

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

MINUTES OF SEPTEMBER 3, 2020

MEMBERS PRESENT: D. Pine (Chair), C. Chavez, D. Davis, J. Bruins, R. Collins, S. Heminger, C. Stone, S. Walton, M. Zmuda

MEMBERS ABSENT: None

STAFF PRESENT: J. Hartnett, C. Mau, J. Cassman, S. Van Hoften, M. Bouchard, J. Funghi, C. Gayotin, D. Hansel, C. Fromson, S. Murphy, B. Shaw, D. Pape, T. Bartholomew, S. Petty, D. Seamans, S. Wong

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Dave Pine called the meeting to order at 8:30 am and led the pledge of allegiance.

2. ROLL CALL

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

3. GENERAL COUNSEL REPORT

Joan Cassman, General Counsel, announced a closed session for the Board to discuss one matter of anticipated litigation.

There was no public comment.

Dora Seamans, District Secretary, provided instructions for Board members and the public to remain in the meeting.

The Board convened into closed session at 9:41 a.m.

- a. Closed Session: Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case

The Board reconvened into open session at 11:11a.m.

Ms. Cassman reported that there was no reportable actions.

4. PUBLIC HEARING FOR POTENTIAL CLOSURE OF ATHERTON

Sebastian Petty, Deputy Chief of Planning, introduced the item. He stated that they were in conversation with the Town of Atherton throughout the Spring. They previously stopped regular weekday service to the Atherton Station in 2005, and after a conversation with the Town, they decided to close the station and end services. Mr. Petty stated that this would allow Caltrain to reallocate service to the adjacent stations at Menlo Park and Redwood City. He explained that the Board is not being asked to

approve of the station closure today and that this is part of a process that would conclude after reaching a memorandum of understanding (MOU) with the Town.

David Pape, Principal Planner, provided an overview of the proposed closure of the Atherton Station, which included ridership, bottleneaking history, and Atherton City Council endorsement of the station closure subject to a MOU. He stated that the station had significantly less riders than nearby stations. Mr. Pape summed up station closure benefits (reallocating service to denser stations, financial savings, and noise reduction) and potential elements of a MOU (installation of a right-of-way fence, removal of center boarding platform, installation of quad gates, the maintenance agreement, and additional improvement implementation as proposed by the Town). Mr. Pape stated that the next steps included completion of the following: the Title VI analysis (which determines any disparate impacts on communities of color and low income), an environmental analysis, agreement of MOU terms, execution of the maintenance agreement, and setting a date for station closure.

Public Comment

Rick DeGolia, Atherton Mayor, commented on the presentation summary, stated that this was a complex issue because the station is an important asset, listed the three most important benefits to Caltrain (\$30 million in savings, efficiency improvements, and freedom from maintenance) and benefits to Atherton (safety and use of property for parking). He commented on the minimal landscape screening included in MOU.

Roland LeBrun, San Jose, commented on excessive distance at Fair Oak Lanes, increasing gates downtime for people with disabilities, and requested a Dumbarton Railroad solution connecting the Peninsula to the East Bay.

Alex Kaya, Atherton, expressed support for the closure with MOU conditions.

Narissa Dexter, Atherton, expressed support for Atherton station closure and improving nearby high growth stations. She commented on safety issues with the station.

Aleta Dupree, Oakland, expressed support for Atherton station closure, commented on the hold-out rule, productivity, station distance and building new things going forward.

Ben Narasin, Atherton, suggested a walkway and bicycle path between Atherton and Menlo Park be included in the MOU due to the significant risks of walking down El Camino.

Jeff Carter, Millbrae, expressed support for the station closure and commented on exploring opening a station in Redwood City.

Catherine Kircos, Atherton, said Atherton station would be her preferred commute station as riding a bicycle two miles to get to Redwood City station is not practical for her.

Matt Chen, Atherton, expressed support for closing the station as other stations have baby bullets and expressed support for a bike or walking path.

Cary Wiest, Atherton Council Member, thanked the JPB for considering the MOU, expressed support for closure, and reiterated benefits of the service component.

