



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

May 7, 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 two minutes
4. Consent Calendar
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of April 2, 2009
 - b) Acceptance of the Statement of Revenues and Expenses, March 2009
 - c) Authorization to Enter into a License Agreement for an Underground Utility Crossing with Pacific Gas and Electric (PG&E)
 - d) Award of Contract to Ojo Technology, Inc. to Provide Maintenance and Repair Services for the Closed Circuit Television (CCTV)-Security Video System (Security System)
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 – March 2009
 - b) Electrification Update
 - c) Annual Passenger Counts
9. Acceptance of the Quarterly Investment Report and Fixed Income Market Review and Outlook for the Quarter Ended March 31, 2009

RESOLUTIONS

MOTION

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 10. Introduction of Proposed Action to Amend the Rules of Procedure for the Peninsula Corridor Joint Powers Board to Extend the Public Comment Period on Non-agendized Items From One Minute to Two Minutes | INFORMATIONAL |
| 11. Publication and Approval of the Proposed Disadvantaged Business Enterprise (DBE) Overall Annual Goal of 13 Percent for Fiscal Year 2010 | RESOLUTION |
| 12. Authorization to Initiate the Process of Establishing a Fuel Hedging Program and Selecting a Financial Institution | RESOLUTION |
| 13. Preliminary Fiscal Year 2010 Operating Budget | INFORMATIONAL |
| 14. Call for a Public Hearing on June 4, 2009 to Declare a Fiscal Emergency for the Peninsula Corridor Joint Powers Board for Fiscal Year 2010 | MOTION |
| 15. Call for a Public Hearing on June 4, 2009 for Consideration of Service Suspensions and/or Fare Changes for the Fiscal Year 2010 Budget | MOTION |
| 16. Legislative Update | INFORMATIONAL |
| 17. Correspondence | |
| 18. Board Member Requests | |
| 19. General Counsel Report | |
| 20. Date/Time of Next Meeting
Thursday, June 4, 2009, 10 a.m. at San Mateo County Transit District Administrative Building,
Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 21. Adjourn | |

INFORMATION FOR THE PUBLIC

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

If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the 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 two minutes and items raised that require a response will be deferred for staff reply.

Accessibility for Individuals with Disabilities

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

Availability of Public Records

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

Draft

**Peninsula Corridor Joint Powers Board
Board of Directors Meeting
County Building/Santa Clara Board of Supervisors Chambers
70 W. Hedding Street, San Jose, CA 95110**

**Minutes
April 2, 2009**

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

MEMBERS ABSENT: N. Ford

MTC LIAISON ABSENT: S. Lempert

STAFF PRESENT: G. Cameron, B. Doty, G. Harrington, C. Harvey, R. Haskin,
R. Lake, M. Martinez, I. McAvoy, N. McKenna, D. Miller,
S. Murphy, M. Scanlon, M. Simon

PUBLIC COMMENT

Jeff Carter, Burlingame, said he purchased a monthly ticket from the ticket vending machine at Millbrae and the month is not readable. He said there needs to be a program to ensure the tickets are printed properly.

Jeffrey Oldham, San Jose, said the Board's directive of two bike cars on high demand trains is not being met.

Paul Goldstein, Silicon Valley Bicycle Coalition (SVBC), said these are only solutions to the short-term problem and there are still problems remaining on the trains and the SVBC looks forward to working with staff especially on the new rolling stock.

Pat Giorni, Burlingame, said the Bicycle Advisory Committee (BAC) met last night and the three public members said the BAC needs to be a more formal committee.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of March 5, 2009
- b) Acceptance of the Statement of Revenues and Expenses, February 2009

CHAIRPERSON'S REPORT

Chair Don Gage said the JPB Citizens Advisory Committee (CAC) recruitment begins April 13. Three terms expire on June 30, one from each county. There is an additional vacancy from Santa Clara County.

Two meetings ago it was requested the public comment period of one minute be increased and Chair Gage requested staff to research other transit agencies time limit and found the average is

two minutes. Chair Gage would like to change the public comment period to two minutes. Legal Counsel David Miller said the Rules of the Board allow for amendment to the Rules of Procedure. Mr. Miller will bring this item back to the May meeting as an informational item and voted on by the Board at the June meeting, but will set the next meeting at two minutes.

MTC LIAISON REPORT

Sue Lempert reported:

- U.S. Secretary of Transportation Raymond LaHood said High Speed Rail (HSR) is a favorite of President Obama and a high priority for the administration and California was first in line with a plan. Congresswoman Ellen Tauscher has been offered a job in the U.S. State Department and this is going to be a huge loss to transportation in the Bay Area.
- The Metropolitan Transportation Commission (MTC) had to delay acceptance of the Transportation Plan 2035 because VTA needs to provide more detail on its revenue projections for BART to San Jose and backfilling the cuts in State Transportation Assistance (STA) funds. On April 10 the public comment on the 2035 plan will go back to the MTC Planning Committee for final approval on April 22.
- Ms. Lempert said MTC staff has decided to put the train box in the Transbay Terminal as an advocacy item when MTC goes to Washington, D.C. Ms. Lempert said there has been some disagreement how the train box will accommodate HSR and Caltrain. This project is a high priority for Speaker Nancy Pelosi and U.S. Senator Dianne Feinstein.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Member Bruce Jenkins reported that there was no meeting in March.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- Monthly Performance Statistics - February 2009
 - a. Total Ridership was 883,043, an increase of 0.4 percent.
 - b. Average Weekday Ridership was 35,748, an increase of 3.9 percent.
 - c. Total Revenue was \$3,161,847 an increase of 5.2 percent.
 - d. On-time Performance was 97.2 percent, an increase of 7.9 percent.
 - e. Caltrain Shuttle Ridership was 6,059, an increase of 11.4 percent.
- Year-to-date Performance Statistics ending February 2009:
 - f. Total Ridership was 8,574,536, an increase of 11.8 percent.
 - g. Average Weekday Ridership was 40,651, an increase of 11.5 percent.
 - h. Total Revenue was \$28,927,967, an increase of 12.6 percent.
 - i. On-time Performance was 94.9 percent, an increase of 1.8 percent.
 - j. Caltrain Shuttle Ridership was 6,210, an increase of 21.2 percent.
- Fuel has fluctuated from a high of \$4.25 per gallon to a low of \$1.30 per gallon in an eight month period.
- Next month staff will bring a draft Fiscal Year 2010 operating budget to the Board. Each of the partner agencies have been zeroed out of State Transit Assistance (STA) funds and may not be able to fund an annual 3 percent increase in partner funding. Staff and the Board may have to look at service reductions and other options.

- Staff has been implementing the Bikes on Board plan and have issued a contract for engineering and procurement of signage and new gallery car bike racks. Staff is monitoring deployment of two car bike trains and signage for the trains identifying them as such.
- The reading file contains a significant amount of bike correspondence, Safety & Security Report and 2009 Caltrain Giants brochure.
- Annual ridership counts were completed in February and final report will be presented in June.
- Modest schedule changes are being made to evening trains to allow for construction.
- Eight-ride tickets were effective March 2 and after 60 days the cutter will be disengaged on the validators.
- Baseball service to AT&T Park starts tonight with the first exhibition game.
- An agreement between the JPB and California High Speed Rail Authority (CHSRA) is before the Board today. This is a monumental day and a real opportunity to influence how the system gets developed in the area.
- The final Environmental Impact Report (EIR) was submitted to the Federal Transportation Administration (FTA) on March 17.

Director Ken Yeager corrected a comment made by Ms. Lempert regarding VTA's funding coming up short; at their last Board meeting other sources of revenues were found so there will be no shortage.

AUTHORIZE ENTERING INTO AN AGREEMENT WITH CALIFORNIA HIGH SPEED RAIL (CHSRA)

Rail Transformation Chief Bob Doty said in 2004 the JPB signed a Memorandum of Understanding (MOU) with CHSRA. Over the last two years staff has been working with the Federal Railroad Administration (FRA) to run mixed traffic to advance positive train control. Caltrain will be the first agency in the country to qualify for the positive train control. Caltrain has been asked to participate with CHSRA and the FRA in development of a pilot program that will allow the usage of the same European standard equipment which HSR will use.

Mr. Doty said in developing the MOU it was discussed what needed to be protected: Caltrain's future programs, including evolution of the grade-separated railroad, the electrification program and signal system.

In that regard, language was inserted to indicate a four-track railroad would be built, but staff is offering a change to the Board, also supported by CHSRA, that removes the reference to the number of track and refers instead to a multiple track system. Mr. Doty said he cannot guarantee how to build the railroad without disrupting the service or a solution that satisfies everyone, but this agreement makes it possible to achieve the best possible solution, as determined by ridership, the community and requirements based on the service needs. The effort to accomplish this will be as extraordinary, as will be the end product.

Public Comment

Sarah Armstrong, Palo Alto, said everyone has concerns about tracks splitting neighborhoods in half. The level of trust among neighbors is very low as is the communication. She asks that Caltrain work in partnership with the communities so their concerns are taken into consideration.

Jocelyn Tseng, Palo Alto, said Union Pacific (UP) feels they have the right to the corridor, but the neighborhoods have a right, too.

Nadia Naik, Palo Alto, said the taxpayers of three counties own Caltrain and the corridor and the Board are the stewards of the rail. Who among the Board will represent the community to make sure all cities are represented?

Pat Burt, representing the Palo Alto City Council, said they support HSR in principle. Mr. Burt said the other key concern is the MOU does not have a meaningful way for the cities to participate in the negotiation. Caltrain is responsible for providing outstanding rail service up and down the corridor, but Caltrain's role isn't principally to protect the fabric of the community and the cities. Mr. Burt said this project has the potential to alter all cities on the Peninsula.

Zachary Tyson, Los Altos Hills, is an attorney and he represents hundreds of concerned citizens of Atherton, Menlo Park and Palo Alto. He has three major concerns with the Trackage Rights Agreement. The first gives Union Pacific (UP) the right to operate intercity passenger service over the joint facilities; secondly UP has the perpetual and exclusive rights to build or make additions to the joint facility for intercity passenger service; lastly UP and the JPB have to jointly agree before any substantial part of the joint facilities is retired or eliminated. Mr. Tyson said he is concerned the rights of UP in the Trackage Rights Agreement are being ignored or not understood in their totality.

Richard Cline, Menlo Park City Council, said he appreciates the change in the agreement eliminating the reference to four tracks. He said a coalition of cities meets every Friday to talk about High Speed Rail and its impact on urban design and revitalization of cities. He would encourage more attendance at these meetings and more cities to attend. It is crucial it have dialogue.

Jeff Carter, Burlingame, said everyone should trust Mr. Doty's vast experience in this area. Mr. Carter said maybe the Altamont Route should be looked at again. There has been reference of a letter from UP and no one has seen it, but UP has never been passenger friendly.

Mike Brady, Menlo Park, said UP has written four letters to HSR over the years concerning its rights under the Trackage Rights Agreement. He is challenging the legal rights of the JPB to enter into this contract with HSR in light of the existing contract with UP. The JPB represents the citizens of San Mateo County and attention needs to be paid to the detrimental impact of HSR and steps need to be taken to alleviate it.

