



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

November 6, 2008 – Thursday

10:00 a.m.

1. Pledge of Allegiance
2. Call to Order/Roll Call
3. Public Comment
Public comment by each individual speaker shall be limited to one minute
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 October 2, 2008
 - b) Acceptance of the Statement of Revenue and Expenses, September 2008
 - c) Information on Conflict of Interest Code
 - d) Approval of 2009 Meeting Calendar
 - e) Authorize Amending and Increasing the Fiscal Year 2009 Capital Budget by \$329,729 to \$151,104,629 for the Stockton Avenue Railroad Crossing Project
5. Chairperson’s Report
6. MTC Liaison Report (Sue Lempert)
7. Report of the Citizens Advisory Committee
8. Report of the Executive Director
 - a) Caltrain Performance Report – September 2008
 - b) Electrification Update
9. Authorize Execution of a Baseline Agreement and Subsequent Funding Agreements with the California Department of Transportation (Caltrans) for Caltrain Grade Separation Projects From the Proposition 1B Highway-Railroad Grade Crossing Safety Account in a Total Amount of \$45,000,000

RESOLUTION

RESOLUTION

10. Authorize Award of Contract for Rail Grinding Services to Advanced Rail Management Corporation for \$1,843,350 for a Three-year Term RESOLUTION
11. Adoption of Policy to Permit Persons with Disabilities Who Use Electric Personal Assistive Mobility Devices (EPAMD) as a Mobility Device to Ride Caltrain RESOLUTION
12. Rejection of all Proposals for Train Predictive Arrival/Departure System MOTION
13. Correspondence
14. Board Member Requests
15. General Counsel Report
 - a) Closed Session: Significant Exposure to Litigation Pursuant to Subdivision (b) (1) of Section 54956.9 (One Potential Case)
16. Date/Time of Next Meeting
Thursday, December 4, 2008, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070
17. 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 JPB 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 6 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 one minute 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
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA 94070**

**Minutes
October 2, 2008**

MEMBERS PRESENT: J. Cisneros, S. Elsbernd, J. Hartnett (Chair), J. Hill, D. Gage,
A. Lloyd, F. Williams

MEMBERS ABSENT: N. Ford, K. Yeager

MTC LIAISON: S. Lempert

STAFF PRESENT: M. Bouchard, G. Cameron, J. Cassman, M. Espinosa,
V. Harrington, C. Harvey, R. Haskin, R. Lake,
M. Martinez, I. McAvoy, N. McKenna, D. Miller, M. Scanlon,
M. Simon

Chair Jim Hartnett called the meeting to order at 10:03 a.m. and Vice-Chair Don Gage led the Pledge of Allegiance.

PUBLIC COMMENT

Bert Rifas, Millbrae, said he is concerned about the recent accident where the train was going slowly through the station and the details of this accident are not apparent in the newspaper article. Secondly, on the external airbags, Mr. Rifas contacted Auto Life regarding working with Caltrain. They are not interested at this time as they are an automobile supplier, but referred him to a competitor that is interested.

Pat Giorni, Burlingame, said that Caltrain is in a huge public relations fiasco and customer service nightmare revolving around the lack of bike car capacity to meet current needs, as evident by the many letters to the editors published in most of the Peninsula papers. Ms. Giorni said last month's mishap of running a consist with no bike cars stranded hundreds of peak period bicycle commuters rather than the daily average of plus or minus 50.

Jeff Carter, Burlingame, said Caltrain should protest the governor's transit funding withdrawal.

CONSENT CALENDAR

The Board approved the items under the Consent Calendar as follows:

- a) Approval of Minutes of September 4, 2008
- b) Acceptance of the Statement of Revenue and Expenses, June 2008 – Unaudited

The board approved the consent calendar.

Item 4(c), Acceptance of the Statement of Revenue and Expenses, August 2008, was removed due to public comment.

Public Comment

Bert Rifas said on item 4c the fuel expense is enormous and he has proposed that Caltrain recognize this and make efforts to reduce fuel by removing cars to lessen the load.

The board approved by motion the acceptance of the Statement of Revenue and Expenses for August 2008.

CHAIRPERSON'S REPORT

No report.

MTC LIAISON REPORT

Sue Lempert, said the TransLink card will make its debut on Caltrain in several months. Several agencies are still not on board, including BART, but Muni expects to be on board soon.

The bad news is the transit funding cuts and the MTC voted to transfer \$91 million in toll monies to the BART Warm Springs project from Dumbarton Rail. There needs to be a dedicated source of funding for Dumbarton Rail and staff is looking to identify another source of funding.

Public Comment

Bert Rifas, Millbrae, said there is a need for safety and there needs to be support from the San Mateo County Board of Supervisors and MTC to stop the slaughter on the tracks.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Bruce Jenkins, CAC Chair, reported at the September 17 meeting:

- The September meeting was held at the Santa Clara Police Station.
- A member of the public requested expanded weekend service and an express train.
- Director Art Lloyd and Mr. Jenkins attended the Capital Corridor Joint Powers Board meeting and Coast Daylight meeting, where it was reported that they have authorization to issue a Request for Proposal (RFP) for 27 new cars.
- Marketing Manager Pat Boland gave a presentation on the 2008 Amtrak Customer Satisfaction survey.
- Deputy Director of Rail Transportation Michelle Bouchard reported on the bolster repair, new Bombardier cars, Caltrain performance statistics for August and the proposed fare increase.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- Gave condolences to Jeff Carter on the passing of his father.
- Performance Statistics for August 2008 compared to August 2007:
 - a. Total Ridership was 1,188,931, an increase of 10.5 percent.
 - b. Average Weekday Ridership was 44,751, an increase of 13.6 percent.
 - c. Total Revenue was \$4,019,713, an increase of 9.3 percent.
 - d. On-time Performance was 93.5 percent, a decrease of 0.2 percent.
 - e. Caltrain Shuttle Ridership was 6,584, an increase of 22.2 percent.

- Year-to-date Statistics:
 - a. Total Ridership was 2,434,374, an increase of 15.3 percent.
 - b. Average Weekday Ridership was 45,460, an increase of 15.5 percent.
 - c. Total Revenue was \$8,216,324, an increase of 13.8 percent.
 - d. On-time Performance was 93.5 percent, a decrease of 0.2 percent.
 - e. Caltrain Shuttle Ridership was 6,351, an increase of 22 percent.
- Staff has made excellent progress on bolster repair; the five cars that remain out of service should be back in service the week of October 20.
- Five of the eight new Bombardier cars have arrived and three are in service.
- The increases in ridership are consistent with national trends. The American Public Transportation Association (APTA) did a recent survey and more than eight out of 10 transit properties are experiencing significant overloads, particularly during the peak periods. Many of them are considering fare increases and some are even looking at service cuts.
- The Bicycle Access and Parking Plan only addresses a portion of the problem. Staff has devoted a considerable amount of time listening to the bicyclists' concerns. They are our most loyal riders. Staff will proceed with the preliminary work for a modest increase in the number of bicycles that can be accommodated on trains and more importantly consolidate the bikes into one area of the train. Staff has engaged the services of a consultant to develop the technical aspects, the preliminary cost estimates and the sequencing. Staff is also developing an overall policy for bikes and Segways for board approval.
- Staff has written a letter to U.S. Senators Dianne Feinstein and Barbara Boxer in support of federal legislation that will mandate and provide funding for positive train control.
- He regrets having to ask the Board to approve a fare increase. Staff will only be recommending a 25-cent base increase only.
- Over the last two years the governor has diverted more than \$3 billion from public transportation in this state. He said he is bitterly disappointed in budget cuts by the governor.
- Caltrain will be running a 38-train schedule for day after Thanksgiving. This is about 10 more trains than a typical Sunday and will include two trains in each direction to Gilroy and a couple of express service trains.
- Special events include Stanford football, which carried an extra 546 extra passengers on September 20; Giants service for the year carried 358,000 people, which was down slightly from 391,000 last year. Upcoming special events include the Halloween party in the area of AT&T Park; Caltrain will run post-event service and our Transit Police is working very closely with San Francisco Police because crowd control could become a real issue.
- The reading file includes the safety and security report and various correspondence.

Electrification Update

Chief Development Officer Ian McAvoy gave a brief electrification update. Many things that have happened over the last month have set the stage for most of the 35 percent design activity. Staff recently held a meeting to move to the next stage of the project, called phase gate, that goes through all the details of the project and makes sure everyone is in line. A couple of items that were looked at are California Public Utilities Commission outstanding issues, interface issues with VTA and the Transbay Terminal Joint Powers Authority. Staff is in the process of updating the traction power study. The next steps are looking at the power supply issues and working with Pacific Gas & Electric and the San Francisco Public Utilities Commission and closely

aligning with partners to send the message of electrication to the regional, state and federal government.

Director Forrest Williams asked if this work will support High Speed Rail (HSR). Mr. McAvoy said that from day one staff has been very clear that Caltrain's plans do not preclude HSR on the Peninsula.

Public Comment

Pat Giorni, Burlingame, thanked Mr. Scanlon for taking the capacity study and looking at doing it now.

APPROVAL TO AMEND CALTRAIN CODIFIED TARIFF: FARE INCREASE; ADD EIGHT-RIDE TICKET; LANGUAGE CHANGES INCLUDING THE ADDITION OF TRANSLINK®

Ms. Bouchard said at the last Board meeting there was a public hearing regarding the proposed changes to the codified tariff, the culmination of an outreach process that began in late July and included presentations to the JPB Citizens Advisory Committee (CAC) and public meetings in each of the JPB counties. Additionally, the fare proposal was put on the Caltrain Web site. A total of 37 comments was received and half are for the proposal and half are against. There are basic changes to the Codified Tariff to include TransLink language and replacing the 10-ride ticket with an 8-ride ticket that retains all of the benefits, but will deal with some of the issues with fare media and validator malfunction. Staff recommends the Board accept the proposal for the entire Codified Tariff changes and the 25-cent increase on the base fare.

Public Comment

Tim O'Brien, Belmont, said he opposes a fare increase as it decreases ridership and recommends a parking fee increase.

Jeff Carter, Burlingame, thanked Mr. Scanlon regarding the loss of his father. Currently the monthly pass is honored until noon on the first day of the following month and would suggest it be honored for the full day of the following month and the full day of the preceding month. Mr. Carter said that TransLink doesn't solve any problems with the fares, but there should be a universal Bay Area transit fare and finally in the future do a study on point-to-point fares.

