records are distributed or made available to the legislative body.
Peninsula Corridor Joint Powers Board (JPB)
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA 94070

Minutes
April 4, 2013


MEMBERS ABSENT: P. Woodward


Chair Ken Yeager called the meeting to order at 10:01 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT
Morris Brown, Menlo Park, said he sent an e-mail to the Board regarding the Memorandum of Understanding (MOU) with the California High Speed Rail Authority (CHSRA) along with a funding chart. The Proposition 1A funds include $440 million to buy electric multiple units (EMUs) for the Caltrain operation. These EMUs cannot be funded using Proposition 1A funds dedicated to High Speed Rail (HSR) so the funding must come from local funds. Mr. Brown said local funds that Caltrain is providing to match the Proposition 1A funds are no longer at the same amount as the Proposition 1A HSR funds. This violates the matching funds requirement of Proposition 1A. The MOU funding plan also includes funds for the Communications-based Overlay Signal System/Positive Train Control (CBOSS/PTC). CBOSS is not compatible with the PTC system HSR is going to use. Mr. Brown said the total matching fund requirement for Proposition 1A is more than $400 million short. He has raised this issue with the CHSRA and was told Caltrain would respond to him. He has yet to hear anything.

Paul Jones, Atherton, said he urges the Board to approve funding for the engineering and cost investigation into eliminating hold-out requirements at South San Francisco, Broadway and Atherton Caltrain stations. This is a serious safety risk for the entire system.

Roland LeBrun, San Jose, said he attended the Environmental Impact Report (EIR) scoping meeting for the Great Oaks Project, which requires rezoning of a 77-acre site within 1 mile of the Blossom Hill Caltrain Station. This project plans for an additional 720 housing units on top of the existing 2,800 planned for the Santa Theresa Transit Village. He said the problem is the Blossom Hill Caltrain Station only has a northbound platform and there is no parking. Mr. LeBrun said help is needed from the Santa Clara Valley Transportation Authority, including planning for four tracks to get ready for HSR. He said the Board is being asked to approve millions of dollars for on-call contracts while negating all responsibility for managing these contracts by the Staff Coordinating...
Council (SCC). This problem needs to be resolved through supervision by the Citizens Advisory Committee (CAC).

Director Malia Cohen arrived at 10:06 a.m.

Director Adrienne Tissier arrived at 10:07 a.m.

Greg Conlon, Atherton, said safety issues are still a concern and something needs to be done. He said San Mateo County has dedicated $400 million for grade separations. There is also the option to install quad gates through the entire system.

CONSENT CALENDAR
   a. Approval of Minutes of March 7, 2013

A motion (Nolan/Deal) to approve the Consent Calendar was unanimous.

CHAIRPERSON’S REPORT
Chair Yeager said the JPB is accepting applications to fill three seats on the CAC. Recruitment will open on April 8, applications are due May 3 and appointments will be made at the June 6 JPB meeting.

REPORT OF THE CAC
CAC Chair Kevin Gardiner said at its March 20 meeting, the CAC:
   • Received a presentation on the San Bruno Grade Separation Project.
   • Committee comments included a discussion of a bike policy change, bike sharing and status of the Guadalupe Bridge project.

Public Comment
Roland LeBrun, San Jose, said currently the CAC receives second-hand reports on items approved at the previous Board meeting. This is wrong and the CAC should be the first to review any item that will eventually require Board approval. Both the San Francisco Municipal Transportation Agency (SFMTA) and VTA have items that require Board approval go to the CAC first. Mr. LeBrun said the San Bruno Grade Separation Project has no plans to elevate the temporary shoofly. He is requesting all work be suspended on the east side of the project until the engineering is complete, the cost estimates are updated and the funding for the two additional tracks is lined up.

REPORT OF THE EXECUTIVE DIRECTOR
Executive Director Michael Scanlon reported:
   • Key Caltrain Performance Statistics
      o Monthly Performance Statistics – February 2013 compared to February 2012
         • Total Ridership was 11,166,994, an increase of 7.2 percent.
         • Average Weekday Ridership was 48,032, an increase of 11.8 percent.
         • Total Revenue was $5,256,938, an increase of 12 percent.
         • On-time Performance was 93.5 percent, a decrease of 1.1 percent.
         • Caltrain Shuttle Ridership was 7,720, a decrease of 4.6 percent.
Year-to-date Performance Statistics – February 2013 compared to February 2012
  - Total Ridership was 10,126,786, an increase of 11.3 percent.
  - Average Weekday Ridership was 47,869, an increase of 11.9 percent.
  - Total Revenue was $44,683,905, an increase of 16.6 percent.
  - On-time Performance was 90.7 percent, a decrease of 2.9 percent.
  - Caltrain Shuttle Ridership was 8,182, an increase of 16 percent.
- Annual onboard passenger counts are complete and staff will present the results next month.
- The Bicycle Advisory Committee met on March 21 and received a Brown Act presentation and staff provided an overview on the bike program. Next meeting is May 16.
- Special service:
  - The World Baseball Classic was held March 17-19 and an additional 13,000 passengers were carried.
  - Giants exhibition games were on March 28-29 and an additional 13,000 passengers were carried.
  - Sharks had six home games in March and an additional 2,800 passengers were carried, up 29 percent over last season.
  - Giants home opener is April 5 and traditional baseball service will be provided.
- Staff partnered with VTA for the Gilroy Open House at the Gilroy Caltrain Station on March 23.
- The ticket vending machines will have a San Francisco baseball button for passengers to purchase same-day roundtrip tickets.
- The “How to Ride” video was shown.
- Staff has been receiving recognition for social media efforts, most recently in Skedaddle.
- The reading file contains correspondence, the February Safety and Security Report, Giants brochure, Track the Fun and a Takeone for the CAC recruitment.

Caltrain Modernization Program
Executive Officer, Caltrain Modernization Marian Lee said staff is currently summarizing more than 200 comments in response to the scoping Notice of Preparation for the project EIR. The draft blended system planning studies will be out in April for public review.

Ms. Lee said staff is starting to expand resources for the Caltrain Modernization Program in preparation for the completion of the environmental document and the next steps. Ms. Lee said staff will develop a process to select the most appropriate project delivery approach for corridor electrification and vehicle procurement, which will be coupled with updating the cost estimates of the project and translating the funding plan into cash flow needs. Ms. Lee said staff wrote a letter to the Metropolitan Transportation Commission to start the preparation of cash flowing the program. Staff will continue with the funding plan and looking at all the cash flow needs with the nine parties of the MOU and continue to meet all the Proposition 1A requirements, as well as all the other local, regional, State and Federal requirements that come with the various sources that are funding the program.
Ms. Lee said staff will start reaching out to the experts on vehicles and electrification and will hold an industry day to roll out the program and set a level playing field for all interested in future procurements.

Mr. Scanlon said staff will be back in May with the annual passenger counts, preliminary Fiscal Year (FY) 2014 budgets and some possible strategies to get more capacity to accommodate riders. The capital budget will have a provision to start looking at the engineering of the hold-out station rules.

Director Ash Kalra asked if there is any timeline or update for Wi-Fi on the trains. Mr. Scanlon said staff can provide an update at the May meeting.

**ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR FEBRUARY 2013**

Deputy CEO Gigi Harrington said revenues are $1 million above budget and there are savings of $1.6 million on the expense side. Last week fuel was $3.27 per gallon and year to date is $3.19 per gallon. The JPB received $40,000 in March and year to date $446,000 from the fuel hedge.

A motion (Nolan/Lloyd) to accept the February 2013 statement was approved unanimously.

**ASSESSMENT OF THE FISCAL YEAR 2013 FUEL HEDGING PROGRAM**

Ms. Harrington said this is the time of the year when staff goes through the process to start the Fuel Hedge Program. Last year half the fuel portfolio, or 2.25 million gallons, was hedged at $2.80 per gallon. Staff proposes the same process this year.

**ADOPT THE REVISED FUEL HEDGING POLICY TO CONFORM TO DODD-FRANK, AWARD OF CONTRACT TO ORRICK, HERRINGTON & SUTCLIFFE LLP TO SERVE AS SPECIAL COUNSEL FOR THE FISCAL YEAR 2014 FUEL HEDGING PROGRAM FOR A NOT-TO-EXCEED FEE OF $125,000**

Ms. Harrington said this item is to revise the policy and appoint special counsel for the fuel hedge transaction. One-third of the legal fees are paid by the San Mateo County Transit District and the JPB pays two-thirds. The change to the policy is to comply with the Wall Street Transparency and Accountability Act of 2010 called Dodd-Frank. Dodd-Frank creates a wall between the JPB, the advisors and the banks that are going to bid on the transaction. It creates a transparent process for the transaction so staff cannot be unduly influenced by the bidders.

Director Tom Nolan asked the history of the Fuel Hedge Program. Ms. Harrington said this will be the fifth year of the transaction and is recommended to the Board to create budget certainty.

A motion (Tissier/Nolan) to approve the fuel hedge documents was approved unanimously.
AUTHORIZE AWARD OF CONTRACTS TO HDR ENGINEERING, INC. AND RAIL SURVEYORS & ENGINEERS, INC. FOR ON-CALL GENERAL ENGINEERING CONSULTANT SERVICES IN AN AGGREGATE NOT-TO-EXCEED AMOUNT OF $15 MILLION FOR A THREE-YEAR TERM

Director, Contracts and Procurement Cheryl Cavitt said last August staff brought these contracts before the Board and recommended rejection of all bids. This is a redo of the procurement and the subject matter has been split into two categories, bridges and structures. Ms. Cavitt said staff followed the traditional process for procuring engineering services. Seven proposals were received for the bridge category and five for the structures category. The proposals were evaluated by a committee comprised of staff from JPB, the Bay Area Rapid Transit, SFMTA and VTA. All proposers within the competitive range were invited for interviews. There is excellent Disadvantaged Business Enterprise participation by both proposers.

Public Comment
Adina Levin, Friends of Caltrain, said having on-call contracts is a reasonable way to manage contractors for repeated projects. She said although the contractor is on-call for bridge design it isn’t for any specific bridge design project. If there is a bridge design project she asked if it would come to the Board for review before approval. Ms. Levin said she endorses Mr. LeBrun’s earlier suggestion that in addition to reviewing bridge design projects by the Board there is community level vetting with the Local Policy Maker Working Group and the CAC.

Legal Counsel David Miller said through the capital budget process individual projects will be brought forward. There is not a specific design being approved or particular bridge project as part of this action.

Roland LeBrun, San Jose, said the resolution leaves many questions. Why was this opportunity not advertised in an international trade press? Why did some of the other big guns not bid for this contract? Who were the other 12 bidders and why did they not make it to the final three? Why is staff even looking at retrofitting the 22nd and 23rd Street bridges in San Francisco and abandoning Tunnel One? He asked if there will be equity among the three partners or will the entire budget be used for grade separations? Mr. LeBrun said he would like the Board to consider amending the contract award from $15 million with two $10 million extensions for a total of $35 million to $5 million and two $5 million extensions for a total of $15 million until the SCC reports back to the Board on exactly what is being designed and where the funding is coming from.

A motion (Nolan/Deal) to award contracts to HDR Engineering, Inc. and Rail Surveyors & Engineers, Inc. for on-call engineering consultant services was approved unanimously.

AUTHORIZE AWARD OF CONTRACT TO SHIMMICK CONSTRUCTION COMPANY, INC. FOR THE SIGNAL PREEMPTPTION IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF $1,849,500
Ms. Cavitt said this contract is designed to enhance safety by improving train approach warning systems at five crossings. The crossings are at Brewster Avenue in Redwood City, Churchill and East Meadow Avenues in Palo Alto and Rengstorff Avenue.
and Castro Street in Mountain View. Selection of these sites was coordinated with the California Public Utilities Commission and JPB staff.

**Public Comment**

Adina Levin, Friends of Caltrain, said the changes in the signal contract involve increasing gate down time at five intersections and re-signalizing the traffic lights. She hopes there is outreach to the affected communities.

Jeff Carter, Millbrae, said there will be some increased gate down time and when a train is at a station he hopes the gate will time out and release so traffic is not stopped the entire time the train is at the station.

A motion (Tissier/Nolan) to award a contract to Shimmick Construction for the Signal Preemption Improvement Project was approved unanimously.

**AUTHORIZE THE SECOND AMENDMENT OF THE USE, OPERATING AND MAINTENANCE (UOM) AGREEMENT FOR THE MILLBRAE INTERMODAL STATION**

Deputy CEO Chuck Harvey said when the Millbrae Intermodal Station was completed, the JPB entered into a cost-sharing agreement with BART to maintain the station. The costs were allocated through a cost model. This amendment codifies the agreement through FY2018 and the costs are being controlled by an agreement so they won’t increase beyond the Consumer Price Index inflation.

A motion (Lloyd/Nolan) to authorize the second amendment of the UOM agreement for the Millbrae Intermodal Station was approved unanimously.

**ADOPTION OF CALTRAIN TITLE VI STANDARDS AND POLICIES**

Director, Rail Michelle Bouchard reported:

- The Federal Transit Administration requires approval and submission of five standards and policies.
  - The Major Service Change Policy is the criteria for determining when service change is significant enough to require a thorough analysis of potential effects on protected populations. Staff is recommending a change of 25 percent or more total train revenue miles and greater than 50 percent change in the number of trains stopping at a station per day.
  - Disparate Impact and Disproportionate Burden Policies determine the threshold when adverse effects of a fare or service changes are borne disproportionately by minority or low-income populations. Staff is recommending a 10 percent threshold.
  - Services Standards and Policies are established to monitor performance in quantifiable and qualitative measures/metrics. Service standards include vehicle load, vehicle headway, on-time performance and service availability. Service policies are vehicle assignment and transit amenities.
- Four community meetings were held and comments were accepted through March 29. Meetings were sparsely attended and only one comment was received.
Public Comment
Roland LeBrun, San Jose, said staff has to ensure cash customers are not targeted because most cash customers are minorities.

A motion (Lloyd/Tissier) to adopt the Caltrain Title VI Standards and Policies was approved unanimously.

LEGISLATIVE UPDATE
State Update
Executive Officer, Public Affairs Mark Simon said Acting Business Transportation and Housing Secretary Brian Kelly has formed a California Transportation Finance Working Group to explore options for meeting the State’s long-term transportation funding needs and priorities. Public transit agencies will be represented on the working group through the California Transit Association. The first meeting is April 9 and one of the first things the group will be discussing is a recent report issued by the American Society of Civil Engineers which gave the State an overall grade of “C” for its infrastructure and cites “a lack of sufficient investment for the operations and maintenance of existing facilities and dedicated funding sources for new improvements to the system. There is a need for $10 billion per year more to be spent for ongoing maintenance of existing facilities and an investment of $36.5 billion to raise transportation to a “B” grade.”

Federal Update
Mr. Simon said Congress is working to pass a continuing resolution and start work on the FY2014 appropriations process. Last year the Federal investment in the California High Speed Rail Project was a key topic during the appropriations process. Republican Congressmembers Jeff Denham and Kevin McCarthy requested the Government Accountability Office (GAO) review the project’s cost, ridership and revenue projections. The GAO report released last week gave the project an overwhelmingly positive review.

Mr. Simon said there was a home value study done by the American Public Transportation Association and the Association of Realtors that showed property within a half-mile of transit sustained its value more effectively during the recession and rebounded more rapidly.

CORRESPONDENCE
No discussion.

BOARD MEMBER REQUESTS
None

GENERAL COUNSEL REPORT
Mr. Miller said staff has contacted the general counsel for the CHSRA to see if their chair indicated Caltrain would respond to Mr. Brown’s request. It is clear Proposition 1A is going to be complied with in the final analysis and the agreement that has been entered into codifies the blended system as the plan around which HSR will be designed and constructed and contains a funding plan template. Over time the funding plan will evolve as estimates are prepared and the public can be assured
Proposition 1A will be complied with and CSHRA, the JPB, or both will provide a response to Mr. Brown.

**DATE/TIME/PLACE OF NEXT MEETING**
The next meeting will be Thursday, May 2, 2013, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

Adjourned at 10:55 a.m.
AGENDA ITEM # 4 (b)
MAY 2, 2013

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: AUTHORIZATION TO EXECUTE CONTRACTS FOR TECHNOLOGY-RELATED PRODUCTS AND SERVICES TO VENDORS UNDER COOPERATIVE PURCHASING PROGRAMS FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF $1 MILLION FOR FISCAL YEAR 2014

ACTION
Staff Coordinating Council (SCC) recommends the Board authorize the purchase, lease and/or rental of computer and telecommunications equipment and related services, digital reprographic equipment, hardware, software, licensing, installation and configuration of telecommunications equipment, maintenance agreements, and computer peripherals to vendors under approved cooperative intergovernmental purchasing programs available to the JPB such as the California Multiple Award Schedule (CMAS), the National Intergovernmental Purchasing Alliance Company (National IPA), the State of California Strategic Sourcing Initiative (CSSI), the Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2), General Service Administration (GSA) Schedules (also referred to as Multiple Award Schedules and Federal Supply Schedules), and other cooperative programs as the JPB needs are identified. This action includes delegation of authority to the Executive Director to enter into contracts over $100,000 with vendors under approved cooperative purchasing programs. Expenditures with vendors under these programs will not exceed the budgeted amount of $1,000,000 throughout Fiscal Year (FY) 2014.