Malcolm Dudley, former mayor of Atherton and former chair of the SMCTA, was called on multiple times to speak but due to technical difficulties, he was not heard at the meeting. Mr. Dudley's email comments received later were sent and posted online as part of the Board's correspondence as of 09-11-2020.

Board Member Questions & Comments

Chair Pine asked about the MOU prior to closure of the station. Mr. Petty replied that this would come back to the Board in November.

5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Roland LeBrun, San Jose, commented on an article regarding Caltrain saving money by eliminating the baby bullet and expressed concern regarding the usage of the \$11 million noted in the capital budget.

Vaughn Wolffe, Pleasanton, commented on having mega-region governance to accommodate trains from other regions.

Aleta Dupree, Oakland, commented on the Clipper START link on the front of the web page, conversion of ticket vending machines, and new governance being receptive to public concerns.

6. CONSENT CALENDAR

- a. Approved Meeting Minutes of August 6, 2020**
- b. Received Key Caltrain Performance Statistics – July 2020**
- c. Received Capital Projects Quarterly Report – 4th Quarter Fiscal Year 2020**
- d. Appointment/Reappointment of the Citizen's Advisory Committee (CAC) Representatives**
- e. Approval of Caltrain's Project Submission to the Metropolitan Transportation Commission (MTC) for Plan Bay Area 2050**
- f. Accepted Statement of Revenues and Expenses for the Period Ended July 31, 2020**
- g. Awarded Contract for Maintenance and Support of I-ETMS Positive Train Control System**
- h. Awarded of Contract for Electronic Bike Lockers for Caltrain**
- i. Authorization to Enter into a Funding Agreement with the Federal Railroad Administration for the Caltrain Right-of-Way Trespassing Project**
- j. Received State and Federal Legislative Update**
- k. Resolution Endorsing the Riding Together: Bay Area Healthy Transit Plan**

Motion/Second: Davis/Bruins moved to approve the Consent Calendar

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

Noes: None

Absent: None

7. ADOPTION OF FISCAL YEAR 2021 OPERATING BUDGET AND AMENDMENT OF THE FISCAL YEAR 2021 CAPITAL BUDGET AND THE SUSPENSION OF THE PREVIOUSLY ADOPTED FARE INCREASES

Jim Hartnett, Executive Director, introduced the item and thanked the finance team for their work. He stated that the budget projects an \$18.5 million shortfall for this fiscal year, and it could be higher if riders do not return. Mr. Hartnett noted that if Measure RR (for dedicated funding) succeeds, the funds would not become available until after July 2021 and they may be able to borrow against these future funds to take care of deficits in this fiscal year. He noted concerns and uncertainty on if the measure does not succeed, if ridership increases as projected (or decreases), if there will be any further federal funding for public transit, and the effects of the pandemic.

Derek Hansel provided a presentation on suspending fare increases, cost mitigation measures, Fiscal Year (FY) 2021 proposed budget outlook, revenue assumptions, expense assumptions, positive train control (PTC), staff allocation for Caltrain, application of CARES Act, sensitivity of revenue to ridership, cost to operate Caltrain, FY21 capital budget, FY21 proposed funding sources, and next steps.

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

- The legality of approving an unbalanced budget
- Including federal funding the budget
- Whether maintenance and shuttle service costs are reflected in the budget
- Whether there were competing legal structures for county and city level budgets
- Stripping the current resolution of the budget and approving fare suspension
- Transferring operating to capital expenditures
- Caltrain's legal authority to spend

Public Comment

Andy Chow, Redwood City, commented on the Muni shutdown, maintenance issues, and pandemic budgets.

Jeff Carter, Millbrae, commented on keeping Caltrain running, shutting down not being an option, Clipper START, and requested an itemized breakdown by fare product.

Adina Levin, Friends of Caltrain, recommended strongly against a shutdown. She said the shutdown process would be 2.5 years for rehiring and retraining, be a severe cost for the region, include businesses changing locations, have cascading negative impacts, and suggested weekend shutdown to accelerate the electrification project.

Roland Lebrun, San Jose, commented on the CARES Act line, transferring capital to operations, \$11 million line in the budget, requested revenue projections. He commented on restoring public confidence in riding baby bullets during a pandemic, ridership return to 10 percent (pre-COVID levels), and changing the executive director.

