



Note Meeting Venue

BOARD OF DIRECTORS 2009

MARK CHURCH
JOSÉ CISNEROS
SEAN ELSBERND
NATHANIEL P. FORD, SR.
DON GAGE
JIM HARTNETT
ASH KALRA
ARTHUR L. LLOYD
KEN YEAGER

MICHAEL J. SCANLON
EXECUTIVE DIRECTOR

AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

County Building/Santa Clara Board of Supervisors Chambers
70 W. Hedding Street, San Jose, CA 95110

April 2, 2009 – 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 MOTION
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of March 5, 2009
 - b) Acceptance of the Statement of Revenues and Expenses, February 2009
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 – February 2009
 - b) Electrification Update
9. Authorize Entering into an Agreement with California High Speed Rail RESOLUTION
10. Authorize Adopting a Parking Violation Fine Schedule for Citations Issued on JPB Parking Facilities RESOLUTION
11. State and Federal Legislative Update INFORMATIONAL
12. Correspondence
13. Board Member Requests

14. General Counsel Report

15. Date/Time of Next Meeting

Thursday, May 7, 2009, 10 a.m. at San Mateo County Transit District Administrative Building,
Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

16. 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.

Draft

**Peninsula Corridor Joint Powers Board
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA 94070**

**Minutes
March 5, 2009**

MEMBERS PRESENT: M. Church, J. Cisneros, S. Elsbernd, N. Ford, D. Gage (Chair), J. Hartnett, A. Kalra, A. Lloyd, K. Yeager

MEMBERS ABSENT: None

MTC LIAISON ABSENT: S. Lempert

STAFF PRESENT: C. Cavitt, A. Chan, C. Harvey, R. Haskin, R. Lake, M. Martinez, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon

PUBLIC COMMENT

Doug DeLong, Mountain View, asked why bike racks can't be added to trailer cars when looking at alternatives for bicycle capacity.

Vaughn Wolffe said it is important to build the tracks for High Speed Rail (HSR) on the surface.

Pat Giorni, Burlingame, said for many months staff and this Board has spent many hours on bike issues and not on Caltrain's primary focus, which is HSR and electrification of Caltrain.

Ms. Giorni said Caltrain needs to restructure the Bicycle Advisory Committee (BAC).

Jeff Carter, Burlingame, said there is a lot of misinformation being put out on HSR regarding the electrical towers, taking away homes and trains every minute. There needs to be a good plan in place and let people see the benefits of HSR to the Peninsula, Caltrain and the state.

Jeffrey Oldham, San Jose, said he read the letter Executive Director Michael Scanlon wrote urging no further reduction of state public transportation funding. Mr. Oldham said adding additional on-board bicycle capacity is a cheap, easy way for Caltrain to increase its revenue.

Norman Rolfe, said there needs to be a good public information campaign on HSR and let the public know what is really going on.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of February 5, 2009
- b) Acceptance of the Statement of Revenues and Expenses, January 2009
- c) Authorize the Filing of Applications with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula Program Funds, Section 5309 Fixed Guideway Modernization Program Funds and Surface Transportation Program Funds in the Amount of \$30,909,267

- d) Authorize the Filing of Economic Stimulus Applications with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway Modernization Program Funds in an Amount up to \$13,094,228

CHAIRPERSON'S REPORT

Chair Don Gage thanked everyone who attended the California Avenue event last Thursday. He thanked staff for all their hard work on the improvements.

MTC LIAISON REPORT

No report.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Vice-Chair John Hronowski reported on the February meeting:

- Deputy Director of Rail Operations Michelle Bouchard gave the Bikes On-Board presentation.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- Monthly Performance Statistics - January 2009
 - a. Total Ridership was 981,438, an increase of 6.1 percent.
 - b. Average Weekday Ridership was 37,522, an increase of 8.1 percent.
 - c. Total Revenue was \$3,372,504 an increase of 11.3 percent.
 - d. On-time Performance was 97.1 percent, an increase of 3.2 percent.
 - e. Caltrain Shuttle Ridership was 5,713, an increase of 14.5 percent.
- Year-to-date Performance Statistics ending January 2009:
 - f. Total Ridership was 7,691,493, an increase of 13.2 percent.
 - g. Average Weekday Ridership was 41,351, an increase of 12.5 percent.
 - h. Total Revenue was \$25,766,120, an increase of 13.6 percent.
 - i. On-time Performance was 94.6 percent, an increase of 1 percent.
 - j. Caltrain Shuttle Ridership was 6,232, an increase of 22.7 percent.
- The state has cut State Transit Assistant (STA) funds by half and that no STA funds will be received for the next four years.
- The American Recovery and Reinvestment Act (ARRA) does have some funds for capital programs and staff continues to work with the Metropolitan Transportation Commission (MTC).
- All three partner agencies have received cuts from the state and it is uncertain if the annual three percent increase in partner shares of operating funds can be maintained.
- Staff will be presenting the preliminary Fiscal Year 2010 budget to the Board in May.
- There is a separate pot of federal money for HSR in the amount of \$8 billion. HSR programs throughout the country will be competing for this money.
- The HSR Authority is meeting in Sacramento regarding a draft Memorandum of Understanding (MOU) that provides the construction, development and design as a single project between San Jose and San Francisco. This all aligns well with SB375, which requires land use and transportation be coordinated, and AB32, which requires emissions be reduced to 1990 levels by 2030. It is very critical the concerns of the people along the right of way are heard regarding their homes and property.
- The new 8-ride tickets went into effect on Monday with no problems.

Public Comment

Tracy Corral, San Jose, spoke on dwell time metrics and is concerned Caltrain will continue to blame bicyclists for dwell time delays. Caltrain should conduct a thorough dwell time and bump study. The last dwell time study was done in 2001. In January 2009 on-time performance was 97 percent and it was a dry month yet many bicyclists were bumped. Ms. Corral said without reliable data Caltrain can't measure the operational impact of the bicycle capacity increase.

Update on Electrification

Chief Development Officer Ian McAvoy said the environmental draft document has been completed and will be submitted to the Federal Transit Administration (FTA) next week. Staff hopes to receive an environmental clearance of the project by early summer.

Public Comment

Dan Klitzing, San Jose, said as an engineer for Amtrak, the plan to put 40 bikes on cars will result in a lot of dwell time at the stations. He said a better idea is to ensure two bike cars are on every train and bicyclists can line up accordingly.

Chair Gage said the bike capacity changes approved last month by the Board is on a six-month trial to look at all the issues, positive and negative, and make adjustments.

Update on Bicycle Service

Chief Operating Officer Chuck Harvey provided the following update:

- At the February 5 meeting the Board directed staff to proceed with alterations to existing bike car fleet to increase on-board capacity from 32 to 40 on the gallery cars and 16 to 24 on the Bombardier cars; arrange consist to accommodate two bike cars and begin to look at improvements in signage and communication with the bike community.
- The consist changes were implemented with the new schedule effective March 2; staff is procuring materials for the bike racks and the bike project should be completed by June.
- The new consist schedule assigns two bike cars to the 10 northbound trains and 11 southbound high-demand trains.
- Consist turns may change due to planned maintenance or mechanical issues.
- Information is on the Web advertising the two bike car trains.
- Staff is developing signage for the front of the train to identify two bike car trains.
- A pilot gallery car was put in place in mid-February with eight seats removed and replaced with two bike racks. Due to emergency exit window requirements new racks are lower than existing racks.
- The Bombardier equipment design improvement allows for the addition of two bike racks while removing only four seats instead of eight. There will be 15 seats in the lower level and space for 24 bikes.
- Staff is working on developing better signage and customer information; developing a more formalized communication with the bike community and developing the scope of work for a Comprehensive Access Policy.