The motion (Gage/Lloyd) to amend the Codified Tariff, approve the 25-cent base fare increase effective January 1, 2009 and add a discounted eight-ride ticket was approved unanimously by roll call.

ADOPTION OF THE CALTRAIN BICYCLE ACCESS AND PARKING PLAN (BAPP)

Marisa Espinosa, Manager of Planning and Research, provided an update on the final plan.

- At the August board meeting staff reviewed the outreach to stakeholders, discussed key comments received and also proposed parallel efforts to finalize the draft and to assess onboard bicycle capacity issues in the context of a future comprehensive access policy for all riders.
- Public comments included immediate solutions to increase onboard bike capacity, support for parking and access recommendations and support moving forward with innovative concepts, in particular, exploring folding bike subsidies, real-time information

as well as bicycle-sharing programs. The proposal for congestion pricing was not well received so the recommendation was removed.

- The recommendations from the final BAPP include increase options for secured parking at stations, consolidate information on the bike program, improve overall customer service for bike-related issues and improve access to station areas from adjacent streets in partnership with cities.
- Three key steps to address onboard concerns are identifying potential operational solutions, including partnering with Mineta Transportation Institute for a best practice study on onboard operation capacity for bikes and boarding and alighting protocols. Staff also proposes moving forward with feasibility studies for innovative concepts identified in the plan.
- Staff recommends the development of a comprehensive access policy to assess the recommendations and understand what trade-offs are needed or what considerations should be taken into account when offering opportunities for increased capacity or other issues arising among one segment of ridership.

Mr. Scanlon said as a point of clarification that he reached the decision yesterday not to pursue the Mineta study.

Ms. Lempert asked how much capacity will be added. Mr. Scanlon said he is not sure about capacity, but that he also wants to focus on the predictability of which car will be the bike car. The worst thing to give our passengers is bad information.

Public Comment

Pat Giorni, Burlingame, said in March 2004 it was decided the San Francisco bicycle station would not be a JPB-operated cost, but handled by an outside party. At that meeting Jeff Carter recommended having the bicycle station named in honor of Cap Thomas who was a long time advocate for Caltrain and very instrumental in getting bikes on trains. In August 2007, Mr. Carter reported that the bicycle facility at 4th and Townsend was opened and asked if there was going to be a naming ceremony in honor of Cap Thomas. Mr. Scanlon said it was a pilot program and could not be named at that point. Warm Planet now operates the bicycle station. Ms. Giorni would like to propose that when the new rail cars are converted for more capacity that at least one be named in memory of Cap Thomas.

Tim O'Brien, Belmont, said he initially was opposed to the bike plan because it didn't solve the problem, but listening to Mr. Scanlon he is very hopeful and encourages the board to approve the plan.

Marc Brandt, San Francisco, said he is concerned about costs and service levels. The bike/train commute is the most cost-effective and staff needs to find ways to get more bikes on the train.

Bob Mack, San Jose, a member of the Technical Advisory Group (TAG), said he is a regular bicycle Caltrain commuter since the first day bikes were allowed on trains. From the very first TAG meeting the overriding theme is the lack of capacity on trains. Mr. Mack would like to commend Mr. Scanlon and staff for taking the bike-capacity study on now and not a longer-term approach to addressing the problem. Caltrain has been a leader in bicycle access and commuting for many years.

Tracy Corral, San Jose, is a long-time Caltrain rider and bike commuter and wanted to commend staff for taking the step forward to increase capacity on the train. A study packet has been distributed to the Board with a couple of newspaper articles relating to the bike plan and copies of letters to editors from people who actually take Caltrain with their bikes.

Bruce, Santa Clara, said his daughter was adversely affected by the bumping. He contacted staff to obtain a copy of the study or data to understand the bumping. No data was available for car selections or inventory. Without properly based data, staff may not have a full handle or at least the public doesn't have a full handle on the operations. He did receive the bump study, but it was limited and suggested having the conductors record how many bikes are bumped at each station to obtain base data.

Paul Goldstein, Palo Alto, board member of the Silicon Valley Bicycle Coalition, thanked staff for their recommendation and supports the plan. The plan fails to address the current high frustration among bicyclists who bring their bikes onboard. He appreciates Mr. Scanlon's remarks and he has clearly been listening to the comments and has absorbed the frustration and appreciates the steps being taken.

George Lane, San Francisco, said he is a daily commuter from San Francisco to Foster City. The Frequently Asked Questions (FAQ) on the Web for bicycles is excellent and thanked Caltrain staff for posting it. There are some questions in the FAQ that need clarification. For example, Caltrain states overall bicycle capacity will improve with increased frequency, but Caltrain has reduced capacity since the Bombardier cars were put in service.

Jeff Carter, Burlingame, appreciates the fine work staff did on the plan and is encouraged by Mr. Scanlon's comments. Mr. Carter said a friend was on Train 277 on September 24, which left 30 bikes behind between San Jose and San Mateo, including 18 bikes in Palo Alto.

Steve Vanderlip, San Mateo, said Caltrain is the leader with bikes on board and this needs to be continued by finding ways to increase bikes onboard capacity.

Allen Takahashi, Sunnyvale, said he is against the adoption of the bike plan and it is biased towards even having bicycles onboard. Caltrain needs to seek funding for increased capacity. There is no recommendation in the plan for bike boardings and the survey was taken in February which is the lowest month of ridership.

Gladwyn d'Souza, Belmont, left the meeting, but left these remarks on his comment card. Public funds support Caltrain because of the good results from reduced congestion and pollution. The plan is a connection nightmare for public transit. Bikes can bridge the gap, but only if you have a bike with you. Leaving riders behind means the public loses as more drivers are added to an unsustainable air and water basin.

Shirley Johnson, San Francisco, with the Bikes on Board project of the San Francisco Bicycle Coalition (SFBC), said at last month's JPB meeting she delivered a petition with over 1,000 signatures of people who are interested in increasing bike capacity on Caltrain now. Today she delivered a petition with additional 1,600. The SFBC supports the plan for safe bike parking and

improved station access, but they would like the implementation postponed until the real problem of insufficient bike capacity on Caltrain is solved. Caltrain could solve this problem by removing 400 seats to make space for bikes. She said 400 seats is about what was missing when the gallery cars were out of service. If Caltrain takes out 400 seats for bikes the customer satisfaction would skyrocket. Ms. Johnson appreciates that Caltrain is looking into taking out seats to increase bicycle capacity and that the bicycling community looks forward to working with Caltrain to meet today's current demands..

Andy Thornley, SFBC, said he is encouraged to hear Mr. Scanlon's statements about looking into liberating more capacity for bicycles on board. Mr. Thornley distributed a sheet with questions, including preparing a timeline and a cost, labor and materials per car for removing seats to increase the onboard bike capacity. He hoped that staff would bring all this information back to the Board at the next meeting.

Emily Hunter, Belmont, said real-time capacity information would be helpful, but does not solve the overall bike-capacity problem. Bike sharing does not seem viable because of the probable day-to-day use of the shared bikes. Ms. Hunter recommends removing seats from one passenger car in each train and replacing them with 32 bike spaces. Thanked Mr. Scanlon for his encouraging remarks and for taking a step in the right direction.

Jeffrey Oldham, San Jose, said increasing onboard bicycle capacity lowers the per passenger costs.

Benjamin Damm, San Francisco, commutes to Redwood City. Mr. Damm distributed photos that show the bike capacity full before leaving San Francisco and yet there are still plenty of empty seats. He said some of these seats could be removed on all or specific trains to improve the situation.

Mike McQuaid, San Carlos, said he has never seen a bicyclist bumped and he rides with his bike. Mr. McQuaid supports the idea of a study that would look into how many people are actually bumped. He recommends that there be an organized queue line to avoid confusion. Staff has done a great job and Mr. Scanlon is right on with his earlier recommendation for short-term improvements.

Paul Wendt, Belmont, has been a Caltrain rider since 1982. Not much has been said about the bicyclist arrested last week. He understands the conductor has the authority and the passenger should have listened, but believes the conductor was abusing his authority and should have used more common sense.

Eric Reed, San Francisco, said he just recently started commuting with his bike on Caltrain. He has gone a few months without being bumped and realized what a great means of transportation Caltrain is. Mr. Reed sees a big change in the landscape of what public transportation can be and where it is going.

Corinne Winter, Executive Director of the Silicon Bike Coalition, feels it is critical that Caltrain continue to look at the onboard capacity issue. She commends Mr. Scanlon and Ms. Espinosa on

the work on the plan and has already started working with staff on a bike sharing plan throughout the Peninsula.

Board Comment

Director José Cisneros commended staff on the plan and the executive director on his comments on where we might be able to go next. He thanked the public who came to voice concerns, opinions and support for working together. This is a situation where we have the blessing of being a very popular means of transportation and that is a great place to be. He said he looks forward to what can be learned from further studies and work on how we can continue to serve everybody that we possibly can.

Ms. Lempert thanked Mr. Scanlon for his work and for listening to the public.

Director Jerry Hill said the bike riding commuters have been very patient over the years. This is a difficult issue and he is glad people want to get out of their cars and use public transit. Director Hill is encouraged by Mr. Scanlon's comments and the emphasis and efforts that are going to be taken with the study to increase onboard capacity.

Vice-Chair Gage said facts are needed to make service changes. As facts are gathered staff needs to look at the number of commuters riding and the time they are riding. There is a need to balance the commuting folks along with the bicyclists and look at all the factors.

Mr. Scanlon said the bicycle capacity issue is during the peak periods and staff is out looking at the problem now. Chief Operating Officer Chuck Harvey, Ms. Bouchard, Ms. Espinosa and Special Assistant to the CEO Mark Simon were recognized for advocating in making this type of movement.

Director Williams asked if there is an option of smaller seats on the trains.

Chair Hartnett said everyone would like more capacity with less frustration and better predictability. The capacity issue is not just bicyclists. The study will generate some capacity, but not sufficient for the growing demand of the bicyclists. The larger issue is staying in business with the structural deficit that isn't going to be solved by increasing capacity for bicyclists. There are some major issues to deal with, and the plan is an important one, but as much as staff is going to try, he said he doesn't see in the short-term being able to accommodate the expectations of all bicyclists.