SIGNIFICANCE
Approval of this contracting authority will provide the JPB with a cost-effective means to support its standardization policy and provide the latest technology and related services through cooperative intergovernmental purchasing programs. Contracts issued under this authority will address the JPB’s requirements for equipment, hardware, software, services, licensing, maintenance agreements, and programmed replacement of equipment that has reached the end of its useful life or has become unsuited to address the JPB’s future needs.
**BUDGET IMPACT**
Funds for these purchases are programmed in the proposed FY2014 Capital and Operating budgets.

**BACKGROUND**
Given the rapidly changing technology of information system hardware, software and related services, the State of California, among other state agencies nationwide, has established agreements with vendors under various cooperative purchasing programs such as CMAS, CSSI, GSA, WSCA and CALNET 2 for providing these goods and services. Special districts, cities, counties and joint powers authorities are given statutory permission to procure competitively priced goods and services arising out of these vendor agreements. By utilizing such cooperative purchasing programs, the JPB saves considerable time and expense associated with independent procurements which would be unlikely to yield more favorable pricing or service.

All vendors selected will hold valid agreements under the corresponding cooperative purchasing program. Contracts will be executed only with vendors whose contracts were awarded under a cooperative buying agreement on a basis that complies with the JPB’s statutory procurement authority and policy and will include the JPB’s terms and conditions, as appropriate. Other cooperative purchasing consortia may be added to this program and utilized for acquisition of technology items during FY2014 but only to the extent each fully complies with the JPB’s statutory procurement authority and policy.

Prepared by: David Verderosa, Director, Information Technology 650.508.7954
RESOLUTION NO. 2013 -
BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

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AUTHORIZING EXECUTION OF CONTRACTS FOR TECHNOLOGY-RELATED PRODUCTS AND SERVICES TO VENDORS UNDER COOPERATIVE PURCHASING PROGRAMS FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF $1 MILLION FOR FISCAL YEAR 2014

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) will require new personal computers, computer and telecommunications equipment and related services, digital reprographic equipment, software, hardware, licensing and maintenance agreements, and computer peripherals throughout Fiscal Year (FY) 2014, to fulfill new technology requirements, to support the JPB’s standardization policy, and to replace technology equipment that has reached the end of its useful life; and

WHEREAS, in light of the need to standardize, update and purchase the latest technology in personal computers, telecommunications equipment, and other related equipment and services in the most cost-effective manner, the JPB has determined that an independent JPB-initiated solicitation process for the procurements described above is unlikely to be in the JPB’s best interest; and

WHEREAS, the State of California and other cooperative purchasing consortiums including the California Multiple Award Schedule (CMAS), the State of California Strategic Source Initiative (CSSI), the National Intergovernmental Purchasing Alliance Company (National IPA), Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2), and the General Services Administration (GSA) have established programs in which the JPB can participate in order to procure favorably priced technology systems equipment and related services; and
WHEREAS, the Staff Coordinating Council (SCC) recommends the JPB participate in the above-mentioned programs, as well as additional cooperative purchasing programs, to the extent such programs fully comply with the JPB’s statutory procurement authority and policy; and

WHEREAS, the SCC also recommends the Executive Director or his designee be authorized to enter into contracts that exceed $100,000 with vendors under JPB-approved cooperative purchasing programs to meet its personal computer, telecommunications equipment, and other related technology equipment and services requirements for FY2014, pursuant to the terms and conditions of each programs’ vendor agreements, up to an aggregate not-to-exceed amount of $1 million.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby takes the following actions:

1. Determines that an independent JPB initiated solicitation process for each purchase, lease and/or rental of new personal computers, computer and telecommunications equipment and services, digital reprographic equipment, hardware, software, licensing and maintenance agreements, and computer peripherals is unlikely to be in the JPB’s best interest; and

2. Authorizes the procurement of technology systems equipment and related services through JPB-approved cooperative purchasing programs, including CMAS, CSSI, WSCA, CALNET 2, and GSA vendors to meet its technology equipment and services requirements for FY2014 pursuant to the terms and conditions of each vendor agreement and to the extent that each vendor agreement fully complies with JPB’s statutory procurement authority and policy; and
3. Authorizes the Executive Director to utilize additional cooperative purchasing programs for FY2014 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

4. Authorizes the Executive Director or his designee to enter into contracts exceeding $100,000 with vendors under the JPB-approved cooperative purchasing programs up to an aggregate, not-to-exceed, amount of $1 million for FY2014; and

5. Authorizes the Executive Director or his designee to execute all necessary purchase orders, contracts and other documents to effectuate this resolution, including any agreements with the State of California or other intergovernmental cooperative program for administrative fees for processing these purchases.

Regularly passed and adopted this 2\textsuperscript{nd} day of May, 2013 by the following vote:

AYES: 

NOES: 

ABSENT: 

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPa Secretary
AGENDA ITEM # 4 (c)
MAY 2, 2013

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
          Executive Director

FROM: Gigi Harrington
      Deputy CEO

SUBJECT: AUTHORIZATION TO EXECUTE CONTRACTS OF MORE THAN $100,000 FOR
          INFORMATION TECHNOLOGY LICENSE RENEWALS, MAINTENANCE SERVICES
          AND PROFESSIONAL SERVICES FOR FISCAL YEAR 2014 FOR AN AGGREGATE
          NOT-TO-EXCEED AMOUNT OF $500,000

ACTION
Staff Coordinating Council (SCC) proposes the Board authorize the Executive Director or
his designee to enter into contracts for more than $100,000 with original equipment
manufacturers, product licensors and their distributors or consultants, directly and without
the utilization of cooperative purchasing agreements if not available or competitive
solicitations if not applicable, to procure recurring maintenance services and license
renewals necessary to permit continued effective use and upkeep of JPB-owned
computer and telecommunications hardware and software used for the management
and oversight of Caltrain. Further, this shall include contracts for the provision of sole-
source professional services necessary to expand or modify previously competitively
procured proprietary software when an original provider is the only source of such
services. Expenditures with manufacturers and vendors under this authority will not
exceed the budgeted amount of $500,000 throughout Fiscal Year (FY) 2014.

SIGNIFICANCE
Delegation of purchase order approval authority will allow the JPB to pay for recurring
maintenance services, additional licenses, license renewal fees and professional services
for proprietary software in excess of $100,000 without bringing actions individually before
the Board for approval. This delegation would not eliminate the requirement that other
procurement policies and procedures be followed.

Recurring support and license agreements are, by their nature, repetitive and routine,
and are required to ensure continued and effective operation of information technology
assets owned by the JPB. The sole source purchase of additional modules to existing
software or professional services to modify existing proprietary software will allow the JPB's
changing business needs to be met in a timely manner.
Delegating this authority expedites the JPB’s ability to continue needed operations and services in the management of Caltrain and reduces the time and resources otherwise required to obtain individual approval of such support and license agreements.

**BUDGET IMPACT**
Funds for these purchases are programmed in the proposed FY2014 Capital and Operating budgets.

**BACKGROUND**
Software and hardware are typically sold with licenses and maintenance agreements that require periodic renewal. Failing to renew maintenance support means loss of software updates, problems obtaining resolution assistance, and repair services typically needed to keep a product in good operating order. In some cases, the product may not be legally used if a maintenance and license renewal has not been obtained.

It is not always possible to find cooperative purchasing agreements with contracts for the necessary maintenance support and license renewals. This is particularly true for transit industry-specific information technology products. The types of licensing and maintenance agreements contemplated are generally unobtainable under any other method because they are proprietary in nature to the manufacturers of the software. Similarly, many manufacturers do not allow third parties access to source code or to provide services. As a result, professional services to upgrade, modify, or add to existing software must be performed by the original manufacturer.

JPB assets requiring payment of recurring annual or multi-year maintenance support and license fees in excess of $100,000 that may need to be accommodated in FY2014 outside of cooperative purchase agreements or other pre-existing contracts include, but are not necessarily limited to:

- ARINC (replacement rail traffic control system)
- Digital Concepts Inc. Digicon (rail traffic control system)

Issuance of contracts for maintenance and continued operation of assets like these will need to be brought individually before the Board for approval, unless authority is delegated to the Executive Director or his designee.

Prepared by: David Verderosa, Director, Information Technology 650.508.7954
RESOLUTION NO. 2013 -

BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA
***

AUTHORIZING EXECUTION OF CONTRACTS FOR INFORMATION TECHNOLOGY LICENSES,
MAINTENANCE SERVICES AND PROFESSIONAL SERVICES FOR AN AGGREGATE
NOT-TO-EXCEED AMOUNT OF $500,000 FOR FISCAL YEAR 2014

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) will require continuing
product support and licenses for computer and telecommunications hardware and
software throughout Fiscal Year (FY) 2014, to permit the continued effective use and
upkeep of information technology assets owned by the JPB; and

WHEREAS, maintenance support and software license agreements for the
information technology assets in use are, by their nature, repetitive and routine; and

WHEREAS, the JPB will also require professional services necessary to expand or
modify previously competitively procured proprietary software when an original
provider is the only source of such services; and

WHEREAS, the Staff Coordinating Council recommends the Executive Director or
his designee be authorized to execute contracts that exceed $100,000 with original
equipment manufacturers, product licensors and their authorized distributors and
consultants to meet the technology operational requirements for FY2014, pursuant to
the JPB’s statutory procurement authority and policy, up to an aggregate not to exceed amount of $500,000.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Peninsula Corridor
Joint Powers Board hereby takes the following actions:

1. Authorizes the procurement of product support, additional license
purchases and renewal agreements for information technology assets owned by the
JPB for FY2014, pursuant to the JPB’s statutory procurement authority and policy, in an aggregate not to exceed amount of $500,000 for FY2014; and

2. Authorizes the Executive Director or his designee to enter into contracts exceeding $100,000 with original equipment manufacturers, product licensors, or their authorized distributors for recurring product support and license renewals necessary to permit continued effective use and upkeep of JPB owned computer and telecommunications hardware and software; and

3. Authorizes the Executive Director or his designee to enter into contracts exceeding $100,000 with original equipment manufacturers, product licensors, or their authorized consultants for the provision of sole-source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services; and

4. Authorizes the Executive Director or his designee to execute all necessary purchase orders, contracts and other documents and to take such other actions as may be necessary to give effect to this Resolution.

Regularly passed and adopted this 2\textsuperscript{nd} day of May, 2013 by the following vote:

AYES:

NOES:

ABSENT:

____________________________
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

____________________________
JPB Secretary
PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C.H. (Chuck) Harvey
Deputy CEO

SUBJECT: KEY CALTRAIN PERFORMANCE STATISTICS MARCH 2013

Caltrain’s average weekday ridership (AWR) in March 2013 was 48,719, which is an increase of 5,812 or 13.5 percent over March 2012. Total Caltrain ridership in March 2013 was 1,310,962, which is 11.4 percent greater than March 2012.

On-time performance (OTP) for March 2013 was 94.4 percent. This was higher than March 2012, which was 92.6 percent. If March 25 (with 31 late trains as the result of a fatality) is removed, OTP increases to 95.6 percent. However, when measuring trains arriving within 10 minutes of the scheduled arrival time (including March 25), OTP rises to 96.2 percent. There were two weekdays and seven weekend days with 100 percent of the trains on-time and an additional 13 days with OTP at 95 percent or better.

Passenger complaints dropped to the lowest level this fiscal year at 8.5 complaints per 100,000 passengers. Monthly mechanical delays were also below average at 646 minutes for March 2013.

Average weekday shuttle ridership was 8,383, which is an increase of 690 or 9 percent above March 2012 AWR of 7,693. After relatively slower growth earlier this calendar year, Marguerite ridership increased over 28 percent. For the station shuttles, the Millbrae-Broadway shuttle averaged 195 daily riders. The Belmont-Hillsdale shuttle averaged 62 daily riders. The weekend Tamien-San Jose shuttle averaged 63 riders per day.
Caltrain Promotions – March 2013

See Something – Say Something – Caltrain continued its year-long monthly customer safety and security awareness campaign, See Something – Say Something. A new message is communicated each month via station electronic message signs, conductor announcements, web posting (www.caltrain.com/seesomething) and social media, including Facebook, Google+ and Twitter. March’s message was “Plan ahead: During an emergency, remain calm and listen to rail personnel for instructions.”

Gilroy Open House – In an effort to promote service to South County residents, Caltrain and the Santa Clara Valley Transportation Authority hosted an Open House at the Gilroy Caltrain Station and transit center in mid-March. Visitors took tours of a train, VTA express bus and a VTA community bus. They also talked with a conductor and engineer. We also took the opportunity to educate the attendees about rail safety and invited them to write safety messages on posters. A face painter and balloon artist kept the kids entertained, and Moveable Feast food trucks were there to offer nourishment. To get the word out, Caltrain Marketing staff included an insert in the utility bill mailed to 13,000 Gilroy residents and mailed postcards to 14,000 Morgan Hill and San Martin residents. They also ran ads in the Morgan Hill Times, Gilroy Dispatch and Hollister Freelance. Staff worked with the Gilroy Chamber of Commerce and used a news release and social media to get the word out.

World Baseball Classic – AT&T Park in San Francisco hosted the World Baseball Classic, a tournament that occurs every few years. Caltrain ran extra service to accommodate the increased demand and promoted the service through a news release, web postings, social media and inclusion in brochures. Caltrain carried an extra 13,127 customers over the three-day series.

Giants – As the World Champion San Francisco Giants returned to AT&T Park for two exhibition games, baseball fans headed to the ballpark by the thousands – with many of them riding Caltrain. In addition to running extra trains, Caltrain improved the customers’ experience by implementing an “SF Baseball” button on its station ticket machines to provide a shortcut for fans purchasing tickets to San Francisco. The service was promoted through a special baseball brochure, web presence (special button on home page and dedicated baseball page), video, social media and a news release. Caltrain transported 12,978 additional customers compared to regular ridership on designated trains.

San Jose Sharks – Shark spectators are increasing in number on Caltrain as more of them ride the rails to get to the HP Pavilion in San Jose. Service information is communicated through the Caltrain website, newsletter, brochures and social media channels. Caltrain carried 2,811 additional customers for the six home games in March. With the three months of the shortened season completed, Caltrain’s average ridership for games is up 29.3 percent compared to last season.

Partnerships – Caltrain Marketing staff works with a number of event organizers to co-promote events that will generate train ridership and also provide added value for current Caltrain customers. Partnerships in March included World’s Greatest Hobby on
Tour Train Show and the San Francisco Flower & Garden Show, which offered $1 off general admission for Caltrain customers. The events are generally promoted in the Track the Fun brochure, Caltrain Connection newsletter, through social media, news releases and web postings. The promoters also included Caltrain in their promotional materials.

Prepared by: Rita P. Haskin, Executive Officer, Customer Service and Marketing 650.508.6248
Ted Yurek, Senior Planner, Operations Planning 650.508.6471
Table A

March 2013

<table>
<thead>
<tr>
<th></th>
<th>FY2012</th>
<th>FY2013</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Ridership</td>
<td>1,176,392</td>
<td>1,310,962</td>
<td>11.4%</td>
</tr>
<tr>
<td>Average Weekday Ridership</td>
<td>42,907</td>
<td>48,719</td>
<td>13.5%</td>
</tr>
<tr>
<td>Total Farebox Revenue</td>
<td>$4,904,115</td>
<td>$5,654,766</td>
<td>15.3%</td>
</tr>
<tr>
<td>On-time Performance</td>
<td>92.6%</td>
<td>94.4%</td>
<td>1.8%*</td>
</tr>
<tr>
<td>Average Caltrain Shuttle Ridership</td>
<td>7,693</td>
<td>8,383</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

Year to Date

<table>
<thead>
<tr>
<th></th>
<th>FY2012</th>
<th>FY2013</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Ridership</td>
<td>10,274,294</td>
<td>11,437,748</td>
<td>11.3%</td>
</tr>
<tr>
<td>Average Weekday Ridership</td>
<td>42,801</td>
<td>47,964</td>
<td>12.1%</td>
</tr>
<tr>
<td>Total Farebox Revenue</td>
<td>$43,242,832</td>
<td>$50,338,671</td>
<td>16.4%</td>
</tr>
<tr>
<td>On-time Performance</td>
<td>93.5%</td>
<td>91.2%</td>
<td>-2.3%*</td>
</tr>
<tr>
<td>Average Caltrain Shuttle Ridership</td>
<td>7,123</td>
<td>8,204</td>
<td>15.2%</td>
</tr>
</tbody>
</table>

* numeric difference of the percentages

Graph A

Caltrain Average Weekday Ridership

MAR 12 | APR 12 | MAY 12 | JUN 12 | JUL 12 | AUG 12 | SEP 12 | OCT 12 | NOV 12 | DEC 12 | JAN 13 | FEB 13 | MAR 13

AWR

13-Month rolling average
Graph B

MONTHLY MECHANICAL DELAYS

Graph C

CALTRAIN MONTHLY COMPLAINTS
TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: STATEMENT OF REVENUE AND EXPENSE FOR THE PERIOD ENDING MARCH 31, 2013 AND SUPPLEMENTAL INFORMATION

ACTION
Staff proposes the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of March 2013 and supplemental information.

SIGNIFICANCE
Revenue: For March of Fiscal Year 2013, Total Operating Revenue (line 7) is $2,108,151 or 3.8 percent better than budget. Within total operating revenue, Farebox Revenue (line 1) is $2,028,169 or 4.2 percent better than budget. Compared to the prior year, Total Operating Revenue (line 7) is $7,557,935 or 15.2 percent higher.