Public Comment

Pat Giorni, Burlingame, said in order to qualify for Transportation Development Act (TDA) funds a public agency must have a BAC with a portion of its membership from the public at-

large. Caltrain should create a chartered BAC modeled along the same lines as the other Citizen Advisory Committees.

Barton Selby, San Carlos, said Caltrain riders who come to the station in cars are now the most heavily subsidized because Caltrain provides below-market parking. Mr. Selby said Caltrain should promote bikes on trains, never turning a rider away and offer bike commuters a lower fare.

John Murphy, San Francisco, said he is pretty optimistic after Mr. Harvey's comments, but believes this is being done because of the pressure received from the bicycling community. He said key stakeholders need to be pulled into this project for their opinions on the bike racks.

Alpesh Patel, San Francisco, agrees with Director Art Lloyd's idea to allow priority boarding for bicyclists. Mr. Patel said that with two bike cars on every train, boarding can be evenly spread out.

Andrew Casteel, Bay Area Bicycle Coalition, said while the current plan provides significant short-term improvements to the capacity problem, there is still more that needs to be done for capacity, including two bike cars on every train.

Shirley Johnson, San Francisco Bicycle Coalition (SFBC), said she there is not enough bike space and too many empty seats. She said with two bike cars on every train it will reduce bumping, dwell time and platform conflicts.

Theo Cummings, San Francisco, said Caltrain can solve problems by having a consistent number of bike spaces on all trains. Mr. Cummings said Caltrain's customers need consistency in bike capacity on all trains.

Bob Mack, Cycle California Magazine, said the presentation shows a lot of good things happening. He said there is too much of a subsidy for parking and bikers don't need this subsidy, but they need two bike cars. Mr. Mack said if a passenger purchases a ticket they should not be left behind.

Jeffrey Oldham, San Jose, said Caltrain should guarantee two bike cars per train because with two bike cars per train any train can be used for any run.

Vicki Pelton, Redwood City, would like to encourage the Board to increase bike capacity by always having two bike cars per train. Ms. Pelton said when Caltrain increases bike capacity everyone wins. Caltrain wins because there are more paying customers, bicylists win because they don't get bumped, car commuters win because there is less traffic and finally the environment wins because there is less pollution.

Andy Thornley, SFBC, said he would like to collaborate with staff and have a discussion because some of the best planners are the customers.

AUTHORIZE AMENDING AND INCREASING THE FISCAL YEAR 2009 CAPITAL BUDGET BY \$400,000 FROM \$151,104,629 TO \$151,504,629

Director of Capital Program Support April Chan said the Board received a preview of this item earlier. Staff Coordinating Council is proposing to increase the FY09 capital budget by \$400,000.

Public Comment

Shirley Johnson, SFBC, asked staff to convert Bombardier cab cars 117 and 118 to bike cars. This will serve Caltrain's goal of improved consistency at no extra cost. Ms. Johnson said Caltrain's original proposal was to remove 328 seats at a cost of \$200,000. Due to security concerns the current plan is to remove fewer seats than the original proposal, but the cost remains the same. To convert Bombardier cab cars 117 and 118 to bike cars only 40 seats must be removed, which is still within Caltrain's original proposal and original cost. Ms. Johnson said Bombardier cab cars 117 and 118 are the only cab cars in Caltrain's system that are not bike cars. They are identical to the other cab cars so there would be no additional planning costs incurred.

Bob Mack, Cycle California Magazine, asked staff to please convert the two Bombardier cab cars not in the plan into bike cars.

The motion (Ford/Hartnett) to amend and increase the FY09 capital budget was approved unanimously by roll call.

AUTHORIZE USING THE COMPETITIVE NEGOTIATION PROCUREMENT PROCESS TO PROCURE AN OPERATIONS CONTROL CENTER (OCC) SYSTEM

The motion (Hartnett/Lloyd) to authorize using the competitive negotiation procurement process to procure an operations control center system was approved unanimously by roll call.

LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy said the president's budget summary was released last week and includes \$1 billion a year over the next five years for HSR. The FY 2009 Omnibus Appropriations Bill is moving through Congress.

On the state cuts, staff has been working with the California Transit Association (CTA) in Sacramento to try and recover some of these monies. Staff has a commitment from Senator Darrell Steinberg to work on this issue.

Director Nat Ford asked about AB277 and whether it impacts Caltrain. Mr. Murphy said the legislation would not affect Caltrain.

QUARTERLY CAPITAL PROJECT REPORT

There were no comments.

CORRESPONDENCE

Provided in the reading file.

BOARD MEMBER REQUESTS

None.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, April 2, 2009, 10 a.m. at **Santa Clara County Board of Supervisors Chambers**,
70 West Hedding Street, San Jose, CA 95110

GENERAL COUNSEL REPORT

Closed Session: Significant Exposure to Litigation Pursuant to Subdivision (c) of Section
54956.9 (One Potential Case)

General Counsel David Miller said the Board will convene into closed session as permitted by the Brown Act to consider a matter of potential litigation that would be initiated by this Board.

Meeting adjourned to closed session at 11:15 a.m.

Meeting reconvened to open session at 11:25 a.m.

Mr. Miller said the Board has convened in closed session as permitted by the Brown Act to hear a report from counsel on a matter of potential litigation. There is no action to be taken at this time. No other facts or figures would be provided as permitted by law and he will keep the Board apprised and at the appropriate time inform the public if action is to be taken.

ADJOURNED

Adjourned at 11:26 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 FEBRUARY 28, 2009 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 February 2009 and supplemental information.

SIGNIFICANCE

Revenue: For February of Fiscal Year 2009, *Total Operating Revenue* (line 7) is \$410,772 or 1.3 percent **worse** than budget. Within total operating revenue *Farebox Revenue* (line 1) is \$271,512 or 0.9 percent **better** than budget, offset by *Other Income* (line 5) which is **worse** than budget by \$718,842 or 142.0 percent due to investment losses and timing issues and is expected to approach budget by year end. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,262,607 or 4.1 percent **higher**, driven by *Farebox Revenue* (line 1) which is \$3,240,116 or 12.6 percent **higher**.

Expense: *Grand Total Expenses* (line 46) show a favorable variance of \$4,279,079 or 6.8 percent. *Contract Operating & Maintenance* (line 23) is \$604,393 or 1.6 percent **better** than budget. *Fuel* (line 25) is **better** than budget by \$3,137,540 or 28.0 percent. *Total Administrative Expense* (line 40) is \$347,596 or 5.8 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 46) are \$4,963,005 or 9.2 percent **higher**. The increase in expense over the prior year is mainly due to *Contract Operating & Maintenance* (line 23) which is \$4,812,883 or 14.7 percent **higher**.

Budget Revisions: There are no budget revisions this month.