Morris Brown, Menlo Park, said the JPB doesn't have rights for intercity service only commuter service. JPB doesn't have the rights and UP intends to exercise their rights to this right of way. Mr. Brown asked the Board to not approve the MOU today because UP still owns the railroad.

Jim Bigelow, Redwood City/San Mateo County Chamber of Commerce, fully supports moving ahead with the MOU and get to a rapid transit electrified positive train control system. HSR brings a relationship, some cash and planning to a world-class project.

Vaughn Wolfe, RailPac, said RailPac fully supports moving ahead with the MOU. This investment is for our children and the future and the only way to make this investment a reality is signing the MOU today.

Steve Emslie, City Attorney for the City of Palo Alto, said the city fully supports the changes that were made to the MOU and looks forward to working with staff and HSR.

Bill Dawson, San Carlos, said he has no expertise in trains, but perceives HSR as the only project on the horizon to bring California's transportation system anywhere near the 21st century. Mr. Dawson urged Board approval of the MOU.

Jerry Grace, San Lorenzo, said the HSR MOU was discussed at the last MTC meeting.

Richard Zappelli, San Jose, said the leadership group of District 6 fully supports the MOU. There are some homeowners whose homes back up to the tracks who are very concerned and there are extensive trails in San Jose people don't want disturbed.

Chair Gage concluded the public comment, having noted that Caltrain has had a longstanding relationship with UP and that many successful conversations have occurred between the two parties and that this agreement signifies the beginning stage of the process and that there will be many hours of outreach to the communities.

Mr. Miller said he is quite familiar with the UP agreement. He advised there is no legal impediment to the Board proceeding with this agreement. What is significant for the public to understand is that there is nothing in this agreement that purports to or abrogates or interferes with existing contractual obligations to UP. This agreement constitutes a procedural framework for HSR and Caltrain to plan together. This is the beginning of the process, not the culmination of the process. That beginning anticipates meeting with, the communities. Additionally, staff will be continuing to work with UP relative to its rights and obligations. It is worth noting that there is nothing in the record by which UP has indicated an objection to the Board acting on this agreement. Mr. Miller said the Board is authorized to enter into this agreement, recognizing over time that staff will continue to engage in extensive conversations with UP.

Director Ash Kalra said he understands the reference in the agreement to the "consideration of the cities on the Peninsula" as meaning all cities from South Santa Clara County north and all cities in, but what does "consideration of cities" mean.

Mr. Scanlon said "consideration" is the right word to show the JPB is serious about the concerns of the cities about the impact of HSR and that those concerns should prompt extensive outreach and the opportunity for input. He said the concerns of the stakeholders and cities are legitimate. Staff cannot fully guarantee doing everything everyone wants, but the goal is to reach a win-win situation. Mr. Scanlon said once the agreement is signed then staff can attend weekly meetings with HSR and have a lot more to say on the framework of the outreach effort.

Director Kalra said this is an incredible opportunity, but he too is concerned about the impact of construction on the neighborhoods.

Director Sean Elsbernd asked about the adopted changes and appreciates the four-track removal from the agreement, but wants to make sure these changes don't have any impact on the Transbay Terminal project.

Mr. Scanlon said the changes have nothing to do with Transbay Terminal.

Director Mark Church thanked everyone for their input today, but believes the concerns will be addressed as the process unfolds. This is a project that is coming, that will be good for the environment, the economy and it is important to show a strong unified front as the projects compete for state and federal dollars.

Ms. Lempert said MTC is very supportive of HSR. She said the City of San Mateo decided not to join other cities to sign the MOU because they have faith in Caltrain and working with CHSRA in making this work. Ms. Lempert said more is gained working together than starting out with an advocacy against. This agreement will be good for the cities in the long run and gives a degree of local control. Ms. Lempert hopes the Board supports this MOU and listens to the concerns of the public.

Director Jim Hartnett said he is in support of the motion and understands the concerns. The Board needs to represent the concerns of the people who expressed them as well as the opportunity this brings to the area. The MOU brings JPB to the table and puts a local face on a state project with substantial leverage. The Board needs to preserve and protect the Caltrain system and is expected to ensure the survivability of Caltrain service and the survivability of Caltrain, which is not guaranteed. Director Hartnett said HSR can enhance the system or destroy it and if the JPB is not a partner it could destroy it. He fully supports the MOU and the recommended change is a positive one. Director Hartnett said it is very important the Board move forward with the MOU, be a real partner and a great representative for the communities the Board represents.

Chair Gage said he and Director Yeager represent Santa Clara County and when this was passed by the voters there was no money set aside for outreach, but there will be many hours of outreach.

The motion (Lloyd/Church) to enter into an agreement with California High Speed Rail was approved unanimously by roll call.

AUTHORIZE ADOPTING A PARKING VIOLATION FINE SCHEDULE FOR CITATIONS ISSUED ON JPB PARKING FACILITIES

Chief Financial Officer Gigi Harrington said this is a request to increase parking fines for parking citations issued at parking lots along the Caltrain right of way. Previously the parking fines were set according to the County of San Mateo's parking fine structure. Effective January 1, 2009, the state adopted an increase in the surcharge of \$4.50 a citation. Staff is requesting an increase in fines from \$30 to \$45. The \$5 will be passed on to the state and the additional \$10 will go to the JPB.

Sue Lempert left at 11:42 a.m.

Public Comment

Jerry Grace, San Lorenzo, asked about cars left overnight at stations. Director Gage said there is a fine for abandoned vehicles.

Pat Giorni, Burlingame, said the rates should definitely be raised.

The motion (Hartnett/Lloyd) to adopt a parking violation fine schedule for citations issued on JPB parking facilities was approved unanimously by roll call.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy said AB116 is a SamTrans/VTA- sponsored bill, affects Contracts and Procurement and would raise the General Manager's threshold approval from \$25,000 to \$100,000 without Board approval. This would save the District about \$72,000 annually.

Mr. Murphy said the HSR bills have a lot of uncertainty and anxiety on the federal money at the state level. One bill staff is watching would create a new department to be eligible to receive funds for freight or intercity rail and the other would provide more oversight and accountability over CHSRA.

On the federal level Caltrain had approximately \$1.3 million losses due to investment funds held in Lehman Brothers through the San Mateo County Pool and U.S. Representative Jackie Speier and U.S. Senator Dianne Feinstein have introduced bills to use Tax Assistance Relief Program (TARP) money for the recovery of this money. Representatives Anna Eshoo and Speier are holding a local hearing on April 16 to promote the bills to get them approved. Banking Committee Chair Barney Frank also wants to hold hearings later this month in Washington, D.C.

CORRESPONDENCE

Provided in the reading file.

BOARD MEMBER REQUESTS

None.

GENERAL COUNSEL REPORT

No additional item.

DATE/TIME/PLACE 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

ADJOURNED

Adjourned at 11:49 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 MARCH 31, 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 March 2009 and supplemental information.

SIGNIFICANCE

Revenue: For March of Fiscal Year 2009, *Total Operating Revenue* (line 7) is \$593,582 or 1.6 percent *worse* than budget. Within total operating revenue *Rental Income* (line 4) is \$53,855 or 4.5 percent *better* than budget, offset by *Other Income* (line 5) which is *worse* than budget by \$663,012 or 116.4 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 \$1,350,149 or 3.9 percent *higher*, driven by *Farebox Revenue* (line 1) which is \$3,388,129 or 11.7 percent *higher*.

Expense: *Grand Total Expenses* (line 46) show a favorable variance of \$4,683,926 or 6.6 percent. *Total Operating Expense* (line 31) is \$4,298,022 or 6.7 percent *better* than budget. Within total operating expense *Fuel* (line 25) is *better* than budget by \$3,959,758 or 31.4 percent. *Total Administrative Expense* (line 40) is \$384,657 or 5.6 percent *better* than budget.

Compared to prior year, *Grand Total Expenses* (line 46) are \$4,732,022 or 7.6 percent *higher*. The increase in expense over the prior year is mainly due to *Contract Operating & Maintenance* (line 23) which is \$5,571,535 or 14.9 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

MARCH 2009

% OF YEAR ELAPSED **75.0%**

	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	3,387,013	28,927,249	32,315,378	32,268,721	100.1%	41,669,414	44,369,414	72.8%
2	Parking Revenue	180,036	1,590,628	1,579,534	1,596,042	99.0%	2,128,054	2,128,054	74.2%
3	Shuttles	93,303	800,410	806,173	820,747	98.2%	1,134,036	1,134,036	71.1%
4	Rental Income	139,708	1,181,219	1,257,645	1,203,790	104.5%	1,604,340	1,604,340	78.4%
5	Other Income	119,130	2,015,762	(93,312) ^(A)	569,700	-16.4%	2,111,720	759,600	-12.3%
6									
7	TOTAL OPERATING REVENUE	3,919,191	34,515,269	35,865,418	36,459,000	98.4%	48,647,564	49,995,444	71.7%
8									
9	CONTRIBUTIONS:								
10	AB-434-Peninsula Feeder Shuttle	83,333	775,766	767,177	767,177	100.0%	1,034,355	1,034,355	74.2%
11	Operating Grant	483	169,475	76,654	76,654	100.0%	211,000	211,000	36.3%
12	JPB Member Agencies	3,284,715	28,701,398	29,562,440	29,562,436	100.0%	39,416,585	39,416,585	75.0%
13	Other Sources	0	995,834	0	4,605,813	0.0%	6,047,623	7,144,285	0.0%
14									
15	TOTAL REQUIRED REVENUE	3,368,531	30,642,473	30,406,272	35,012,080	86.8%	46,709,563	47,806,225	63.6%
16									
17	GRAND TOTAL REVENUE	7,287,722	65,157,742	66,271,689	71,471,080	92.7%	95,357,127	97,801,669	67.8%
18									
19									
20	EXPENSE								
21									
22	OPERATING EXPENSE:								
23	Contract Operating & Maintenance	5,370,909	37,335,816	42,907,351	43,030,785	99.7%	58,501,434	58,551,434	73.3%
24	Shuttles (Including Peninsula Pass)	255,861	2,133,469	2,213,219	2,259,168	98.0%	3,012,891	3,012,391	73.5%
25	Fuel	578,003	9,694,060	8,642,197	12,601,955	68.6%	14,408,059	16,802,601	51.4%
26	Timetables & Tickets	31,156	143,880	153,767	156,740	98.1%	218,000	218,000	70.5%
27	Insurance	358,775	2,868,613	3,490,002	3,553,328	98.2%	4,535,000	4,535,000	77.0%
28	Facilities and Equipment Maintenance	68,622	832,307	816,607	846,392	96.5%	1,713,750	1,703,750	47.9%
29	Utilities	109,522	812,339	956,524	989,000	96.7%	1,725,270	1,725,270	55.4%
30	Services	76,804	696,926	692,458	732,779	94.5%	1,180,300	1,180,800	58.6%
31	TOTAL OPERATING EXPENSE	6,849,653	54,517,408	59,872,125	64,170,147	93.3%	85,294,704	87,729,246	68.2%
32									
33	ADMINISTRATIVE EXPENSE:								
34	Wages & Benefits	487,958	4,070,161	3,932,876	4,268,714	92.1%	5,966,333	5,871,033	67.0%
35	Board Of Directors	930	7,737	6,468	6,930	93.3%	16,300	16,300	39.7%
36	Professional Services	131,817	955,809	1,318,279	1,347,693	97.8%	1,726,850	1,749,670	75.3%
37	Communications/Marketing	7,357	126,730	123,998	132,432	93.6%	311,000	311,000	39.9%
38	Other Office Expense and Services	121,276	787,461	1,043,777	1,054,287	99.0%	1,275,344	1,357,824	76.9%
39									
40	TOTAL ADMINISTRATIVE EXPENSE	749,338	5,947,896	6,425,399	6,810,056	94.4%	9,295,827	9,305,827	69.0%
41									
42	Long Term Debt Expense	91,657	593,994	489,630	490,877	99.7%	766,596	766,596	63.9%
43									
44	CEMOF - Startup Expense	0	995,834	-	-	0.0%	0	0	0.0%
45									
46	GRAND TOTAL EXPENSES	7,690,648	62,055,132	66,787,154	71,471,080	93.4%	95,357,127	97,801,669	68.3%

(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 MARCH 31, 2009

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Restricted)	Liquid Cash	1.822%	726,960	728,251
Investment Portfolio (Unrestricted)	Liquid Cash	1.308%	13,783,560	13,924,954
			14,510,520	14,653,205
Accrued Earnings for February 2009	\$19,399.30	(1)		
Cumulative Earnings FY2009	\$392,915.63			

(1) Earnings do not include prior period adjustments

* County Pool average yield for the month ending March 31, 2009 was 1.470%. As of March 31, 2009, the amortized cost of the Total Pool was \$2,492,734,470.15 and the fair market value per San Mateo County Treasurer's Office was \$2,486,228,179.70.

