

**Peninsula Corridor Joint Powers Board  
Board of Directors Meeting  
1250 San Carlos Avenue, San Carlos CA**

**MINUTES OF SEPTEMBER 2, 2021**

**MEMBERS PRESENT:** C. Chavez, D. Davis (Chair), J. Gee, S. Heminger (Vice Chair), D. Pine, C. Stone, S. Walton (arrived at 9:05 am), M. Zmuda

**MEMBERS ABSENT:** G. Hendricks

**STAFF PRESENT:** M. Bouchard, D. Hansel, J. Harrison, S. Petty, K. Yin, J. Funghi, B. Shaw, D. Santoro, B. Fitzpatrick, A. Aknin, M. Jones, A. Chan, R. Barnard, T. Bartholomew, C. Fromson, A. Timbers, C. Mobley-Ritter, D. Seamans, S. Wong

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Dev Davis called the meeting to order at 9:00 am and led the pledge of allegiance.

**2. ROLL CALL**

District Secretary Dora Seamans called the roll and a quorum was confirmed.

Public Comment

Roland Lebrun, San Jose, commented on closed session items, Brown Act violations, Redwood City development, and purchasing the Redwood Junction parcel.

*Director Jeff Gee recused himself from Closed Session Item 3b as the real estate transaction crosses multiple agencies that he serves on. He noted that he has no final interest in this and that he will represent one agency and not the JPB in this matter.*

**3. GENERAL COUNSEL REPORT – CLOSED SESSION:**

- a. **Closed Session: Conference with Legal Counsel – Anticipated Litigation.**  
**Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4):**  
**One potential case**
  
- b. **Closed Session: Conference with Real Property Negotiator - held pursuant to Govt. Code § 54956.8; Description of property: Portion of the RWC Caltrain station parking lot located at 1 James Street, Redwood City, CA 94063 and A1 Party Rental site located at 2529 Broadway, Redwood City, CA 94063; Negotiating parties: KM-ECR LLC; Matter under negotiation: Exclusive Negotiation Agreement for property exchange in the City of Redwood City**

*The Board convened in closed session at 9:07 am  
The Board reconvened in regular session at 10:20 am*

District Secretary Dora Seamans confirmed the presence of a quorum.

#### **4. GENERAL COUNSEL REPORT – REPORT OUT FROM ABOVE CLOSED SESSION**

General Counsel James Harrison stated that there were no reportable actions.

#### **5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Vaughn Wolffe, Pleasanton, commented on project costs analyses, constant local customization for a project extends the project and focusing on the end product.

Jeff Carter, Millbrae, commented on the new timetable, including the fare table, and being able to download video meetings for smoother viewing.

Aleta Dupree, Oakland, commented on Clipper, passing the Pride resolution, feeling safe in meetings and respectful conversation.

Roland Lebrun, San Jose, commented on inviting google to share how they came in under budget and three months early for their Austin tower, and using YouTube live stream feature in Zoom.

Adina Levin, Friends of Caltrain, commented on fixing Granicus videos so video playback can be easily watched.

#### **6. CONSENT CALENDAR**

- a. Approve Regular Meeting Minutes of August 5, 2021**
- b. Receive Key Caltrain Performance Statistics – July 2021**
- c. Approve 2022 Board Meeting Calendar**
- d. Capital Projects Quarterly Status Report 4<sup>th</sup> Quarter – Fiscal Year 2021**
- e. Appointment of the Citizens Advisory Committee Representative and Alternate**
- f. Increase the Total Project Budget by \$1,025,000 for the Broadway Burlingame Grade Separation Project and Increase the Fiscal Year 2022 Capital Budget to \$67,234,919**
- g. Authorize the Executive Director to Execute an Amendment to Supplemental Agreement No. 4 with Pacific Gas and Electric (PG&E) for Procurement and Construction Services For PG&E Infrastructure Build Outs in Support of the Peninsula Corridor Electrification Project (PCEP)**
- h. Authorize the Executive Director to Execute a Change Order to the Peninsula Corridor Electrification Project (PCEP) Contract with Balfour Beatty, Inc. for an Increase in Allowance Item No. 9 - Utilities Potholing for a Total Not-To-Exceed Amount of \$5,700,000**
- i. Accept Quarterly Fuel Hedge Update**
- j. Report of the Chief Financial Officer (CFO)**
- k. Staff Report on Statement of Revenues and Expenses for the Period Ended July 31, 2021**
- l. State and Federal Legislative Update**