Prepared by: Rima Lobo, Manager, Financial Services
David Ramires, Accountant

650.508.6274
650.508.6417

PENINSULA CORRIDOR JOINT POWERS BOARD
STATEMENT OF REVENUE AND EXPENSE
FISCAL YEAR 2009
FEBRUARY 2009

		% OF YEAR ELAPSED 66.7%								
		MONTH	YEAR TO DATE				ANNUAL			
		CURRENT	PRIOR	CURRENT	REVISED	% REV	APPROVED	REVISED	% REV	
		ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	
(AS PROJECTED)										
REVENUE										
OPERATIONS:										
1	Farebox Revenue	3,161,838	25,688,248	28,928,364	28,656,852	100.9%	41,669,414	44,369,414	65.2%	1
2	Parking Revenue	191,606	1,415,980	1,399,498	1,397,454	100.1%	2,128,054	2,128,054	65.8%	2
3	Shuttles	86,713	710,272	712,870	726,253	98.2%	1,134,036	1,134,036	62.9%	3
4	Rental Income	144,458	1,048,969	1,117,937	1,070,040	104.5%	1,604,340	1,604,340	69.7%	4
5	Other Income	104,500	1,820,151	(212,442) ^(A)	506,400	-42.0%	2,111,720	759,600	-28.0%	5
6										6
7	TOTAL OPERATING REVENUE	3,689,115	30,683,620	31,946,227	32,356,999	98.7%	48,647,564	49,995,444	63.9%	7
8										8
9	CONTRIBUTIONS:									
10	AB-434-Peninsula Feeder Shuttle	83,333	689,570	683,844	683,844	100.0%	1,034,355	1,034,355	66.1%	10
11	Operating Grant	1,279	154,600	76,171	76,173	100.0%	211,000	211,000	36.1%	11
12	JPB Member Agencies	3,284,715	25,512,354	26,277,725	26,277,722	100.0%	39,416,585	39,416,585	66.7%	12
13	Other Sources	0	661,865	0	3,980,848	0.0%	6,047,623	7,144,285	0.0%	13
14										14
15	TOTAL REQUIRED REVENUE	3,369,327	27,018,390	27,037,741	31,018,587	87.2%	46,709,563	47,806,225	56.6%	15
16										16
17	GRAND TOTAL REVENUE	7,058,443	57,702,010	58,983,968	63,375,586	93.1%	95,357,127	97,801,669	60.3%	17
18										18
19										19
20	EXPENSE									
21										21
22	OPERATING EXPENSE:									
23	Contract Operating & Maintenance	4,826,466	32,723,559	37,536,442	38,140,835	98.4%	58,501,434	58,551,434	64.1%	23
24	Shuttles (Including Peninsula Pass)	239,162	1,888,814	1,957,358	2,008,094	97.5%	3,012,891	3,012,391	65.0%	24
25	Fuel	511,362	8,372,107	8,064,194	11,201,734	72.0%	14,408,059	16,802,601	48.0%	25
26	Timetables & Tickets	(2,316)	111,310	122,611	129,361	94.8%	218,000	218,000	56.2%	26
27	Insurance	328,780	2,525,105	3,131,227	3,136,931	99.8%	4,535,000	4,535,000	69.0%	27
28	Facilities and Equipment Maintenance	89,178	951,320	747,985	813,055	92.0%	1,713,750	1,703,750	43.9%	28
29	Utilities	151,994	740,905	847,002	868,000	97.6%	1,725,270	1,725,270	49.1%	29
30	Services	103,224	632,801	615,654	654,949	94.0%	1,180,300	1,180,800	52.1%	30
31	TOTAL OPERATING EXPENSE	6,247,850	47,945,922	53,022,472	56,952,959	93.1%	85,294,704	87,729,246	60.4%	31
32										32
33	ADMINISTRATIVE EXPENSE:									
34	Wages & Benefits	467,181	3,529,558	3,444,919	3,778,079	91.2%	5,966,333	5,871,033	58.7%	34
35	Board Of Directors	1,251	6,871	5,538	5,822	95.1%	16,300	16,300	34.0%	35
36	Professional Services	159,280	703,155	1,186,463	1,190,042	99.7%	1,726,850	1,749,670	67.8%	36
37	Communications/Marketing	11,689	76,224	116,641	122,512	95.2%	311,000	311,000	37.5%	37
38	Other Office Expense and Services	105,870	708,433	922,501	927,202	99.5%	1,275,344	1,357,824	67.9%	38
39										39
40	TOTAL ADMINISTRATIVE EXPENSE	745,270	5,024,240	5,676,061	6,023,657	94.2%	9,295,827	9,305,827	61.0%	40
41										41
42	Long Term Debt Expense	91,657	501,475	397,973	398,971	99.7%	766,596	766,596	51.9%	42
43										43
44	CEMOF - Startup Expense	0	661,865	-	-	0.0%	0	0	0.0%	44
45										45
46	GRAND TOTAL EXPENSES	7,084,777	54,133,502	59,096,507	63,375,586	93.2%	95,357,127	97,801,669	60.4%	46

(A) Includes investments losses.

"% 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 FEBRUARY 28, 2009

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
County Pool # 3 (Unrestricted)	Liquid Cash	1.790%	-	-
Local Agency Investment Fund (Unrestricted)	Liquid Cash	1.869%	-	-
Local Agency Investment Fund (Restricted)	Liquid Cash	1.869%	726,960	729,150
Investment Portfolio (Unrestricted)	Liquid Cash	1.422%	13,781,091	13,869,991
			14,508,051	14,599,141
Accrued Earnings for February 2009		\$23,681.86 (1)		
Cumulative Earnings FY2009		\$373,516.33		

(1) Earnings do not include prior period adjustments

* County Pool average yield for the month ending February 28, 2009 was 1.79%. As of February 28, 2009, the amortized cost of the Total Pool was \$2,450,369,608.01 and the fair market value per San Mateo County Treasurer's Office was \$2,440,075,113.49.

** The market value of Local Agency Investment Fund (LAIF) was derived from the fair value factor of 1.003013411 as reported by LAIF for quarter ending December 31, 2008.

*** The Portfolio and this Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The Joint Powers Board has the ability to meet its expenditure requirements for the next six months.

**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 FEBRUARY 2009
(Table A, Graph A)**

For February 2009, Caltrain average weekday ridership (AWR) increased 3.9 percent when compared to February 2008. AWR based on ticket sales was 35,748 for February 2009, an increase of 1,349 over February 2008. The total number of passengers for the month of February 2009 was 883,043. This is a 0.4 percent increase over last year's February total of 879,523.

In February 2009, on-time performance was 97.23 percent, as compared to 90.12 percent in February 2008. This represents a substantial increase over the previous year and a positive variance of plus 2.23 percentage points above our goal of 95 percent on-time performance.

Average weekday shuttle ridership was 6,059; up 11 percent over the same month last year. Again, the bulk of the ridership increase is represented by Stanford University's Marguerite shuttles connecting to two Caltrain stations. The monthly increase on the Marguerite network has been building up gradually over the past several months. Their automated passenger counting system on-board the vehicles now includes riders not previously tallied.

For the station shuttles, the Millbrae-Broadway shuttle averaged 83 daily riders. The Tamien-San Jose shuttle averaged 52 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 69 daily riders.

Table A shows performance indicators for February 2009. Graph A shows AWR for the past 13 months as compared to the rolling average.

Caltrain February 2009 Promotions

Chinese New Year & Giants Fan Fest – Dragons and baseball combined on Feb. 7 to help boost Caltrain ridership. The annual San Francisco Giants Fan Fest at AT&T Park was a sure hit for baseball fans who arrived refreshed by riding Caltrain to the event. Later that day, the Year of the Ox brought some good luck to Caltrain as those heading to the Chinese New Year Parade and related festivities let Caltrain deliver them to The City in style. Both events combined resulted in 2,832 additional riders, an 84 percent increase compared to the February 2008 ridership count.