** The market value of Local Agency Investment Fund (LAIF) was derived from the fair value factor of 1.001776145 as reported by LAIF for quarter ending March 31, 2009.

*** 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: Ian B. McAvoy
Chief Development Officer

SUBJECT: **AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT FOR
AN UNDERGROUND UTILITY CROSSING WITH PG&E**

ACTION

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director to enter into a License Agreement for an underground utility crossing within railroad property near the San Jose Diridon station in with PG&E Corporation (PG&E).

SIGNIFICANCE

Relocation of the underground utility crossing was required for the Santa Clara Valley Transportation Authority's (VTA) Vasona Light Rail Extension and granting the License defines the terms and condition of PG&E's use of JPB property.

BUDGET IMPACT

The agreement under which PG&E originally operated did not require a rental payment. These same terms will be included in the new agreement. Since PG&E's arrangement with VTA would require VTA to reimburse any costs incurred by PG&E, JPB has as agreed to waive its processing fees as requested by VTA.

BACKGROUND

As part of the Vasona Light Rail Extension, VTA constructed a light rail subway beneath the Diridon yard. The electrical crossing was relocated to accommodate the light rail subway. PG&E requires a License Agreement to define the terms of its operation of the facility.

At the time of the relocation of the facility, PG&E representatives requested that any new License Agreement include a term that requires at least a 180-day advance notice prior to termination of the agreement or a request to relocate the facility, which term exceeds the authority granted to the Executive Director, thereby requiring approval by the Board of Directors. JPB staff and PG&E representatives agree that the negotiated terms of the new License Agreement are fair and equitable for both parties.

Prepared by: Kevin Boles, Construction Manager 650.508.7718
Project Manager: Brian W. Fitzpatrick, Real Estate Department Manager 650.508.7781

RESOLUTION NO. 2009 -

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

* * *

**AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT FOR AN
UNDERGROUND UTILITY CROSSING WITH PG&E**

WHEREAS, as part of the Vasona Light Rail Extension Project, which was undertaken by the Santa Clara Valley Transportation Authority (VTA), PG&E Corporation (“PG&E”) was required to relocate an existing electrical crossing beneath the Peninsula Corridor Joint Powers Board (“JPB”) railroad right-of-way near the Diridon Station in San Jose, California (“Crossing”); and

WHEREAS, in order to document the Crossing in its new location, PG&E must enter into a License Agreement with the JPB; and

WHEREAS, PG&E has requested that the License Agreement include a term providing 180 day’s notice of termination or relocation; and

WHEREAS, JPB Legal Counsel has reviewed and approved as to form the proposed License Agreement; and

WHEREAS, staff recommends that the Board of Directors authorize the Executive Director to execute a License Agreement with PG&E for the Crossing.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board of Directors hereby authorizes the Executive Director to execute a License Agreement with PG&E for the railroad property located near Diridon Station in San Jose pursuant to the terms and conditions set forth above;

BE IT FURTHER RESOLVED THAT the Executive Director is authorized to take such further actions as may be needed to give effect to the foregoing provisions.

Regularly passed and adopted this 7th day of May 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: George Cameron
Chief Administrative Officer

SUBJECT: **AWARD OF A CONTRACT TO PROVIDE MAINTENANCE AND
REPAIR SERVICES FOR THE CLOSED CIRCUIT TELEVISION
(CCTV)-SECURITY VIDEO SYSTEM (SECURITY SYSTEM)**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award a contract to Ojo Technology, Inc. (Ojo) of Fremont, CA to provide security system maintenance and repair services for a total estimated cost of \$263,898 for a three-year base term
2. Authorize the Executive Director to execute a contract with Ojo in conformity with the terms and conditions set forth in the solicitation
3. Authorize the Executive Director to exercise up to two additional, one-year option terms in the estimated amount of \$68,197 each if deemed in the best interest of the JPB
4. Establish a contingency in the amount of \$52,800 (20 percent of the contract value) to cover additional work that may become necessary in future years of the contract.

SIGNIFICANCE

Award of this contract will provide for a continued, dedicated service provider to the JPB for maintenance and repair of its security system thereby ensuring the safety of transit customers, staff, facilities, and other assets.

BUDGET IMPACT

The total cost of this procurement is included in the approved and projected capital and operating budgets.

BACKGROUND

The JPB currently uses AMS.net of Livermore, CA on an as needed basis to provide maintenance and repair of its security system. Staff has determined that it would be to the JPB's benefit to have a multi-year contract in place with a dedicated service provider in order to ensure the ongoing and proper operation of the security system. Staff issued a joint Request for

Proposals (RFP) on behalf of both the JPB and the San Mateo County Transit District (District) detailing the necessary security system maintenance and repair requirements for each Agency. A separate contract will be awarded by the District covering its requirements.

Staff advertised the RFP in a local newspaper and posted the solicitation on the Agencies' procurement Web site. Forty firms (including 10 small and disadvantaged businesses) downloaded the RFP documents. Nine companies attended the pre-proposal meeting and a single firm, Ojo, submitted a proposal.

An evaluation committee (Committee) comprised of JPB staff and a consultant with expertise in design and implementation of security systems, reviewed and evaluated Ojo's proposal against the following weighted criteria:

Project Approach and Understanding	25%
Experience of Firm and Personnel	20%
Equipment and Software	10%
Full System Functional Test	10%
Up-time Maintenance Process	15%
Cost	20%

The Committee subsequently interviewed Ojo's key personnel to review and discuss its proposal. Based on its findings, the Committee requested that Ojo submit a revised proposal and a best and final offer (BAFO). Upon final review, the Committee determined Ojo's proposal to be fair and reasonable.

It is likely that in future years (2010 or 2011) the security system at the San Francisco Caltrain station and yard will require additional redesign and updating. Staff therefore recommends that a contingency not-to-exceed 20 percent of the contract price be established to allow the JPB to engage Ojo for this additional work, within the general scope of the contract, if required. Due to the unique shared nature of the security system, the same vendor must provide the maintenance, repair and necessary future upgrades to the security system.

The JPB's DBE Officer reviewed the Request for Proposal prior to release and encouraged bidders to provide subcontracting opportunities to small businesses, including DBEs. Although there is no DBE participation on this contract, the DBE Officer reviewed the proposal submitted by Ojo Technology and determined that the firm was responsive to the RFP requirements.

Contract Officer: Luis F. Velásquez 650.622.8099
Project Manager: William Pedrini, Chief of Protective Services 650.508.7743

RESOLUTION NO. 2009-

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

*** * ***

**AUTHORIZING AWARD OF A CONTRACT TO
OJO TECHNOLOGY, INC. FOR
PROVIDING SECURITY SYSTEM
MAINTENANCE AND REPAIR SERVICES FOR THE
ESTIMATED COST OF \$263,898 FOR A THREE YEAR PERIOD**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB), jointly with the San Mateo County Transit District (District), issued a Request for Proposals (RFP) for the provision of security system maintenance and repair services for various JPB and District facilities and stations including the Caltrain Centralized Equipment Maintenance and Operations Facility (CEMOF); and

WHEREAS, in response to the RFP one firm submitted a proposal; and

WHEREAS, an evaluation committee has reviewed and evaluated the single proposal in accordance with the criteria set forth in the RFP, conducted an interview, and requested a best and final offer; and

WHEREAS, the evaluation committee found the proposal from Ojo Technology, Inc. of Fremont, California to be responsive to the RFP and its pricing fair and reasonable; and whereas, Legal Counsel has reviewed the Ojo Technology proposal and found that it complied with the requirements of the solicitation documents; and

WHEREAS, Staff Coordinating Council recommends that a contract be awarded to Ojo Technology for the provision of security system maintenance and repair services for a three-year term at an estimated cost to the JPB of \$263,898.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board awards a contract to Ojo Technology, Inc. for the provision of

security system maintenance and repair services for a three-year term at an estimated cost of \$263,898; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute a contract on behalf of the JPB with Ojo Technology in full conformity with all the terms and conditions of the solicitation documents and negotiations with the understanding that a similar arrangement will be made between the District and Ojo Technology for the same services to be provided to the District; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute two additional one-year option terms to the contract with Ojo Technology in the estimated amount of \$68,197 each, provided that exercise of such options is in the best interest of the JPB; and

BE IT FURTHER RESOLVED that a contingency in the amount of \$52,800 is established to provide for anticipated future design and updating to the security system.

Regularly passed and adopted this 7th day of May 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: C.H. (Chuck) Harvey
Chief Operating Officer

SUBJECT: KEY CALTRAIN PERFORMANCE STATISTICS MARCH 2009
(Table A, Graph A)

For March 2009, Caltrain average weekday ridership (AWR) decreased 0.3 percent when compared to March 2008. AWR based on ticket sales was 36,529 for March 2009, a decrease of 125 over March 2008. The total number of passengers for the month of March 2009 was 964,058. This is a 1.0 percent decrease over last year's March total of 974,083.

In March 2009, on-time performance was 98.14 percent, as compared to 94.7 percent in March 2008. This represents an increase over the previous year and a positive variance of plus 3.6 percent above the 95 percent on-time performance goal.

Average weekday shuttle ridership was 6,333; up 8.5 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. For the station shuttles, the Millbrae-Broadway shuttle averaged 90 daily riders. The Tamien-San Jose shuttle averaged 45 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 71 daily riders.

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

Caltrain March 2009 Promotions

Baseball –Add the sound of the locomotive air horn to the smell of the grass and the crack of the bat that signals the start of baseball season as Caltrain begins its 10th year of service to the park at McCovey Cove. This year’s campaign includes television commercials aired during Giants games on Comcast cable stations and on the Giants scoreboard, an ad in the Giants Scorecard and 40,000 brochures distributed onboard the trains, at staffed stations and selected locations throughout the Caltrain service area.