- m. Authorize Execution of an Exclusive Negotiation Agreement to Explore a Property Exchange with KM-ECR LLC**
- n. Clean Air Day Proclamation**
- o. Authorize Change to Usual Order of Business pursuant to Section 11 of the Rules of Procedure to Include the Report of the General Counsel as an Item Under the Report of the Executive Director**

Public Comment

Roland Lebrun, San Jose, commented on including the Redwood City project map in the quarterly status report, providing a presentation on the Burlingame Grade Separation Project, Project Management Oversight Contractor (PMOC) Report, and station location investment.

*Director Gee recused himself from Item 6m on the consent calendar.*

The Board members had a discussion and staff provided further clarification on getting feedback from large employers on returning to work given the Delta variant factor.

Motion/Second: Chavez/Zmuda to approve all items except item 6m

Ayes: Chavez, Gee, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: Hendricks

Motion/Second: Chavez/Zmuda to approve item 6m

Ayes: Chavez, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: Hendricks

Recused: Gee

## **7. DIRIDON REAL ESTATE UPDATE**

Brian Fitzpatrick, Director of Real Estate & Property Development, provided the presentation that covered the following:

- Development site on the Caltrain right-of-way
- Caltrain owns a 3-acre parcel adjacent to Diridon station and pursuing development on a portion of this land
- Rail Corridor Use Policy (each area designated as a property use zone)
- Real estate process, timeline and next steps

Aaron Aknin, Community Development Consultant, provided a presentation that covered the following:

- Amended DSAP
- Land Use Balance & Affordable Housing and affordable Housing Implementation
- Diridon Integrated Station Concept Plan and Concept Proposal

### Public Comment

Roland Lebrun, San Jose, commented on fair market value, three years spent developing visual guidelines, historic landmark land, impact on google housing, suggest combining acres and getting rid of traffic.

Aleta Dupree, Oakland, commented on an ideal platform station, having a place to eat or sleep while traveling, and having mixed use to walk to work or transportation for less congestion.

Ben Leech, Preservation Action Council of San Jose, commented on historical landmark preservation and in tandem preservation plans for the site.

Jeff Carter, Millbrae, commented on development not impacting Caltrain operations, expansion, historic preservation, and parking.

Vaughn Wolffe, Pleasanton, commented on climate change, population change, and station changes.

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions regarding:

- Total square footage, estimate for rental income, base income if there is income loss for the investment, and lease length
- This setting a base for future negotiations
- Adaptive reuse of historic Diridon station
- Collaborating with partner agencies (including Santa Clara Valley Transportation Authority) on any negotiations so they are not competing
- Building in triggers for inaction during negotiation for Caltrain as a property owner so there is protection against squatting without developing outside of the development timeline
- Preservation regarding scale and context (that is, being surrounded by larger buildings)
- Joining different elements that Caltrain owns, influences, and has members from for a unified presentation on the bigger picture of obligations depending on the parcel

## **8. PROCLAMATION DECLARING SEPTEMBER RAILROAD SAFETY AND SUICIDE PREVENTION MONTH**

Chair Davis highlighted the promotion of safety and prevention on the right-of-way through enhanced safety measures and increased public awareness.

Tasha Bartholomew, Communications Manager, provided updates on Rail Safety Month activities, including rail safety messaging, grade separations, discussions with news agencies regarding responsible reporting, Cal-chats debut, and forming community partnerships

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions regarding the term trespassers.

Public Comment

Aleta Dupree, Oakland, commented on the importance of railway safety.

Roland Lebrun, San Jose, commented on engineering and design effects to help prevent suicides.