Palo Alto Stations Improvement Project – Caltrain received extensive media coverage of its Palo Alto and California Avenue stations improvement project completion ceremony. In addition to speeches by dignitaries, the media and guests also were treated to a display of the Transcontinental Railroad Golden Spike replica, courtesy of the Cantor Art Center at Stanford University.

San Jose Sharks – The Sharks continue to have a great record in the National Hockey League. This year's cooperative promotion with the Sharks includes a drive-time radio campaign, posters at stations, adcards on trains, a banner at the San Jose Diridon station and print ads in targeted publications. The adcards feature the images of Sharks players and were paid for by the Sharks.

Prepared by: Rita P. Haskin, Chief Communications Officer
Anthony E. Waller, Service Planner

650.508.6248
650.622.8026

Table A

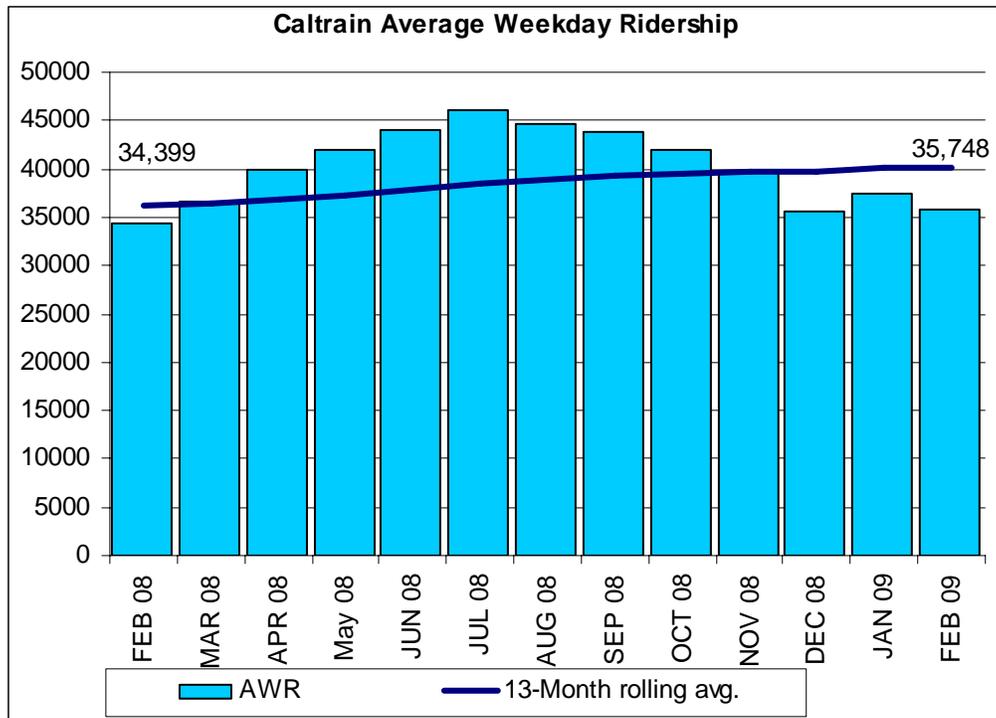
February 2009

	FY 08	FY 09	%Change
Total Ridership	879,523	883,043	0.4%
Average Weekday Ridership	34,399	35,748	3.9%
Total Revenue	\$3,004,190	\$3,161,847	5.2%
On Time Performance	90.1%	97.2%	7.9%
Caltrain Shuttle Ridership	5,440	6,059	11.4%

Year to Date

	FY 08	FY 09	%Change
Total Ridership	7,672,752	8,574,536	11.8%
Average Weekday Ridership	36,460	40,651	11.5%
Total Revenue	\$25,687,348	\$28,927,967	12.6%
On Time Performance	93.2%	94.9%	1.8%
Caltrain Shuttle Ridership	5,124	6,210	21.2%

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Robert S. Doty
Rail Transformation Chief

**SUBJECT: AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO EXECUTE
AN AGREEMENT BETWEEN THE PENINSULA CORRIDOR JOINT
POWERS BOARD AND THE CALIFORNIA HIGH SPEED RAIL
AUTHORITY ESTABLISHING A COOPERATIVE PARTNERSHIP
FOR RAIL PROJECTS ON THE CALTRAIN RIGHT OF WAY**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director to execute an Agreement with the California High Speed Rail Authority (CHSRA) establishing a cooperative partnership for rail projects on the Caltrain right of way, including Caltrain electrification, signal improvements, and other critical projects and programs and the planning, design and construction of High Speed Rail.

SIGNIFICANCE

The Agreement establishes a partnership between the Joint Powers Board (JPB) and CHSRA, negotiated in a Memorandum of Understanding between the two agencies, in which a Program Director will be appointed to manage all staff and consultants working on High Speed Rail and Caltrain projects on the Caltrain corridor. The Program Director will report directly to the Executive Directors of Caltrain and CHSRA, who, in turn, will report to their respective boards of directors.

The Agreement is predicated upon critical and significant partnership principles contained therein, including:

1. Recognition that construction of High Speed Rail in the JPB corridor must take place without degrading ongoing Caltrain operations. This will require implementation of various Caltrain improvements in the corridor before construction of many High Speed Rail components can occur.
2. High Speed Rail must be designed with consideration of the communities on the Peninsula through which the rail system will be constructed and operated, an issue of critical importance to the communities Caltrain serves.

3. Investments already made by the JPB, including the value of the rail corridor owned by the JPB and expenditures made by the JPB on various improvements, must be recognized.
4. Ultimate configuration of the Caltrain corridor will be a four-track, grade-separated high speed rail system, with mixed traffic from Caltrain commuter rail rapid transit services and the high speed train service capable of operation on all four tracks, which will enable Caltrain to achieve service levels of no less than eight trains per hour in each direction. In some places the corridor may consist of more than four tracks.

The Agreement further identifies a set of initial and long-term action plans to be developed by working groups representing each agency, including:

1. Formulation of a detailed organizational structure for the joint program.
2. Formulation of a plan for community outreach to residents, businesses and communities that are traversed by the rail corridor and other operating entities in the corridor.
3. In a manner consistent with the eventual shared use of the corridor, aggressively planning the implementation of various Caltrain projects currently under design or otherwise nearly ready for implementation, including but not limited to a new signal and control system, electrification of the Caltrain rail corridor, grade separations, and new rolling stock acquisition. These actions are necessary to maximize the Caltrain system resilience during future High Speed Rail construction in the Caltrain corridor.
4. Determinations as to the extent to which of these Caltrain projects will be pursued jointly or will be pursued separately by the JPB. This planning will include determining which party is the appropriate lead agency for purposes of environmental review.

BUDGET IMPACT

The intent of the Agreement is to seek economies in the coordination of projects and programs that can be undertaken in concert, including efficiencies in the planning, design and construction of High Speed Rail and Caltrain projects.

The approval of the Agreement and the creation of a partnership enhance the opportunity to obtain State High Speed Rail bond funds from Prop. 1A and Federal high speed rail funds contained in the American Recovery and Reinvestment Act.

The Agreement states that the partners will engage in the “development of financial systems and a detailed financial plan for pursuit of the projects in the initial action plan.”

Further, there may be costs associated with the “formulation of a detailed organizational structure for the joint program,” as described by the Agreement.

BACKGROUND

The CHSRA approved this Agreement, as presented, at its meeting on March 5, 2009.