San Jose Sharks – As the Sharks head into the playoffs as the winner of the NHL President’s Trophy for best record in the league, excitement about their playoffs prospects is growing. This year’s cooperative promotion with the Sharks has included 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. Ridership hit an all-time high, up 5 percent from last year’s regular season tally, and Sharks’ fans are looking forward to the team chewing up opponents all the way to the Stanley Cup.

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

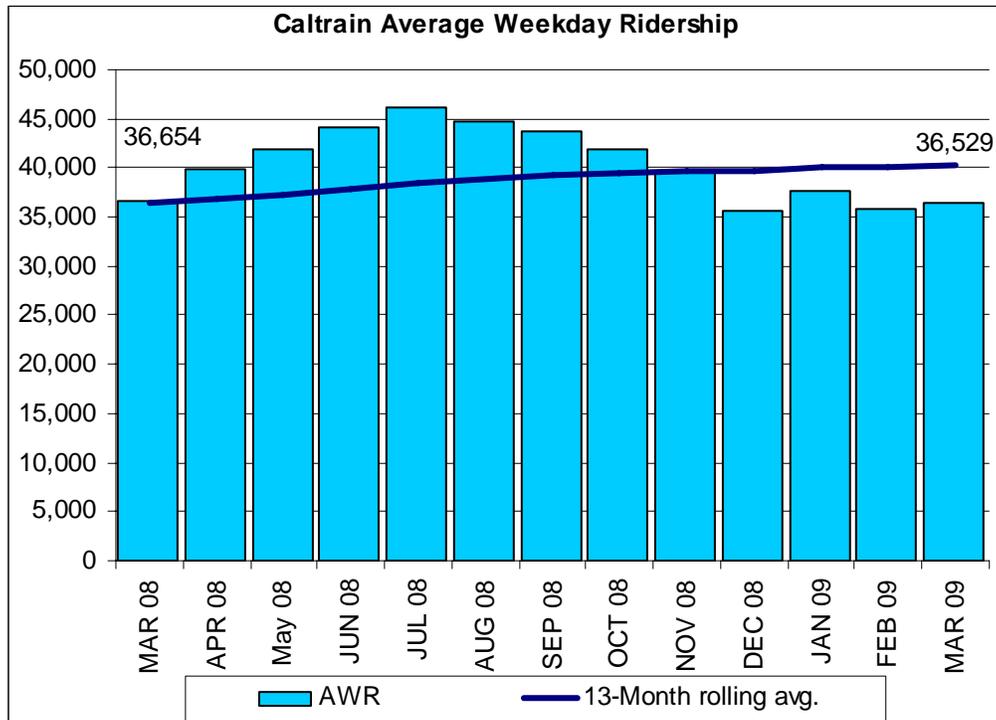
650.508.6245
650.622.8026

Table A

March 2009			
	FY08	FY09	%Change
Total Ridership	974,083	964,058	-1.0%
Average Weekday Ridership	36,654	36,529	-0.3%
Total Revenue	\$3,239,001	\$3,387,013	4.6%
On-time Performance	94.7%	98.1%	3.6%
Caltrain Shuttle Ridership	5,839	6,333	8.5%

Year to Date			
	FY08	FY09	%Change
Total Ridership	8,646,835	9,538,594	10.3%
Average Weekday Ridership	36,482	40,237	10.3%
Total Revenue	\$28,926,348	\$32,314,984	11.7%
On-time Performance	93.4%	95.3%	2.0%
Caltrain Shuttle Ridership	5,203	6,193	19.0%

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director / CEO

FROM: Virginia Harrington
Chief Financial Officer

**SUBJECT: QUARTERLY INVESTMENT REPORT AND
FIXED INCOME MARKET REVIEW AND OUTLOOK**

ACTION

Staff Coordinating Council (SCC) recommends that the Board accept and enter into the record the Quarterly Investment Report and Fixed Income Market Review and Outlook for the quarter ended March 31, 2009.

SIGNIFICANCE

The Joint Powers Board's (JPB) Investment Policy contains a requirement for a quarterly report to be transmitted to the Board within 30 days of the end of the quarter. This staff report was forwarded to the Board of Directors under separate cover on April 14, 2009 in order to meet the 30 day requirement.

BUDGET IMPACT

As this reports on the Quarterly Market Review and Outlook, there is no budget impact.

BACKGROUND

The treasurer or chief financial officer is required by state law to submit quarterly reports within 30 days of the end of the quarter covered by the report. The report is required to include the following information:

1. Type of investment, issuer, date of maturity, par and dollar amount invested in all securities, investments and money held by the local agency;
2. Description of any of the local agency's funds, investments or programs that are under the management of contracted parties, including lending programs;

3. For all securities held by the local agency or under management by any outside party that is not a local agency or the State of California Local Agency Investment Fund (LAIF), a current market value as of the date of the report and the source of this information;
4. Statement that the portfolio complies with the Investment Policy or the manner in which the portfolio is not in compliance; and,
5. Statement that the local agency has the ability to meet its pool's expenditure requirements (cash flow) for the next six months or provide an explanation as to why sufficient money shall or may not be available.

A schedule, which addresses the requirements of 1, 2, and 3 above, is included in this report on page 6. The schedule separates the investments into three groups: The Investment Portfolio which is managed by Tamalpais Wealth Advisors (TWA); Liquidity funds which are managed by JPB staff; and Trust funds which are managed by third party trustees. The Investment Policy governs the management and reporting of the Investment Portfolio and Liquidity funds while the bond covenants govern the management and reporting of the Trust funds.

TWA provides the JPB a current market valuation of all the assets under its management for each quarter. The valuation is provided by FT Interactive Data, the major operating division of Interactive Data Corporation, (IDC). IDC is a leading provider of global securities data. They offer one of the largest information databases with current and historical prices on securities traded in all major markets including daily evaluations for more than 2.5 million fixed income securities.

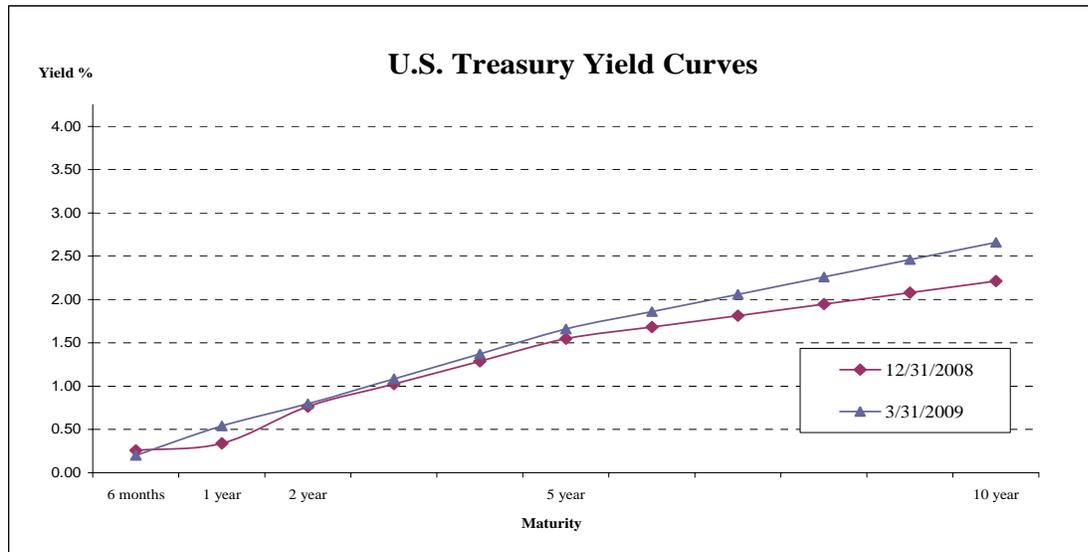
Due to the nature of securities which are bought and sold in a principal market, such as fixed income securities, multiple market values may exist for a given security at any given time. TWA has chosen IDC as an unbiased estimator of these prices based on their leading role as a provider of end of the day pricing, an evaluation of their methodology and the experience of their evaluation staff. Unfortunately, given the recent volatility in the markets not every security is currently supported or accurately reflected by IDC. Therefore at the end of the quarter, TWA surveyed a number of Wall Street firms to get an accurate market value of the securities held in JPB's portfolio. These surveys reflect the levels at which someone is actually willing to purchase the securities held by JPB. In the case of money market instruments, which are not supported by IDC, TWA used adjusted cost.

The Liquidity funds managed by JPB staff are considered to be cash equivalents and therefore market value is considered to be equal to book value, (i.e. cost). The shares of beneficial interest generally establish a nominal value per share. Because the Net Asset Value is fixed at a nominal value per share, book and market value are equal and rate of income is recalculated on a daily basis.

The portfolio and this Quarterly Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The JPB has the ability to meet its expenditure requirements for the next six months.

DISCUSSION

Market Review and Outlook



Data Source: Bloomberg

Interest rates rose modestly during the first quarter of 2009 even as the economy continued to suffer from one of the worst contractions since the Great Depression. The size and scope of the new administration's plan to stimulate the economy has created a concern among investors of future inflation. Simultaneously, the swiftness and depth of both consumer and business reaction to this downturn have led to concerns over a deflationary downturn. The result was an almost manic state in the bond market, with interest rates bouncing back and forth within a 50 basis point (1/2 a percent) range during the quarter.

The magnitude of both the current economic decline and the subsequent policy response is unprecedented in recent history. The new administration swept into Washington and brought with them a multitude of programs that are only now beginning to shape the new landscape. Among the more important of these are: a massive economic stimulus bill, a record setting budget, a fresh perspective on the international stage, and promises of a complete overhaul of the financial regulatory system. The recently enacted American Recovery and Reinvestment Act of 2009 will make small business loans more available, reduce taxes for most Americans, beef up unemployment insurance, send checks to seniors, jumpstart infrastructure projects, shore up ailing state finances, make more money available for students and provide tax breaks for some major purchases like a car or first home.

We have had significant monetary stimulus as well. Aside from reducing the Fed funds rate to near zero, the Fed announced their intention to directly purchase over \$1.5 trillion worth of Treasury, Agency and Agency Mortgage Backed Securities. The announcement narrowed the spread between Mortgage and Agency securities relative to U.S. Treasury bonds and created a

mortgage refinancing opportunity for those fortunate enough to qualify for a loan. There is now even a program which will allow existing homeowners with LTVs (loan-to-value) ratios as high as 105 percent an opportunity to refinance at today's low rates in an attempt to stem the recent pace of foreclosures.

Taken together, the fiscal and monetary stimulus now in place should provide the economy with a meaningful boost into the second half of the year. Still other more forward looking indicators of economic activity, such as automobile production rates 35 percent below replacement demand and housing starts running about a quarter of the pace necessary to support new household formations, should support a rebound in the economy by the second half of the year. It is also entirely plausible, however, that a break in one of the many looming stress points in the system, such as the health of the commercial real estate market, could lead to another market correction.