Adrian Brandt, San Mateo County, commented on a classmate in fourth grade killed trying to beat the train on her bicycle, grade separation, and level boarding.

Jeff Carter, Millbrae thanked Tasha and her team regarding safety and suicide prevention.

Motion/Second: Stone/Chavez

Ayes: Chavez, Gee, Pine, Stone, Walton, Zmuda, Heminger, Davis

Noes: None

Absent: Hendricks

**9. REPORTS**

**a. Report of the Citizens Advisory Committee (CAC)**

Brian Shaw, CAC Chair, reported the following committee discussion topics:

- All CAC positions have been filled
- Vaccine mandate and legislation 4b 1801
- Overall budget
- Effort timelines, dual speed checks, crowded trains, physical distancing, and listing special event trains on website
- Public comments on packing baby bullets, switching Gilroy to baby bullet, fare system, regional fare study, COVID testing, and High Speed Rail

**b. Report of the Chair**

Chair Davis provided an update on the governance process and stated the following:

- The Board is working to adopt a recommendation by the end of 2021
- At the August 20<sup>th</sup> governance meeting, they discussed the financial & legal analyses and they heard about qualitative interviews with Board and stakeholders
- No decisions have been made and the Board asked staff to refine options for the September 30<sup>th</sup> governance meeting
- The last special meeting on governance is scheduled for October 22<sup>nd</sup>
- The November regular Board meeting will be used to discuss draft recommendation for governance at the December regular meeting

**c. Report of the Local Policy Maker Group**

Director Jeff Gee reported on the August 26<sup>th</sup> meeting which included the following:

- The new Caltrain schedule
- Ridership marketing efforts, 50 percent off fares, benefitting low-income riders
- Caltrain mobile app

**d. Report of the Executive Director**

**i. Peninsula Corridor Electrification Project (PCEP) Monthly Progress Report – August**

Michelle Bouchard, Acting Executive Director, reported on the following:

- State advocacy efforts –transportation package and working with the delegation at the state & federal levels to help support the transportation package
- Advocating electrification funding and they will provide updates to the Board
- Ribbon cutting for 25<sup>th</sup> Avenue Grade Separation project
- New Caltrain schedule, capture returning and new riders with peak and off-peak service
- Massive marketing effort regionally, bringing back baby bullet service, and September is Bay Area Transit Month
- Celebratory Measure RR Train on Sunday, September 26 Sunday starting at Diridon station

John Funghi, CalMod Chief Officer, provided updates reported the following:

- Installations continuing at night and anticipated completion this year
- 89% foundation completed; 66% poles installed and on track foundations to start after Labor Day
- Paralleling stations (Sunnyvale & Tamien)
- Infrastructure OCS completion second quarter of 2022
- Train manufacturer is testing in Pueblo Colorado with completion in early October
- Working on project recovery plan for Federal Transit Administration (FTA)

Public Comment

Adina Levin, Seamless Bay Area, commented on participating on Bay Area Transit month, encouraged to transit ride with *#transitmonth*, Measure RR celebration Train on September 26, regional fare study hearing scheduled to be heard at the October Caltrain board meeting.

Aleta Dupree, Oakland, commented on foundation completion.

Jeff Carter, Millbrae, commented on foundation installation progress, posting this presentation on the webpage, and update on comprehensive fare proposal.

Roland Lebrun, San Jose, commented on public records request on hourly seating capacity during peak, shorter runs between San Francisco-San Jose, and grade crossing timing report.

Vaughn commented on workforce development.

Adrian Brandt, San Mateo County, commented on dual speed check, and running diesels to pull electric units if there are grade crossing issues.

## **10. OPTIONS FOR JPB AND COMMITTEE MEETINGS AFTER EXPIRATION OF EXECUTIVE ORDER N-08-21**

James Harrison, Legal Counsel, provided the presentation, which included the following:

- The current Executive Order suspending Brown Act requirements expires September 30<sup>th</sup> and if AB 361 is passed, the JPB can continue to meet remotely, but if it expires, then the Brown Act requirements will apply immediately and require providing a meeting location for public and remote participation
- Recommendation that the Board authorize the Chair to determine how to handle October meeting

### Public Comment

Jeff Carter, Millbrae, supported both in person and remote participation to encourage participation and better transparency, and not have to take the whole day off from work.