In January 2004, CHSRA and the JPB entered into Memorandum of Understanding that

established a framework for future cooperation between the agencies relative to the proposed development of a high speed train system for California that would share the JPB-owned rail corridor between the City of San Jose and the City and County of San Francisco.

That MOU provided that any future implementation of the shared corridor concept would require the preparation of a comprehensive agreement setting forth the roles and responsibilities of each party and addressing design, construction and operational issues.

In July 2008, and with the endorsement of the JPB, the CHSRA designated the San Jose-to-San Francisco Caltrain rail corridor as the preferred alignment for the system.

In November 2008, with the endorsement of the JPB, California voters approved Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act; the measure was approved by 61 percent of voters in San Mateo County, 60 percent of voters in Santa Clara County and 78 percent of voters in San Francisco.

These recent events have created an opportunity to establish a new and unprecedented level of cooperation and partnership between the JPB and the CHSRA predicated on the assumption of shared use of the existing Caltrain rail corridor for both Caltrain commuter rail rapid transit services and inter-city high speed train service.

Such a partnership would serve the interests of Caltrain in enhancing the readiness to proceed with electrification of the Caltrain corridor and implementation of various other state-of-the-art improvements, including signal and control system improvements and the acquisition of new electric multiple unit rolling stock, while creating an immediate opportunity for phased implementation of the high speed rail system utilizing the Caltrain corridor in keeping with CHSRA's decisions and adopted business plan.

Prepared By:	Mark Simon, Special Assistant to the CEO	650.508.6340
Project Manager:	Robert S. Doty, Rail Transformation Chief	650.508.6355

RESOLUTION NO. 2009 –

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

* * *

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE CALIFORNIA HIGH
SPEED RAIL AUTHORITY ESTABLISHING A PARTNERSHIP FOR
COORDINATION OF EFFORTS AND SHARING OF RESOURCES IN DEVELOPING
A HIGH SPEED TRAIN SYSTEM ON THE CALTRAIN RAIL CORRIDOR**

WHEREAS, in January 2004, the California High Speed Rail Authority (CHSRA) and the Peninsula Corridor Joint Powers Board (JPB) entered into a Memorandum of Understanding (MOU), the purpose of which was to establish a framework for future cooperation between the agencies relative to the proposed development of a high speed train system for California that would share the rail corridor between the City of San Jose and the City and County of San Francisco owned by JPB (the “Caltrain Rail Corridor”) to the mutual benefit of the parties; and

WHEREAS, that MOU provided that any future implementation of the shared corridor concept would require the preparation of a comprehensive agreement setting forth the roles and responsibilities of each party and addressing design, construction and operation issues; and

WHEREAS, since the execution of the 2004 MOU, significant developments have transpired as follows:

- CHSRA has designated as preferred and selected the San Jose to San Francisco corridor along the Caltrain Rail Corridor as part of the route for the California High Speed Train System (“HST System”) in its environmental record, basing its November 2008 Business Plan on sharing the existing Caltrain Rail Corridor and endorsing a phasing plan to focus initially on the areas in the Los Angeles Basin and the San Francisco Bay Area;

- The California voters have passed Proposition 1A in November 2008, authorizing bond financing for Phase One of the HST System from San Francisco to Los Angeles/Anaheim;
- JPB has planned for and implemented various improvements which are consistent with accommodation of high speed rail in the Caltrain Rail Corridor, including implementation of its Baby Bullet program, environmental study and preliminary design of its electrification program, formulation of a series of improvements known as Project 2015, pursuit of Federal Railroad Administration approval of mixed rail operations that will fully integrate Caltrain and high speed rail systems, and work to implement various state of the art improvements and to acquire electric motorized rolling stock; and

WHEREAS, these recent events have created an opportunity to establish a new and unprecedented level of cooperation and partnership between the JPB and the CHSRA predicated on the assumption of shared use of the existing Caltrain Rail Corridor for both Caltrain commuter rail rapid transit services and inter-city high speed train service; and

WHEREAS, the numerous benefits associated with such a partnership and the sharing of personnel resources as described herein include:

- The promotion of efficiency and economy in the formulation and implementation of actions to achieve integrated high speed inter-city train service and Caltrain commuter rail rapid transit service, including enhanced signaling and train control equipment;
- The promotion of efficiency and economy in working with federal agencies to achieve integrated rail service in the Caltrain Rail Corridor;
- The promotion of early action steps for the HST System to the benefit of the Caltrain Corridor;

- A commitment to construct the HST System in the Caltrain Rail Corridor without degrading ongoing Caltrain operations;
- A commitment to design the HST System with consideration of the cities and communities along the Peninsula through which it will be constructed and operated; and

WHEREAS, based upon the foregoing, the JPB desires to coordinate and to the extent appropriate to consolidate its organization with CHSRA to share resources and information, and otherwise to concentrate and to direct efforts to effectuate as a fully compatible joint project inter-city high speed rail and commuter rail rapid transit systems utilizing the Caltrain Rail Corridor and to memorialize joint objectives and understandings in a new Agreement as developed by the staffs of the two organizations.

NOW THEREFORE BE IT RESOLVED that the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director to execute the Agreement to establish a cooperative partnership with the California High Speed Rail Authority to coordinate, consolidate where appropriate, and share resources to effectuate a fully compatible joint project of intercity high speed rail and commuter rail rapid transit systems utilizing the Caltrain Rail Corridor.

Regularly passed and adopted this 2nd day of April 2009, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Virginia Harrington George Cameron
Chief Financial Officer Chief Administrative Officer

SUBJECT: **ADOPTING A PARKING VIOLATION FINE SCHEDULE**

ACTION

Staff Coordinating Council (SCC) recommends the Board adopt the attached Resolution establishing a parking violation fine schedule for citations issued on JPB property.

SIGNIFICANCE

Staff is proposing to adopt its own parking violation fine schedule and in so doing, to increase the schedule over the current fines in the San Mateo County schedule in order to cover State of California-mandated court construction penalty surcharge fees of \$4.50 (State Senate Bills 425 and 1407) and to bring the JPB's parking fines in line with the average fines charged by other public entities in San Mateo County. Violations with a current fine of \$30 will increase to \$45 under the new structure. There is no proposed change to fines for disabled parking violations or abandoned vehicle violations.

Pending approval of the Board, the new fine schedule will be implemented as soon as new citation forms can be printed.

BUDGET IMPACT

The JPB's budgeted revenue from citations for Fiscal Year 2009 is \$95,000. The proposed increase would result in an estimated \$24,000 of additional revenue annually for the JPB, \$15 per ticket less the \$4.50 mandated fee to the State of California. The State has not yet implemented SB 1407 and could seek up to \$3,600 to cover the surcharge on citations issued between January 1, 2009 when the State fee officially went into affect and the date when the JPB's proposed fine schedule is implemented. However, this potential claim will be offset by third quarter citation revenues not yet received by the JPB. The additional cost impact would be minimal, limited to the expense associated with reprinting the citation forms.

BACKGROUND

Effective January 1, 2009, a state court construction penalty surcharge of \$4.50 will be assessed on all parking penalties and/or fines. The County of San Mateo has recommended that agencies levying parking fines increase their fee structure by \$5.00 in order to offset this surcharge as the Department of Motor Vehicles only allows whole dollar fines.

Based on a survey of San Mateo cities, towns and special districts, the average parking fine in the county is currently \$38. The new \$4.50 mandate of Senate Bills 425 and 1407 has not been included in this average and would bring the average fine up to \$43. Increasing the fines for parking violations on JPB property to \$45 would set the fee structure slightly higher than the average in the county.