The big question now looming is whether the economy will recover enough to become self-sustaining once the stimulus wears off. The answer to this will depend in large part on the success of policy makers in stabilizing the financial system. The markets are now facing the uncertainty of a new set of regulatory decisions that will have a profound impact on the markets for years, and perhaps decades, to come. What will change is the way companies are regulated, the amount of leverage that will be tolerated and the way financial markets will interact with global economies to promote or hinder growth. At the heart of these changes will be a new focus on controlling systemic risks. This is quite unlike, and orders of magnitude greater than, the more common uncertainty that plagues every cycle and is quickly resolved.

The investment implications of this view are profound but straight forward. First, there will be certain sectors of the global economy that will benefit from the coming changes and those that will be harmed. Correctly identifying the winners and losers will be a key differentiator of return. Another equally important implication is that the processes of adjustment and re-regulation will be messy. This forms the basis of TWA's view that markets will continue to exhibit above average levels of volatility over the next few years.

Applying TWA's view to the bond market and the portfolio, TWA has a couple of important conclusions. For starters, TWA believes interest rates are likely to remain volatile but within a narrow range in the near-term. Later in the year, as the stimulus kicks in, TWA expects interest rates to move higher. This means limiting the duration of the securities that are placed in the portfolio. Secondly, TWA also believes it is still too early to increase credit exposure in portfolios whose primary objective is capital preservation, even though by the end of the year corporate bonds may well have outperformed their higher quality alternatives.

Strategy

TWA's outlook continues to adjust as market conditions and the factors impacting the economy resolve themselves. U.S. Treasury rates have fallen to extremely low levels with very little room to move lower. The low rate environment leaves the bond market without much of a yield cushion to avoid negative rates of returns should interest rates begin to rise. Although TWA believes the bond market will remain in an extremely low rate environment for a while, TWA

will allow the portfolio's average maturity and related sensitivity to interest rates to diminish over time.

Last quarter, TWA began to invest the JPB's portfolio. Initial investments were focused on the longer half of the portfolio, where the best opportunities were at the time. Subsequent investments have been in securities with shorter maturities. As of the end of the quarter, the JPB's portfolio consisted of approximately 10.2 percent Corporate Bonds, 67.7 percent Agency Securities, 22.1 percent US Treasury securities and 0 percent Cash Equivalents; see Exhibit 5.

Budget Impact

The portfolio's performance is reported on a total economic return basis. This method includes the coupon interest, amortization of discounts and premiums, capital gains and losses and price changes (i.e., unrealized gains and losses). For the quarter ending March 31, the portfolio returned 0.96 percent. This compares to the benchmark return of 0.10 percent. The Performance graph in Exhibit 3 shows the relative performance of the JPB's portfolio since inception. The Growth of a Thousand Dollars graph in Exhibit 4 shows the cumulative performance over this same time frame for the portfolio.

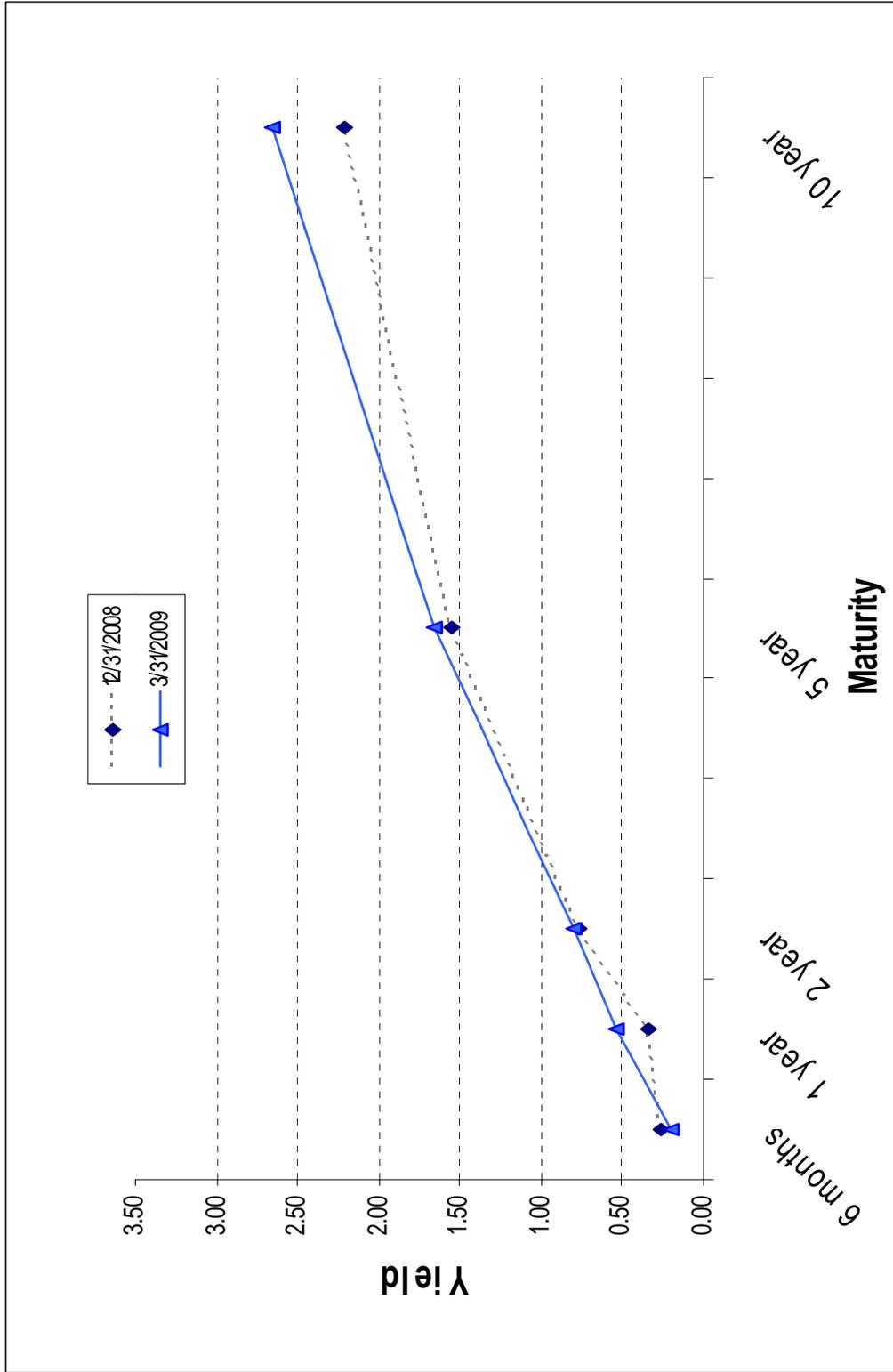
The portfolio's yield to maturity, the return the portfolio will earn in the future if all securities are held to maturity is also reported. This calculation is based on the current market value of the portfolio including unrealized gains and losses. For the quarter ending March 31, the portfolio's yield to maturity was 1.04 percent. The benchmark's yield to maturity was 0.55 percent.

Another method of measuring the portfolio's yield to maturity is the yield of the portfolio at cost. This calculation is based on the value of the portfolio at cost and does not include any unrealized gains or losses as part of its computation. As of the end of the quarter, the portfolio's rate of return on investments, at cost, was 2.06 percent.

**PENINSULA CORRIDOR JOINT POWERS BOARD
REPORT OF INVESTMENTS
FOR QUARTER ENDED MARCH 31, 2009**

<u>TYPE</u>	<u>DATE OF MATURITY</u>	<u>PAR VALUE</u>	<u>CARRYING AMOUNT</u>	<u>MARKET VALUE</u>	<u>ACCRUED INTEREST</u>	<u>MARKET VALUE +ACCR. INT.</u>
<u>FUNDS MANAGED BY TAMALPAIS WEALTH ADVISORS:</u>						
<u>INVESTMENT PORTFOLIO:</u>						
CORPORATE BONDS						
JP Morgan Chase & Co.	12-01-10	500,000	507,000	510,838	3,828	514,666
Bank of America Corp.	12-23-10	500,000	500,000	503,281	2,314	505,595
GOVERNMENT BONDS						
FMC - Discount Note	07-13-09	2,000,000	1,995,333	1,998,800	0	1,998,800
FHLMC - Discount Note	08-17-09	500,000	498,491	499,450	0	499,450
FHLB	07-16-10	2,000,000	2,065,360	2,048,125	14,584	2,062,709
FNMA	11-15-11	2,000,000	2,131,400	2,194,375	39,417	2,233,792
TREASURY INFLATION PROTECTED SECURITIES						
US Inflation Indexed	04-15-10	2,228,760	2,133,507	2,217,617	6,030	2,223,647
TOTAL FUNDS MANAGED BY TAMALPAIS WEALTH ADVISORS		9,728,760	9,831,091	9,972,486	66,173	10,038,659
<u>LIQUIDITY FUNDS MANAGED BY DISTRICT STAFF:</u>						
BANK OF AMERICA CHECKING LAIF			6,490,891	6,490,891	0	6,490,891
SAN MATEO COUNTY POOL			726,960	726,960	10,260	737,220
BANK OF AMERICA CD	04-18-09		0	0	83	83
			3,952,469	3,952,469	86	3,952,555
TOTAL FUNDS MANAGED BY DISTRICT STAFF			11,170,320	11,170,320	10,429	11,180,749
<u>TRUST FUNDS MANAGED BY THIRD PARTY TRUSTEE:</u>						
First American Treas. Oblig. Cl D Corp Tr			2,881,428	2,881,428	48	2,881,476
TOTAL FUNDS MANAGED BY THIRD PARTY TRUSTEE		0	2,881,428	2,881,428	48	2,881,476
TOTAL AS OF MARCH 31, 2009		9,728,760	23,882,839	24,024,234	76,650	24,100,884