The motion (Gage/Lloyd) to adopt the Bicycle Access and Parking Plan was approved unanimously by roll call.

Chair Hartnett thanked all the speakers for their remarks, e-mails and letters received and communications to staff, both today and in connection with the public outreach process.

CORRESPONDENCE

Provided in the reading file.

BOARD MEMBER REQUESTS

None.

REPORT OF LEGAL COUNSEL

No report.

Mr. Scanlon said if things go as expected during the upcoming election this could be Director Hill's final meeting and asked that he come back at a later date for the appropriate outgoing recognition.

Director Hill thanked everyone and said is very proud to sit on this Board. If he does win the election in November the Board and staff has his commitment that he will work toward the regional funding source that is necessary to sustain this and almost every public transit system in this region and the state.

Director Hill thanked staff for providing recycling bins throughout the Caltrain system.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, November 6, 2008, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos CA 94070.

ADJOURNED

Chair Hartnett asked that the meeting be adjourned in memory of Jeff Carter's father.

Adjourned at 11:50 a.m.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Virginia Harrington
Chief Financial Officer

SUBJECT: **STATEMENT OF REVENUE AND EXPENSE FOR THE PERIOD
ENDING SEPTEMBER 30, 2008 AND SUPPLEMENTAL INFORMATION**

ACTION

Staff proposes that the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of September 2008 and supplemental information.

SIGNIFICANCE

Revenue: For September of Fiscal Year 2009, *Total Operating Revenue* (line 7) is \$1,151,497 or 9.2 percent **better** than budget. This is due to higher than anticipated *Farebox Revenue* (line 1) and *Rental Income* (line 4) which together were \$1,313,591 or 11.8 percent **better** than budget and are offset by *Parking Revenue* (line 2), *Shuttles* (line 3), and *Other Income* (line 5) which together are **worse** than budget by \$162,095 or 12.1 percent. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,478,851 or 12.1 percent **higher**, driven by *Farebox Revenue* (line 1) at \$1,588,662 or 15.2 percent **higher**.

Expense: *Grand Total Expenses* (line 46) shows a favorable variance of \$129,013 or 0.6 percent. *Contract Operating & Maintenance* (line 23), *Insurance* (line 27), *Facilities and Equipment Maintenance* (line 28), *Utilities* (line 29), and *Services* (line 30) combined are \$701,358 or 4.5 percent **better** than budget. *Total Administrative Expense* (line 40) is \$247,564 or 11.0 percent **better** than budget. *Fuel* (line 25) is **worse** than budget by \$876,268 or 24.3 percent. Fuel is budgeted at \$3.00 per gallon and the average price as of the end of September was \$3.58 per gallon. Staff will be recommending preliminary mid year budget adjustments for line items such as fuel and fares this winter.

Compared to prior year, *Grand Total Expenses* (line 46) are \$2,558,937 or 12.8 percent **higher**. The increase in expense over the prior year is mainly due to the increased cost of *Fuel* (line 25) which is \$1,519,750 or 51.4 percent **higher** and *Contract Operating & Maintenance* (line 23) is \$668,920 or 5.3 percent **higher**.

Budget Revisions: There are no budget revisions this month.

Prepared by: Ladi Millard, Manager, Budget
Sheila Tioyao, Senior Accountant

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PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

FISCAL YEAR 2009

SEPTEMBER 2008

									% OF YEAR ELAPSED	25.0%	
		MONTH	YEAR TO DATE				ANNUAL				
		CURRENT ACTUAL	PRIOR ACTUAL	CURRENT ACTUAL	REVISED BUDGET	% REV BUDGET	APPROVED BUDGET	REVISED BUDGET	% REV BUDGET		
									(AS PROJECTED)		
REVENUE											
OPERATIONS:											
1	Farebox Revenue	3,849,884	10,477,154	12,065,816	10,769,004	112.0%	41,669,414	41,669,414	29.0%	1	
2	Parking Revenue	155,532	489,528	462,598	532,014	87.0%	2,128,054	2,128,054	21.7%	2	
3	Shuttles	83,491	251,016	257,125	283,482	90.7%	1,134,036	1,134,036	22.7%	3	
4	Rental Income	144,234	372,222	419,029	402,250	104.2%	1,604,340	1,604,340	26.1%	4	
5	Other Income	162,133	597,383	461,586	527,908	87.4%	2,111,720	2,111,720	21.9%	5	
6										6	
7	TOTAL OPERATING REVENUE	4,395,274	12,187,304	13,666,155	12,514,658	109.2%	48,647,564	48,647,564	28.1%	7	
8										8	
9	CONTRIBUTIONS:										
10	AB-434-Peninsula Feeder Shuttle	86,196	258,589	258,589	258,585	100.0%	1,034,355	1,034,355	25.0%	10	
11	Operating Grant	7,788	52,987	27,753	29,915	92.8%	211,000	211,000	13.2%	11	
12	JPB Member Agencies	3,284,715	9,567,134	9,854,151	9,854,142	100.0%	39,416,585	39,416,585	25.0%	12	
13	Other Sources	0	256,204	0	0	0.0%	6,047,623	6,047,623	0.0%	13	
14										14	
15	TOTAL REQUIRED REVENUE	3,378,699	10,134,914	10,140,493	10,142,642	100.0%	46,709,563	46,709,563	21.7%	15	
16										16	
17	GRAND TOTAL REVENUE	7,773,974	22,322,218	23,806,647	22,657,300	105.1%	95,357,127	95,357,127	25.0%	17	
18										18	
19										19	
20	EXPENSE										
21										21	
22	OPERATING EXPENSE:										
23	Contract Operating & Maintenance	4,384,283	12,539,951	13,208,871	13,686,631	96.5%	58,501,434	58,501,434	22.6%	23	
24	Shuttles (Including Peninsula Pass)	232,616	683,268	711,674	753,223	94.5%	3,012,891	3,012,891	23.6%	24	
25	Fuel	1,368,692	2,958,522	4,478,272	3,602,004	124.3%	14,408,059	14,408,059	31.1%	25	
26	Timetables & Tickets	26,685	49,191	43,689	58,500	74.7%	218,000	218,000	20.0%	26	
27	Insurance	357,290	952,494	1,042,196	1,116,259	93.4%	4,535,000	4,535,000	23.0%	27	
28	Facilities and Equipment Maintenance	97,329	213,368	242,543	282,321	85.9%	1,713,750	1,713,750	14.2%	28	
29	Utilities	119,613	268,523	343,462	402,658	85.3%	1,725,270	1,725,270	19.9%	29	
30	Services	68,625	229,448	207,289	257,850	80.4%	1,180,300	1,180,300	17.6%	30	
31	TOTAL OPERATING EXPENSE	6,655,133	17,894,767	20,277,997	20,159,446	100.6%	85,294,704	85,294,704	23.8%	31	
32										32	
33	ADMINISTRATIVE EXPENSE:										
34	Wages & Benefits	405,719	1,230,006	1,277,958	1,431,741	89.3%	5,966,333	5,881,103	21.7%	34	
35	Board Of Directors	915	1,909	1,876	2,422	77.4%	16,300	16,300	11.5%	35	
36	Professional Services	105,171	194,113	303,278	378,137	80.2%	1,726,850	1,749,670	17.3%	36	
37	Communications/Marketing	21,762	17,780	38,277	53,760	71.2%	311,000	311,000	12.3%	37	
38	Other Office Expense and Services	116,462	282,656	380,098	382,992	99.2%	1,275,344	1,337,754	28.4%	38	
39										39	
40	TOTAL ADMINISTRATIVE EXPENSE	650,029	1,726,465	2,001,487	2,249,051	89.0%	9,295,827	9,295,827	21.5%	40	
41										41	
42	Long Term Debt Expense	64,991	91,914	248,803	248,803	100.0%	766,596	766,596	32.5%	42	
43										43	
44	CEMOF - Startup Expense	0	256,204	-	-	0.0%	0	0	0.0%	44	
45										45	
46	GRAND TOTAL EXPENSES	7,370,153	19,969,350	22,528,287	22,657,300	99.4%	95,357,127	95,357,127	23.6%	46	

"% OF YEAR ELAPSED" provides a general measure for evaluating overall progress against the annual budget. When comparing it to the amounts shown in the "% REV BUDGET" column, please note that individual line items reflect variations due to seasonal activities during the year.



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF SEPTEMBER 30, 2008

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
County Pool # 3 (Capital projects, other)	Liquid Cash	4.07%	20,110,949	19,769,390
County Pool # 3 (Restricted)	Liquid Cash	4.07%	2,000,000	1,966,033
			22,110,949 (2)	21,735,422

Accrued Earnings for September 2008	\$74,969.23 (1)
Cumulative Earnings FY2009	\$195,594.70

(1) Earnings do not include prior period adjustments

(2) Balance does not include write off of Lehman Brothers Holdings which was recorded as of October 1, 2008 per the San Mateo County Treasurer's Office.

* County Pool average yield for the month ending September 30, 2008 was 4.07%. As of September 30, 2008, the amortized cost of the Total Pool was \$2,421,674,429.44 and the fair market value per San Mateo County Treasurer's Office was \$2,380,545,342.68.

** The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564. The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Martha Martinez
JPB Secretary

SUBJECT: **CONFLICT OF INTEREST CODE**

ACTION

This item is for information only. Following a 45-day written comment period, the Conflict of Interest Code will be presented to the Board for adoption.

SIGNIFICANCE

The California Political Reform Act, Government Code Section 87306.5 requires public agencies to review their Conflict of Interest Code in each even-numbered year to ensure they are up to date and meet the current legal requirements.

The attached Conflict of Interest Code has been revised and reviewed by Legal Counsel to incorporate requirements mandated by the State. The Appendix has been amended to conform with the positions and responsibilities for the JPB.

A “Notice of Intention to Amend the Conflict of Interest Code,” providing for a 45-day written comment period, will be posted following this meeting in accordance with the regulations of the Fair Political Practices Commission. After consideration of any comments that may be received, the Code will be presented to the Board for approval. After the Board adopts the Code, it will be sent to the Fair Political Practices Commission for review and approval.

BUDGET IMPACT

There is no impact to the budget.