Until now, the parking violation fine schedule used by the JPB has been based upon that of the County of San Mateo. The county is currently in the process of developing and bringing a revised fee schedule before its board. Staff recommends that the JPB proceed independently to set its fine schedule in order to ensure the changes can be implemented as soon as possible given the requirement to remit \$4.50 to the State Treasurer as of January 1, 2009. This approach will also offer the JPB flexibility to make adjustments to its schedule when warranted in the future.

Senate Bill 425 went into effect as of January 1, 2008 and Senate Bill 1407 was required to go into effect as of January 1, 2009, but the State did not put in place a system to notify county and local governments about the increases in the mandated fees. Consequently, only two out of 58 counties were aware of the change. The San Mateo County Legislative Director is working with the California State Association of Counties and the Administrative Office of the Courts to get relief from the State Controller's Office on the implementation date of Senate Bill 1407.

In October 2002, the JPB adopted regulations applicable to vehicle parking at JPB parking facilities (Resolution 2002-32). No changes are proposed to these regulations.

Prepared by: Éva Goode, Manager, Financial Analysis and Projects 650.508.7914

RESOLUTION NO. 2009 –

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

**ADOPTING A PARKING VIOLATION FINE SCHEDULE FOR PARKING
CITATIONS ISSUED AT PENINSULA CORRIDOR JOINT POWERS
BOARD PARKING FACILITIES**

WHEREAS, California Vehicle Code Section 21113 authorizes a joint powers agency operating or managing a commuter rail system to establish conditions and regulations governing the use of the agency’s parking facilities; and

WHEREAS, pursuant to Resolution No. 2002-32, the Peninsula Corridor Joint Powers Board (“JPB”) adopted regulations applicable to vehicle parking at JPB facilities; and

WHEREAS, pursuant to California Vehicle Code Section 40203.5, the JPB has authority to establish the schedule of monetary penalties for parking violations; and

WHEREAS, since the adoption of its parking regulations, the JPB has utilized the parking violation fine schedule established by the County of San Mateo; and

WHEREAS, during the 2007 and 2008 legislative sessions, the California State Legislature enacted Senate Bills 425 and 1407 which amended the California Government Code to increase the state-mandated court construction penalty surcharge the JPB is required to collect for every parking offense by \$4.50; and

WHEREAS, staff has studied parking fines assessed by public entities in San Mateo County and determined that the County’s parking fines currently used by the JPB are below average when compared to those charged by other public entities in the county; and

WHEREAS, staff recommends the JPB, pursuant to California Vehicle Code Section 40203.5, adopt a parking violation fine schedule of its own rather than utilizing the parking

violation fine schedule established by the County of San Mateo in order to ensure the schedule can be implemented as soon as possible given the requirement to remit \$4.50 to the State Treasurer as of January 1, 2009 and to provide flexibility to adjust this fine schedule in the future; and

WHEREAS, staff recommends adopting the parking violation fine schedule, attached to this Resolution as Exhibit A, to reflect the additional \$4.50 surcharge imposed pursuant to Senate Bills 425 and 1407 and to bring the JPB's parking fines in line with the average fines charged by other public entities in San Mateo County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the parking violation fine schedule, attached as Exhibit A and incorporated by reference; and

BE IT FURTHER RESOLVED THAT the parking violation fine schedule shall be available for examination by interested persons at the JPB's office at 1250 San Carlos Avenue, San Carlos, California; and

BE IT FURTHER RESOLVED THAT the Executive Director of the JPB is authorized to execute all documents on behalf of the JPB necessary for the implementation of the parking violation fine schedule and to take such actions as may be necessary to give effect to this Resolution.

Regularly passed and adopted this 2nd day of April 2009, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST

JPB Secretary

EXHIBIT A

JPB Parking Violation Fine Schedule

VIOLATION	CURRENT FINE	PROPOSED FINE
TABS ON VEHICLE	\$30	\$45
RESTRICTED PARKING	\$30	\$45
BLOCKING DRIVEWAY	\$30	\$45
PARKING ON SIDEWALK	\$30	\$45
DOUBLE PARKING	\$30	\$45
BUS LOADING/RED ZONE	\$30	\$45
HANDICAPPED PARKING*	\$325	\$325
PARKING WITHIN 15' OF FIRE HYDRANT	\$30	\$45
ABANDONED VEHICLE	\$100	\$100
PARKING IN FIRE LANE	\$30	\$45
PARKING NEAR R/R TRACK	\$30	\$45
BLOCKING WHEELCHAIR CURB ACCESS	\$30	\$45
PARKING IN VIOLATION OF A SIGN	\$30	\$45

*will be changed to Disabled Parking on the citation form to conform with California Vehicle Code