Adina Levin, Friends of Caltrain, supported remote public comment participation. She commented on allowing members of public to participate without taking time off from work and sitting for long periods.

Roland Lebrun, San Jose, commented on remote locations, centering meetings in Sunnyvale, and former Gilroy chairman staying overnight whenever there was a San Carlos meeting.

Adrian Brandt, San Mateo, commented on public participation and urged preserving remotely participation.

Aleta Dupree, Oakland, commented on supporting zoom.

Chair Davis explained this was authorization for her to make the call for the October meeting format, and if the extension is approved, indicated staying on Zoom for one more month given concerns about the Delta variant and technical concerns to be worked out if they do hybrid meetings.

Director Stone spoke in support of virtual comment for transparency purposes and expressed concern on how the meetings will be handled virtually and making them easier to handle.

Chair Davis encouraged reaching out to your delegation about meeting participation preference (that is, the Alex Lee legislation).

*Director Gee left at 12:00pm  
Director Walton left at 12:14pm*

Motion/Second: Chavez/Stone

Ayes: Chavez, Pine, Stone, Zmuda, Heminger, Davis

Noes: None

Absent: Gee, Hendricks, Walton

## **11. VACCINATION AND TESTING POLICY STATUS**

James Harrison, Legal Counsel, provided the presentation, which included the following:

- Vaccination coverage and employer vaccine mandates
- Federal level requirements and Amtrak requirements
- Practical implications for employers, JPB safety and vaccination efforts, and future safety and vaccination efforts, including a JPB Contractor policy

### Public Comment

Adrian Brandt, San Mateo County, commented on the percentage of conductors not vaccinated.

Roland Lebrun, San Jose, commented on differentiating between riders and operators, proof requirements, enforcing masks, fines, and safety.

Vaughn, Pleasanton, commented on enforced vaccinations and variants.

The Board members had a robust discussion and staff provided further clarification in response to the Board comments and questions including:

- Adopting a policy and a deadline and who will adopt and carry it out
- Whether Amtrak has a policy, and whether there is overlap with their TASI policy
- Caltrain cannot require employees be vaccinated if SamTrans is the employer
- Ability to require vaccination and testing and develop a timeline in light of future expected variants
- Having a financial recourse on contractors working on capital projects that do not require employee vaccination

## **12. CORRESPONDENCE**

Correspondence was available online.

## **13. BOARD MEMBER REQUESTS**

Director Stone inquired about larger employers' plans to return to work in light of the Delta variant.

Director Zmuda noted that at the Finance Committee, there was a discussion on certain contracts and they requested that the Change Management Board (CMB), as it is working with the agency, to provide a presentation to either the Finance Committee or full Board soon, so that they may all understand what their responsibilities are, the work they do, and their approval process. Chair Davis stated that it would be beneficial for the entire Board to have this as a future informational item.

Director Chavez requested collaboration with partner agencies (VTA) in regard to any negotiations so they are not competing in regards development.

Director Chavez requested building in triggers for inaction during negotiation for Caltrain as a property owner so there is protection against squatting without developing outside of the development timeline.



Director Heminger inquired about preservation in regard to scale and context (e.g., surrounded by larger buildings)

Director Heminger requested joining different elements that the JPB owns, influences, has members from to give a unified presentation on the bigger picture of obligations depending on the parcel.

**14. DATE/TIME OF NEXT REGULAR MEETING:**

Thursday, October 7, 2021 at 9:00 am via Zoom (additional location, if any, to be determined).

**15. ADJOURN**

The meeting adjourned at 12:52 pm

An audio/video recording of this meeting is available online at [www.Caltrain.com](http://www.Caltrain.com). Questions may be referred to the Board Secretary's office by phone at 650.508.6242 or by email to [Board@Caltrain.com](mailto:Board@Caltrain.com).