BACKGROUND

1. The list of designated employees has been updated to delete the following positions because they no longer exist:

Manager, Capital Finance and Business Development

Manager, Rail Planning and Analysis

Manager, Railroad Standards and Encroachment

Manager, Signals

2. The list of designated employees has been updated to include the following new positions, which involve the making or participating in the making of decisions that may foreseeably have a material effect on financial interests, as defined in the Political Reform Act and implementing regulations:

Capital Program Delivery

Customer Service Manager

Deputy Director, Capital Program Support

Deputy Director, Rail

Government Relations Officer

Manager, Contract Planning

Manager, Financial Analyst & Projects

Manager, Rail Operations

Program Manager

Project Manager

3. The list of designated employees has been updated to reflect current positions:

Chief Engineer, Track & Structures (formerly Chief Engineer, Maintenance and Construction)

Deputy Director, Engineering Support (formerly Deputy Director, Engineering)

Deputy Director, Rail Contracts Administration (Manager, Rail Contracts Administration)

JPB Secretary (formerly Manager, Executive & Governing Board Support)

Manager, Engineering (formerly Manager, Engineering, Signals and Communications; Manager, Engineering, Public Projects; Manager, Engineering, Standards and Design; and Manager, Signals and Communication)

Manager, Environmental Planning (formerly Manager, Environmental Compliance)

Manager, Finance Special Projects (formerly Manager, Special Finance Projects)

Manager, Finance Treasury (formerly Manager, Financial Forecasting & Treasury)

Manager, Real Estate & Property Development (formerly Manager, Real Estate)

Manager, Strategic Development (formerly Manager, Special Projects)

Manager TVM Program (formerly Manager, TVM)

Program Manager, Construction Services (formerly Program Manager, Rail Equipment)

Program Manager, Capital Contracts (formerly Program Manager, Stations and Facilities)

Rail Transformation Chief (formerly Director, Rail Transportation)

PENINSULA CORRIDOR JOINT POWERS BOARD

CONFLICT OF INTEREST CODE

Adopted on February 7, 1990 by Resolution No. 1990-1
Approved by the California Fair Political Practices Commission
on October 3, 1990

Amended on December 2, 1992 by Resolution No. 1992-59
Approved by the California Fair Political Practices Commission
on July 6, 1993

Amended on March 2, 1995 by Resolution No. 1995-15
Approved by the California Fair Political Practices Commission
on March 31, 1995

Amended on December 5, 1996 by Resolution No. 1996-44
Approved by the California Fair Political Practices Commission
on April 14, 1997

Amended on December 7, 1998 by Resolution No. 1998-57
Approved by the California Fair Political Practices Commission
on May 20, 1999

Amended on December 18, 2000 by Resolution No. 2000-55
Approved by the California Fair Political Practices Commission
on July 17, 2001

Amended on January 9, 2003 by Resolution No. 2003-1
Approved by the California Fair Political Practices Commission
on September 6, 2004

Amended on December 2, 2004 by Resolution No. 2004 - 39
Approved by the California Fair Political Practices Commission
on _____

*Amended on December 7, 2006 by Resolution No. 2006-50
Approved by the California Fair Political Practices Commission
on _____*

PENINSULA CORRIDOR JOINT POWERS BOARD

CONFLICT OF INTEREST CODE FOR THE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) which contains the terms of the standard conflict of interest code and can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Peninsula Corridor Joint Powers Board.

Designated employees shall file their statements with the Peninsula Corridor Joint Powers Board who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Peninsula Corridor Joint Powers Board.

APPENDIX

<u>Designated Employees*</u>	<u>Disclosure Categories</u>
Associate Contract Officer	3
Attorney	1, 2
<i>Capital Program Delivery</i>	3
Chief Administrative Officer	1, 2
Chief Communications Officer	1, 2
Chief Development Officer	1, 2
Chief Engineer, <i>Track & Structures</i> Maintenance and Construction	1, 2
Chief of Protective Services	3
Chief Operating Officer	1, 2
Construction Manager	3
Consultants**	1, 2
Contract Officer	3
<i>Customer Service Manager</i>	3
<i>Deputy Director, Capital Program Support</i>	3
Deputy Director, Engineering <i>Support</i>	1, 2
<i>Deputy Director, Rail Contracts Administration</i>	3
<i>Deputy Director, Rail Transportation</i>	3
Director, Bus Transportation	3
Director, Capital Program Support	1, 2
Director, Contracts and Procurement	1, 2
Director, Engineering and Construction	1, 2
Director, Finance	3
Director, Human Resources	1
Director, Information Technology & <i>Telecommunications</i>	3
Director, Maintenance	1
Director, Planning and Development	1, 2
Director, Rail Transportation	1, 2
Director, Risk Management	3
Disadvantaged Business Enterprises Officer	3
Executive Director	1, 2
<i>Government Relations Officer</i>	3
<i>JPB Secretary</i>	3

Designated Employees*

Disclosure Categories

Manager, Accessible Transit Services	3
Manager, Budgets	3
Manager, Capital Contracts	3
Manager, Capital Finance and Business Development	1, 2
Manager, Capital Programming & Grants	1, 2
Manager, Contract Cost Administration – Rail	3
<i>Manager, Contract Planning</i>	<i>3</i>
Manager, Employee Relations and Civil Rights	3
Manager, Engineering, Signals and Communications	3
Manager, Engineering, Public Projects	3
Manager, Engineering, Standards and Design	3
Manager, Environmental Compliance <i>Planning</i>	1, 2
Manager, Executive & Governing Boards Support	3
Manager, Financial Forecasting &e Treasury	1, 2
<i>Manager, Financial Analyst & Projects</i>	<i>3</i>
Manager, General Ledger	3
Manager, Government Affairs	3
Manager, Grant and Capital Accounting	3
Manager, Information Technology Operations	3
Manager, Maintenance of Way	3
Manager, Maintenance Rail Equipment	3
Manager, Marketing	1
Manager, Operations Technology	3
Manager, Planning & Research	1, 2
Manager, Rail Contracts Administration	3
<i>Manager, Rail Operations</i>	<i>3</i>
Manager, Rail Planning and Analysis	3
Manager, Railroad Standards and Encroachment	2, 3
Manager, Real Estate <i>& Property Development</i>	1, 2
Manager, Signals and Communication	3
Manager, Special Finance <i>Special</i> Projects	3
Manager, Special Projects <i>Strategic Development</i>	2, 3
Manager, Stations and Parking	3
Manager, Technology Research and Development	3
Manager, Telecommunications	3

Designated Employees*

Disclosure Categories

Manager, TVM <i>Program</i>	3
<i>Program Manager</i>	3
Program Manager, Rail Equipment <i>Construction Services</i>	3
Program Manager, Stations and Facilities <i>Capital Contracts</i>	1, 2
<i>Project Manager</i>	3
Public Information Officer	3
<i>Rail Transformation Chief</i>	1, 2
Senior Contract Officer	3
Senior Engineer	3
Senior Project Manager	3
Superintendent, Maintenance Technical Services	3
Special Assistant to the CEO	1, 2
Supervisor, Sales & Promotions	3

* The positions indicated below manage public investments, as defined by 2 Cal. Code of Regs. Section 18701(b), and shall file a statement of economic interests (full disclosure) pursuant to Government Code Section 87200. Consultants who manage public investments shall also file a statement of economic interests pursuant to Government Code Section 87200.

Board Members
Chief Financial Officer

** Consultants shall be included in the list of designated officials and employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any consultant from any provision of the Conflict of Interest Code.

DISCLOSURE CATEGORIES

Category 1. All sources of income, investments and business positions in business entities.

Category 2. Interests in real property.

Category 3. Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the Peninsula Corridor Joint Powers Board.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Martha Martinez
JPB Secretary

SUBJECT: **2009 BOARD OF DIRECTORS MEETING CALENDAR**

ACTION

Staff Coordinating Council (SCC) recommends that the Board approve the Meeting Calendar for 2009 (attached).

SIGNIFICANCE

The board's monthly meeting is scheduled for the first Thursday of each month at 10 a.m.

At this time, there is a meeting in where there is a conflict with the first Thursday. The conflict is January 1, 2009 with the New Year's Day holiday. Staff recommends that the meeting date be changed to the second Thursday, January 8.

The board has voiced its desire to hold its monthly meeting in Santa Clara County and San Francisco County once a year, which is reflected in the meeting calendar.

BUDGET IMPACT

None.



Peninsula Corridor Joint Powers Board Meeting Calendar for 2009

Thursday – 10 AM
January 8*
February 5
March 5
April 2†
May 7
June 4
July 2
August 6
September 3
October 1
November 5
December 3‡

The Board meets the first Thursday of the month, unless otherwise noted.

All meetings are held in the Bacciocco Auditorium – Second Floor, 1250 San Carlos Ave., San Carlos (unless otherwise noted).

* Meeting falls on the second Thursday of the month.

† Scheduled to be held in Santa Clara County

‡ Scheduled to be held in the City & County of San Francisco

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Ian B. McAvoy
Chief Development Officer

**SUBJECT: AUTHORIZATION TO AMEND AND INCREASE THE FY 2009
CAPITAL BUDGET**

ACTION

Staff Coordinating Council (SCC) recommends the Board increase the Fiscal Year 2009 Capital Budget by \$329,729 for the Stockton Avenue Railroad Crossing Closure project in San Jose. The above change would increase the authorized FY 09 Capital Budget from \$150,744,900 to \$151,104,629.

SIGNIFICANCE

The Stockton Avenue Railroad Crossing Closure project was previously included in the FY 06 Caltrain Capital Budget for \$373,994. The purpose of this project is to provide a major safety and operational improvement to Caltrain facilities in this area. The project scope included the removal of asphalt paving, signal system configuration, installation of curbs, fencing and signage, and city street improvements surrounding the crossing. The project was funded entirely by Caltrans under the Section 130 Grade Crossing Improvement Program. The construction of the crossing closure was completed in Spring 2007.

The city street improvements were originally anticipated to be completed by the City of San Jose. However, after much discussion with Caltrans and the City, it was agreed that Caltrain will complete the work. This work requires an additional \$329,729, and Caltrans agrees to provide Section 130 funds to fully fund it. The improvements are expected to be completed by early Fall 2009.

BUDGET IMPACT

No additional JPB member contributions will be required for the capital budget augmentation. The increased costs of the project will be covered entirely under the Section 130 Grade Crossing Improvement Program.