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
AB 105 Evans (D) 2009-10 Budget.	ASSEMBLY BUDGET	Would make appropriations for support of state government for the 2009-10 fiscal year. This bill contains other related provisions.	
AB 112 Beall (D) Santa Clara Valley Transportation Authority.	ASM TRANS	Would also authorize the authority to provide for the repair and maintenance of those facilities. <u>Suggested amendment:</u> According to the author, this bill is intended, in part, to allow VTA to provide funding for maintenance and repair of state highways, if agreed to by Caltrans, but not to do the work itself. The author has agreed to take amendments in committee that would explicitly state that the bill would not grant VTA these broader authorities.	
AB 116 Beall (D) Transportation authorities and districts: contracts.	ASM LOCAL GOVERNMENT HEARING DATE: 04/01/2009	Existing law establishes bridge and highway districts and various regional transportation authorities and transit districts, including the Santa Clara Valley Transportation Authority, the San Mateo County Transit District, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District, and prescribes the powers and duties of each, including procedures for awarding contracts and procurement. Existing law, with respect to the purchases of supplies, equipment, and materials by bridge and highway districts that exceed \$20,000, requires the contract to be let to the lowest responsible bidder, and, with respect to purchases by other authorities and districts that exceed \$25,000, requires the contract to be let to the lowest responsible bidder. Existing law, regarding the Santa Clara Valley Transportation Authority, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District, requires a notice requesting bids to be published in a newspaper of general circulation. This bill instead would require contracts of those specified entities under which the expenditure for the purchase of supplies, equipment, and materials exceeds \$100,000, to be let to the lowest responsible bidder or to the responsible bidder who submits a proposal that provides the best value, as defined. The bill also would require the authority or district, and the Golden Gate Bridge, Highway and Transportation District, to the extent practicable, to obtain a minimum of 3 quotations, either written or oral, that permit prices and terms to be compared, whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds \$2,500, but does not exceed \$100,000. This bill contains other related provisions and other existing laws.	
AB 118 Logue (R) California Global Warming Solutions Act of 2006.	ASSEMBLY NATURAL RESOURCES	Would repeal the California Global Warming Solutions Act of 2006.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
AB 153 Ma (D) High-Speed Rail Authority.	ASSEMBLY JUDICIARY	Would eliminate those contingencies to the exercise of the authority's authority and would specify that the authority constitutes a "governing body" for the purpose of adopting a resolution of necessity. The bill would authorize the authority to employ its own legal staff or contract with other state agencies for legal services, or both. This bill contains other related provisions and other existing laws.	
AB 177 Price (D) Energy: Green Economy Inclusion Act of 2009.	ASSEMBLY PRINT 02/03/2009	Would enact the Green Economy Inclusion Act of 2009 and would state the intent of the Legislature to enact legislation to ensure greater equity and inclusion of all Californians in the future of developing and implementing climate change, transportation, land use, and economic stimulus policies to reduce GHG emissions in California.	
AB 231 Huffman (D) California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.	ASM NATURAL RESOURCES HEARING DATE: 04/13/2009	Would instead require the state board to, no later than March 30, 2010, adopt a schedule of fees, as provided. The revenues collected would be deposited in the Climate Protection Trust Fund, which the bill would create. All other compliance revenues collected pursuant to the act, including fines and penalties, would be required to be deposited into the fund, and would be available, upon appropriation by the Legislature, for the purposes of carrying out the act. This bill contains other related provisions and other existing laws.	
AB 266 Carter (D) Transportation needs assessment.	ASSEMBLY TRANS	Would require the commission, on an every-5-year basis, to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis. The bill would require the Department of Transportation to assist in conducting the assessment. The bill would require the commission to submit the first assessment report to the Legislature by March 1, 2011.	
AB 282 Committee on Transportation Transportation.	ASSEMBLY TRANS	Would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves. This bill contains other related provisions and other existing laws.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
<u>AB 312</u> <u>Ammiano</u> (D) San Francisco Bay Area Rapid Transit District: Office of Citizen Complaints.	ASSEMBLY PUB SAFETY	Would require the BART board to create an Office of Citizen Complaints to investigate complaints and allegations of police misconduct by the BART police department. The bill would provide for the nomination of the director of that office by the district attorneys of the Counties of Alameda, Contra Costa, and San Francisco, subject to confirmation by the board. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill contains other related provisions.	
<u>AB 338</u> <u>Ma</u> (D) Transit village developments: infrastructure financing.	ASM LOCAL GOVERNMENT HEARING DATE: 04/01/2009	Existing law authorizes a city or county to create a transit village plan for a transit village development district. A transit village plan is required to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined. A legislative body is authorized to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. This bill would recast the area included in a transit village plan to include all land within not more than 1/2 mile of the main entrance of a transit station. The requirement of voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for the purpose of developing and financing a transit facility, as defined, would be eliminated. A transit village plan financed by these bonds would be required to include specified demonstrable public benefits regarding housing, replacement dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed, and a provision that at least 20% of all revenues derived from the property tax increment be dedicated to increase, improve, and preserve the transit village district's supply of affordable housing, as defined. The bill also would make technical, nonsubstantive changes.	
<u>AB 744</u> <u>Torrice</u> (D) Bay Area high-occupancy vehicle network	ASM TRANS	This bill would authorize the authority to acquire, construct, administer, and operate a value pricing high-occupancy vehicle network program on state highways within the geographic jurisdiction of the Metropolitan Transportation Commission, as specified. The bill would authorize capital expenditures for this program to be funded from program revenues, revenue bonds, and revenue derived from tolls on state-owned toll bridges within the geographic jurisdiction of the commission. The bill would authorize the use of the high-occupancy vehicle lanes in the program by single-occupant vehicles for a fee, as specified.	
<u>AB 733</u> <u>Galgiani</u> (D) High-Speed Rail Authority.	ASM PRINT	Would authorize the authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts or purchasing high-speed trains, as specified.	Watch

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
AB 1342 Evans (D) Income taxes and vehicle license fees	ASM	This bill would authorize the board of supervisors of any county, by ordinance, to impose either a personal income tax or a vehicle license fee, or both, in accordance with specified requirements.	
AB 1375 Galgiani (D) High-speed rail.	ASSEMBLY PRINT	Would repeal and reenact the California High-Speed Train Act. The bill would continue the High-Speed Rail Authority in existence to make policy decisions relative to implementation of high-speed rail consistent with Proposition 1A. The bill would create the Department of High-Speed Trains within the Business, Transportation and Housing Agency, which would implement those policies. The bill would transfer certain of the existing powers and responsibilities of the authority to the department, and would specify additional powers and duties of the authority and department relative to implementation of the high-speed rail project, including the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature. The director of the department would be appointed by the authority, who would serve at the pleasure of the authority, and the Governor would be authorized to appoint up to 10 executive employees of the department who would be exempt from civil service and serve at the pleasure of the director. The bill would provide for acquisition and disposition by the department of rights-of-way for the high-speed rail project. The bill would enact other related provisions.	Watch Closely

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
<u>ABX2 4 Niello</u> (R) Public contracts: design-build: public-private partnerships.	SENATE RLS. 02/14/2009-In Senate. To Com. on RLS.	Would also authorize the Director of General Services or the Secretary of the Department of Corrections and Rehabilitation, as appropriate, to use the design-build procurement process in contracting and procuring a state office facility or prison facility, and would authorize the Judicial Council to use that same process in contracting and procuring a court facility, but would limit this authorization to 5 total projects, to be approved by the Department of Finance, as specified. The bill would require the Department of General Services, the Department of Corrections and Rehabilitation, and the Judicial Council to submit to the Joint Legislative Budget Committee, before January 1, 2014, a report containing a description of each public works project procured through the design-build process, as specified. The bill would require a bidder participating in the process to provide written declarations, subject to misdemeanor penalties, and would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.	
<u>ACA 9 Huffman</u> (D) Local government bonds: special taxes: voter approval.	ASSEMBLY PRINT 02/10/2009-From printer.	Would create an additional exception to the 1% limit for a rate imposed by a city, county, or city and county to service bonded indebtedness, incurred to fund specified public improvements, facilities, and housing, and related costs, that is approved by 55% of the voters of the city, county, or city and county, as applicable. This additional exception would apply only if the proposition approved by the voters, results in bonded indebtedness that includes specified accountability requirements. This bill contains other related provisions and other existing laws.	
<u>ACR 14 Niello</u> (R) California Global Warming Solutions Act of 2006.	ASSEMBLY NAT. RES. HEARING DATE: 04/13/2009	Would call upon the State Air Resources Board, prior to any regulatory action being taken consistent with the scoping plan for the implementation of the Global Warming Solutions Act of 2006, to perform an economic analysis that will give the State of California a more complete and accurate picture of the costs and benefits of the act's implementation. The measure would also call upon the Governor to use the authority granted by the act to adjust any applicable deadlines for regulations.	
<u>SB 31 Pavley</u> (D) California Global Warming Solutions Act of 2006: revenue allocations.	SEN ENVIRONMENTAL QUALITY HEARING DATE: 04/20/2009	Would require that revenues collected pursuant to compliance mechanisms adopted by the state board also be deposited in the Air Pollution Control Fund. This bill would specify certain uses of the revenues collected pursuant to the fee discussed above and the compliance mechanisms.	
<u>SB 47 Ducheny</u> (D) 2009-10 Budget.	SENATE BUD & FISCAL REV.	Would make appropriations for support of state government for the 2009-10 fiscal year. This bill contains other related provisions.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 93 Kehoe (D)</p> <p>Redevelopment: payment for land or buildings.</p>	<p>SEN THIRD READING</p>	<p>Would require a redevelopment agency to make specified findings, based on substantial evidence in the record, if the agency pays all or a part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement that is publicly owned either within or without the project area. These findings would not be final and conclusive. An agency would no longer be authorized to enter into a contract with a public corporation other than the community for the value of the land or the cost of the installation and construction of the building, facility, structure, or other improvement, or both. The bill would provide that an agency may contract with the community prior to January 1, 2010, when the land has been or will be acquired by, or the cost of the installation and construction of the building, facility, structure, or other improvement has been paid by, a parking authority, joint powers entity, or other public corporation to provide a building, facility, structure, or other improvement that has been or will be leased to the community.</p>	
<p>SB 99 Committee on Local Government</p> <p>Joint exercise of powers: reporting and disclosures.</p>	<p>SEN APPROPS</p>	<p>Would require additional reporting and public disclosures by specified public entities that issue certain revenue bonds, including conduit revenue bonds, as defined. This bill would require entities formed under the Joint Exercise of Powers Act, and related officers, that fail or refuse to make required reports to forfeit specified amounts to the state, and would authorize, under certain conditions, the Attorney General to prosecute an action for these forfeitures. This bill would require that a resolution issued pursuant to the Marks-Roos Local Bond Pooling Act of 1985 relating to bonds, as specified, be adopted by the local agency during a regular meeting. This bill would allow the Controller to cease compiling and publishing transactions reported under these provisions, if the Controller does not receive sufficient funding to do so. This bill would require, until June 30, 2013, the California Debt and Investment Advisory Commission to reimburse the Controller through an interagency agreement for actual costs, not to exceed \$200,000 per fiscal year, incurred by the Controller to implement and maintain these provisions.</p>	
<p>SB 101, SB102, SB 103 Committee on Local Government Validations</p>	<p>ASM</p>	<p>Would enact the First, Second, and Third Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix as of 3/24/2009