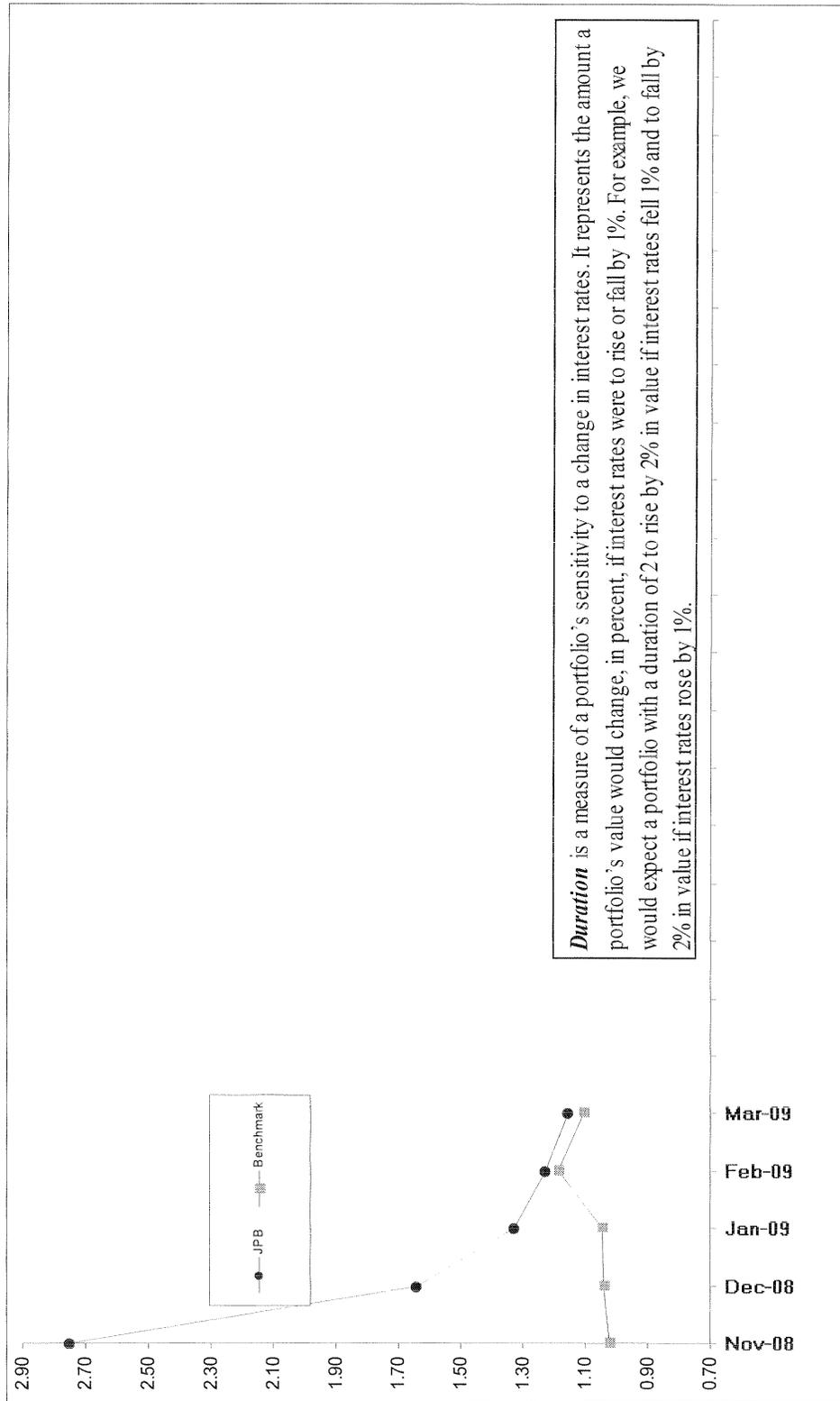
Peninsula Corridor Joint Powers Board Historical Yield Curve



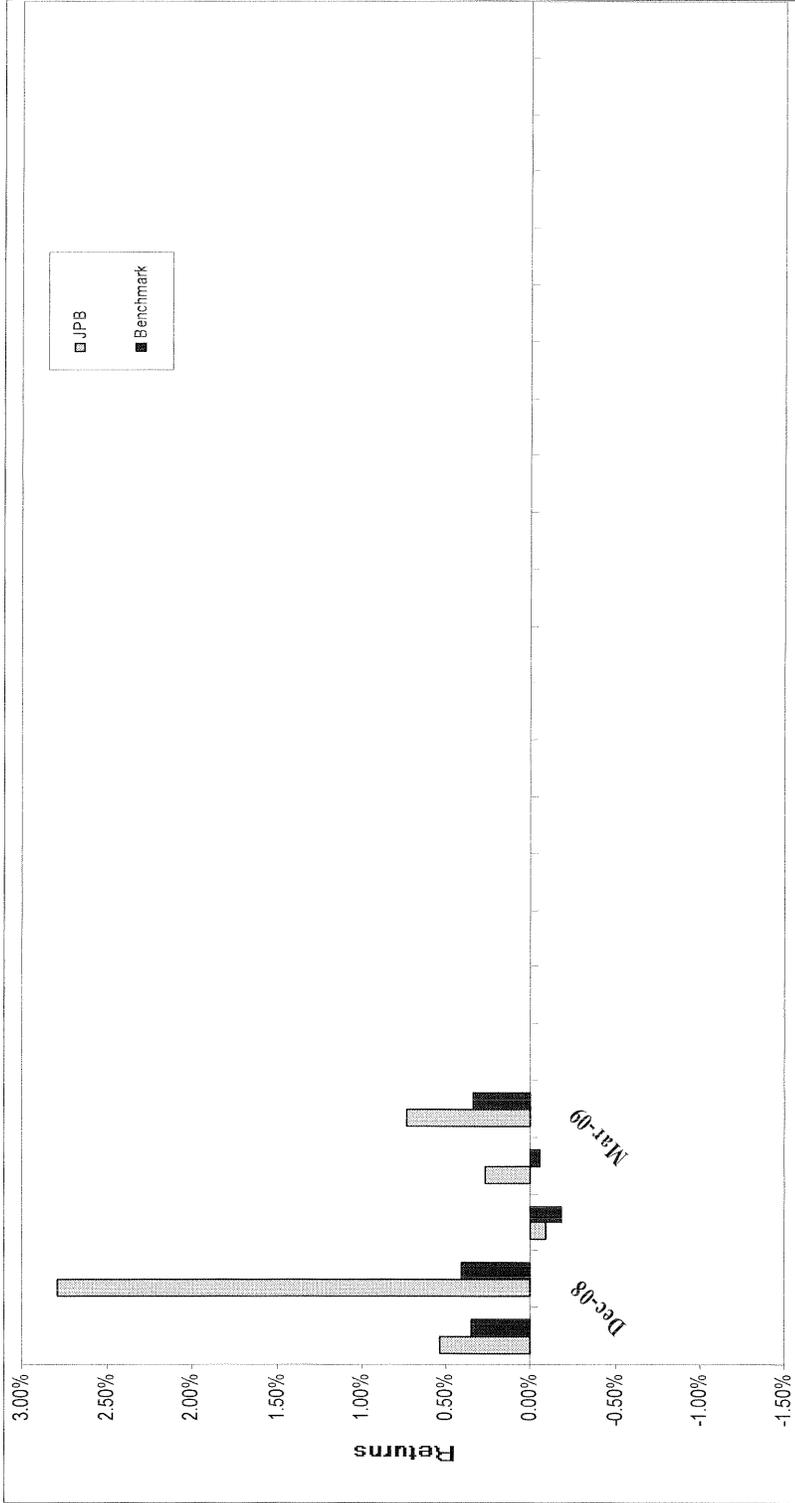
Data Source: Bloomberg

Tampa Bay Wealth Advisors

Peninsula Corridor Joint Powers Board
 Duration vs. Benchmark



Peninsula Corridor Joint Powers Board
Monthly Review – Account vs. Benchmark
Rolling 24 Months

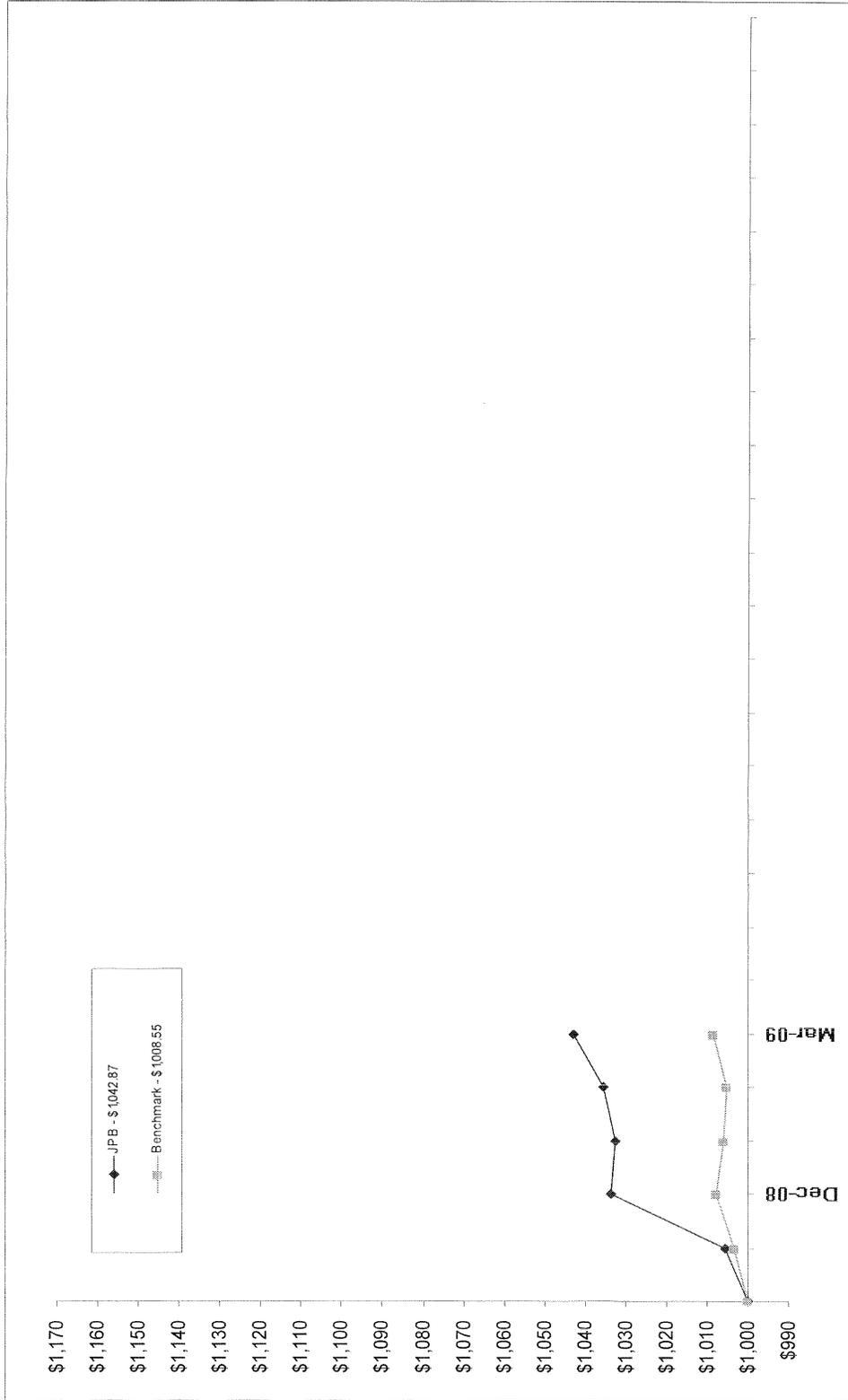


Trailing 12 Months	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Trailing 12
MONTHLY PERFORMANCE DATA						
JPB	0.54%	2.79%	-0.09%	0.27%	0.73%	4.29%
Benchmark	0.35%	0.41%	-0.18%	-0.06%	0.34%	0.86%