BACKGROUND

The JPB approved the FY 09 Capital Budget on August 7, 2008 under Resolution No. 2008-36, which authorized a total capital budget in the amount of \$150,744,900. The JPB Board annually adopts a Capital Budget to fund delivery of a balanced program of projects consistent with guidance from the Caltrain Strategic Plan and the Short Range Transit Plan. The Stockton Avenue Railroad Crossing Closure project is consistent with Caltrain's goals and objectives.

Prepared by: Anne Louise Rice, Deputy Director, Capital Program Support 650.508.6374
Project Manager: Ross Weir, Program Manager, Stations & Facilities 650.508.6410

RESOLUTION NO. 2008-

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

* * *

**AUTHORIZING AMENDMENT TO THE FISCAL YEAR 2009 CAPITAL BUDGET IN
THE AMOUNT OF \$329,729 FOR A TOTAL BUDGET OF \$151,104,629**

WHEREAS, pursuant to Resolution No. 2008-36, adopted on August 7, 2008, the Peninsula Joint Powers Board (“JPB”) adopted the Fiscal Year 2009 Capital Budget in the total amount of \$150,774,900; and

WHEREAS, the original funding for the Stockton Avenue Railroad Crossing Closure Project (“Project”) in the amount of \$373,994 was included in the Fiscal Year 2006 Capital Budget; and

WHEREAS, an additional \$329,729 in funding is now necessary for the Project, which requires an increase to the Fiscal Year 2009 Capital Budget in the same amount, and will increase the total Capital Budget from \$150,774,900 to \$151,104,629, as set forth in Exhibit A; and

WHEREAS, the additional funding needed for the Project will be provided by Caltrans’ Section 130 Grade Crossing Improvement Program, and therefore no member agency contributions will be required; and

WHEREAS, the Staff Coordinating Council recommends that the JPB approve the amendments to the Fiscal Year 2009 Capital Budget described above.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board approves an amendment to the Fiscal Year 2009 Capital Budget to

add expenditures related to the Stockton Avenue Railroad Crossing Project in the amount of \$329,729, increasing the total authorized capital budget from \$150,774,900 to \$151,104,629, as set forth in Exhibit A; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Executive Director, or his designee, to take such additional actions as may be necessary to effect this resolution.

Regularly passed and adopted on this 6th day of November 2008, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Joint Powers Board

ATTEST:

JPB Secretary

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

(Amendment No. 1: November 6, 2008)													
	PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS
	<u>I. Stations & Intermodal Access</u>												
1.	South San Francisco Caltrain Station Improvement Project	Final Design/ Construction	\$ 51,000,000	\$ 10,315,327	\$ 25,789,000	\$ 6,586,000	FTA Swap	\$ 19,203,000	STIP	\$ -		\$ -	\$ 14,895,673
2.	Santa Clara Station - New Center Platform and Underpass and SB Platform Extension (Note 1)	Final Design/ Construction	\$ 26,000,000	\$ 11,741,300	\$ 14,258,700	\$ -		\$ -		\$ 14,258,700	ACE, VTA	\$ -	\$ -
3.	South Terminal Station (Note 1)	Final Design/ Construction	\$ 52,000,000	\$ 14,000,000	\$ 33,775,000	\$ 5,100,000	Signal, Track	\$ 27,400,000	ITIP, Prop 1B	\$ 795,000	AB664	\$ 480,000	\$ 4,225,000
4.	Caltrain Systemwide Station Improvements: State of Good Repair Program	Preliminary Eng / Final Design / Construction	\$ 9,400,000	\$ 2,593,000	\$ 1,000,000	\$ -		\$ -		\$ -		\$ 1,000,000	\$ 5,807,000
5.	Provision of mini-high platforms at selected Caltrain Stations (Note 3)	Preliminary Eng / Final Design /	\$ 825,000	\$ -	\$ 660,000	\$ 660,000	ADA	\$ -		\$ -		\$ -	\$ -
I. Stations & Intermodal Access					\$ 75,482,700	\$ 12,346,000		\$ 46,603,000		\$ 15,053,700		\$ 1,480,000	\$ 24,927,673
	<u>II. Right of Way / Signal & Communications</u>												
1.	FY 2009 Systemwide Track Rehabilitation Program	Construction	\$ 6,500,000	\$ 3,250,000	\$ 3,250,000	\$ 2,600,000	TR	\$ -		\$ -		\$ 650,000	\$ -
2.	Quint and Jerrold Bridge	Final Design	\$ 42,000,000	\$ 900,000	\$ 2,400,000	\$ 2,400,000	TR	\$ -		\$ -		Note 2	TBD
3.	San Mateo Bridge Replacement Environmental Document, Preliminary Engineering and Final	Final Design/ Construction	\$ 46,521,058	\$ 12,268,417	\$ 32,600,000	\$ 3,000,000	TR	\$ 29,600,000	TCRP, PUC 190, LSSRP & Match, Prop 1B	\$ -		Note 2	\$ 1,652,641
4.	Los Gatos and Guadalupe Bridges Env. Documents and Los Gatos Bridge Final Design	Final Design	\$ 26,000,000	\$ 2,331,098	\$ 1,600,000	\$ 1,600,000	TR	\$ -		\$ -		Note 2	TBD
5.	Wide Spectrum (Data) Radio ATCS Second Channel	Final Design/Construction	\$ 3,675,000	\$ 1,600,000	\$ 2,075,000	\$ 1,660,000	Rapid Rail	\$ -		\$ -		\$ 415,000	\$ -
6.	Railroad Signal System Rehab	Preliminary Eng	\$ 12,000,000	\$ -	\$ 700,000	\$ 560,000	Signal	\$ -		\$ -		\$ 140,000	\$ 11,300,000
7.	Narrow Banding Project - Develop Project Strategy Plan & Master Voice Radio Plan	Preliminary Eng / Final Design / Procurement	\$ 1,287,000	\$ -	\$ 1,287,000	\$ 440,000	Rapid Rail	\$ 847,000	STA	\$ -			\$ -
8.	Automatic Train Control/Network Traffic Management System - Maintenance & Requirements	Planning	TBD	\$ 450,000	\$ 1,550,000	\$ -		\$ -		\$ 1,550,000	Others/TBD	\$ -	TBD

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

(Amendment No. 1: November 6, 2008)													
	PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS
9.	Caltrain Visual Messaging System - Update	Preliminary Eng / Final Design /	\$ 180,000	\$ -	\$ 180,000	\$ 144,000	ADA	\$ -		\$ -		\$ 36,000	\$ -
10.	San Mateo Grade Crossing Safety Improvement	Final Design/Construction	\$ 17,200,000	\$ 5,560,000	\$ 11,640,000			\$ 2,000,000	PUC 130	\$ 9,640,000	SMCTA		\$ -
11.	Maintenance of Caltrain Engineering Standards	Update of Standards	\$ 2,985,000	\$ 2,550,000	\$ 435,000			\$ -		\$ -		\$ 435,000	\$ -
12.	Aerial Mapping Update	Update of Aerial Mapping	\$ 1,125,000	\$ 1,000,000	\$ 125,000	\$ -		\$ 125,000	STA	\$ -		\$ -	\$ -
13	Closure of Stockton Avenue in San Jose (Note 4)	Construction	\$ 703,723	\$ 373,994	\$ 329,729			\$ 329,729	PUC 130			-	\$ -
II. Right of Way / Signal & Communications					\$ 58,171,729	\$ 12,404,000		\$ 32,901,729		\$ 11,190,000		\$ 1,676,000	\$ 12,952,641
III. Rolling Stock													
1.	Rolling Stock/Vehicles	Planning, Specs & RFP Dev't		\$ 441,000	\$ 1,600,000	\$ -		\$ 1,600,000	STA	\$ -		\$ -	TBD
III. Rolling Stock					\$ 1,600,000	\$ -		\$ 1,600,000		\$ -		\$ -	\$ -
IV. Operational Facilities & Equipment													
1.	Rolling Stock Equipment, including but not limited to, engine power assemblies; speedometer upgrades; wheelchair lifts, battery sets, HVAC thermostat; signage	Procurement	\$ 2,450,900	\$ -	\$ 2,450,900							\$ 2,450,900	
2.	Parking Machine Replacement Program - San Mateo, Sunnyvale and San Antonio Stns	Procurement	\$ 380,800	\$ -	\$ 380,800							\$ 380,800	\$ -
3.	PCI Compliance & Network Security Improvements	Procurement	\$ 270,000	\$ 50,000	\$ 220,000							\$ 220,000	\$ -
IV. Operational Facilities & Equipment					\$ 3,051,700	\$ -		\$ -		\$ -		\$ 3,051,700	\$ -
V. Electrification													
1.	Electrification Program	Final Design	\$ 98,860,000	\$ 30,975,000	TBD					TBD			TBD

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

(Amendment No. 1: November 6, 2008)													
	PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS
V. Electrification					\$ -					\$ -			
	<u>VI. Caltrain 2025</u>												
1.	Caltrain 2025 Implementation Program: including engineering studies, financing strategies, support work needed for FRA and other regulatory agency approvals.				\$ 4,500,000			\$ 1,000,000	STA			\$ 3,500,000	TBD
VI. Caltrain 2025					\$ 4,500,000	\$ -		\$ 1,000,000				\$ 3,500,000	TBD
	<u>VII. Safety/Security Program</u>												
1.	Caltrain ROW Safety and Security Program, including but not limited to ROW Fencing				\$ 2,138,500			\$ 2,138,500	DHS/Prop 1B				
VII. Safety/Security Program					\$ 2,138,500	\$ -		\$ 2,138,500		\$ -		\$ -	\$ -
	<u>VIII. Others</u>												
1.	Capital Program Development/Management		\$ 650,000		\$ 650,000			\$ 650,000	STA				
2.	Capital Project Development		\$ 1,500,000		\$ 1,500,000			\$ 1,500,000	STA				
3.	Capital Contingency-Engineering		\$ 300,000		\$ 300,000							\$ 300,000	
4.	Capital Contingency-Rail		\$ 660,000		\$ 660,000							\$ 660,000	
5.	Capital Contingency-Gilroy		\$ 50,000		\$ 50,000					\$ 50,000	VTA		
6.	Third Party Re-collectible Program - Providing staff & engineering support for third party projects		\$ 3,000,000		\$ 3,000,000					\$ 3,000,000	3rd Party Payments		
VIII. Others			\$ 6,160,000		\$ 6,160,000	\$ -		\$ 2,150,000		\$ 3,050,000		\$ 960,000	\$ -
					\$ 151,104,629	\$ 24,750,000		\$ 86,393,229		\$ 29,293,700		\$ 10,667,700	
	<u>Notes:</u>												

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

(Amendment No. 1: November 6, 2008)												
PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS
(1) VTA funding support for the Santa Clara Station and South Terminal Improvement projects is subject to VTA Board of Directors approval at its regularly scheduled <i>October</i> meeting.												
(2) Matching funds required for these projects will be requested from the JPB Members as part of the FY2010 Capital Budget development process.												
(3) Matching funds in the amount of \$165,000 will be provided from the Capital Contingency Rail funds included in section VIII, line item 4.												
(4) Project is funded 100% by Caltrans' Section 130 Grade Crossing Improvement Program.												