Aleta Dupree, Oakland, commented on passing a balanced budget and suspending fare increases.

Motion/Second: **Davis/Stone moved to approve suspension of fare increase and review the Second Quarter Budget at the next Finance Committee meeting and then at the next Board meeting (with the staff report to include information on what may be legally required and needed for a balanced budget.**

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

Noes: None

Absent: None

8. REPORT OF THE CHAIR

Chair Pine provided an update on Measure RR on the ballot: the campaign is running with the ballot arguments submitted, and early voting beginning in October. Chair Pine explained that the Governance Process Ad hoc committee makes recommendations to the Board on how to organize work around governance. This would include addressing what information will be needed, what outside experts should be retained, and the stakeholders involved. There will be report back at the October Board meeting. He announced that San Francisco Bay Area Planning and Urban Research Association (SPUR) is examining governance models nation-wide Thursday September 10th.

Jeannie Bruins reported on the LPMG (Local Policymakers Group) Aug 27th meeting, 13 of 19 representatives were present and the primary topic was high speed rail. She said topics discussed were the draft Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) regarding the San Francisco to San Jose section, placement of passing tracks, grade separations, emergency response, and noise impacts. Director Bruins reported public comments regarding compatibility with Caltrain service vision, going to clock face schedule, and high-speed rail need passing tracks.

In response to Director Heminger's request for a copy of the comments sent to the High Speed Rail Authority, Mr. Petty responded that they were currently finalizing the letter and would make it available to the Board.

Public Comment

Roland Lebrun, San Jose, commented that the ad hoc committees are subject to the Brown Act. He commented that the time between San Jose and San Francisco should be 30 minutes with high-speed rail in regards to Prop. 1A and electrification in regards to Balfour Beatty.

On behalf of the Board, Chair Pine dedicated the meeting in memory of Ms. Bouchard's father Ron Bouchard.

7. REPORT OF THE EXECUTIVE DIRECTOR

Jim Hartnett, Executive Director, expressed appreciation for the Board's time and robust discussion on the budget. He noted that his written report was in the packet.

Item 7a was heard out of order after Item 7b.

a. Caltrain Positive Train Control (PTC) Project Update – JULY 2020

Michelle Bouchard, Chief Operating Officer, thanked the WPLP & Finance Committee members for the contact in place for maintenance of the system. She reported that they would continue the project through to certification in December.

Item 7b was heard out of order before Item 7a.

b. Peninsula Corridor Electrification Project (PCEP) Monthly Progress report -

John Funghi, CalMod Chief Officer, provided an update on how they are focusing on the signal system duct bank work. Mr. Funghi reported that Balfour is currently complying with all of the social distancing requirements and wearing a required facial coverings but some crew had COVID. He noted that that foundation production decreased in the last three months due to unknown underground conditions they encountered and that they were unable to resolve in a timely manner for the foundation work. Production also suffered from underpowered drill equipment in rock areas and that 67 foundations are left to be completed in critical segments; work is scheduled to resume in mid September and project completion is expected in mid October. He stated that Balfour changed switchgear providers and now delivery dates have changed. Mr. Funghi stated that the first vehicles are going through initial testing and the dynamic testing will begin November 2020. He stated that there is \$168 million in contingency, which is a slight surplus from \$167 million.

c. Proclamation Declaring September Railroad Safety and Suicide Prevention Month

Tasha Bartholomew, Communications Manager, provided an overview. She stated the proclamation reaffirms Caltrain's commitment to provide safe and efficient train service between San Francisco and Gilroy. Ms. Bartholomew noted this is an opportunity to highlight the promotion and advancement on the right-of-way through enhanced safety measures and increased public awareness. She spoke on Federal Railroad Administration (FRA) grants to reduce trespassing, suicide statistics, and promoting safety videos on social media.

Director Stone commended Ms. Bartholomew and the communications team for their work.

Public Comment

Roland Lebrun, San Jose, commented on duct-bank work funding, inquired about the solution for the pole installation on the Guadalupe and highway 87 bridges, and inquired about the difference between Stadler and Alston in terms of train manufacturing.

Aleta Dupree, Oakland, expressed concern regarding low production of foundations on the corridor.