Expense: Grand Total Expenses (line 47) show a favorable variance of $1,307,831 or 1.6 percent. Total Operating Expense (line 33) is $1,212,562 or 1.7 percent better than budget. Total Administrative Expense (line 43) is $95,267 or 0.9 percent better than budget.

Compared to prior year, Grand Total Expenses (line 47) are $8,130,891 or 11.1 percent higher. The increase in expense is mainly due to Contract Operating & Maintenance (line 22) which is $5,324,099 or 12.4 percent higher.

BUDGET IMPACT
There are no budget revisions for the month of March 2013.

Prepared By: Jeannie Chen, Senior Accountant 650.508.6259
Sheila Tioyao, Manager, General Ledger 650.508.7752
## Statement of Revenue and Expense

### Fiscal Year 2013
March 2013

<table>
<thead>
<tr>
<th>MONTH TO DATE</th>
<th>CURRENT</th>
<th>PRIOR</th>
<th>REVISED BUDGET</th>
<th>% REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CURRENT</td>
<td>ACTUAL</td>
<td>ACTUAL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>% OF YEAR ELAPSED</td>
<td>ANNUAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% OF YEAR ELAPSED</td>
<td>75.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OPERATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farebox Revenue</td>
<td>5,654,766</td>
<td>43,249,959</td>
<td>50,338,671</td>
<td>48,310,502</td>
</tr>
<tr>
<td>Parking Revenue</td>
<td>282,087</td>
<td>2,354,617</td>
<td>2,312,275</td>
<td>2,355,536</td>
</tr>
<tr>
<td>Shuttles</td>
<td>445,009</td>
<td>720,715</td>
<td>1,223,518</td>
<td>1,099,632</td>
</tr>
<tr>
<td>Shuttles (incl Peninsula Pass)</td>
<td>814,156</td>
<td>2,142,893</td>
<td>3,473,042</td>
<td>3,491,955</td>
</tr>
<tr>
<td>Fuel</td>
<td>1,258,260</td>
<td>11,721,718</td>
<td>11,646,500</td>
<td>12,398,891</td>
</tr>
<tr>
<td>TOTAL OPERATING REVENUE</td>
<td>6,651,720</td>
<td>49,819,465</td>
<td>57,377,400</td>
<td>55,269,249</td>
</tr>
<tr>
<td><strong>EXPENSE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OPERATING EXPENSE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract Operating and Maintenance</td>
<td>5,459,681</td>
<td>42,909,002</td>
<td>48,233,101</td>
<td>48,470,061</td>
</tr>
<tr>
<td>Operator Contract Transition Costs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rail Operator Service - Other</td>
<td>-</td>
<td>-</td>
<td>309,700</td>
<td>313,320</td>
</tr>
<tr>
<td>Shuttles (incl Peninsula Pass)</td>
<td>874,156</td>
<td>2,142,893</td>
<td>3,473,042</td>
<td>3,491,955</td>
</tr>
<tr>
<td>Fuel</td>
<td>1,258,260</td>
<td>11,721,718</td>
<td>11,646,500</td>
<td>12,398,891</td>
</tr>
<tr>
<td>TOTAL OPERATING EXPENSE</td>
<td>8,180,225</td>
<td>65,203,109</td>
<td>70,726,944</td>
<td>71,939,506</td>
</tr>
<tr>
<td><strong>ADMIRISTRATIVE EXPENSE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wages and Benefits</td>
<td>501,665</td>
<td>3,514,944</td>
<td>4,049,740</td>
<td>4,064,786</td>
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<tr>
<td>Managing Agency Admin OH Cost</td>
<td>352,146</td>
<td>653,602</td>
<td>2,838,716</td>
<td>2,840,439</td>
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<tr>
<td>Board of Directors</td>
<td>800</td>
<td>7,333</td>
<td>6,625</td>
<td>8,180</td>
</tr>
<tr>
<td>Professional Services</td>
<td>226,943</td>
<td>2,077,943</td>
<td>2,021,406</td>
<td>2,069,991</td>
</tr>
<tr>
<td>Communications and Marketing</td>
<td>8,173</td>
<td>38,543</td>
<td>91,643</td>
<td>103,500</td>
</tr>
<tr>
<td>Office Expense and Other</td>
<td>95,045</td>
<td>1,192,761</td>
<td>1,084,053</td>
<td>1,100,554</td>
</tr>
<tr>
<td>TOTAL ADMINISTRATIVE EXPENSE</td>
<td>1,184,772</td>
<td>7,485,126</td>
<td>10,092,183</td>
<td>10,187,450</td>
</tr>
<tr>
<td><strong>NET SURPLUS / (DEFICIT)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long Term Debt Expense</td>
<td>91,906</td>
<td>827,156</td>
<td>827,156</td>
<td>827,157</td>
</tr>
<tr>
<td>GRAND TOTAL EXPENSE</td>
<td>9,456,903</td>
<td>73,515,392</td>
<td>81,646,283</td>
<td>82,954,114</td>
</tr>
<tr>
<td>Note that individual line items reflect variations due to seasonal activities during the year.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4/23/13 10:22 AM
PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF MARCH 31, 2013

<table>
<thead>
<tr>
<th>TYPE OF SECURITY</th>
<th>MATURITY DATE</th>
<th>INTEREST RATE</th>
<th>PURCHASE PRICE</th>
<th>MARKET PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Agency Investment Fund (Restricted)</td>
<td>Liquid Cash</td>
<td>0.285%</td>
<td>$ 2,000,000</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Local Agency Investment Fund (Unrestricted)</td>
<td>Liquid Cash</td>
<td>0.285%</td>
<td>19,815,998</td>
<td>19,815,998</td>
</tr>
<tr>
<td>County Pool (Unrestricted)</td>
<td>Liquid Cash</td>
<td>0.720%</td>
<td>20,101,324</td>
<td>20,101,324</td>
</tr>
<tr>
<td>Investment Portfolio (Unrestricted)</td>
<td>Liquid Cash</td>
<td>0.000%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other (Unrestricted)</td>
<td>Liquid Cash</td>
<td>0.000%</td>
<td>1,130,048</td>
<td>1,130,048</td>
</tr>
</tbody>
</table>

$ 43,047,370 $ 43,047,370

Accrued Earnings for March, 2013 $ 18,139.64
Cumulative Earnings FY2013 $ 170,952.00

* County Pool average yield for the month ending March 31, 2013 was 0.720%. As of March, 2013 the amortized cost of the Total Pool was $2,796,897,460.22 and the fair market value per San Mateo County Treasurer's Office was $2,805,914,419.00.

** The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564 (1995).

The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.
AGENDA ITEM # 9
MAY 2, 2013

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO
C. H. (Chuck) Harvey
Deputy CEO

SUBJECT: PROPOSED DBE OVERALL GOAL FOR FY2014 THROUGH FY2016 FOR FTA-ASSISTED CONTRACTS

ACTION
The Peninsula Corridor Joint Powers Board (JPB) Disadvantaged Business Enterprise (DBE) Review Committee and Staff Coordinating Council (SCC) recommend the Board approve the following:

1. Publish the proposed DBE overall goal of 12 percent for Federal Transit Administration (FTA)-assisted contracts for public inspection and comment;
2. In the event that no public comments are received that require a change to the proposed goal, authorize the Executive Director to formally adopt the goal for Federal Fiscal Years (FY) 2014 through 2016;
3. Authorize the Executive Director to submit the DBE overall goal to the FTA by the designated deadline of August 1, 2013.

SIGNIFICANCE
The U.S. Department of Transportation (DOT) issued amending regulations, effective March 5, 2010, requiring DOT grantees to establish a DBE overall goal as a percentage of all FTA funds expected to be expended in the three forthcoming Federal fiscal years. Pursuant to prescribed Federal methodologies, the proposed DBE overall goal of 12 percent for FTA-assisted contracts is based upon the JPB’s assessment of FTA-assisted contracting activity for FY2014 through FY2016, and the projected availability of ready, willing, and able DBEs to participate in the activity.

BUDGET IMPACT
The proposed DBE overall goal for FTA-assisted contracts should have no impact on the budget under present procurement practices.

BACKGROUND
The DOT regulations, 49 Code of Federal Regulations Part 26, pertaining to the DBE Program (Regulations) require DOT grantees to establish an overall triennial goal for DBE participation in federally assisted contracts, and prescribed various methods for doing so.
Consistent with DOT guidance and the findings from a business availability and utilization study commissioned by the JPB in 2008, staff proposes an overall DBE goal of 12 percent for FTA-assisted contracts for FY2014 through FY2016. This is based upon the JPB’s assessment of the FTA-assisted contracts projected for the triennial period, a review of U.S. Census and other data sources concerning the availability of DBEs in the industries and geographical markets relevant to the JPB’s contracting activity, and consideration of the JPB’s historical utilization of DBEs, among other factors. Staff recommends implementing the DBE program for FY2014 through FY2016 with a combination of race-neutral and race-conscious measures. In particular, staff recommends limited use of race-conscious contract goals on its construction activities, only when necessary to meet its overall goal during the forthcoming three fiscal years.

For FY2011 through FY2013, the overall DBE goal is 10.5 percent, and the JPB achieved 9.1 percent in FY2011 and 10.9 percent in FY2012. As of April 30, 2013, DBE participation is 22.2 percent for FY2013, and staff anticipates exceeding the 10.5 percent goal when the Federal fiscal year ends on September 30, 2013. For the remainder of FY2013, staff will continue to closely monitor DBE participation to ensure its DBE program objectives are met, and DBE progress will continue to be reported in the JPB’s Quarterly Capital Program Status Reports.

Taking into consideration the JPB’s historic utilization of DBEs, the DBE availability data, as well as the various types of contracts projected in FY2014 through FY2016, the 12 percent goal for FTA-assisted contracts is a reasonable projection of overall DBE participation for the upcoming three fiscal years. If circumstances change between projected and actual contracting activity that will impact the proposed goal, staff will analyze the impact, report to the Board, and will submit to DOT for approval any significant adjustment to the overall goal during the next three fiscal years.

With Board approval, the proposed FY2014 through FY2016 overall DBE goal of 12 percent for FTA-assisted contracts will be published in general circulation, trade association and DBE-oriented media to provide for public inspection for a period of 30 days and public comment for 45 days from the date of publication. It is recommended final adoption of the goal be delegated to the Executive Director in the event no comments are received that would require the Board to modify the proposed goal. If reconsideration is needed, the Board will be asked to review and approve the final overall goal after completion of the public comment period. The JPB will submit the proposed DBE overall annual goal to the FTA by August 1, 2013.

Prepared By: Raymond Lee, DBE Officer 650.508.7939
Project Manager: Bill Carson, Manager, Employee Relations & Civil Rights 650.508.6234
RESOLUTION NO. 2013 –

BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

AUTHORIZING PUBLICATION OF PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (DBE) OVERALL GOAL FOR FISCAL YEARS (FY) 2014 THROUGH 2016 FOR FTA-ASSISTED PROJECTS

WHEREAS, the U.S. Department of Transportation regulations, 49 CFR Part 26, pertaining to the DBE Program (Regulations), require that an overall goal for DBE participation in federally assisted contracts be established for the three forthcoming fiscal years for each operating administration that the JPB receives Federal funds from; and

WHEREAS, the Executive Director has recommended the establishment of a proposed DBE overall goal of 12 percent for Fiscal Years (FY) 2014 through FY2016 for Federal Transit Administration (FTA) assisted contracts, in accordance with the methodology set forth in the Regulations; and

WHEREAS, the Regulations prescribe that a notice be published providing for a 30-day public inspection period and a 45-day public comment period regarding the proposed DBE overall goal; and

WHEREAS, the Board of Directors finds the proposed FY2014-2016 DBE overall goal is appropriate and reasonable.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the publication of the proposed DBE overall goal for FY2014-2016 of 12 percent for FTA-assisted contracts for public inspection for a period of 30 days and for public comment for a period of 45 days, with the
understanding that final adoption of the DBE overall goal will be considered at the completion of such public comment period; and

**BE IT FURTHER RESOLVED** the Board of Directors authorizes the Executive Director to adopt the DBE overall goal for FY2014-2016 on behalf of the Peninsula Corridor Joint Powers Board, in the event no public comments are received that require the Board to reconsider or modify the proposed goal; and

**BE IT FURTHER RESOLVED** the Board of Directors directs the Executive Director to submit the adopted DBE overall goal for FY2014-2016 to the United States Department of Transportation through the FTA by August 1, 2013, in accordance with the Regulations.

Regularly passed and adopted this 2nd day of May 2013 by the following vote:

AYES:

NOES:

ABSENT:

______________________________
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

______________________________
JPB Secretary
TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

April Chan
Executive Officer, Planning and Development

SUBJECT: AUTHORIZING AWARD OF CONTRACT TO OPERATE THE SAN FRANCISCO CALTRAIN BICYCLE PARKING FACILITY

ACTION
Staff Coordinating Council (SCC) recommends the Board approve the following:

1. Award of a contract to Alameda Bicycle to operate the San Francisco Caltrain bicycle parking facility consisting of the following:
   a) An initial transition period of up to 18 months, until tenant improvements are completed, for a not-to-exceed amount of $135,000;
   b) Purchase of furnishings and equipment for the Facility at an estimated, not-to-exceed amount of $130,000; and
   c) A three-year base term beginning after completion of tenant improvements for a not-to-exceed amount of $245,000.

2. Authorize the Executive Director, or designee, to execute a contract with the firm in full conformity with the terms and conditions of the solicitation documents and negotiated agreement.

3. Authorize the Executive Director, or designee, to exercise up to two additional one-year option terms, for a not-to-exceed amount of $65,000 for the first option year, and a not-to-exceed amount of $60,000 for the second option year, if it is in the best interest of the JPB.

SIGNIFICANCE
Award of a contract to Alameda Bicycle will provide the JPB with a bicycle parking facility operator with a demonstrated record of delivering professionally-operated bicycle parking facilities to public sector clients in the Bay Area and beyond for more than eight years.
BUDGET IMPACT
Funding for the operating services will be available under approved and projected operating budgets. Funding for the capital improvement services will be available under the approved San Francisco Proposition K funds.

BACKGROUND
In 2005, the JPB constructed the approximately 1,500 square feet Bicycle Parking Facility (Facility) located at 311 Townsend St., adjacent to the San Francisco Caltrain Station, to serve the needs of bike-to-train customers with parking and related services.

To accommodate the expanding demand for bicycle parking at the Facility, the solicitation requested proposers to submit a plan for potential tenant improvements to augment existing bicycle storage. Alameda Bicycle will purchase the furnishings and equipment for installation during the construction phase. JPB staff will issue a separate competitive solicitation, which will be the subject of a future Board action, for the procurement of the construction services. San Francisco Proposition K funds will be used for 100 percent of the costs for furnishings, equipment and construction services. Alameda Bicycle will operate the facility in its current configuration through the completion of tenant improvements, and has offered to retain the staff of the current contractor during this period.

A Request for Proposals (RFP) to operate the San Francisco Caltrain bicycle parking facility was issued detailing the scope of services. The solicitation was advertised in a newspaper of general circulation and on the JPB’s website. Solicitation notices also were sent to interested firms, small business enterprises (SBEs) and disadvantaged business enterprises (DBEs). Staff received proposals from six firms, two of which are SBEs/DBEs.

An Evaluation Committee (Committee), comprised of qualified staff and two outside experts with experience in operations of bicycle parking facilities for public transit agencies, reviewed and ranked proposals according to the following weighted criteria set forth in the RFP:

- Approach to Scope of Services
- Qualifications and Experience of Firm
- Qualifications and Experience of the Facility
- Manager and Key Personnel
- Cost Proposal

After review, evaluation, and initial scoring of proposals, the Committee invited the three highest-ranked firms for interviews. Upon completion of the interviews, checking of references, financial reviews, and the final scoring of proposals, the Committee completed the final evaluation and consensus ranking. The firms are listed below in order of their final consensus ranking:

- Alameda Bicycle, Alameda (a SBE/DBE firm).
- eLock Technologies, LLC, Berkeley
- Warm Planet Bikes, San Francisco
Staff has completed negotiations with Alameda Bicycle. The firm offers a unique and customized solution for bike station development and operations that meshes well with Caltrain’s goal of meeting the growing demand of its customers for bicycle parking and related services. Alameda Bicycle possesses the requisite depth of knowledge and experience in bicycle station development and operations for the successful operation of the Facility.

Furthermore, award of a contract to Alameda Bicycle, which is a certified disadvantaged business enterprise, advances the JPB’s DBE program objectives on a race-neutral basis. Staff, therefore, recommends award of a contract to this firm. The current operator, Warm Planet Bikes, is on a lease with the JPB that requires a 90-day written notice to the tenant prior to termination.