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C.H. (Chuck) Harvey
Chief Operating Officer

**SUBJECT: KEY CALTRAIN PERFORMANCE STATISTICS— SEPTEMBER 2008
(Table A, Graph A)**

For September 2008, Caltrain average weekday ridership (AWR) increased by 13.4 percent when compared to September 2007. AWR based on ticket sales was 43,769 for September 2008, an increase of 5,177 over September 2007. The total number of passengers for the month of September 2008 was 1,140,660. This is an 18.8 percent increase over last year's September total of 959,823.

In September 2008, on-time performance was 94.49 percent, as compared to 94.14 percent in September 2007. This represents a slight increase of 0.35 percent over the previous year and a difference of minus 0.51 percent compared with our goal of 95 percent on-time performance. The slightly lower than preferred on-time performance is due to several factors, including continued bike dwell delays and occasional mechanical failures. Delays from the use of manual wheelchair lifts have been decreasing as ADA lift-equipped cars with repaired bolsters are returned to service. There were also incidents with motor vehicles becoming stuck on the railroad tracks at grade crossings and one trespasser fatality.

Average weekday shuttle ridership was 6,020; up 11% over same month last year. The Millbrae-Broadway shuttle averaged 96 daily riders. The Tamien shuttle averaged 72 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 80 daily riders.

Table A shows performance indicators for September of 2008. Graph A shows AWR for the past 13 months as compared to the rolling average.

Caltrain September 2008 Promotions

Stanford Football – Stanford football coach Jim Harbaugh’s second season at the helm has created a lot of excitement on the Farm and Caltrain will once again carry Cardinal fans to the Stanford Stadium stop this fall. Caltrain partnered with the university to produce a brochure that was placed on all trains. Caltrain also is airing commercials during Stanford games. To date, ridership is up ten percent over 2007.

Disney on Ice – Once again, Caltrain and Disney have joined forces to promote service to Disney on Ice at the HP Pavilion in San Jose from Oct. 22 through 26. This year’s show is titled 100 Years of Magic. The campaign includes television commercials, exterior sides of busses, and interior adcards on trains. Disney on Ice is offering \$5 off the admission price to Caltrain riders who show their Caltrain pass or ticket at the box office.

Giants – Despite a disappointing season for the Giants on the field and a decline in attendance of 11%, Caltrain ridership slipped only eight percent from last year’s all-time high (358,082 in 2008 versus 391,570 in 2007). The post-game express service continues to be a popular way for hundreds of southern San Mateo County and Santa Clara County fans. This year’s campaign includes television commercials (aired during Giants’ games on Comcast cable stations and on the Giants scoreboard), an ad placed in the Giants’ Scorecard, and 40,000 brochures distributed onboard the trains and at various other locations.

San Jose Sharks – The 2008/09 Sharks season should be exciting as the team hails a new coach and adds several veteran players. This year’s cooperative promotion with the Sharks includes a drive-time radio campaign, posters at the stations, and adcards on the trains. The Sharks paid for the adcards which feature images of Sharks players.

Prepared by: Anthony E. Waller, Service Planner
Patrick Boland, Marketing Manager

650.622.8026
650.508.6245

Table A

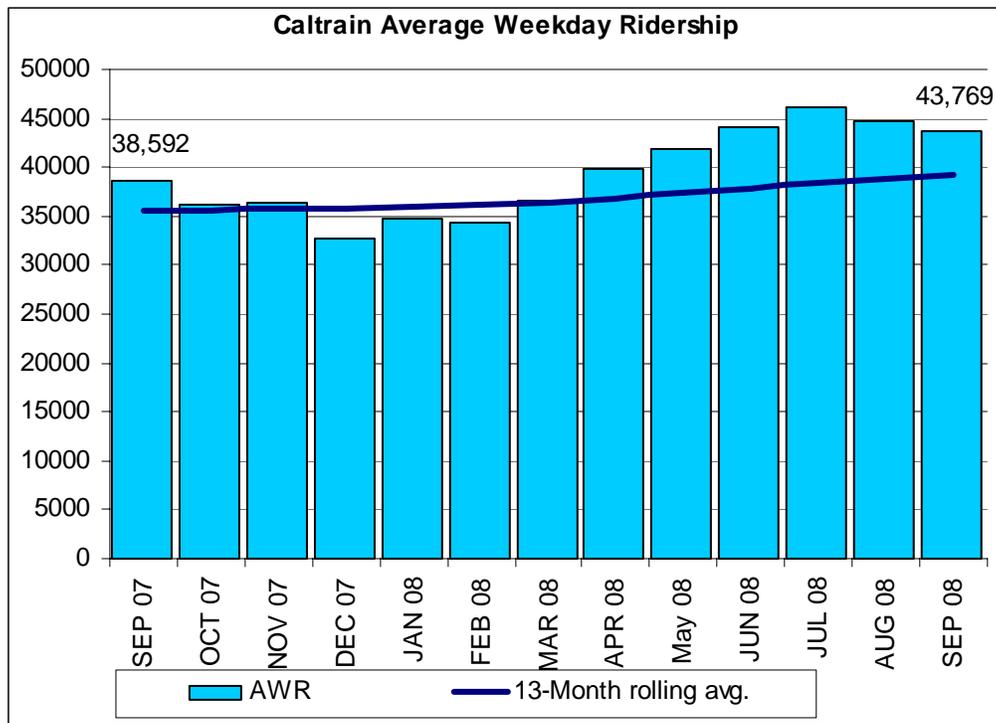
September 2008

	FY 08	FY 09	%Change
Total Ridership	959,823	1,140,660	18.8%
Average Weekday Ridership	38,592	43,769	13.4%
Total Revenue	\$3,255,631	\$3,849,884	18.3%
On Time Performance	94.1%	94.5%	0.4%
Caltrain Shuttle Ridership	5,405	6,020	11.4%

Year to Date

	FY 08	FY 09	%Change
Total Ridership	3,070,637	3,575,034	16.4%
Average Weekday Ridership	39,092	44,896	14.8%
Total Revenue	\$10,476,714	\$12,066,208	15.2%
On Time Performance	93.8%	93.8%	0.0%
Caltrain Shuttle Ridership	5,271	6,241	18.4%

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Ian B. McAvoy
Chief Development Officer

SUBJECT: **AUTHORIZE EXECUTION OF HIGHWAY-RAILROAD CROSSING
SAFETY ACCOUNT (HRCSA) AGREEMENTS**

ACTION

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director, or his designee, to execute both baseline agreements and subsequent funding agreements with the California Department of Transportation (Caltrans) for Caltrain grade separation projects for a total of \$45 million in Proposition 1B Highway-Railroad Crossing Safety Account (HRCSA) funds.

SIGNIFICANCE

The California Transportation Commission (CTC), at its August 28, 2008 meeting, adopted the HRCSA program of projects, which included funding for the following Caltrain projects:

<u>Project</u>	<u>HRCSA Amount</u>	<u>Total Cost Estimate</u>
• San Mateo Bridges Grade Separation (Poplar, Santa Inez Mt Diablo and Tilton Bridges)	\$5,000,000	\$46,521,000
• San Bruno Grade Separation	\$30,000,000	\$165,000,000
• Jerrold Avenue and Quint Street Bridges Grade Separation	<u>\$10,000,000</u>	<u>\$41,661,000</u>
	<u>\$45,000,000</u>	<u>\$253,182,000</u>

The San Mateo bridges and Jerrold Avenue and Quint Street bridges grade separation projects replace existing grade separations. The San Bruno grade separation project will provide new grade separated crossings of existing at-grade crossings in San Bruno. All of the projects listed above are part of the Caltrain Capital Improvement Program (CIP).

BUDGET IMPACT

Proposition 1B HRCSA funds programmed to Caltrain require a minimum 50 percent non-State match. Matching funds to HRCSA funds, and full funding needed to complete these grade separation projects, will come from a combination of funding sources that are included in prior year adopted Capital Budgets as well as future Capital Budget requests that will be presented to the Board prior to a request for the allocation of HRCSA funds.

BACKGROUND

Proposition 1B, passed by California voters on November 7, 2006, included \$250 million for the HRCSA program to fund the completion of high-priority grade separation and railroad crossing safety improvements. A total of \$150 million, in Part 1 of the HRCSA, has been programmed to fund projects on the Grade Separation Priority List, as established by the California Public Utilities Commission (CPUC). A total of \$100 million, in Part 2 of the HRCSA, has been programmed to high priority railroad crossing improvements, including grade separations that may not be on the CPUC's Grade Separation Priority List. The CTC's adopted program of projects includes \$45 million for the Caltrain grade separation projects from Part 1 of the HRCSA program. Projects in Part 1 of the HRCSA program require a minimum 50 percent non-state match to HRCSA funds and are expected to be ready to receive an allocation of funds for construction by June 2010, with a construction contract awarded by December 2010.

Caltrans has required all project sponsors programmed to receive Proposition B HRCSA funds to enter into baseline funding agreements by November 30, 2008. The baseline funding agreements document the projected cost, schedule, scope, benefits and certify that the planned funding sources are committed and expected to be available. Subsequent funding agreements will be required for all project sponsors at the time an allocation request for Proposition 1B HRCSA funds is requested.