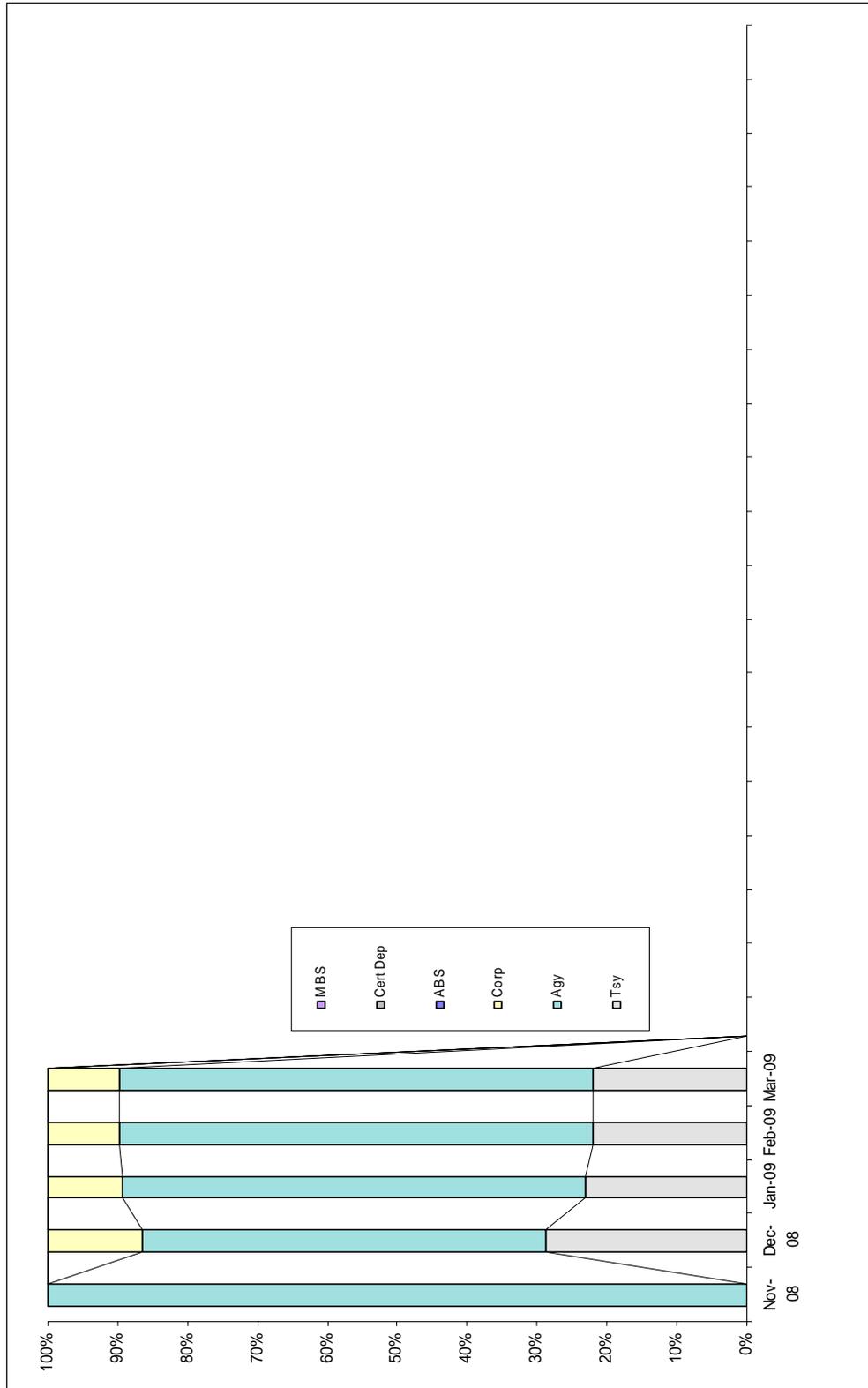
Tamalpais Wealth Advisors

Peninsula Corridor Joint Powers Board Growth of a Thousand Dollars

Rolling 24 Months



Peninsula Corridor Joint Powers Board Percent of Assets Held by Type



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Martha Martinez
JPB Secretary

SUBJECT: **INTRODUCTION OF PROPOSED ACTION TO AMEND THE RULES
OF PROCEDURE FOR THE PENINSULA CORRIDOR JOINT
POWERS BOARD TO EXTEND THE PUBLIC COMMENT PERIOD
ON NON-AGENDIZED ITEMS FROM ONE MINUTE TO TWO
MINUTES**

ACTION

In accordance with the process set forth in Section 20, Amendments to Rules, in the Rules of Procedure for the Peninsula Corridor Joint Powers Board, staff introduces the proposal to extend the public comment period on non-agendized items from one (1) minute to two (2) minutes and requests the Board to direct that this amendment to the Board's Rules of Procedure be calendared for the June 4, 2009 Board meeting for final action.

SIGNIFICANCE

Currently, the public comment period on non-agendized items is one (1) minute. At the suggestion of Board Chair Don Gage, this amendment to the Board's Rules of Procedure would extend the public comment period on non-agendized items to two (2) minutes to allow for greater input from persons wishing to address the Board or a committee of the Board concerning items that are of interest to the public.

The change in the period allotted for public comment on non-agendized items requires the amendment of Section 8, Public comment, of the Board's Rules of Procedure, which section currently defines the public comment period on non-agendized items as one (1) minute. In order to amend the Rules of Procedure, Section 20 requires the introduction of the change to the Board at a meeting prior to the one at which the Board approves it.

BUDGET IMPACT

There is no budget impact.

BACKGROUND

Chair Don Gage suggested that the public comment period on non-agendized items be extended from one minute to two minutes.

Prepared By: Martha Martinez, JPB Secretary

650.508.6242

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: George Cameron
Chief Administrative Officer

**SUBJECT: PROPOSED DBE OVERALL ANNUAL GOAL FOR FY 2010 FOR FTA
ASSISTED CONTRACTS AND EXECUTION OF CALTRANS
IMPLEMENTATION AGREEMENT FOR FHWA ASSISTED PROJECTS**

ACTION

The JPB's Disadvantaged Business Enterprise (DBE) Review Committee and Staff Coordinating Council (SCC) recommend Board approval of the following actions:

- a. Publish the proposed DBE overall annual goal of 13 percent for Federal Transit Administration (FTA)-assisted contracts for public inspection and comment;
- b. In the event that no public comments are received that require a change to the proposed goal, authorize the Executive Director to formally adopt the goal for fiscal year (FY) 2010;
- c. Authorize the Executive Director to submit the DBE overall annual goal to the FTA by the designated deadline of August 1, 2009;
- d. Authorize the Executive Director to execute the *California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies*, which includes requirements for setting contract-specific race-conscious goals on contracts funded by the Federal Highway Administration (FHWA).

SIGNIFICANCE

The U.S. Department of Transportation (DOT) issued amending regulations, effective July 16, 2003, requiring DOT grantees to establish a DBE overall annual goal in accordance with the prescribed methodology in the DBE program regulations. The proposed DBE overall annual goal of 13 percent for FTA-assisted contracts is based upon the JPB's assessment of FTA-assisted contracting activity for FY10 and the projected availability of ready, willing, and able DBEs to participate in this work. In addition, the California Department of Transportation (Caltrans) recently received approval from the Federal Highway Administration to reinstate a

race conscious statewide DBE program. Caltrans requires that grantees execute an Implementation Agreement for Local Agencies as a condition of receiving Federal Highways Administration funding.

BUDGET IMPACT

The proposed DBE overall annual goal for FTA projects, and execution of the Implementation Agreement for FHWA projects, should have no significant impact on the budget under the present procurement practices.

BACKGROUND

The DOT regulations, 49 Code of Federal Regulations Part 26, pertaining to the Disadvantaged Business Enterprise Program (Regulations) require DOT grantees to establish an overall annual goal for DBE participation in federally assisted contracts, and prescribe various methods for doing so. The proposed FY10 DBE overall annual goal of 13 percent for FTA assisted contracts is based upon an assessment of the FTA assisted expenditures for JPB contracts projected for FY10, a review of U.S. Census and other data sources concerning the availability of DBEs in the industries and geographical markets relevant to the JPB's contracting activity, and consideration of the JPB's historical utilization of DBEs, among other factors. Consistent with DOT guidance and the findings from a business availability and utilization study commissioned by the JPB in 2007, staff recommends implementing the DBE program for FY10 with a combination of race-neutral and race-conscious measures. Specifically, staff recommends limited use of race-conscious contract goals on its construction activities and only when necessary to meet its FY10 goal.

For FY09, the overall annual goal is also 13 percent for FTA-assisted contracts. As of March 31, 2009, DBE participation on FTA-assisted contracts is approximately 13.72 percent on a race-neutral basis, with another six months remaining for the rest of this federal fiscal year. Staff will continue to closely monitor DBE participation to determine if current race-neutral practices are sufficient to meet this year's obligations or if race-conscious contract goals are necessary during remainder of the year.

Taking into consideration the JPB's historic utilization of DBEs, the DBE availability data, as well as the mixed types of contracts projected in FY10, the 13 percent goal for FTA-assisted contracts is a reasonable projection of DBE participation overall for the upcoming fiscal year.

With the Board of Directors' approval, the proposed FY10 overall annual goal will be published in general circulation, trade association and DBE-oriented media to provide for public inspection for a period of 30 days and public comment for 45 days from the date of publication. It is recommended that final adoption of the goal be delegated to the Executive Director in the event that no comments are received that require the Board to modify the proposed goal. If reconsideration is needed, the Board will be asked to review and approve the final FY10 goal after completion of the public comment period. The JPB will submit the proposed FY10 DBE overall annual goal to the Federal Transit Administration by August 1, 2009.

On March 4, 2009, the California Department of Transportation (Caltrans) announced that the FHWA approved its FY09 DBE Program calling for the reinstatement of contract-specific race-conscious goals on contracts funded by FHWA. As a condition of receiving FHWA funds, Caltrans has instructed its subrecipients (which include the JPB) to execute the *California*

Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies (Agreement) and to transition to the newly approved race conscious DBE program by no later than June 2, 2009. The Agreement requires the JPB to establish race conscious DBE requirements for all FHWA assisted contracts that are awarded after June 2, 2009. The race conscious requirements apply to four membership groups that the Caltrans Availability and Disparity Study found were underutilized: Black Americans, Native Americans, Asian-Pacific Americans, and Women. For FY 2009, Caltrans established a statewide DBE goal of 13.5 percent, comprised of a 6.75% race neutral goal and a 6.75% race conscious goal.

In addition, the Agreement calls for the JPB to assist Caltrans in developing a single statewide DBE goal for FHWA for FY 2010. Based on the calculation methodology prescribed by Caltrans, the JPB intends to advise Caltrans that the anticipated annual DBE participation level for its FHWA funded projects for FY10 is 13.2 percent. Caltrans will factor this into the establishment of a statewide DBE goal for FHWA assisted projects, which Caltrans will publish for public comment and formally submit to FHWA for approval.