Contract Officer: Adwoa Oni 650.508.6411
Project Manager: Brian Fitzpatrick, Manager Real Estate & Property Development 650.508.7781
RESOLUTION NO. 2013-

BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

*   *   *

AUTHORIZATION TO AWARD A CONTRACT
TO OPERATE THE SAN FRANCISCO CALTRAIN BICYCLE PARKING FACILITY
FOR A NOT-TO-EXCEED AMOUNT OF $245,000 FOR A THREE-YEAR BASE TERM

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals to operate the San Francisco Caltrain parking facility; and

WHEREAS, in response to the JPB’s advertisement, six firms submitted proposals; and

WHEREAS, an Evaluation Committee (Committee) has reviewed the proposals, conducted interviews, and ranked the proposers according to the evaluation criteria set forth in the Request for Proposals (RFP); and

WHEREAS, the Committee has determined that Alameda Bicycle is the highest consensus-ranked firm; and

WHEREAS, staff has determined that it would be in the best interest of the JPB to award a contract to Alameda Bicycle, of Alameda, California, a certified disadvantaged business enterprise, to operate the San Francisco Caltrain bicycle parking facility; and

WHEREAS, legal counsel has reviewed the proposal from Alameda Bicycle and determined that it complies with the requirements of the solicitation documents; and

WHEREAS the solicitation requested proposers to submit a plan for potential tenant improvements to the Facility to augment existing bicycle storage; and
WHEREAS, the Executive Director recommends, and legal counsel concurs, an initial transition period of up to 18 months, until tenant improvements are completed, for a not-to-exceed amount of $135,000; and

WHEREAS, the Executive Director recommends that Alameda Bicycle purchase the furnishing and equipment for the improvement of the Facility at an estimated, not-to-exceed amount of $130,000; and

WHEREAS, the Executive Director recommends that a three-year base contract to operate the San Francisco Caltrain bicycle parking facility be awarded to Alameda Bicycle, for a not-to-exceed amount of $245,000; and

NOW, THEREFORE, BE IT RESOLVED the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board hereby authorizes an initial transition period of up to 18 months, until tenant improvements are completed, for a not-to-exceed amount of $135,000; and

BE IT FURTHER RESOLVED that the Board of Directors (Board) of the JPB hereby authorizes the purchase of furnishing and equipment for tenant improvement of the Facility at an estimated, not-to-exceed amount of $130,000 and

BE IT FURTHER RESOLVED that the Board awards a contract to operate the San Francisco Caltrain bicycle parking facility to Alameda Bicycle of Alameda, California for a three-year base term for a not-to-exceed amount of $245,000 in full conformity with all the terms and conditions of the contract documents; and

BE IT FURTHER RESOLVED the Executive Director, or designee, is authorized to execute a contract on behalf of the JPB with Alameda Bicycle, in full conformity with all of the terms and conditions of the contract documents and negotiated agreement, and in a form approved by legal counsel; and
BE IT FURTHER RESOLVED that the Board authorizes the Executive Director, or designee, to exercise up to two additional, one-year option terms with Alameda Bicycle for a not-to-exceed amounts of $65,000 for the first option term and $60,000 for the second option term, if to do so is in the best interest of the JPB.

Regularly passed and adopted this 2nd day of May, 2013 by the following vote:

AYES:

NOES:

ABSENT:

______________________________
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

______________________________
JPB Secretary
TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: AUTHORIZE IMPLEMENTATION OF FUEL HEDGING PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2014, INCLUDING EXECUTION OF DOCUMENTS AND PAYMENT OF COMMODITY PRICE CAP PREMIUM FOR SUCH PROGRAM

ACTION
Staff Coordinating Council recommends the Board:

1. Authorize implementation of a Fuel Hedging Program (Program) for the Fiscal Year (FY) ending June 30, 2014; and

2. Approve the Request for Bids and authorize the Executive Director or the Deputy CEO, Finance and Administration, to select the winning bidder, to execute a Confirmation and such other commodity price cap documents as shall be required, with the winning bidder, including documentation necessary in connection with the legislation and regulations commonly referred to as Dodd-Frank (Dodd-Frank), and to pay the premium for the commodity price cap.

SIGNIFICANCE
In accordance with the revised Fuel Hedging Policy adopted on April 4, 2013 (Fuel Hedging Policy), staff has been working with the JPB’s financial advisor to determine the interest of qualified counterparties in bidding on a commodity price cap, to develop a Request for Commodity Price Caps (Request) and to verify that each counterparty expressing interest is prepared to bid based upon the agreed upon form of commodity price cap documents (Bid Documents) previously approved by the JPB, which are comprised of an ISDA Master Agreement, a Schedule to the Master Agreement, and a Credit Support Annex. The Request and the Bid Documents have been reviewed by Orrick and the JPB’s financial advisor. In addition to the Bid Documents, a Confirmation (Confirmation) setting forth the pricing and other economic terms will be drafted and executed after the winning bid is selected.

Based on discussions between staff and the JPB’s financial advisor, it has been determined there are four likely bidders for the FY2014 Program: Deutsche Bank AG
DB, Barclays Bank PLC (Barclays), Canadian Imperial Bank of Commerce (CIBC) and Wells Fargo Bank, N.A. (Wells Fargo), all of whom have previously bid and have agreed to bid based on the Bid Documents previously approved by, and on file with, the Board.

DB was the winning bidder for the price cap for FY2010 and FY2012. Barclays was the winning bidder for the price cap for FY2011 and FY2013.

Board authorization is required to approve the Request and to authorize the Executive Director/CEO or Deputy CEO, Finance and Administration, to select the counterparty for the FY2014 Program based on the bids submitted, to execute the Confirmation and such other documents as shall be required to be entered into with the winning counterparty, including, without limitation, such documentation as is necessary in connection with Dodd-Frank, and to pay the premium for the commodity price cap. The bid and settlement of the premium payable by the JPB for the commodity price cap are expected to occur prior to the beginning of the next fiscal year, with the price cap taking effect as of July 1, 2013. If staff is not satisfied with the results of the bid, including the required premium for a price cap, the JPB will elect not to proceed with a Program at the time bids are received.

The primary goal for the FY2014 Program is to reduce volatility and uncertainty in the fuel budget. Consistent with the Fuel Hedging Policy, staff has proposed the JPB hedge 2.3 million gallons, which currently represents approximately 50 percent of its expected annual fuel consumption. In order to maximize the Program’s potential for economic efficiency, the JPB will partner with the San Mateo County Transit District, which is expected to hedge 1.2 million gallons, which currently represents approximately 65 percent of its expected annual fuel consumption.

Depending upon the date selected for the bid, staff expects to return to the Board at either the June or July meeting with a report on the results of the bid. Staff also expects to return to the Board next year with an assessment of the FY2014 Program.

**BUDGET IMPACT**
Implementing the Program will enable the JPB to purchase at least half of its fuel within a pre-determined price range, thus giving the JPB a measure of budgetary certainty and allowing for more effective utilization of budget resources. The proposed FY2014 fuel budget will include the Program fees consisting of up to $25,000 for financial advisor, up to $125,000 for outside legal counsel (70 percent of the total legal fees are the JPB’s responsibility), $10,000 in miscellaneous costs and approximately $600,000 for the cost of a price cap.

**BACKGROUND**
The JPB currently purchases fuel from Pinnacle Petroleum based on the average weekly spot price of Oil Price Information Service (OPIS) index, exposing the JPB to market price fluctuation. In order to meet the primary goal of the Program of reducing volatility and uncertainty in the fuel budget for FY2014, staff will purchase a commodity price cap consistent with the Fuel Hedging Policy. The commodity price cap, like prior commodity price cap purchases, will be based on the Platt’s Gulf Coast Ultra Low
Sulfur Diesel (ULSD) index, which has a high historical correlation to the OPIS index.

Staff notes the price cap will not include taxes on the fuel price, however the price commonly reported to the Board includes taxes. A price cap allows the JPB to limit its exposure if fuel prices rise, while continuing to receive the benefit of lower costs if prices fall.

Prepared By: Aandy Ly, Senior Financial Analyst 650.508.6376
RESOLUTION NO. 2013-

PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA
* * *

AUTHORIZING IMPLEMENTATION OF A FUEL HEDGING PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2014, AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO IMPLEMENT SUCH FUEL HEDGING PROGRAM, INCLUDING, AS APPLICABLE, AN ISDA MASTER AGREEMENT, A SCHEDULE TO THE ISDA MASTER AGREEMENT, A CREDIT SUPPORT ANNEX AND/OR A CONFIRMATION, AND AUTHORIZING THE TAKING OF ALL ACTION NECESSARY RELATING TO THE IMPLEMENTATION AND EXECUTION OF SAID FUEL HEDGING PROGRAM.

WHEREAS, pursuant to the Joint Exercise of Powers Agreement-Peninsula Corridor Project, made and entered into as of October 3, 1996, among the Santa Clara Valley Transportation Authority, formerly known as the Santa Clara County Transit District, the City and County of San Francisco and the San Mateo County Transit District, creating the Peninsula Corridor Joint Powers Board (JPB), the JPB is authorized to operate the Caltrain commuter rail service (Caltrain) and to perform all acts deemed necessary or convenient for the exercise of its power to operate Caltrain, including making and entering into contracts; and

WHEREAS, over the past several years in connection with the operation of Caltrain, the JPB has consistently purchased over four million gallons of diesel fuel each year; and

WHEREAS, staff, in conjunction with PFM Asset Management LLC and Ross Financial, studied various options for reducing volatility in the price paid for diesel fuel and assisting in the process of budgeting for fuel costs; and

WHEREAS, as a result of such study, staff recommended adoption of a Fuel Hedging Program (Program) utilizing a fuel hedge in the form of a commodity price cap; and
WHEREAS, upon the recommendation of staff, the governing body of the JPB authorized and staff implemented a Program in the form of a commodity price cap for Fiscal Year (FY) 2010, FY2011, FY2012 and FY2013; and

WHEREAS, Barclays Bank PLC (Barclays Bank), Canadian Imperial Bank of Commerce (CIBC), Deutsche Bank AG (Deutsche Bank) and Wells Fargo Bank, N.A. (Wells Fargo) expressed an interest in bidding on a commodity price cap for the Program to be implemented for one or more of the fiscal years identified above; and

WHEREAS, in connection with authorization and approval of implementation of a Program for a prior fiscal year, a form of 1992 International Swaps and Derivatives Association, Inc. (ISDA) Master Agreement (Barclays Bank ISDA Master Agreement), a form of Schedule to the Barclays Bank ISDA Master Agreement (Barclays Bank ISDA Schedule), and a form of 1994 ISDA Credit Support Annex (Barclays Bank ISDA Credit Support Annex, and, together with the Barclays Bank ISDA Master Agreement and the Barclays Bank ISDA Schedule, hereinafter collectively referred to as the Barclays Bank Hedging Documents) were made available to, and approved by, the governing body of the JPB; and

WHEREAS, in connection with authorization and approval of implementation of a Program for a prior fiscal year, a form of ISDA Master Agreement (CIBC ISDA Master Agreement), a form of Schedule to the CIBC ISDA Master Agreement (CIBC ISDA Schedule), and a form of 1994 ISDA Credit Support Annex (CIBC ISDA Credit Support Annex, and, together with the CIBC ISDA Master Agreement and the CIBC ISDA Schedule, hereinafter collectively referred to as the CIBC Hedging Documents) were made available to, and approved by, the governing body of the JPB; and
WHEREAS, in connection with authorization and approval of implementation of a Program for a prior fiscal year, a form of ISDA Master Agreement (Deutsche Bank ISDA Master Agreement), a form of Schedule to the Deutsche Bank ISDA Master Agreement (Deutsche Bank ISDA Schedule), and a form of 1994 ISDA Credit Support Annex (Deutsche Bank ISDA Credit Support Annex, and, together with the Deutsche Bank ISDA Master Agreement and the Deutsche Bank ISDA Schedule, hereinafter collectively referred to as the Deutsche Bank Hedging Documents) were made available to, and approved by, the governing body of the JPB; and

WHEREAS, in connection with authorization and approval of implementation of a Program for a prior fiscal year, a form of ISDA Master Agreement (Wells Fargo ISDA Master Agreement), a form of Schedule to the Wells Fargo ISDA Master Agreement (Wells Fargo ISDA Schedule), and a form of 1994 ISDA Credit Support Annex (Wells Fargo ISDA Credit Support Annex, and, together with the Wells Fargo ISDA Master Agreement and the Wells Fargo ISDA Schedule, hereinafter collectively referred to as the Wells Fargo Hedging Documents, and, together with the Barclays Bank Hedging Documents, the CIBC Hedging Documents and the Deutsche Bank Hedging Documents, the Hedging Documents) were made available to, and approved by, the governing body of the JPB; and

WHEREAS, in connection with the Program for a prior fiscal year, the JPB entered into the Barclays Bank Hedging Documents with Barclays Bank and entered into the Deutsche Bank Documents with Deutsche Bank; and

WHEREAS, based on an evaluation of the fuel hedging program in effect for the current fiscal year, staff recommended continuation of the Program for the fiscal year
ending June 30, 2014 (2014 Fuel Hedging Program), utilizing a fuel hedge in the form of a commodity price cap; and

WHEREAS, implementation of the 2014 Fuel Hedging Program will involve (i) soliciting bids from providers of commodity price caps which have expressed an interest in bidding on the commodity price cap on substantially such terms as are set forth in the Request for Commodity Price Caps (2014 Program Request) prepared by PFM Asset Management LLC and Ross Financial in connection with the 2014 Fuel Hedging Program and which meet the credit rating criteria specified in the revised fuel hedging policy adopted by the governing body of the JPB on April 4, 2013 (hereinafter referred to as the Fuel Hedging Policy), which staff, with the advice of its above-identified fuel hedge program advisors, has determined will include Barclays Bank (currently rated A2/A+/A) and Deutsche Bank (currently rated A2/A+/A+) in order to maintain a competitive bidding process, (ii) the selection of a provider of commodity price caps as a cap counterparty, such selection to be made pursuant to a competitive bidding process, (iii) execution and delivery of a Confirmation (Confirmation) with the cap counterparty selected pursuant to such competitive bidding process and (iv) execution and/or filing and delivery of such documentation as is required to satisfy the provisions of various legislation adopted and various regulations enacted in response to the financial markets crisis of 2008, which legislation and regulations are commonly referred to as "Dodd-Frank;" and

WHEREAS, it is now necessary for the governing body of the JPB to approve the form of the 2014 Program Request, to authorize the negotiation and execution and delivery of the CIBC Hedging Documents with CIBC if CIBC is the cap counterparty selected, to authorize the negotiation and execution and delivery of the Wells Fargo
Hedging Documents with Wells Fargo if Wells Fargo is the cap counterparty selected, to authorize the negotiation and execution and delivery of the Confirmation, to authorize the taking of such other actions as shall be necessary to consummate the 2014 Fuel Hedging Program and to authorize the taking of various actions necessary in connection therewith, including, without limitation, such actions as are necessary in connection with Dodd-Frank.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Peninsula Corridor Joint Powers Board as follows:

Section 1. Findings. The governing body of the JPB hereby finds and determines that the foregoing recitals are true and correct. The governing body of the JPB hereby further determines that it would be in the best interest of the JPB and in furtherance of the purposes of the JPB and the exercise of the powers of the JPB in connection with the operation of Caltrain to mitigate the risk of a rise in diesel fuel cost and to assist the JPB in its budgeting process by reducing the volatility and uncertainty in the effective cost to the JPB of diesel fuel by acquiring a commodity price cap through the implementation of the 2014 Fuel Hedging Program and the execution and delivery of such documentation as shall be required to implement such 2014 Fuel Hedging Program, including a Confirmation, and such documentation as is necessary in connection with Dodd-Frank, and, as and to the extent applicable, the CIBC Hedging Documents if CIBC is the cap counterparty selected and/or the Wells Fargo Hedging Documents if Wells Fargo is the cap counterparty selected.

Section 2. Approval of the 2014 Fuel Hedging Program. Implementation of the 2014 Fuel Hedging Program in accordance with the Fuel Hedging Policy with a cap counterparty (Cap Counterparty) selected pursuant to a competitive bidding process
and on such other terms as are acceptable to the Executive Director of the JPB (Executive Director) or the Deputy CEO, Finance and Administration of the JPB (Deputy CEO), with the advice of Ross Financial (Financial Advisor), which shall function as the designated qualified investment representative of the JPB for purposes of Dodd-Frank, is hereby authorized and approved.

Section 3. Authorization of Execution and Delivery of 2014 Fuel Hedge Program Documentation. The Executive Director or the Deputy CEO, each acting alone (each an Authorized Officer) is hereby authorized and directed, for and in the name and on behalf of the JPB: (i) to execute and deliver the CIBC Hedging Documents to CIBC if CIBC is the Cap Counterparty, such CIBC Hedging Documents to be in substantially the form approved in connection with the fuel hedging program for the fiscal year ended June 30, 2012 (2012 Fuel Hedging Program), with such changes therein as the Authorized Officer executing the same, with the advice of the Financial Advisor, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; or (ii) to execute and deliver the Wells Fargo Hedging Documents to Wells Fargo if Wells Fargo is the Cap Counterparty, such Wells Fargo Hedging Documents to be in substantially the form approved in connection with the 2012 Fuel Hedging Program, with such changes therein as the Authorized Officer executing the same, with the advice of the Financial Advisor, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Each Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver a Confirmation to the Cap Counterparty, such Confirmation to be in such form as shall be acceptable to the
Authorized Officer executing the same, with the advice of the Financial Advisor, such acceptability to be conclusively evidenced by the execution and delivery thereof.

Section 4. **Ratification of Actions Relating to 2014 Fuel Hedging Program and Hedging Documents.** All actions heretofore taken by the officers and agents of the JPB with respect to the 2014 Fuel Hedging Program are hereby ratified, confirmed, and approved. All actions heretofore taken with respect to the Hedging Documents are hereby ratified, confirmed, and approved.