Prepared by: Joel Slavitt, Manager, Capital Programs and Grants

650.508.6476

RESOLUTION NO. 2008 -

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

* * *

**AUTHORIZATION TO ENTER INTO BASELINE AGREEMENTS AND SUBSEQUENT
FUNDING AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION FOR CALTRAIN GRADE SEPARATION PROJECTS FROM
THE PROPOSITION 1B HIGHWAY-RAILROAD GRADE CROSSING SAFETY
ACCOUNT IN A TOTAL AMOUNT OF \$45,000,000**

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 that was approved by voters as Proposition 1B on November 7, 2006, includes \$250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund the completion of high priority grade separation and railroad crossing safety improvements; and

WHEREAS, the Bond Act provides that HRCSA funds are available, upon appropriation by the Legislature, to the Department of Transportation (Caltrans), as allocated by the California Transportation Commission (CTC); and

WHEREAS, the HRCSA program is subject to the provisions of Government Code Section 8879.23(j)(1), which includes \$150 million in Part 1 of the CTC's HRCSA program guidelines for projects on the Grade Separation Priority List, as established by the California Public Utilities Commission (CPUC), and Government Code Section 8879.23(j) (2), which includes \$100 million in Part 2 of the CTC's HRCSA program guidelines for high priority crossing improvements that are not part of the CPUC Grade Separation Priority List process; and

WHEREAS, the CTC HRCSA guidelines require project sponsors to execute a baseline agreement with Caltrans to confirm the project scope, benefits, delivery schedule, and the project budget and funding plan; and

WHEREAS, the HRCSA guidelines also require project sponsors receiving a CTC allocation of HRCSA program funds to execute a funding agreement with Caltrans before it can be reimbursed for project expenditures; and

WHEREAS, the California Transportation Commission (CTC), at its August 28, 2008 meeting, programmed a total of \$45 million in HRCSA Part 1 funds to the Peninsula Corridor Joint Powers Board for the San Mateo Bridges Grade Separation, the San Bruno Grade Separation and the Jerrold Avenue and Quint Street Bridges Grade Separation projects; and

WHEREAS, the Peninsula Corridor Joint Powers Board agrees to secure funds for any additional costs of its programmed projects, and if any of the funding sources being applied for are denied, to add funding from other sources to replace the denied funding. Changes to the funding commitments outlined in the baseline agreement require and amendment; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board agrees to comply with the conditions and requirements set forth in the baselines agreements and any amendments, and the funding agreements for HRCSA funding programmed to it.

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

1. The Executive Director, or his designee, to execute and file baseline agreements and any amendments, and funding agreements on behalf of the Peninsula Corridor Joint Powers Board with Caltrans, in an aggregate amount of \$45,000,000, to receive Proposition 1B HCRSA

funds for the projects as more particularly described as follows:

San Mateo Bridges Grade Separation	\$5,000,000
San Bruno Grade Separation	\$30,000,000
Jerrold Avenue and Quint Street Bridges Grade Separation	<u>\$10,000,000</u>
	\$45,000,000

2. The Executive Director, or his designee, on behalf of the Peninsula Corridor Joint Powers Board, to provide any other documentation as required and to take such actions as may be necessary to give effect to this Resolution.

Regularly passed and adopted this 6th day of November, 2008, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Directors

ATTEST:

JPB Secretary

Staff received one proposal from Advanced Rail Management Corporation. An Evaluation Committee comprised of staff reviewed and evaluated this proposal against the following criteria:

Qualifications of the Firm	35%
Proposed Staffing and Project Organization	15%
Work Plan	20%
Cost	30%

The committee determined that the proposal met the technical and administrative requirements stated in the RFP.

Interviews were not conducted because the Evaluation Committee believed that Advanced Rail Management's proposal was straightforward, thorough and complete. The Evaluation Committee concluded that Advanced Rail Management possesses the requisite depth of experience and has the required qualifications to successfully perform the scope of work defined in the contract. Negotiations related to the cost of the proposed services were then successfully conducted with Advanced Rail Management Corporation. Staff performed a cost/price analysis of Advanced Rail Management's negotiated price and determined that Advanced Rail Management's cost of providing services is fair and reasonable.

The DBE Office reviewed the RFP prior to release and recognized that there was limited subcontracting opportunity for small businesses in this contract. Staff nevertheless encouraged proposers to provide subcontracting opportunities to small businesses, including DBEs, when feasible. Advanced Rail Management Corporation solicited and accepted the proposals of five subcontractors, though none are DBEs. Staff has determined that Advanced Rail Management Corporation has complied with the DBE requirements applicable to this project.

Contract Officer:	Helen Hoang	650.508.7964
Project Manager:	Jim Kellner	650.508.6333

RESOLUTION NO. 2008-

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

* * *

**AUTHORIZING AWARD OF A CONTRACT TO ADVANCED RAIL MANAGEMENT
CORPORATION FOR RAIL GRINDING SERVICES
FOR A TOTAL ESTIMATED COST OF \$1,843,250 FOR A THREE-YEAR TERM**

WHEREAS, on July 2, 2008, the Peninsula Corridor Joint Powers Board (JPB) issued a Request for Proposals (RFP) for rail grinding services; and

WHEREAS, 10 firms downloaded the RFP from the JPB's website, and a proposal was received from one firm, Advanced Rail Management Corporation of Indialantic, Florida; and

WHEREAS, an evaluation committee has reviewed and evaluated Advanced Rail Management's proposal in accordance with the criteria set forth in the RFP and determined that Advanced Rail Management is qualified and capable of successfully providing the necessary services; and

WHEREAS, Staff has conducted a cost/price analysis, and determined that Advanced Rail Management's negotiated price is fair and reasonable; and

WHEREAS, the Staff Coordinating Council has recommended that a contract for furnishing rail grinding services be awarded to Advanced Rail Management for a total estimated cost of \$1,843,250 over a three-year term.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB awards a contract for furnishing rail grinding services to Advanced Rail Management for a total cost of \$1,843,250 over a three-year term; and

BE IT FURTHER RESOLVED that the Executive Director or his designee is authorized to execute a contract on behalf of the JPB with Advanced Rail Management, in full

conformity with all the terms and conditions of the RFP and negotiated cost proposal, and in a form approved by legal counsel.

Regularly passed and adopted this 6th day of November, 2008 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Directors

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
Chief Operating Officer

**SUBJECT: ADOPTION OF POLICY FOR THE TRANSPORTATION OF
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (EPAMD)
BY PERSONS WITH DISABILITIES ON CALTRAIN**

ACTION

Staff Coordinating Council recommends that the Board:

1. Approve a policy to permit persons with disabilities who use Electric Personal Assistive Mobility Devices (EPAMDs) as mobility devices to transport the devices on Caltrain, provided they have obtained a permit and agreed to rules regarding safe operation.
2. Authorize the Executive Director or his designee to establish permit procedures, develop a staff training process, develop customer advisory materials, set a schedule to implement the policy and make technical amendments to the policy to further its intent.

SIGNIFICANCE

The U.S. Department of Transportation issued a Disability Law Guidance in 2005 requiring transit operators to accommodate Segway brand EPAMDs when used by persons with disabilities as a mobility aid unless such transport poses a direct threat to the safety of others. The Guidance further permits transit operators to adopt their own policies regarding such accommodation.

Staff has developed a policy to accommodate the transport of EPAMDs, as defined by Section 313 of the California Vehicle Code, when used by persons with disabilities as a mobility aid.

Under the proposed policy, EPAMD users must obtain a permit by (1) submitting verification from a medical professional of the user's disability that necessitates use of an EPAMD, but does not interfere with the safe operation of the device, and (2) completing an in-person demonstration of basic proficiency handling the device safely in the Caltrain train and station environment. Provided that a permit is obtained, the user may operate an EPAMD on station

access ramps, on the station platform, and in pedestrian underpasses. However, the EPAMD must be pushed or pulled when being boarded and stowed on train cars. The user must agree to rules regarding operation in the station environment, and boarding and stowing of the device.

Also under the proposed policy, visitors to the Caltrain service area with disabilities may transport EPAMDs using Caltrain for up to seven consecutive days without obtaining a permit provided that they either (1) have documentation from their home transit agency stating that they have a disability and use the EPAMD as a mobility device, or (2) can demonstrate that they live outside the Caltrain service area.

BUDGET IMPACT

The cost of certifying EPAMD users is estimated to be no more than \$5,000 per year. Initial costs of training personnel in policy and practices will be covered by existing training budgets.

BACKGROUND

A joint SamTrans-Caltrain policy team was established to determine whether Segways or other devices fitting the definition of an EPAMD could be safely boarded and stowed on buses, trains, paratransit vehicles and shuttles. The team assembled data on best practices in the industry, purchased a Segway, and tested boarding and stowage of the Segway on vehicles including gallery and Bombardier Caltrain cars. The team determined that Segways could be safely stowed on both types of cars in the wheelchair station without securement.

A hazard assessment was conducted to determine the safety of using Segways in the station environment. The hazard assessment identified a remote possibility that a Segway user could lose control of the device and fall into the track area or collide with another person who could fall into the track area. Mitigation measures were designed to prevent such a mishap, including a requirement that users be tested during the permit certification process to determine basic competence to handle the device. Use of safety equipment specified for EPAMDs in Section 21281 of the California Vehicle Code was also included.

Several advisory committees have reviewed the proposed policy, including the Caltrain Citizens Advisory Committee and the Caltrain Accessibility Advisory Committee.