Motion/Second: Bruins/Stone moved to approve the proclamation declaring September railroad safety and suicide prevention month

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

Noes: None

Absent: None

10. Report of the Citizens Advisory Committee (CAC)

Brian Shaw, Citizens Advisory Committee Chair, provided a report for August 2020. He stated that the new member David Tuzman, San Mateo County, attended. Mr. Shaw noted with thanks that with his and Patricia Leung's reappointments today, the CAC membership is now full. He stated that public comment included Clipper START outreach, moving away from paper tickets, different Caltrain auditors. Mr. Shaw said member comments included being mindful equitable enforcement, and providing information on Caltrain ventilation on the web page. He stated that they heard a report on COVID-19 productivity and commented on rail defects detection. Mr. Shaw said the next meeting was scheduled for September 16.

Public Comment

Roland Lebrun, San Jose, commented on using track geometry and monitoring continuously to detect if the rail was flexing.

11. Equity, Connectivity, Recovery & Growth Framework

Ms. Bouchard acknowledged staff efforts in the past few months for this important policy framework.

Mr. Petty provided a presentation and highlights included the following: ongoing recovery planning efforts, equity in the Caltrain context, building on the business plan, learning from the community, connectivity, and growth & recovery.

Casey Fromson, Director of Community Affairs, spoke on engagement methods, including the policy framework outreach timeline (stakeholder meetings, media and press), expanding outreach platforms (including Instagram Live and the public Google spreadsheet), contacting 500+ community-based organization (CBO), and how non-English language (Chinese and Spanish) outreach boosted posts. She noted the involvement of our partners who helped promote the equity framework and explained how they measured outreach and included comments from new groups of people.

Mr. Petty stated there was an overall positive reception with constructive feedback, noted key themes for feedback on land use, corridor impacts, and accountability. He provided information on both initial and long-term the next steps.

Public Comment

Adina Levin, Friends of Caltrain, expressed support for equity and connectivity. She commented on diversity in the Citizen's Advisory Committee.

Aleta Dupree, Oakland, expressed support for the clock face schedule and increasing accessibility (particularly at the 22nd Street San Francisco station).

Jeff Carter, Millbrae, commented on equity through fare programs, eliminating zones, and the detriments of clock face schedules.

Roland LeBrun, San Jose, said clock face only works with dedicated lines (suburban stopping patterns, but Caltrain is working with mixed traffic on lines), and he expressed support for a non-clock face schedule repeating every 30 minutes.

Board Questions & Comments

Director Walton expressed his thanks to staff on their work to engage the community and how there is a need to continue engaging the community and taking feedback as we try to move forward.

Director Cindy Chavez thanked everyone on the great outreach and appreciation in seeing how those who responded were not the usual people. She requested the opportunity for Government Alliance on Race and Equity (GARE) membership involvement with staff. Director Chavez requested a monthly equity report out to the Board. She commented on needing dedicated staff for this body of work especially for the constraints Caltrain is under.

Director Dev Davis noted that the City of San Jose has been participating in GARE for a couple of years now. She stated that improving equity, station access, and clock face schedules were good for everyone.

Director Charles Stone thanked everyone for exceptional outreach and pre-loaded messaging.

Motion/Second: Davis/Bruins moved approval with an amendment to include a monthly report, a work plan and timeline, and report out for tools used to engage staff with GARE

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

Noes: None

Absent: None

12. CORRESPONDENCE

Correspondence was available online.

13. BOARD MEMBER REQUESTS

Director Chavez requested a report on competing legal mechanisms surrounding an unbalanced budget

Director Bruins requested the October budget include a CARES Act line item.

Director Heminger requested comments sent to the High Speed Rail Authority.

Director Chavez requested a monthly equity report out to the board.

Director Chavez requested dedicated GARE staff.

There were no requests.

14. GENERAL COUNSEL REPORT

Ms. Cassman noted there was nothing to report.

15. DATE/TIME OF NEXT REGULAR MEETING: Thursday, October 1, 2020 at 9:00 am via Zoom

16. ADJOURN

The meeting adjourned at 1:09 pm. in memory of Ron Bouchard.

An audio/video recording of this meeting is available online at 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.