Section 5. **Completion of 2014 Fuel Hedging Program; Subsequent Actions.** All approvals, consents, directions, notices, orders, requests and other actions permitted or required by the Confirmation or by any of the other documents authorized by this Resolution, including, without limitation, any amendments to any of the other documents authorized by this Resolution (hereinafter collectively referred to as the 2014 Hedging Documentation) entered into or to be entered into, as applicable, with the Cap Counterparty and any amendments to any of the Hedging Documents ratified and confirmed by this Resolution and any documents relating to the requirements of Dodd-Frank, may be given or taken by either Authorized Officer without further authorization or direction by the governing body of the JPB. Each Authorized Officer is hereby authorized and directed to give any such approval, consent, direction, notice, order or request and to take any such action which such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution, including, without limitation, execution and delivery of any and all agreements, certificates, documents and instruments, which may be necessary or advisable to (i) effectuate the actions which the governing body of the JPB has approved in this Resolution, including payment of the premium for the commodity price cap and actions relating to Dodd-
Frank, and (ii) carry out, consummate and perform the duties of the JPB set forth in the 2014 Hedging Documentation and all other documents executed in connection with the 2014 Fuel Hedging Program.

Section 6. **Severability of Invalid Provisions.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution which shall continue in full force and effect.

Section 7. **Effective Date.** This Resolution shall take effect immediately upon its passage.

Regularly passed and adopted this 2nd day of May, 2013 by the following vote:

AYES:

NOES:

ABSENT:

______________________________
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

______________________________
JPB Secretary
AGENDA ITEM # 12
MAY 2, 2013

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board
THROUGH: Michael J. Scanlon
Executive Director
FROM: Gigi Harrington
Deputy CEO
SUBJECT: AUTHORIZE AMENDING AND INCREASING THE FISCAL YEAR 2013
CALTRAIN CAPITAL BUDGET IN THE AMOUNT OF $844,000 FOR TICKET
VENDING MACHINE REPLACEMENT, GRADE CROSSING HAZARD ANALYSIS
AND THE REDWOOD CITY BROADWAY CROSSING IMPROVEMENT PROJECTS

ACTION
Staff Coordinating Council (SCC) recommends the Board amend the Fiscal Year (FY)
2013 Capital Budget, included as Attachment A, as follows:
1. Include $200,000 for the Ticket Vending Machine (TVM) Replacement Project; and
2. Include $482,000 for the Grade Crossing Hazard Analysis Project; and
3. Include $162,000 for the Redwood City Broadway Crossing Improvement Project.

SCC also recommends the Board authorize the Executive Director to execute a service
contract amendment to receive programmed Federal Highway Administration (FHWA)
Section 130 Railroad/Highway At-Grade Crossing grant funds for the Redwood City
Broadway Crossing Improvement Project.

SIGNIFICANCE
The FY2013 Caltrain Capital Budget is proposed to be amended to include an
additional $844,000 for the above-mentioned projects, and as further discussed below.

The Ticket Vending Machine (TVM) Replacement project will plan and develop
specifications for the replacement of the 104 TVMs at 32 Caltrain stations.
Procurement, installation and testing of the new machines will occur separately. The
funding proposed will allow initial planning to begin, with additional funds included in
the preliminary FY2014 Caltrain Capital Budget.

The Grade Crossing Hazard Analysis project involves the creation of a Grade Crossing
Improvement Plan which will include hazard assessment, conceptual design,
identification of right of way impacts and cost estimation. This plan will identify
necessary upgrades for all 40 at-grade crossings projected to be impacted under the
Caltrain/High-Speed Rail blended system project. The JPB was successful in securing funding to help implement this project through a nationally competitive, discretionary grant award from the FHWA funded Railway-Highway Crossing Elimination in High Speed Rail Corridors Program.

The Redwood City Broadway Crossing Improvement project was initiated by the California Public Utilities Commission (CPUC) under the FHWA-funded Section 130 program, which focuses on rail crossing safety and traffic flow improvements. The CPUC has made a determination that proposed safety improvements at the Broadway crossing, which include enhancing the warning whistle and gate guides, are 100 percent fundable through the Section 130 program. The JPB will be implementing these safety improvements in conjunction with the City of Redwood City. The JPB will need to enter into a service contract with the California Department of Transportation (Caltrans) to receive the FHWA Section 130 funding for this project.

**BUDGET IMPACT**

No additional member contributions are required for the proposed Capital Budget amendment. The funds for the three projects will come from a combination of Federal Transit Administration, FHWA and local match funds from prior years’ project development funding.

**BACKGROUND**

The Joint Powers Board approved, and subsequently amended the FY2013 Capital Budget on June 7, 2012 and December 6, 2012, respectively, for a total amount of $89,593,085. The proposed amendment as discussed above would increase the Capital Budget to an authorized total of $90,437,085.

The JPB annually adopts a Capital Budget to accompany the Operating Budget. The purpose of the Capital Budget is to implement a balanced program of projects that gives the JPB the ability to meet its goals and objectives as set forth in the Short Range Transit Plan and the related Rapid Rail Plan.

Prepared By: Éva Goode, Manager, Budgets 650.508.7914
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<tr>
<th>Item #</th>
<th>PROJECT TITLE/DESCRIPTION</th>
<th>FY 13 PROJECT PHASE</th>
<th>EST. TOTAL COST</th>
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<th>FUTURE NEEDS</th>
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<td>Locomotive OJH - SGDGR</td>
<td>Construction</td>
<td>3,882,510</td>
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<td>3,882,510</td>
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<tr>
<td>1.14</td>
<td>Passenger Car SGDGR Program</td>
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<tr>
<td>2.1</td>
<td>CBOSS PTC Project</td>
<td>Des / Constr</td>
<td>221,000,000</td>
<td>25,035,591</td>
<td>50,000,000</td>
<td>TBD</td>
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<td>2.2</td>
<td>ADA on Caltrain - Increase Capacity</td>
<td>Fin. Des. &amp; Constr</td>
<td>299,240</td>
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<td>299,240</td>
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<td>3.1</td>
<td>CCTV Improvements at Stations</td>
<td>Pre. Eng, Final Des</td>
<td>500,000</td>
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<tr>
<td>3.2</td>
<td>RUW Safety Fastening</td>
<td>Construction</td>
<td>7,838,589</td>
<td>5,519,129</td>
<td>703,794</td>
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<td>3.3</td>
<td>South Terminal - Wayside Power</td>
<td>Construction</td>
<td>2,360,000</td>
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<td>3.4</td>
<td>RailSim Modeling Software Upgrade</td>
<td>Fina Des / Procurement</td>
<td>300,000</td>
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<td>300,000</td>
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<td>3.5</td>
<td>Dual Mode Communications</td>
<td>Final Des, Constr</td>
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<td>3.6</td>
<td>Station Utilities and Access Maps</td>
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<td>1,738,231</td>
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<td>4.1</td>
<td>Program Implementation and Management</td>
<td>Pre. Eng</td>
<td>3,422,900</td>
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<td>Grade Crossing Hazard Analysis</td>
<td>Pre. Eng</td>
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<td>4.3</td>
<td>Rolling Stock</td>
<td>Construction</td>
<td>23,216,007</td>
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<td>18,415,741</td>
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<tr>
<td></td>
<td>1.13 Locomotive OJH - SGDGR</td>
<td>Construction</td>
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<td>3,882,510</td>
<td>0</td>
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<td>5.1</td>
<td>Caltrain Modernization</td>
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<td>5.2</td>
<td>Caltrain Support Program and Contingency</td>
<td>Pre. Eng</td>
<td>3,856,000</td>
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<td>3,856,000</td>
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<td>5.3</td>
<td>Caltrain Capital Projects</td>
<td>Support</td>
<td>300,000</td>
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<td>300,000</td>
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<td>5.4</td>
<td>Capital Contingency Funds (Rail)</td>
<td>Support</td>
<td>800,000</td>
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</tbody>
</table>

**FY13 Proposed Capital Budget**

90,437,085

21,683,131 46,629,809 1,489,976 20,634,169 90,437,085
RESOLUTION NO. 2013 –

BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

***

AUTHORIZING AMENDMENT TO INCREASE THE FISCAL YEAR 2013 CAPITAL BUDGET IN THE AMOUNT OF $844,000 FOR TICKET VENDING MACHINE REPLACEMENT, GRADE CROSSING HAZARD ANALYSIS AND THE REDWOOD CITY BROADWAY CROSSING IMPROVEMENT PROJECTS FOR A TOTAL CAPITAL BUDGET OF $90,437,085

WHEREAS, pursuant to Resolution Nos. 2012-28 and 2012-44 adopted on June 7, 2012 and December 6, 2012, respectively, the Peninsula Corridor Joint Powers Board (JPB) adopted, and subsequently amended, the Fiscal Year (FY) 2013 Capital Budget for a total authorized budget of $89,593,085; and

WHEREAS, due to additional outside funding and current project planning needs, several projects are proposed to be added into the FY2013 Capital Budget; and

WHEREAS, the Ticket Vending Machine (TVM) Replacement project will plan and develop specifications for the replacement of the 104 TVMs at 32 Caltrain Stations; and

WHEREAS, the Grade Crossing Hazard Analysis project involves the creation of a Grade Crossing Improvement Plan which will include hazard assessment, conceptual design, identification of right-of-way impacts and cost estimation; and

WHEREAS, the Redwood City Broadway Crossing Improvement project will implement safety improvements at the Broadway crossing, which include enhancing the warning whistle and gate guides; and

WHEREAS, additional Federal and local funding sources have been identified for all three projects, including Federal Transit Administration grant funds for the TVM Replacement project and Federal Highway Administration (FHWA) grant funds for the two grade crossing projects.
WHEREAS, the Executive Director, or his designee, will need authorization to enter into a service contract with the California Department of Transportation to receive FHWA Section 130 program funding for the Redwood City Broadway Crossing Improvement project; and

WHEREAS, Board Authorization has already been granted to receive grant funding for the TVM Replacement and Grade Crossing Hazard Analysis projects.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board:

1) Approves an increase to the FY2013 Capital Budget of $844,000 to fund the TVM Replacement, Grade Crossing Hazard Analysis and Redwood City Broadway Crossing Improvement projects, for a total Capital Budget of $90,437,085; and

2) Authorizes the Executive Director, or his designee, to execute a service contract on behalf of the JPB with Caltrans for Section 130 program funding for the Redwood City Broadway Crossing Improvement project; and

3) Authorizes the Executive Director, or his designee, to take further actions as may be necessary to give effect to this resolution.

Regularly passed and adopted this 2nd day of May 2013, by the following vote:

AYES:

NOES:

ABSENT:

____________________________
Chair, Peninsula Corridor Joint Powers Board

____________________________
JPB Secretary
TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C.H. (Chuck) Harvey
Deputy CEO

SUBJECT: 2013 CALTRAIN ANNUAL PASSENGER COUNTS

ACTION
This report is for information only. No Board action is required.

SIGNIFICANCE
The presentation of the results of the 2013 Caltrain Annual Counts will show the ridership growth that Caltrain continues to experience and the areas that saw the most increase. The presentation will include onboard bicycle counts, as well as bikes denied boarding during the counting period. Analysis of the ridership numbers and passenger use of stations and trains will help guide decisions regarding the Fiscal Year 2014 Operating and Capital budgets.

BUDGET IMPACT
There is no impact on the budget.

BACKGROUND
The annual counts are conducted every year in January and February to provide detailed ridership data, with comparison to prior years, for planning purposes. Boardings and alightings are counted on each train and at each station. Results and analysis will be delivered in the presentation and will be further detailed in the Key Findings Report, which will be posted on the Caltrain website later this month.

Prepared by: Ted Yurek, Senior Planner 650.508.6471
TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: PRELIMINARY FISCAL YEAR 2014 OPERATING BUDGET

Staff is in the process of finalizing the JPB Fiscal Year (FY) FY2014 Operating Budget. Consequently, staff will present a preliminary budget at the May 2 meeting of the Board of Directors, followed by a proposed budget for adoption at the June 6 meeting of the Board of Directors.

Prepared By: Ladi Bhuller, Manager, Budgets 650.508.7755
ACTION
This report is informational only. No Board action is required.

The Preliminary Fiscal Year 2014 Peninsula Corridor Joint Powers Board Capital Budget will be presented to the Board on May 2, 2013 as an informational item, and will be available for distribution at the meeting.

The final Fiscal Year 2014 Capital Budget will be presented to the Board at its June 6 meeting with a recommendation for Board adoption at that time.

Prepared By: Éva Goode, Manager, Budgets 650.508.7914
AGENDA ITEM #16
MAY 2, 2013

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Mark Simon
Executive Officer, Public Affairs

SUBJECT: STATE AND FEDERAL LEGISLATIVE UPDATE

ACTION
This report is for information only. No Board action is required

SIGNIFICANCE
Staff will provide regular updates to the Board in accordance with the approved Legislative Program.

STATE ISSUES
Legislation

On April 22, two key bills passed the Assembly Transportation Committee:

- AB 797 (Gordon) passed on a 12-4 vote. The bill would authorize the San Mateo County Transit District (SamTrans) and the Santa Clara Valley Transportation Authority (VTA) to advance transit projects using a Construction Management General Contractor (CMGC) project delivery method. By allowing for the engagement of a construction manager early in the design process, CMGC can help provide greater cost certainty, ensure project constructability and streamline the overall project delivery process. As a charter city, San Francisco already has CMGC authority. Extending the authority to VTA and SamTrans will also provide the authority for Peninsula Corridor Joint Powers Board projects.

- The committee also approved AB 574 (Lowenthal) on a 12-4 vote. The bill reflects the Transportation Coalition for Livable Communities' recommendations for the investment of State cap-and-trade revenues. The legislation establishes a program to fund regional sustainable communities strategies using cap-and-trade revenues and establishes a competitive grant program to maximize investments. Funding for transit operations, maintenance and infrastructure are all eligible expenses under the bill.
FEDERAL ISSUES
President’s Budget

On April 10, the President released his Fiscal Year 2014 Federal Budget recommendation.

Highlights include:

- Full appropriation of authorized Moving Ahead for Progress in the 21st Century (MAP-21) funding levels for highways and transit
- A one-time $50 billion transportation infrastructure investment including $27 billion for highways, $9 billion for transit, $5 billion for rail and $4 billion for the TIGER multimodal grant program.
- Conversion of the Highway Trust Fund into a Transportation Trust Fund that would encompass Amtrak and high-speed rail program funding. This would insulate these programs from discretionary funding cuts, but the budget does not discuss how funding for the Highway Trust Fund would be expanded to accommodate these additional programs.
- An initial $10 billion investment in a National Infrastructure Bank that would offer credit assistance for transportation, water and energy projects.
- A $40 billion rail reauthorization proposal that includes $3.6 billion per year for new passenger rail corridors.
- $500 million for the TIGER multimodal grant program

Prepared By: Seamus Murphy, Government and Community Affairs Director

650.508.6388
<table>
<thead>
<tr>
<th>Bill ID/Topic</th>
<th>Location</th>
<th>Summary</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AB 8</strong></td>
<td>ASSEMBLY</td>
<td>Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission (commission), to provide to specified entities, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that would transform California's fuel and vehicle types to help attain the state's climate change goals. Existing law specifies that only certain projects or programs are eligible for funding, including block grants administered by public entities or not-for-profit technology entities for multiple projects, education and program promotion within California, and development of alternative and renewable fuel and vehicle technology centers. Existing law requires the commission to develop and adopt an investment plan to determine priorities and opportunities for the program.</td>
<td>Support</td>
</tr>
<tr>
<td><strong>Perea D</strong></td>
<td>NAT. RES.</td>
<td>This bill would provide that the State Air Resources Board (state board), until January 1, 2024, has no authority to enforce any element of its existing clean fuels outlet regulation or other regulation that requires or has the effect of requiring any person to construct, operate, or provide funding for the construction or operation of any publicly available hydrogen fueling station. The bill would require the state board to aggregate and make available to the public, no later than January 1, 2014, and every two years thereafter, the number of vehicles that automobile manufacturers project to be sold or leased, as reported to the state board. The bill would require the commission to allocate $20 million each fiscal year, as specified, and up to $20 million each fiscal year thereafter, as specified, for purposes of achieving a hydrogen fueling network sufficient to provide convenient fueling to vehicle owners, and expand that network as necessary to support a growing market for vehicles requiring hydrogen fuel, until there are at least 100 publicly available hydrogen fueling stations. The bill, on or before December 31, 2015, and annually thereafter, would require the commission and the state board to jointly review and report on the progress toward establishing a hydrogen fueling network that provides the coverage and capacity to fuel vehicles requiring hydrogen fuel that are being placed into operation in the state, as specified. The bill would authorize the commission to design grants, loan incentive programs, revolving loan programs, and other forms of financial assistance, as specified, for purposes of assisting in the implementation of these provisions. The bill, no later than July 1, 2013, would require the state board and air districts to jointly convene working groups to evaluate the specified policies and goals of specified programs.</td>
<td>Support</td>
</tr>
<tr>
<td><strong>Alternative fuel and vehicle technologies; funding programs.</strong></td>
<td>4/9/2013 - From committee: Do pass and re-refer to Com. on NAT. RES. (April 8). Re-referred to Com. on NAT. RES.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### AB 25
**Campos D**
**Employment:** social media.