Bill ID/Topic	Location	Summary	Position
<p><u>SB 104</u> <u>Oropeza</u> (D)</p> <p>California Global Warming Solutions Act of 2006: designation of greenhouse gases.</p>	<p>SEN ENVIRONMENTAL QUALITY HEARING DATE: 04/20/2009</p>	<p>Would also include nitrogen trifluoride, and any other anthropogenic gas one metric ton of which makes the same or greater contribution to global warming as one metric ton of carbon dioxide, as determined by the state board pursuant to a process that the bill would create, including a procedure by which any person could petition the state board for a designation. The state board would be required to adopt regulations, including emission limits and emission reduction measures, for a gas determined to be a greenhouse gas no later than ____ years after that gas is designated as a greenhouse gas. This bill contains other related provisions and other existing laws.</p>	
<p><u>SB 128</u> <u>Padilla</u> (D)</p> <p>California Climate Change Institute.</p>	<p>SENATE RLS.</p>	<p>Would state the intent of the Legislature to enact legislation to create the California Climate Change Institute to (A) identify and support, through a merit-based peer-reviewed competitive grant process, research and education to be undertaken at academic and research institutions and laboratories throughout the state, (B) oversee, coordinate, and manage a nonduplicative, targeted research and development program for the purposes of achieving the state's targets for reducing emissions of greenhouse gases and mitigating the effects of those emissions, (C) develop effective model education pathways, training, model curriculum, and professional development necessary for emerging green technologies and industries, and (D) ensure that its climate change research is conducted in a manner that is targeted and nonduplicative of other research programs.</p>	
<p><u>SB 165</u> <u>Lowenthal</u> (D)</p> <p>Federal transportation funds.</p>	<p>SENATE RLS.</p>	<p>Would make legislative findings and declarations relative to additional federal funds to be made available to the state pursuant to federal economic stimulus legislation. This bill contains other related provisions.</p>	

Peninsula Corridor Joint Powers Board

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SB 205 Hancock (D) Traffic congestion: motor vehicle registration fees.	SEN TRANS AND HOUSING HEARING DATE: 03/31/2009	Would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill would require that the fees collected may only be used to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the agency's board to make a specified finding of fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.	
SB 454 (D) Lowenthal Department of Transportation: Division of Rail.	SENATE PRINT Introduced 02/26/2009	Would make a nonsubstantive change to that provision.	Watch
SB 526 (Ashburn) Intercity rail: study.	SENATE PRINT	Would state the intent of the Legislature to enact legislation to require the Department of Transportation to study the potential for increasing ridership by routing certain Amtrak intercity rail services over the Altamont Pass alignment between the Central Valley and the Bay Area.	Watch Closely
SB 527 (Ashburn) High-speed rail.	SENATE PRINT	Would state the intent of the Legislature to <u>reorganize</u> the High-Speed Rail Authority to ensure greater oversight and accountability for the high-speed rail project.	Watch Closely
SB 455 Lowenthal (D) High-speed rail.	SENATE PRINT	Would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate. This bill would require the authority to ensure that projects undertaken by the authority, including projects for acquisition of right-of-way, are consistent with the specified criteria of Phase One of the project defined by Prop 1A. Would allow CHSRA to acquire property without Department of General Services approval. Would allow CHSRA to conduct capital expenditures without Department of Finance or State Public Works Board approval. Would make CHSRA the responsible agency for projects under its jurisdiction, and not DOT.	
SCA 3 Wyland (R) Transportation Investment Fund.	SENATE REV. & TAX 01/29/2009-To Coms. on REV. & TAX., E., R. & C.A. and APPR.	Would delete the provisions authorizing the transfer of revenues to the TIF to be suspended during a fiscal emergency. The measure would also prohibit a loan of TIF revenues under any circumstances, and would prohibit any statute that would reduce the extent to which these tax revenues are deposited into the General Fund for transfer to the TIF for transportation purposes.	

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SCA 5 Hancock (D) State budget.	SENATE RLS. 01/29/2009-To Coms. on RLS. and ELEC., REAP. & CON.AMEN.	Would exempt General Fund appropriations in the Budget Bill from the 2/3 vote requirement. This bill contains other related provisions and other existing laws.	
SCA 9 Ducheny (D) Finance: state budget: taxes.	SEN BUD & FIS. REV. 02/05/2009-To Coms. on B. & F.R. and E., R. & C.A	Would also exempt from this 2/3-vote requirement appropriations made in a Budget Bill, and appropriations made in a bill identified in the Budget Bill as containing only changes in law necessary to implement the Budget Bill. Instead, this measure would require that a Budget Bill, and any bill identified in the Budget Bill as containing only changes in law necessary to implement the Budget Bill, be passed by a 55% vote in each house. This bill contains other related provisions and other existing laws.	
SCA 10 Ducheny (D) Statewide initiative measures: legislative amendment.	SENATE E.,R. & C. A. 02/05/2009-To Com. on E., R. & C.A.	Would require the Secretary of State to transmit a copy of an initiative measure certified for the ballot that would amend the Constitution to each house of the Legislature no later than 176 days prior to the election at which the measure is to be voted upon. Within 30 days the Legislature may propose an amended form of the initiative measure by adopting a concurrent resolution. If the Legislature proposes an amended form of the initiative measure, the measure would provide that if the proponent, or a majority of the proponents if there is more than one proponent, of the initiative measure accepts the proposed amendments, the Legislature's proposal would appear on the ballot in place of the certified initiative measure. The measure would require that, if the amended form proposed by the Legislature is not accepted, information regarding the proposed amended form be included in the ballot materials relating to the initiative measure, as prescribed by statute. This bill contains other existing laws.	
SCAX1 1 , SCAX2 1 Wyland (R) Transportation Investment Fund.	SCAX1 1 , SCAX2 1 Wyland (R) Transportation Investment Fund.	Would delete the provisions authorizing the transfer of revenues to the TIF to be suspended during a fiscal emergency. The measure would also prohibit a loan of TIF revenues under any circumstances, and would prohibit any statute that would reduce the extent to which these tax revenues are deposited into the General Fund for transfer to the TIF for transportation purposes.	
SCR 10 Liu (D) Railroad Safety Month.	ASM	Would designate September as "Railroad Safety Month."	