Prepared by: Bill Welch, Manager, Accessible Transit Services 650.508.6475

RESOLUTION NO. 2008 –

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

**APPROVING THE TRANSPORTATION OF ELECTRIC PERSONAL ASSISTIVE
MOBILITY DEVICES BY PERSONS WITH DISABILITIES ON CALTRAIN**

WHEREAS, the U.S. Department of Transportation issued a Disability Law Guidance in 2005 requiring transit operators to accommodate Segway brand Electric Personal Assistive Mobility Devices (EPAMDs) when used by persons with disabilities as a mobility aid unless such transport poses a direct threat to the safety of others; and

WHEREAS, the Guidance further permits transit operators to adopt their own policies regarding such accommodation; and

WHEREAS, a joint SamTrans-Caltrain policy team was established to determine whether Segways or other EPAMDs, as defined by Section 313 of the California Vehicle Code, could be safely boarded and stowed on buses, trains, paratransit vehicles and shuttles; and

WHEREAS, the team assembled data on best practices in the industry, purchased a Segway, and tested boarding and stowage of the Segway on vehicles including gallery and Bombardier Caltrain cars; and

WHEREAS, the team determined that Segways could be safely stowed on both types of train cars in the wheelchair station without securement; and

WHEREAS, Caltrain staff conducted a hazard assessment that identified a remote possibility that a Segway user operating the device on the station platform could lose control of the device and fall into the track area or collide with another person who could fall into the track area, and identified mitigation measures that would prevent such a mishap, including a

requirement that users be tested during a permit certification process to determine basic competence to handle the device; and

WHEREAS, Caltrain staff developed a policy to accommodate the transport of EPAMDs when used as a mobility aid by permitted persons with disabilities; and

WHEREAS, under the proposed policy:

1. to transport an EPAMD on Caltrain, a user must obtain a permit by (a) submitting verification from a medical professional that the user has a disability which necessitates use of an EPAMD, but does not interfere with the safe operation thereof, and (b) completing an in-person demonstration of basic proficiency handling the device safely in the Caltrain train and station environment;
2. users must agree to rules regarding operation in the station environment, and boarding and stowing of the device;
3. use of safety equipment specified for EPAMDs in Section 21281 of the California Vehicle Code is recommended;
4. permitted users may operate EPAMDs on station access ramps, on the station platform, and in pedestrian underpasses; and
5. persons with disabilities visiting the Caltrain service area may transport EPAMDs using Caltrain for up to seven consecutive days without obtaining a permit provided that they either (1) have documentation from their home transit agency stating that they have a disability and use the EPAMD as a mobility device, or (2) can demonstrate that they live outside the Caltrain service area; and

WHEREAS, several advisory committees have reviewed the proposed policy, including the Caltrain Citizens Advisory Committee and the Caltrain Accessibility Advisory Committee.

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

1. Approves the attached policy to permit persons with disabilities who use Electric Personal Assistive Mobility Devices (EPAMDs) as mobility devices to transport the devices on Caltrain, provided they have obtained a permit and agreed to rules regarding safe operation or are a verified visitor; and
2. Authorizes the Executive Director or his designee to establish permit procedures, develop a staff training process, develop customer advisory materials, set a schedule to implement the policy, and make technical amendments to the policy to further its intent.

Regularly passed and adopted this 6th day of November 2008, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST

JPB Secretary

PENINSULA CORRIDOR JOINT POWERS BOARD (JPB OR CALTRAIN)
POLICY FOR THE TRANSPORTATION OF ELECTRIC PERSONAL ASSISTIVE
MOBILITY DEVICES (EPAMD)

Effective Date: _____

This policy establishes the rules by which a Caltrain passenger may transport an electric personal assistive mobility device (EPAMD) using the train system. These devices may only be transported using the Caltrain system by certified persons with disabilities who use the devices as a mobility aid. Nothing in this policy prohibits the JPB from taking additional steps to ensure the safety of staff, passengers and the public.

I. DEFINITION

An electric personal assistive mobility device, or EPAMD, is a self-balancing, nontandem two-wheeled device that is: not greater than 20 inches deep, 25 inches wide and 60 inches high; can turn in place; is designed to transport only one person, and has an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 12.5 miles per hour. A Segway HT is an example of an EPAMD.

II. POLICY STATEMENT

The JPB generally prohibits the transport of EPAMDs using the Caltrain system. An exception is made to permit certified persons with disabilities who use the devices as mobility aids to access the Caltrain system with their EPAMDs, subject to the following conditions:

- a) The user must have applied for and received an EPAMD permit from the JPB. Permits are issued only upon verification of disability which necessitates the use of the device as a mobility aid and which does not interfere with the safe operation of the device, and successful completion of an in-person demonstration of basic proficiency in handling the device within the Caltrain environment.
- b) The user must agree to abide by JPB Rules for EPAMD Transport by Certified Persons with Disabilities within the Caltrain System (Rules).

III. JPB EPAMD PERMIT PROCESS

- a) Before any person may transport an EPAMD in the Caltrain system, that person must receive a JPB EPAMD permit. Permit applications may be obtained by contacting JPB Accessible Transit Services at 650-508-6202.

- b) Applications call for information including: basic identifying and contact information, confirmation that the applicant has read and understands the Rules, and a health care professional's certification.
- c) Before a JPB EPAMD permit is issued, Caltrain Accessible Services staff must certify that the applicant has successfully completed an in-person demonstration of basic competence in handling the device within the Caltrain environment.
- d) Permits shall take the form of either a sticker attached to the successful applicant's Regional Transit Connection (RTC) card, or a JPB-issued EPAMD permit identification card. Permits must be renewed upon expiration of the successful applicant's RTC card (in the case of a sticker permit) every three years, or three years after issuance of a JPB-issued EPAMD permit identification card.
- e) Permits may be revoked by Caltrain personnel for violation of the Rules.

IV. RULES FOR EPAMD TRANSPORT BY CERTIFIED PERSONS WITH DISABILITIES WITHIN THE CALTRAIN SYSTEM

a) General Rules

EPAMDs may be operated on station access ramps, pedestrian underpasses and boarding platforms subject to the following conditions:

1. EPAMDs may be operated or otherwise transported only by recipients of a JPB EPAMD Permit. Permit holders must show their permits to Caltrain personnel upon request.
2. Each EPAMD may carry only one occupant at a time.
3. EPAMDs must not be operated at a speed greater than is reasonable and prudent considering the weather, visibility, pedestrians, and other traffic on, and the surface, width, and condition of, the station area or platform, and in no case at a speed greater than the walking speed of other patrons.
4. EPAMDs shall not be operated with willful or wanton disregard for the safety of persons or property.
5. EPAMD users are strongly encouraged to wear helmets whenever operating or transporting EPAMDs in the Caltrain system.

6. EPAMD users are strongly encouraged to equip the EPAMD with the following safety mechanisms in accordance with Section 21281 of the California Vehicle Code:
 - A. A lamp emitting a white light that, while the EPAMD is in motion, illuminates the area in front of the operator and is visible from a distance of 300 feet in front of the EPAMD
 - B. A sound emitting device that can be activated from time to time by the operator, as appropriate, to alert nearby persons
7. Unless otherwise instructed by Caltrain personnel, when operating an EPAMD anywhere in a Caltrain station area or on a Caltrain platform between one-half hour after sunset and one-half hour before sunrise, the user must activate the EPAMD's lighting device, if the EPAMD is so equipped.
8. When operating an EPAMD anywhere in a Caltrain station area or on a Caltrain platform, the user has responsibility for activating the EPAMD's sound-emitting device, if the EPAMD is so equipped, to alert patrons, as necessary, of the EPAMD's proximity to them.
- 9. EPAMDs must remain "off" when stowed in the wheelchair station on the train.**
10. EPAMDs shall not be transported using the Caltrain system by anyone under the influence of intoxicating substances, including alcohol or drugs.
11. EPAMD users must leave their devices on the train in case of an emergency that requires vehicle evacuation.

b) Platform EPAMD Use

EPAMDs may be operated on train platforms subject to the above conditions, and:

1. Whenever possible, the EPAMD must be operated parallel to the tracks and the user must avoid backing up.
2. EPAMD may not be operated between the solid yellow line and the tracks.

c) Priority Seating Availability

The wheelchair area on train cars is open to individuals with disabilities, and particularly those individuals using a wheelchair or an EPAMD, on a first come, first served basis. If all wheelchair spaces in the designated area of a train car are occupied, the customer may be instructed by the operator to wait for the next train.

d) Boarding and Stowing EPAMDs and Getting Off the Train

Procedures for boarding, stowing and getting an EPAMD off Caltrain differ according to the type of car in use. Specific rules will be contained in a Standard Operating Procedures (SOP) document to be developed by Caltrain staff. The following general rules apply:

1. Gallery Cars

- A. Using the hydraulic or manual lift, the customer must push or pull the EPAMD onto the lift. The customer shall accompany the EPAMD on the lift but may not ride the EPAMD on the lift. On reaching the train floor, the customer must push or pull the EPAMD, without assistance from the crew, to the wheelchair station.
- B. The customer shall stow the EPAMD in the area reserved for wheelchairs. The customer shall position the EPAMD parallel to the aisle with the wheels resting against the back wall (modesty panel). The steering column shall be lowered to the floor, and the EPAMD shall be switched to "lock" mode. The customer shall sit in the closest available seat to the EPAMD. If no seats are available, the customer shall stand as close to the EPAMD as possible.
- C. To get off the train, the customer shall push or pull the EPAMD to the lift after all other passengers have boarded or exited the train car. The customer shall accompany the EPAMD on the lift but may not ride the EPAMD on the lift. The EPAMD shall be pushed or pulled off the lift.

2. Bombardier Cars

- A. An accessible ramp on the platform generally will be used for boarding. The EPAMD must be pushed or pulled, without assistance from the crew, up the accessible ramp before the train arrives. The customer must be waiting on the accessible ramp platform when the train arrives at the station. Riding the EPAMD on the accessible ramp is prohibited. When the crew has deployed the bridge plate, the customer must push or pull the EPAMD, without assistance from the crew, from the accessible ramp platform into the train and to the wheelchair station.
- B. The customer shall stow the EPAMD in the area reserved for wheelchairs next to the bridge plate securement area. The EPAMD shall be positioned with the handlebar against the seat back of the flip-up seat. The customer shall be seated in the flip-up seat outboard of the EPAMD steering column. The EPAMD shall be switched to "lock" mode.
- C. To get off the train, the customer shall push or pull the EPAMD to the bridge plate, over the bridge plate and onto the accessible ramp. The

EPAMD shall be pushed or pulled down the accessible ramp to the station platform.

V. FARES

This policy and the subject transport of an EPAMD shall not impact fares required for use of Caltrain.

VI. VISITORS

Any visitor with a disability necessitating the use of an EPAMD as a mobility device is permitted to transport the device on Caltrain in accordance with this policy if the visitor presents either of the following to Caltrain personnel in advance of transporting the device or, alternatively, carries either of the following upon his or her person for presentation to Caltrain personnel at the boarding station and elsewhere in the Caltrain system:

1. Documentation from the visitor's "home" jurisdiction transit system sufficient to confirm that the individual has a disability requiring the use of the EPAMD as a mobility device or
2. Proof of residence outside the JPB service area. (The JPB service area includes the counties of San Francisco, San Mateo and Santa Clara.)

No visitor is permitted to transport an EPAMD on Caltrain for a period of more than 7 consecutive days without securing a JPB EPAMD Permit.