**Existing law** prohibits a private employer from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media. Existing law prohibits a private employer from discharging, disciplining, threatening to discharge or discipline, or otherwise retaliating against an employee or applicant for not complying with a request or demand that violates these provisions.

This bill would apply the provisions described above to public employers. The bill would state that its provisions address a matter of statewide interest and apply to public employers generally, including charter cities and counties. **Last amended on 3/14/2013**

### AB 26
**Bonilla D**
**California Global Warming Solutions Act of 2006:** Greenhouse Gas Reduction Fund.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law authorizes the Controller to use moneys in the fund for cash flow loans to the General Fund, as prescribed.

This bill would prohibit the Controller from using moneys in the fund for cash flow loans to the General Fund. **Last amended on 3/19/2013**
### AB 37
**Perea** D
**Environment**
**Quality:** California Environmental Quality Act: record of proceedings.

<table>
<thead>
<tr>
<th>Introduced</th>
<th>Committee</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/16/2013</td>
<td>ASSEMBLY APPR.</td>
<td></td>
</tr>
</tbody>
</table>

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency’s action on the grounds of noncompliance with CEQA.

This bill would require, until January 1, 2017, for specified projects or upon the request of a project applicant and the consent of the lead agency, that the lead agency among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require, for specified projects, a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. **Last amended on 3/18/2013**

### AB 153
**Bonilla** D
**California Global Warming Solutions Act of 2006:** offsets.

<table>
<thead>
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<th>Introduced</th>
<th>Committee</th>
<th>Status</th>
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<tbody>
<tr>
<td>4/9/2013</td>
<td>ASSEMBLY NAT. RES.</td>
<td>Referred to Com. on NAT. RES.</td>
</tr>
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</table>

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include the use of market-based compliance mechanisms.

This bill, if the state board uses its authority to include the use of market-based compliance mechanisms, would require the state board, on or before January 1, 2015, to adopt a specified process for the review and consideration of new offset protocols and, commencing in 2014 and continuing annually thereafter, use that process to review and consider new offset protocols. The bill would require the state board to adopt guidelines and incentives that prioritize the approval of specified offset protocols. The bill would require the state board to submit a specified annual report to the Legislature. **Last amended on 4/8/2013**
<table>
<thead>
<tr>
<th><strong>AB 160</strong>&lt;br&gt;Alejo D</th>
<th><strong>AB 179</strong>&lt;br&gt;Bocanegra D</th>
<th><strong>AB 185</strong>&lt;br&gt;Hernández, Roger D</th>
</tr>
</thead>
<tbody>
<tr>
<td>The California Public Employees' Pension Reform Act of 2013 (PEPRA), on and after January 1, 2013, requires a public retirement system, as defined, to modify its plan or plans to comply with the act, as specified. Among other things, PEPRA prohibits a public employer from offering a defined benefit pension plan exceeding specified retirement formulas, requires new members of public retirement systems to contribute at least a specified amount of the normal cost, as defined, for their defined benefit plans, and prohibits an enhancement of a public employee’s retirement formula or benefit adopted after January 1, 2013, from applying to service performed prior to the operative date of the enhancement. This bill would except from PEPRA, by excepting from the definition of public retirement system, certain multiemployer plans authorized under federal law and retirement plans for public employees whose collective bargaining rights are protected by a specified provision of federal law if a federal agency determines a conflict with federal law. <em>Amended on 4/11/2013</em></td>
<td>Existing law prohibits a transportation agency from selling or providing personally identifiable information of a person obtained through the person's participation in an electronic toll collection system or use of a toll facility that uses an electronic toll collection system. Existing law, with certain exceptions, requires a transportation agency to discard personally identifiable information after 4 1/2 years, as specified. Existing law provides various remedies in that regard. This bill would make these and other related provisions applicable to a transportation agency that employs an electronic transit fare collection system for payment of transit fares. The bill would require transportation agencies that obtain personally identifiable information of a person from electronic toll collection or electronic transit fare collection systems to discard that information after 6 months, as specified.</td>
<td></td>
</tr>
<tr>
<td>Watch</td>
<td>Watch</td>
<td></td>
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The Ralph M. Brown Act requires that an audio or video recording of an open and public meeting made at the direction of a local agency is subject to inspection pursuant to the California Public Records Act and may be erased or destroyed 30 days after the recording. Existing law requires that any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency. The bill would provide that an audio or video recording of an open and public meeting made at the direction of a local agency may be erased or destroyed 2 years after the recording. *Last amended on 4/17/2013*
<table>
<thead>
<tr>
<th>AB 229</th>
<th>John A. Pérez D</th>
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<tbody>
<tr>
<td>Local government: infrastructure and revitalization financing districts.</td>
<td>ASSEMBLY APPR. 4/18/2013 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (April 17). Re-referred to Com. on APPR.</td>
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</table>

Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and 2/3 voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, subject to specified procedures and 2/3 voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area. Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions. Existing law also declares the intent of the Legislature that the areas of the district created be substantially undeveloped, and that the establishment of a district should not ordinarily lead to the removal of dwelling units.

This bill would authorize the creation of an infrastructure and revitalization financing district, as defined, and the issuance of debt with 2/3 voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. The bill would authorize the legislative body of a city to dedicate any portion of its funds received from the Redevelopment Property Tax Trust Fund to the district, if specified criteria are met. The bill would authorize a city to form a district to finance a project or projects on a former military base, if specified conditions are met. Last amended on 4/8/2013
## AB 278
**Gatto**  D

**California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard.**

The California Global Warming Solutions Act of 2006, establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The state board is additionally required to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations.

This bill would require the state board, in determining the carbon intensity of fuels under the Low Carbon Fuel Standard regulations or another scoring system, to consider specified matters. The bill would require the state board to identify, to the extent feasible, environmental laws and practices of the jurisdiction from which the fuel originates that may affect greenhouse gas emissions from the production and transportation of fuel. The bill would require the state board to solicit comments and consider and respond to evidence regarding specified significant effects caused by the Low Carbon Fuel Standard regulations. **Last amended on 4/4/2013.**

## AB 410
**Jones-Sawyer**  D

**Public employee health benefits: enrollment.**

Existing law requires the Board of Administration of the Public Employees' Retirement System (PERS) to administer the Public Employees' Medical and Hospital Care Act (PEMHCA). PEMHCA further grants the board the power to approve health benefit plans and contract with carriers offering health benefit plans. Under PEMHCA, an employee or annuitant may enroll in a health benefit plan approved or maintained by the board either as an individual or for self and family.

This bill would permit an annuitant who reinstates from retirement under PERS for employment by the state or a contracting agency and who subsequentlyretires again on or after January 1, 2014, to enroll in a health benefit plan under PEMHCA as an annuitant of the employer from which he or she first retired, upon meeting specified conditions, including that the person's subsequent retirement occurs within 120 days after separation of employment or the person is subject to disability retirement, as specified, the person had at least 5 years of credited service for the employer from which he or she first retired or qualifies for a contribution payable by an employer under disability retirement, and that the person is not eligible for a postretirement health benefit contribution from the employer from which he or she subsequently retires.
### AB 416
**Gordon** D  
State Air Resources Board: Local Emission Reduction Program.

<table>
<thead>
<tr>
<th>ASSEMBLY APPR.</th>
<th>4/11/2013</th>
</tr>
</thead>
</table>

Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would create the Local Emission Reduction Program and would require money to be available from the General Fund, upon appropriation by the Legislature, for purposes of providing grants and other financial assistance to develop and implement greenhouse gas emissions reduction projects in the state. The bill would require the state board, in coordination with the Strategic Growth Council, to administer the program, as specified.  
**Last Amended on 4/4/2013**

### AB 417
**Frazier** D  
Environmental quality: California Environmental Quality Act: bicycle transportation plan.

<table>
<thead>
<tr>
<th>ASSEMBLY THIRD READING</th>
<th>4/22/2013</th>
</tr>
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</table>

The California Environmental Quality Act, known as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, known as an EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR.

This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified, and would also require a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with the county clerk.  
**Last amended on 4/18/2013**
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Sponsor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 431</td>
<td>Mullin D</td>
<td>Regional transport plan: sustainable communities strategy: funding.</td>
</tr>
<tr>
<td>AB 441</td>
<td>Patterson R</td>
<td>High-Speed Rail Authority: contracts.</td>
</tr>
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</table>

**AB 431 Mullin D**

Regional transport plan: sustainable communities strategy: funding.

Existing law requires certain transportation planning activities by designated transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated by federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt, as part of the regional transportation plan in urban areas, a sustainable communities strategy, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region.

This bill would authorize a transportation planning agency that is designated as a metropolitan planning organization to impose a transactions and use tax, as specified, at a rate of no more than 0.5% even if the combined rate of this tax and other specified taxes imposed in the county, exceeds, if certain requirements are met. The bill would require the ordinance to contain an expenditure plan, with not less than 25% of available net revenues to be spent on each of the 3 categories of transportation, affordable housing, and parks and open space, in conformity with the sustainable communities strategy, with the remaining net available revenues to be spent for purposes determined by the transportation planning agency to help attain the goals of the sustainable communities strategy.

Last Amended on 4/15/2013

**AB 441 Patterson R**

High-Speed Rail Authority: contracts.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including the power to enter into contracts, as specified.

This bill would require the authority to provide, to the appropriate policy and fiscal committees of the Legislature, a copy of each contract entered into by the authority if the dollar value of the goods or services to be provided or performed under the contract is $25,000 or more, as well as a copy of each contract amendment and contract change order agreed to by the authority for $25,000 or more.
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Sponsor</th>
<th>Title</th>
<th>Status</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 453</td>
<td>Mullin</td>
<td>Sustainable communities.</td>
<td>APPR. SUSPENSE FILE 4/17/2013</td>
<td>The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters at the November 7, 2006, statewide general election, makes about $5,400,000,000 in bond funds available for safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law establishes the Strategic Growth Council and appropriated $500,000 from the funding provided by the initiative to the Natural Resources Agency to support the council and its activities. The council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.</td>
</tr>
<tr>
<td>AB 463</td>
<td>Logue</td>
<td>High-speed Rail Authority: contracts.</td>
<td>ASSEMBLY TRANS. 4/15/2013</td>
<td>Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including the power to enter into contracts, as specified. This bill would require the authority to provide, to the appropriate policy and fiscal committees of the Legislature, a copy of each contract entered into by the authority if the dollar value of the goods or services to be provided or performed under the contract is $25,000 or more, as well as a copy of each contract amendment and contract change order agreed to by the authority for $25,000 or more. The bill would also require each contractor and subcontractor, as specified, to provide this information.</td>
</tr>
<tr>
<td>AB 466</td>
<td>Quirk-Silva</td>
<td>Federal transportation funds.</td>
<td>ASSEMBLY APPR. 4/16/2013</td>
<td>Existing law provides for the allocation of certain federal transportation funds apportioned to the state between state purposes administered by the Department of Transportation and local and regional purposes administered by various regional agencies, including funds made available under the federal Congestion Mitigation and Air Quality Improvement Program, as specified. This bill would require the department to allocate federal funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area, as specified. Last amended on 3/14/2013</td>
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<tr>
<td>Bill Number</td>
<td>Author</td>
<td>Committee</td>
<td>Summary</td>
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<tr>
<td>AB 481</td>
<td>Lowenthal</td>
<td>ASSEMBLY A. &amp; A.R. 4/9/2013</td>
<td>Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system, including the acquisition of rights-of-way through purchase and eminent domain. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of $9.95 billion for high-speed train capital projects and other associated purposes. This bill would enact similar exceptions and authorizations relative to real property obtained for high-speed rail purposes by the High-Speed Rail Authority. The bill would make various additional conforming changes. The bill would also enact new provisions governing acquisition or disposal of right-of-way property by the authority. The bill would require payments for leases or other conveyances of property controlled by the authority to be deposited in the High-Speed Rail Property Fund created by the bill, and would provide that the funds shall be available to the authority upon appropriation by the Legislature for specified purposes.</td>
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<tr>
<td>AB 515</td>
<td>Dickinson</td>
<td>ASSEMBLY JUD. 3/12/2013 - Re-referred to Com. on JUD.</td>
<td>The California Constitution vests the judicial power of the state in the Supreme Court, the courts of appeal, and the superior courts. Existing law establishes a superior court of one or more judges in each county and provides that the superior courts have original jurisdiction, except as provided in the Constitution. Existing law requires the presiding judge of each superior court to distribute the business of the court among the judges, and to prescribe the order of business, subject to the rules of the Judicial Council. This bill would establish a CEQA compliance division of the superior court in a county in which the Attorney General maintains an office and would vest the division with original jurisdiction over actions of proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. The bill would require the Judicial Council to adopt rules for establishing, among other things, protocol to govern the administration and efficient operation of the division, so that those judges assigned to the division will be able to hear and quickly resolve those actions or proceedings. The bill would provide that decisions of the CEQA compliance division of the superior court may be reviewed by way of a petition for an extraordinary writ. The bill would require the CEQA compliance division to issue a preliminary decision before the opportunity for oral argument is granted. If the CEQA compliance division of the superior court finds that a determination of a public agency violated CEQA, the bill would require the court's order to specify what action taken by the public agency was in error and what specific action by the public agency is necessary to comply with CEQA. The bill would prohibit an action or proceeding pursuant to CEQA from being brought unless the alleged grounds of noncompliance were presented to the public agency with enough specificity that the public agency could reasonably respond to the alleged violation. The bill would prohibit a person from maintaining an action or proceeding pursuant to CEQA unless that person objected during the administrative process with specificity as to how the public agency's response to the alleged violation is inadequate.</td>
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*Last amended on 4/1/2013*

*Last amended on 3/11/2013*
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<thead>
<tr>
<th><strong>AB 528</strong></th>
<th><strong>Lowenthal</strong> D</th>
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<tr>
<td>State Rail Plan: High-Speed Rail Authority business plan.</td>
<td>ASSEMBLY TRANS. 4/17/2013 - Referred to Com. on TRANS.</td>
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<tr>
<td>Existing law requires the Department of Transportation to prepare a 10-year State Rail Plan biennially for submission to the Legislature, Governor, and specified entities. The plan consists of 2 elements, a passenger rail element and a freight rail element, and sets forth various items that are required to be included in each element. Existing law separately requires the High-Speed Rail Authority to prepare, publish, adopt, and submit to the Legislature, not later than January 1, 2012, and every 2 years thereafter, a specified business plan, with specified elements, and to publish, at least 60 days prior to the publication of the plan, a draft business plan for public review and comment, as specified.</td>
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<td>This bill would revise and recast the items required to be included in the 2 elements of the 10-year State Rail Plan and would eliminate the 10-year timeframe for the State Rail Plan. The bill would change the first date to May 1, 2014, by which the High-Speed Rail Authority is required to prepare, publish, adopt, and submit to the Legislature the business plan. The bill would also make changes to the elements required to be included in the business plan. This bill contains other related provisions and other existing laws. <strong>Last amended on 4/16/2013</strong></td>
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<th><strong>AB 543</strong></th>
<th><strong>Campos</strong> D</th>
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<td>Existing law, the California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.</td>
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<td>This bill would require a lead agency to translate certain notices required by the act and a summary of any negative declaration, mitigated negative declaration, or environmental impact report, when the impacted community has a substantial number of non-English-speaking people, as defined. By requiring a lead agency to translate these notices and documents, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. <strong>Last amended on 4/8/2013</strong></td>
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</table>
| AB 572 Atkins D | The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

This bill, for purposes of determining the viability of incentivizing greenhouse gas emissions reductions through increased energy efficiency, would require the Public Utilities Commission, in consultation with the state board and the State Energy Resources Conservation and Development Commission, to develop one or more protocols, as specified, to enable third-party intermediaries to document, aggregate, and trade or sell on behalf of specified entities, the greenhouse gas emissions reductions value of energy efficient measures that are more stringent than applicable building code standards. **Last amended on 3/14/2013** |

| ASSEMBLY NAT. RES. 3/18/2013 - Re-referred to Com. on NAT. RES. | AB 574 Lowenthal D | The California Global Warming Solutions Act of 2006, designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund.

This bill would require the state board, in consultation with the California Transportation Commission and the Strategic Growth Council, to establish standards for the use of moneys allocated from the Greenhouse Gas Reduction Fund for sustainable communities projects, as specified. The bill would require the state board, in consultation with the California Transportation Commission and the Strategic Growth Council, to establish the criteria for the development and implementation of regional grant programs, as specified. The bill would require the California Transportation Commission, in consultation with the state board, to designate the regional granting authority within each region of the state to administer the allocated moneys for regional grant programs, as specified. **Last amended on 4/15/2013** |

| ASSEMBLY TRANS. 4/18/2013 |
### AB 603
**Cooley D**

**Public contracts: design-build:** Capitol Southeast Connector Project.

| Existing law, until January 1, 2014, authorizes certain state and local transportation entities, if authorized by the California Transportation Commission, to use a design-build process for contracts on transportation projects, as specified. Existing law establishes a procedure for submitting bids that includes a requirement that design-build entities provide a statement of qualifications submitted to the transportation entity that is verified under oath, subject to penalty of perjury. This bill would authorize the Capitol Southeast Connector Joint Powers Authority to utilize design-build procurement for the Southeast Connector Project in Sacramento County, subject to authorization by the commission. The bill would require a transportation entity, as defined, awarding a contract for a public works project pursuant to these provisions, to reimburse the Department of Industrial Relations for costs of performing prevailing wage monitoring and enforcement of the public works project and would require moneys collected to be deposited into the State Public Works Enforcement Fund, a continuously appropriated fund. By depositing money in a continuously appropriated fund, the bill would make an appropriation. **Last amended on 4/16/2013** |

### AB 616
**Bocanegra D**

**Local public employee organization: dispute:** fact-finding panel.

<p>| Existing law requires the governing body of a public agency, or those boards, commissions, administrative officers, or other representatives as may be properly designated by law or by a governing body, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Existing law provides that an employee organization may request that the parties’ differences be submitted to a fact-finding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties’ agreement to mediate or a mediation process required by a public agency’s local rules. Existing law authorizes an employee organization, if the dispute was not submitted to a mediation, to request in writing that the public agency submit the parties’ differences be submitted to a fact-finding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse. This bill would instead authorize an employee organization, if the dispute was not submitted to a mediation, to request in writing that the public agency submit the parties’ differences to a fact-finding panel not later than 60 days following the date that either party provided the other with a written notice of a declaration of impasse. The bill would provide that if either party disputes that a genuine impasse, as defined, has been reached, the issue of whether an impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is submitted to a fact-finding panel, as specified. The bill would also authorize each party to select a person to serve as its member of the fact-finding panel. <strong>Amended 3/19/2013</strong> |</p>
<table>
<thead>
<tr>
<th>AB 662</th>
<th>Atkins D</th>
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<tbody>
<tr>
<td>Local government: infrastructure financing districts.</td>
<td>ASSEMBLY CONSENT CALENDAR 4/22/2013</td>
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<tr>
<td>Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to the division of taxes and voter approval requirements. Existing law prohibits an infrastructure financing district from including any portion of a redevelopment project area. Existing law, effective February 1, 2012, dissolved all redevelopment agencies and community development agencies and provides for the designation of successor agencies, as specified. This bill would delete the prohibition on infrastructure financing district including any portion of a redevelopment project area.</td>
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<thead>
<tr>
<th>AB 690</th>
<th>Campos D</th>
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<tr>
<td>Jobs and infrastructure financing districts: voter approval.</td>
<td>ASSEMBLY L. GOV. 4/16/2013 - In committee: Hearing postponed by committee.</td>
</tr>
<tr>
<td>Existing law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon approval by 2/3 of the voters. Existing law authorizes an infrastructure financing district to fund infrastructure projects through tax increment financing, pursuant to the infrastructure financing plan and agreement of affected taxing entities, as defined. This bill would revise and recast the provisions governing infrastructure financing districts and instead provide for the creation of jobs and infrastructure financing districts (JIDs) without voter approval, and would make various conforming changes. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to non-taxing authority or powers only. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified. Last amended on 4/9/2013</td>
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<tr>
<th>AB 695</th>
<th>Mansoor R</th>
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<tbody>
<tr>
<td>Public employees’ health benefits.</td>
<td>ASSEMBLY PRINT 2/22/2013 - From printer. May be heard in committee March 24.</td>
</tr>
<tr>
<td>The Public Employees’ Medical and Hospital Care Act (PEMHCA), which is administered by the Board of Administration of the Public Employees’ Retirement System (PERS), authorizes the board to contract for health benefit plans for employees and annuitants, as defined. PEMHCA requires the state and each employee or annuitant to contribute a portion of the cost of providing the benefit coverage afforded under the approved health benefit plan in which the employee or annuitant is enrolled. Contributions and premiums paid under PEMHCA are deposited in the Public Employees’ Health Care Fund and the Public Employees’ Contingency Reserve Fund, which are continuously appropriated funds. This bill would make technical, non-substantive changes to a provision of the Public Employees’ Medical and Hospital Care Act.</td>
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<td>Bill</td>
<td>Author</td>
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<td>AB 696</td>
<td>Mansoor R</td>
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<td>AB 749</td>
<td>Gorell R</td>
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<td>Bill</td>
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<tr>
<td>AB 756</td>
<td>Melendez R</td>
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<tr>
<td><strong>California Environmental Quality Act: judicial review: public works projects.</strong></td>
<td>The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, referred to as an EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency’s action on the grounds of noncompliance with CEQA. This bill would also apply these provisions to a public works project, defined to mean an infrastructure project carried out by the city, county, special district, or state government or contracted out to a private entity by the special district or local or state government. By requiring a lead agency to use these alternative procedures in preparing and certifying the administrative record, this bill would impose a state-mandated local program. The bill would also authorize the Judicial Council to adopt Rules of Court to implement these provisions.</td>
</tr>
<tr>
<td>AB 792</td>
<td>Mullin D</td>
</tr>
<tr>
<td><strong>Local government: open meetings.</strong></td>
<td>The Ralph M. Brown Act enables the legislative body of a local agency to call both regular and special meetings. The act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public, and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. The act requires that the agenda or notice be freely accessible to members of the public, and be posted on the local agency’s Internet Web site, if the local agency has one. This bill, if the local agency is unable to post the agenda or notice on its Internet Web site because of software, hardware, or network services impairment beyond the local agency’s reasonable control, would require the local agency to post the agenda or notice immediately upon resolution of the technological problems. The bill would provide that the delay in posting, or the failure to post, the agenda or notice would not preclude a local agency from conducting the meeting or taking action on items of business, provided that the agency has complied with all other relevant requirements.</td>
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</table>
## Peninsula Corridor Joint Powers Board
### State Legislative Matrix as of 4-22-13

| AB 797 | Gordon D | ASSEMBLY TRANS. 4/16/2013 - Re-referred to Com. on TRANS. | Existing law creates the Santa Clara County Valley Transportation Authority with various powers and duties relative to transportation projects and services in the County of Santa Clara. Existing law creates the San Mateo County Transit District with various powers and duties relative to transportation projects and services in the County of San Mateo. Existing law authorizes the authority and the district to enter into contracts, as specified. This bill would authorize the authority and the district to utilize the Construction Manager/General Contractor project delivery contract method for transit projects within their respective jurisdictions, subject to certain conditions and requirements. The bill would require the authority or district to reimburse the Department of Industrial Relations for certain costs of performing wage monitoring and enforcement on projects using this contracting method, and would require those funds to be used by the department for enforcement of prevailing wage requirements on those projects. Amended 4/15. | Support |
| AB 822 | Hall D | ASSEMBLY E. & R. 4/11/2013 | Under existing law, the adoption of a charter or amendment to a charter of a city or city and county may be submitted to the voters at a statewide general, statewide primary, or regularly scheduled municipal election. This bill would require a charter or charter amendment that proposes to alter, replace, or eliminate the retirement benefit plan of employees of the city or city and county to be submitted to voters at a statewide general election. This bill contains other related provisions and other existing laws. | |
| AB 842 | Donnelly R | ASSEMBLY TRANS. 4/8/2013 - In committee: Set first hearing. Failed passage. Reconsideration granted. | Existing law creates the High-Speed Rail Authority with specified powers and duties relative to the development and implementation of a high-speed train system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of $9.95 billion for high-speed train capital projects and other associated purposes. Existing law appropriates certain amounts of federal funds and state bond funds to the authority for purposes of funding the construction of the initial segment of the high-speed rail project. This bill, notwithstanding any other law, would prohibit federal or state funds, including state bond funds, from being expended by the authority or any other state agency on the construction of the high-speed rail project, except as necessary to meet contractual commitments entered into before January 1, 2014. The bill would also make a statement of legislative intent. | |
| AB 863 Torres D | Existing federal law authorizes the United States Secretary of Transportation to enter into an agreement with a state under which the state assumes the responsibilities of the secretary with respect to federal environmental review and clearance under the National Environmental Policy Act of 1969 (NEPA) with respect to one or more transportation projects, as specified. Existing law, until January 1, 2017, authorizes the Department of Transportation, for transportation projects under its jurisdiction, to assume those responsibilities for federally funded surface transportation projects subject to NEPA. Existing law provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of those responsibilities, and further provides that the department may not assert immunity from suit under the 11th Amendment to the United States Constitution with regard to actions brought relative to those responsibilities under federal law.

This bill would authorize the department to assume similar responsibilities for federal review and clearance under NEPA for a transit project, as defined, that is subject to NEPA. The bill would provide that the State of California consents to the jurisdiction of the federal courts in that regard, and further provides that the department may not assert immunity from suit under the 11th Amendment to the United States Constitution with regard to actions brought relative to those responsibilities under federal law. |

| AB 909 Gray D | Existing law establishes the Board of State and Community Corrections to, among other things, promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.

This bill, on and after January 1, 2015, would require the board to establish a Metal Theft Task Force Program to provide grants to applicant regional task forces for the purpose of providing local law enforcement and district attorneys with the tools necessary to successfully interdict the commission of metal theft and related metal recycling crimes. The bill, on and after January 1, 2015, would establish the Metal Theft Task Force Fund, to be administered by the board, and, upon appropriation by the Legislature, would make moneys in the fund available for purposes of the program. |
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<th>Bill Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>AB 953</td>
<td>Ammiano D</td>
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<tr>
<td>California Environmental Quality Act.</td>
<td>Preparing and certifying an environmental impact report (EIR) on projects that may have a significant effect on the environment. CEQA also requires a lead agency to prepare a mitigated negative declaration if necessary. This bill would revise those definitions.</td>
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<th>Bill Number</th>
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<tbody>
<tr>
<td>AB 1031</td>
<td>Achadjian R</td>
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<tr>
<td>Local government: open meetings.</td>
<td>Requires legislative bodies to provide notice of regular meetings and agendas. This bill would make technical changes to the Ralph M. Brown Act.</td>
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<th>Bill Number</th>
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<tr>
<td>AB 1051</td>
<td>Bocanegra D</td>
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<tr>
<td>Housing.</td>
<td>The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to adopt a program to cap greenhouse gas emissions and provide for market-based compliance mechanisms. This bill would state findings and declarations of the Legislature and create the Sustainable Communities for All program.</td>
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This bill would revise those definitions, as specified. This bill would additionally require the lead agency to include in the EIR a detailed statement on any significant effects that may result from locating the proposed project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions. Because the lead agency would be required to undertake this additional consideration, this bill would impose a state-mandated local program.
### AB 1070
#### Frazier D
California Transportation Financing Authority.

The California Transportation Financing Authority Act creates the California Transportation Financing Authority, with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed, in whole or in part, by various revenue streams of transportation funds, and toll revenues under certain conditions, in order to increase the construction of new capacity or improvements for the state transportation system consistent with specified goals. Existing law, subject to certain conditions, authorizes the authority to grant a request that a project sponsor, rather than the authority, be the issuer of the bonds. This bill would revise the act to further define the roles of the authority and an issuer of bonds under the act if the project sponsor, rather than the authority, is the issuer of bonds, and would define “issuer” in that regard. Last amended on 4/3/2013

### AB 1102
#### Grove R
Air resources: greenhouse gas emissions.

The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board, known as ARB, by regulation, to adopt a market-based compliance mechanism to further the achievement of the statewide greenhouse gas emissions limits. This bill would require the ARB, if the ARB adopts a market-based compliance mechanism that provides for the auctioning of greenhouse gas allowances, to auction program allowances consigned by an electrical corporation or a local publicly owned electric utility before auctioning any other allowances. Last amended on 3/21/2013

### AB 1181
#### Gray D
Public employee organization: members: paid leaves of absence.

The Meyers-Milias-Brown Act requires that local public agencies allow a reasonable number of local public agency employee representatives of recognized employee organizations reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the public agency. This bill would additionally require the local public agency to give reasonable time off, without loss of compensation or other benefits, to public agency employee representatives when they are testifying or representing the employee organization in proceedings before the Public Employment Relations Board in matters relating to a charge filed by the employee organization against the public agency, or when they are testifying or representing the employee organization in other employment relations matters. The bill would require the employee organization being represented to provide reasonable notification to the employer requesting a leave of absence without loss of compensation pursuant to these provisions. Last amended on 4/3/2013
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<th>Bill Number</th>
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<th>Description</th>
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<td><strong>AB 1290</strong></td>
<td>ASSEMBLY TRANS. 3/11/2013 - Referred to Com. on TRANS.</td>
<td>Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects, pursuant to the state transportation improvement program and various other transportation funding programs. Existing law provides that the commission consists of 13 members, including 11 voting members, of which 9 are appointed by the Governor subject to Senate confirmation and 2 are appointed by the Legislature. In addition, 2 members of the Legislature are appointed as ex officio members without vote. This bill would provide for 2 additional voting members of the commission to be appointed by the Legislature. The bill would also provide for the Secretary of the Transportation Agency, the Chairperson of the State Air Resources Board, and the Director of Housing and Community Development to serve as ex officio members without vote.</td>
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<td><strong>AB 1375</strong></td>
<td>ASSEMBLY NAT. RES. 4/1/2013 - Re-referred to Com. on NAT. RES.</td>
<td>The California Global Warming Solutions Act of 2006, hereafter the Global Warming Solutions Act, designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. That law permits money from the fund be allocated for research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded under the Global Warming Solutions Act. That law also prohibits the state from using moneys in the fund unless the state determines that the use of the moneys furthers the regulatory purposes of the Global Warming Solutions Act. This bill would create the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund and would require the Legislature to annually appropriate money from the Greenhouse Gas Reduction Fund into the Clean Technology Investment Account. This bill would make the funds available for the research, development, and deployment of the above-described Global Warming Solutions Act programs and projects while creating jobs and reducing greenhouse gas emissions.</td>
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*Last Amended on 3/21/2013*
# Peninsula Corridor Joint Powers Board
## State Legislative Matrix as of 4-22-13

<table>
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<tr>
<th>Bill</th>
<th>Description</th>
<th>Sponsor</th>
<th>Status</th>
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<tbody>
<tr>
<td><strong>AB 1380</strong>&lt;br&gt;PERS</td>
<td>County employees’ retirement.</td>
<td>ASSEMBLY P.E.R. &amp; S.S. 4/2/2013 - Re-referred to Com. on P.E.R. &amp; S.S.</td>
<td>The California Public Employees’ Pension Reform Act of 2013 (PEPRA) requires a public retirement system, as defined, to modify its pension plan or plans to comply with the act and, among other provisions, generally prohibits a public employer that offers a defined benefit plan from offering new employees defined benefit retirement formulas other than those established by the act. This bill would prohibit the application of the above-described authorizations to a member who is subject to the PEPRA for that member’s membership in the county retirement system. The bill would also authorize a member who is subject to the PEPRA and has completed 5 years of service and has reached the minimum retirement age applicable to that member, or has reached 70 years of age, to retire upon filing a written application with the board, as specified. <strong>Last amended on 4/1/2013</strong></td>
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<td><strong>ACA 8</strong>&lt;br&gt;Blumenfield D</td>
<td>Local government financing: voter approval.</td>
<td>ASSEMBLY L. GOV. 4/8/2013 - Re-referred to Com. on L. GOV.</td>
<td>The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district, as defined, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable. <strong>Last amended on 4/4/2013</strong></td>
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<td><strong>SB 1</strong>&lt;br&gt;Steinberg D</td>
<td>Sustainable Communities Investment Authority.</td>
<td>SENATE T. &amp; H. 4/15/2013</td>
<td>The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies. This bill would authorize certain public entities of a Sustainable Communities Investment Area, as described, to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would require the authority to contract for an independent financial and performance audit every 5 years. <strong>Last amended on 4/15/2013</strong></td>
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This bill would provide that the State Air Resources Board (state board), until January 1, 2024, has no authority to enforce any element of its existing clean fuels outlet regulation or other regulation that requires or has the effect of requiring any person to construct, operate, or provide funding for the construction or operation of any publicly available hydrogen fueling station. The bill would require the state board to aggregate and make available to the public, no later than January 1, 2014, and every two years thereafter, the number of vehicles that automobile manufacturers project to be sold or leased, as reported to the state board. The bill would require the commission to allocate $20 million each fiscal year, as specified, and up to $20 million each fiscal year thereafter, as specified, for purposes of achieving a hydrogen fueling network sufficient to provide convenient fueling to vehicle owners, and expand that network as necessary to support a growing market for vehicles requiring hydrogen fuel, until there are at least 100 publicly available hydrogen fueling stations. The bill, on or before December 31, 2015, and annually thereafter, would require the commission and the state board to jointly review and report on the progress toward establishing a hydrogen fueling network that provides the coverage and capacity to fuel vehicles requiring hydrogen fuel that are being placed into operation in the state, as specified. The bill would authorize the commission to design grants, loan incentive programs, revolving loan programs, and other forms of financial assistance, as specified, for purposes of assisting in the implementation of these provisions. The bill, no later than July 1, 2013, would require the state board and air districts to jointly convene working groups to evaluate the specified policies and goals of specified programs. The bill would add intelligent transportation systems as a category of projects eligible for funding under the Alternative and Renewable Fuel and Vehicle Technology Program.

Last amended on 4/18/2013
### SB 13
**Beall**
**D**
**Public employees' retirement benefits.**

The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS) and the Teachers' Retirement Law establishes the State Teachers' Retirement System for the purpose of providing pension benefits to specified public employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees.

This bill would correct an erroneous cross-reference in the above provision and would instead specify that the Judges' Retirement System I and the Judges' Retirement System II are not required to adopt the defined benefit formula contained in other provisions for non-safety and safety members. The bill would clarify the application of PEPRA to employees who were employed prior to January 1, 2013, who have service credit in a different retirement system. The bill would authorize a public retirement system to adopt regulations and resolutions in order to modify its retirement plan or plans to conform with PEPRA.

### SB 24
**Walters**
**R**
**Public employees' retirement benefit plans.**

Existing law regulates state and local public retirement systems and generally requires public employees who are new members, as defined, of those systems, on and after January 1, 2013, to participate in specified benefit plans. Existing law permits a public employer that, before January 1, 2013, offers a defined benefit pension plan that provides a defined benefit formula with a lower benefit factor at normal retirement age, and results in a lower normal cost, than the defined benefit formula required for new employees on and after January 1, 2012, to continue to offer that defined benefit formula and excepts the employer from specified requirements regarding pensionable compensation. Existing law requires, in the case of these plans, if a new defined benefit formula is adopted on or after January 1, 2013, that the formula meet certain requirements and, among other things, be approved by the Legislature. Existing law prescribes the same requirements for a retirement benefit plan that consists solely of a defined contribution plan if the employer, on or after January 1, 2013, adopts a new defined benefit pension plan or defined benefit formula, as specified.

This bill would eliminate the requirement that the Legislature approve the changes in the instances described above. This bill would also authorize a local agency public employer or public retirement system that offers a defined benefit pension plan to offer a benefit formula with a lower benefit factor at normal retirement age and that result in a lower normal cost than the benefit formulas that are currently required, for purposes of addressing a fiscal necessity.
| **SB 33**  
| **Wolk D**  
| Infrastructure financing districts: voter approval: repeal.  
| **ASSEMBLY DESK**  
| Existing law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. Existing law authorizes an infrastructure financing district to fund infrastructure projects through tax increment financing, pursuant to the infrastructure financing plan and agreement of affected taxing entities, as defined. This bill would revise and recast the provisions governing infrastructure financing districts. The bill would eliminate the requirement of voter approval for creation of the district and for bond issuance, and would authorize the legislative body to create the district subject to specified procedures. The bill would instead authorize a newly created public financing authority, consisting of 5 members, 3 of whom are members of the city council or board of supervisors that established the district, and 2 of whom are members of the public, to adopt the infrastructure financing plan, subject to approval by the legislative body, and issue bonds by majority vote of the authority by resolution. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to non-taxing authority or powers only. The bill would authorize a district to finance specified actions and projects, and prohibit the district from providing financial assistance to a vehicle dealer or big box retailer, as defined. The bill would create a public accountability committee, as specified, to review the actions of the public financing authority. **Last amended on 3/6/2013** |

| **SB 54**  
| **Hancock D**  
| Retirement: county employees.  
| **ASSEMBLY P.E.,R. & S.S.**  
| The California Public Employees' Pension Reform Act of 2013 requires each county retirement system created pursuant to the County Employees Retirement Law of 1937 to use a retirement formula commonly known as 2.5% at 67 years of age for non-safety members first hired on or after January 1, 2013, except that a lower retirement formula may be used as specified. The County Employees Retirement Law of 1937 authorizes the Alameda County Board of Supervisors to provide service retirement allowances for general members based on one of 2 formulas commonly known as the 2% at 57 years of age formula or the 1.64% at 57 years of age formula. This bill would authorize the Alameda County Board of Supervisors to adopt a resolution that would provide service retirement allowances based on a formula commonly known as the 2% at 65 years of age formula for general members hired after approval of the resolution, as specified. **Last amended on 2/13/2013** |
### Senate Bill 56  (Roth, D)
**Local government finance: vehicle license fee adjustments.**
- **Bill Text:** The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state. Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and county receive a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Existing law requires that these amounts be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would, for the 2013-14 fiscal year, provide for a new vehicle license fee adjustment amount, as specified. This bill would also, for the 2013-14 fiscal year and for each fiscal year thereafter, provide for a vehicle license fee adjustment amount for certain cities incorporating after a specified date, as provided.  
- **Last Amended on 3/4/2013**

### Senate Bill 110  (Steinberg, D)
**California Transportation Commission: guidelines.**
- **Bill Text:** Existing law generally provides for programming and allocation of state and federal funds available for transportation capital improvement projects by the California Transportation Commission, pursuant to various requirements. Existing law authorizes the commission, in certain cases, to adopt guidelines relative to its programming and allocation policies and procedures. This bill would establish specified procedures that the commission would be required to utilize when it adopts guidelines, except as specified, and would exempt the adoption of those guidelines from the requirements of the Administrative Procedure Act.  
- **SB 142  (DeSaulnier, D)**
**Public transit.**
- **Bill Text:** Existing law provides for creation of one or more special benefit districts within a transit district or rapid transit district relative to the issuance of bonds to be repaid through special assessments levied on property within the special benefit district, or certain zones within the special benefit district, with the proceeds of the bonds to be used for specified transit improvements. Existing law enacts similar provisions applicable to a municipal transit system owned by a city or city and county. This bill would repeal all of these provisions. This bill contains other related provisions and other existing laws.  
- **Last Amended on 4/1/2013**
| **SB 230**  
Knight R  
Local transportation funds: performance audits. | **SENATE T. & H. 4/16/2013 - In committee T. & H.** | Existing law provides various sources of funding to public transit operators. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are available, among other things, for allocation by the transportation planning agency to transit operators, subject to certain requirements for the operator to maintain a specified farebox ratio of fare revenues to operating costs. The act requires the transportation planning agency to designate entities other than itself, a county transportation commission, a transit development board, or an operator to make a performance audit of its activities and the activities of each operator to whom it allocates funds. The act requires the transportation planning agency to consult with the entity to be audited prior to designating the entity to make the performance audit and defines "operating cost" for this purpose. Existing law excludes certain costs from this definition, including vehicle lease costs.

This bill would also exclude principal and interest payments on all capital projects funded with certificates of participation. The bill would also correct an obsolete cross-reference in the definition of operating costs. **Last Amended on 3/18/2013** |
| --- | --- | --- |
| **SB 232**  
Monning D  
Private employment: public transit employees. | **SENATE APPR. SUSPENSE FILE 4/22/2013** | Existing law requires a local government agency to give a 10% preference to any bidder on a service contract to provide public transit services who agrees to retain employees of the prior contractor or subcontractor for a period of not less than 90 days, as specified.

This bill would expand these provisions to require a state agency to also give a 10% preference to any bidder under these provisions. |
| **SB 408**  
De León D  
Transportation funds. | **SENATE RLS. 2/28/2013 - Referred to Com. on RLS.** | Existing law establishes a policy for expenditure of certain state and federal funds available to the state for transportation purposes. Under this policy, the Department of Transportation and the California Transportation Commission develop a fund estimate of available funds for purposes of adopting the state transportation improvement program, which is a listing of capital improvement projects. After deducting expenditures for administration, operation, maintenance, local assistance, safety, rehabilitation, and certain environmental enhancement and mitigation expenditures, the remaining funds are available for capital improvement projects.

This bill would provide that the remaining funds are available for the study of, and development and implementation of, capital improvement projects. |
The California Environmental Quality Act, commonly referred to as CEQA, requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, also known as an EIR, on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires the lead agency to call at least one scoping meeting for a project that may affect highways or other facilities under the jurisdiction of the Department of Transportation if the meeting is requested by the department, or for a project of statewide, regional, or area-wide significance. CEQA requires the lead agency to provide to specified entities a notice of at least one scoping meeting.

This bill would require a lead agency to conduct at least one public scoping meeting for the specified projects and to provide notice to the specified entities of at least one public scoping meeting. This bill contains other related provisions and other existing laws. Last Amended on 4/3/2013

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law exempts certain activities from CEQA, including a project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities.

This bill would provide that a project by the San Joaquin Regional Rail Commission and the High-Speed Rail Authority to improve the existing tracks, structure, bridges, signaling systems, and associated appurtenances located on the existing railroad right-of-way used by the Altamont Commuter Express service qualifies for this exemption from CEQA.
### Senate T. & H.
**SB 557**
**Hill D**
High-speed rail.

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<td><strong>Existing law</strong> creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century, authorizes $9.95 billion in general obligation bonds for high-speed rail development and other related purposes. Existing law appropriates specified funds from the High-Speed Passenger Train Bond Fund and from federal funds for high-speed rail and connecting rail projects.</td>
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<td><strong>This bill</strong> would add detail to provisions governing the expenditure of certain of those appropriated funds. The bill would specify that of the $1,100,000,000 appropriated for early high-speed rail improvement projects in the Budget Act of 2012, $600,000,000 and $500,000,000 shall be allocated solely for purposes of specified memoranda of understanding approved by the High-Speed Rail Authority for the Metropolitan Transportation Commission region and the southern California region, respectively. The bill would limit fund transfer authority between certain appropriations to temporary transfers for account management purposes. The bill would restrict use of certain appropriated funds, to the extent they are allocated to the San Francisco-San Jose segment of the high-speed rail system, to implement a rail system in that segment that primarily consists of a 2-track blended system to be used jointly by high-speed trains and Caltrain commuter trains, with the system to be contained substantially within the existing Caltrain right-of-way.</td>
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<td>Support</td>
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<td>SB 617</td>
<td>SENATE E.Q. 4/12/2013 - Set for hearing May 1.</td>
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<td>Evans D</td>
<td>The California Environmental Quality Act, referred to as CEQA requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, referred to as an EIR on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would additionally require the above mentioned notices to be filed with both the Office of Planning and Research and the county clerk and be posted by the county clerk for public review. The bill would require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. By expanding the services provided by the lead agency and the county clerk, this bill would impose a state-mandated local program. The bill would require the county clerk to post the notices for at least 30 days. The bill would require the Office of Planning and Research to post the notices on a publicly available online database established and maintained by the office. The bill would require the office to stamp the notices with the date on which the notices were actually posted for online review and would require the notices to be posted for at least 30 days. The bill would authorize the office to charge an administrative fee not to exceed $10 per notice filed. The bill would specify that a time period or limitation period specified by CEQA does not commence until the notice is actually posted for public review by the county clerk or is available in the online database, whichever is later. The bill would require the notice of determination to be filed solely by the lead agency. <strong>Last amended on 4/1/2013</strong></td>
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<td>Beall D</td>
<td>Existing law establishes the Transit Priority Project Program, and authorizes a city or county to participate in the program by adopting an ordinance indicating its intent to participate in the program and by forming an infrastructure financing district. Existing law requires a city or county that elects to participate in the program to amend, if necessary, its general plan, and any related specific plan, to authorize participating developers to build at an increased height of a minimum of 3 stories within the newly created infrastructure financing district. Existing law exempts from these provisions a city or county that has adopted specified language in its charter, or by ordinance or resolution. Under existing law, a transit priority project that meets specified criteria is designated as a sustainable communities project, and is thus exempt from certain environmental review requirements. This bill would eliminate the requirement of voter approval for the creation of an infrastructure financing district, the issuance of bonds, and the establishment or change of the appropriations limit with respect to a transit priority project. The bill would require a city or county that uses infrastructure financing district bonds to finance its transit priority project to use at least 20% of the associated property tax increment revenues for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing available in the district and occupied by persons and families of moderate-, low-, very low, and extremely low income. The bill would set forth the findings and declarations of the Legislature, and the intent of the Legislature that the development of transit priority projects be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. <strong>Last amended on 4/10/2013</strong></td>
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### PENINSULA CORRIDOR JOINT POWERS BOARD
#### STATE LEGISLATIVE MATRIX AS OF 4-22-13

| SB 633 | SENATE E.Q. 4/12/2013 Set for hearing May 1. | The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify completion of, an environmental impact report, referred to as an EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prescribes certain requirements for the review of draft EIRs, as specified. CEQA prohibits a lead agency or responsible agency from requiring a subsequent or supplemental EIR when an EIR has been prepared for a project pursuant to its provisions, unless one or more of specified events occurs, including, among other things, that new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the office to review the guidelines once every 2 years and recommend proposed changes or amendments to the guidelines to the secretary. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and to exempt those classes of projects from CEQA, referred to as categorical exemptions.

This bill would specify that the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete. The bill would authorize the office, by July 1, 2015, to revise the guidelines to include as a categorical exemption projects involving minor temporary uses of land and public gatherings that have been determined not to have a significant effect on the environment. The bill would require the secretary, by January 1, 2016, to certify and adopt the proposed revisions to the guidelines. Because a lead agency would be required to determine whether a project would fall within this categorical exemption, this bill would impose a state-mandated local program. **Last amended on 4/11/2013** |
The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would state the intent of the Legislature to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development, streamline the law for specified projects, and establish a threshold of significance for specified impacts.

Existing law provides for the designation of transportation planning agencies throughout the state with various powers and duties relative to transportation planning and programming. Existing law provides for the allocation of certain transportation funds, including revenues derived from sales tax in the amount of 1/4% of the sales in each county, which are deposited in the local transportation fund. Certain transportation planning agencies in urbanized areas are also designated under federal law as metropolitan planning organizations.

This bill would require a transportation planning agency that is also designated as a metropolitan planning organization to publicly report any action taken, as defined, and the vote or abstention on that action of every member present. By requiring a transportation agency to perform new duties, the bill would impose a state-mandated local program. Last amended on 4/1/2013

Existing law authorizes the Department of General Services, the Department of Corrections and Rehabilitation, and various local agencies to use the design-build procurement process for specified public works under different laws.

This bill would repeal those authorizations, and enact provisions that would authorize the Department of General Services, the Department of Corrections and Rehabilitation, and those local agencies, as defined, to use the design-build procurement process for specified public works. The bill would require monies that are collected under these provisions to be deposited into the State Public Works Enforcement Fund, subject to appropriation by the Legislature. The bill would require specified information to be verified under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. Last amended on 4/1/2013
### SB 787
**Berryhill R**

**Environment**

al quality: the
Sustainable
Environmental Protection Act.

**SENATE E.Q.**

4/18/2013 -
From committee with author’s amendments. Read second time and amended. Referred to Com. on E.Q.

The California Environmental Quality Act, or CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, or EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would enact the Sustainable Environmental Protection Act and would specify the environmental review required pursuant to CEQA for projects related to specified environmental topical areas. For a judicial action or proceeding filed challenging an action taken by a lead agency on the ground of noncompliance with CEQA, the bill would prohibit a cause of action that (1) relates any topical area or criteria for which compliance obligations are identified or (2) challenges the environmental document if: (A) the environmental document discloses compliance with applicable environmental law, (B) the project conforms with the use designation, density, or building intensity in an applicable plan, as defined, and (C) the project approval incorporates applicable mitigation requirements into the environmental document. The bill would provide that the Sustainable Environmental Protection Act only applies if the lead agency or project applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program. **Last amended on 4/18/2013**
**Peninsula Corridor Joint Powers Board**  
**State Legislative Matrix as of 4-22-13**

| SB 792 DeSaulnier D | SENATE G. & F. 4/18/2013 - Set for hearing April 30. | Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under existing law with regional planning responsibilities. Existing law provides for a joint policy committee of certain regional entities in this 9-county area to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy pursuant to Senate Bill 375 of the 2007-08 Regular Session coordinating transportation, land use, and air quality planning, with specified objectives. This bill would require the joint policy committee to prepare a regional organization plan for the affected regional entities. The regional organization plan would include a plan for integrating, by July 1, 2016, certain major planning documents of the individual entities into a comprehensive regional plan that also addresses other specified goals, and a plan for consolidating certain functions that are common to the regional entities. The regional organization plan would also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require the joint policy committee to ensure public participation in the development and adoption of the plan, to hold at least one public hearing in each county of the region, and to adopt a final plan by June 30, 2015. The bill would also require the joint policy committee to develop and adopt public and community outreach and inclusive public participation programs and to maintain an Internet Web site. The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. The bill would require the joint policy committee, until a comprehensive regional plan is adopted, to conduct a review of the major planning documents and associated policies, and plans, and regulations of each regional entity, including an assessment of the consistency of the documents, policies, plans, and regulations with each other, with the requirements of Senate Bill 375 of the 2007-08 Regular Session, and with the goals and policies adopted by the advisory committee on economic competitiveness. The bill would require the joint policy committee to issue a consistency report describing the findings of each review and to hold hearings in that regard, and would require the applicable regional entity to consider the findings. The bill would require all cost savings derived from implementation of the regional organization plan to be directed to the joint policy committee's general fund. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last amended on 4/10/2013 | Watch |
### Peninsula Corridor Joint Powers Board
### State Legislative Matrix as of 4-22-13

<table>
<thead>
<tr>
<th>Measure</th>
<th>Sponsor</th>
<th>Committee</th>
<th>Status</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCA 4</td>
<td>Liu</td>
<td>SENATE G. &amp; F.</td>
<td>Set for hearing May 15.</td>
<td>The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, non-substantive changes. <strong>Last amended on 3/19/2013</strong></td>
</tr>
<tr>
<td>SCA 8</td>
<td>Corbett</td>
<td>SENATE G. &amp; F.</td>
<td>Set for hearing May 15.</td>
<td>The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, non-substantive changes. <strong>Support</strong></td>
</tr>
<tr>
<td>SCA 9</td>
<td>Corbett</td>
<td>SENATE G. &amp; F.</td>
<td>Set for hearing May 15.</td>
<td>The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects, as specified, requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, non-substantive changes. <strong>Support</strong></td>
</tr>
</tbody>
</table>
The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property.

This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition. The measure would also make conforming and technical, non-substantive changes.