Prepared by: Raymond Lee, DBE Officer 650.508.7939
Bill Carson, Manager, Employee Relations & Civil Rights 650.508.6234

RESOLUTION NO. 2009-

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

* * *

**AUTHORIZING PUBLICATION OF PROPOSED DISADVANTAGED BUSINESS
ENTERPRISE OVERALL ANNUAL GOAL FOR FISCAL YEAR 2010 FTA ASSISTED
PROJECTS; EXECUTION OF CALTRANS IMPLEMENTATION AGREEMENT FOR
FHWA ASSISTED PROJECTS, AND RELATED ACTIONS**

WHEREAS, effective July 16, 2003, the United States Department of Transportation (“DOT”) issued amending regulations regarding the participation of Disadvantaged Business Enterprises (“DBEs”) in federally assisted contracts (“Regulations”); and

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) adopted a revised DBE Program in accordance with the Regulations on May 6, 2004 under Resolution No. 2004-15; and

WHEREAS, the Regulations and the JPB’s DBE Program require that an overall annual goal for DBE participation in federally assisted contracts be established each fiscal year for each operating administration that the JPB receives Federal funds from; and

WHEREAS, the Executive Director has recommended the establishment of a proposed DBE overall annual goal of 13 percent for Fiscal Year 2010 for Federal Transit Administration (“FTA”) assisted contracts, in accordance with the methodology set forth in the Regulations; and

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

WHEREAS, the Board of Directors finds that the proposed Fiscal Year 2010 DBE overall annual goal is appropriate and reasonable; and

WHEREAS, the California Department of Transportation (Caltrans), as the state administrator of Federal Highway Administration (FHWA) funds, has revised its statewide DBE program to include race conscious contract requirements to address the underutilization of certain DBE groups, and has directed that local agencies, including the JPB, execute a new *California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies* as a condition of receiving FHWA financial assistance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the publication of the proposed Disadvantaged Business Enterprise overall annual goal for Fiscal Year 2010 of 13 percent for FTA-assisted contracts for public inspection for a period of 30 days and for public comment for a period of 45 days, with the understanding that final adoption of the Disadvantaged Business Enterprise overall annual goal will be considered at the completion of such public comment period; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director to adopt the DBE overall annual goal for FY 2010 on behalf of the Peninsula Corridor Joint Powers Board, in the event that no public comments are received that require the Board to reconsider or modify the proposed goal; and

BE IT FURTHER RESOLVED that the Board of Directors directs the Executive Director to submit the adopted Disadvantaged Business Enterprise overall annual goal for Fiscal Year 2010 to the United States Department of Transportation through the Federal Transit Administration by August 1, 2009, in accordance with the Regulations; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director to execute the *California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies* and submit it to Caltrans by no later than June 2, 2009.

Regularly passed and adopted this 7th day of May 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
Chief Financial Officer

SUBJECT: **AUTHORIZATION TO INITIATE THE PROCESS OF ESTABLISHING A
FUEL HEDGING PROGRAM AND SELECTING A FINANCIAL
INSTITUTION**

ACTION

Staff Coordinating Council recommends that the Board:

1. Authorize staff to initiate the process of establishing a fuel hedging program, based on a diesel fuel price cap product.
2. Authorize staff to begin a selection process for financial services firms to be engaged in connection with the proposed fuel hedging program.
3. Authorize the Executive Director to execute a contract with Orrick, Herrington & Sutcliffe, LLP, to serve as special counsel to the JPB in connection with the proposed fuel hedging program.

SIGNIFICANCE

The primary goal for the proposed fuel hedging program is to reduce volatility and uncertainty in the fuel budget beginning in Fiscal Year 2010. Fuel hedging would entail using financial instruments, such as futures or swap contracts or price caps, to mitigate the risk of adverse price movements. Staff proposes that the JPB hedge 50 percent of its expected annual consumption, approximately 2.2 million gallons, utilizing a straight-forward hedging mechanism, such as a price cap. In order to maximize the hedging program's potential for economic efficiency, the JPB will partner with the San Mateo County Transit District, which also will hedge 50 percent of its annual consumption, or approximately 1.1 million gallons.

Staff proposes to implement this hedging program on a trial basis for the term of one year, to be evaluated next spring with a report back to the Board on the results of the program. In addition, in order to mitigate risk, no hedging transactions will be approved with a counterparty having a credit rating less than AA from at least one nationally recognized rating agency (S&P, Moody's and Fitch). During the selection process for one or more financial services firms, if staff is uncomfortable with the terms proposed in the bid packages received from prospective firms,

including pricing terms, the JPB will elect not to proceed with a fuel hedging program at this time.

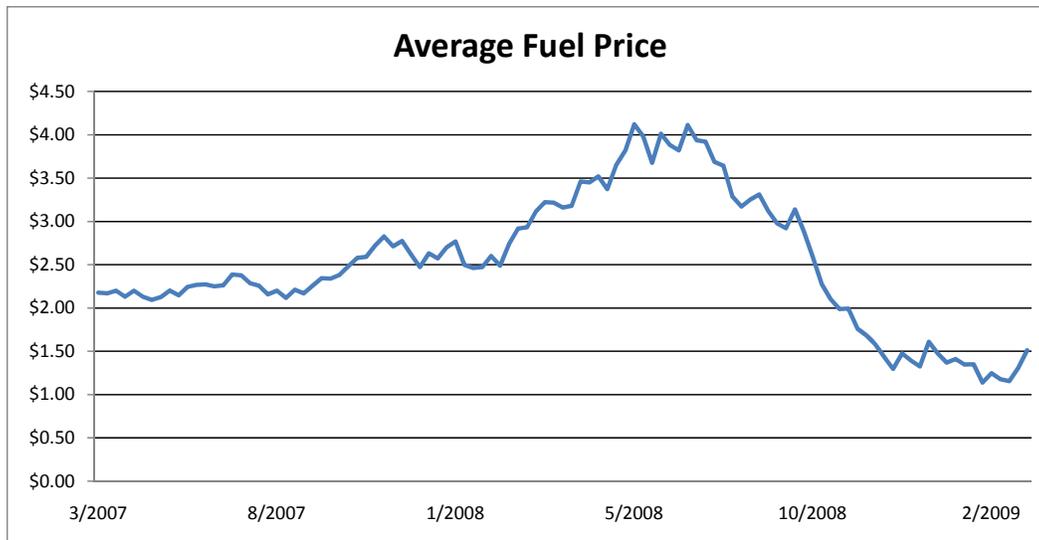
Staff expects to return to the Board in June 2009 to obtain approval of the award of a hedging contract for fuel hedging services and in August 2009 to provide further details concerning the terms of the fuel hedging program.

BUDGET IMPACT

The JPB's FY2009 revised budget for fuel expenses is \$16.8 million based on anticipated usage of 4.4 million gallons at a rate of \$3.50 per gallon plus related taxes. Implementing a fuel hedging program going forward will enable the JPB to purchase half of its fuel within a pre-determined price range, thus giving the JPB a measure of budget certainty and allowing for more effective utilization of budgetary resources. With a fuel hedging constraint on fuel costs based on significantly lower prices than the previous year, staff believes the JPB will be able to reduce the FY2010 budget by up to \$2 million compared with the FY2009 revised budget.

BACKGROUND

The JPB currently purchases fuel from Golden Gate Petroleum based on the weekly spot price for ultra-low sulfur diesel (ULSD). This method leaves the JPB open to fluctuation in the market for diesel fuel. Over the past year, the price of ULSD has ranged from a high of \$4.11 per gallon in July 2008 to a low of \$1.14 in February 2009. Below is a chart that demonstrates the volatility in weekly fuel prices over the past two years.



Implementing a fuel hedging program at this time would allow the JPB to take advantage of the current, relatively low market prices.

Staff has been evaluating a number of potential fuel hedging mechanisms including price caps, futures contracts, commodity swaps and physical hedging to meet our primary goal of reducing volatility and uncertainty in the fuel budget for FY2010 in addition to saving the JPB money over the FY2009 revised budget. Based upon staff research and advice of the JPB's and

SamTrans's financial advisors, price caps seem to be a straight-forward route, with respect to obligations and documentation, and likely the best fit for the JPB as they would provide a type of insurance against high fuel prices. A price cap would allow the JPB to limit its exposure when fuel prices rise, while continuing to receive the benefit when prices fall. Some of the risks associated with the price cap and other fuel hedging tools include counterparty risk, termination risk and basis risk given that the OPIS price will vary slightly from the index used to determine the hedging prices.

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

RESOLUTION NO. 2009-

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

* * *

**AUTHORIZING INITIATION OF THE PROCESS OF ESTABLISHING A FUEL
HEDGING PROGRAM BASED ON A DIESEL FUEL PRICE CAP**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) has been consistently, over the last several years, purchasing over four million gallons of diesel fuel each year to conduct train operations; and

WHEREAS, staff has studied various options for reducing volatility in the price paid for fuel; and

WHEREAS, staff recommends a trial fuel hedging program for one year as an appropriate method of decreasing the variability in the price to be paid for fuel in the coming fiscal year; and

WHEREAS, there are a variety of fuel hedging products, and the JPB requires the services of a financial services firm in the evaluation and development of an appropriate fuel hedging program based upon a diesel fuel price cap product, as well as subsequent oversight of transactions; and

WHEREAS, in order to mitigate risk, a transaction with a counterparty having a credit rating less than AA from at least one nationally recognized rating agency (S&P, Moody’s, and Fitch) will not be approved by the JPB; and

WHEREAS, the JPB also requires the services of special finance counsel to assist it in the process of implementing a fuel hedging program; and

WHEREAS, Orrick, Herrington & Sutcliffe, LLP, has served as the JPB's special finance counsel in prior years and has substantial experience with public transit financial transactions.

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

1. Authorizes the Executive Director to evaluate and develop a recommendation for establishing a fuel hedging program, based on a diesel fuel price cap product; and
2. Authorizes the Executive Director to begin a selection process for one or more financial services firms to be engaged in connection with any proposed fuel hedging program; and
3. Authorizes the Executive Director to execute a contract with Orrick, Herrington & Sutcliffe, LLP, to serve as special counsel to the JPB in connection with any proposed fuel hedging program.

Regularly passed and adopted this 7th day of May, 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
Chief Financial Officer

SUBJECT: PROPOSED CALTRAIN FISCAL YEAR 2010 OPERATING BUDGET

ACTION

This report is submitted for informational purposes only. No policy action is requested at this time.

SIGNIFICANCE

The initial FY2010 Caltrain Operating Budget proposal (Attachment "A") shows an operating budget of \$102.1 million, an increase of \$4.3 million, or 4.4 percent, over the FY2009 revised budget. Expenditures exceed revenues by approximately \$10.1 million.

Fiscal Year 2010 Revenue Projections

Total revenues for FY2010 are projected to be \$91.9 million, a decrease of \$4.8 million from the FY2009 revised budget. Revenues include the following significant components:

- FY2010 Operating Revenue for Caltrain is projected to be \$51.3 million, an increase of \$1.3 million, or 2.5 percent over FY2009 **revised** budget. These figures include the fare increase implemented during FY2009. Compared to the originally adopted FY2009 budget, fare revenue is increasing by \$3.1 million or 7.5 percent.
 - Farebox revenue is increasing by \$442,000 to reflect current farebox levels. Service levels are proposed to remain the same with 98 weekday trains, 32 trains on Saturday, and 28 trains on Sunday.

Total Contributed Revenue is projected to be \$40.7 million, a decrease of \$6.0 million, or 12.9 percent primarily due to Other Sources utilized in the previous year.

- JPB Member Agency contributions do not include the customary 3% inflationary increase and are projected to remain flat due to the impact of state budget cuts on each Member Agencies revenues. The total proposed contributions for each member agency are as follows:
 - San Mateo - \$16,521,289
 - Santa Clara - \$15,878,129
 - San Francisco - \$7,017,167

- Other Sources are decreasing by \$6.0 million due to one-time funds that were utilized in FY2009. These funds were mainly FY2008 rail operator savings that were carried forward into FY2009.

Fiscal Year 2010 Expense Projections

Grand Total Expense for FY2010 is projected to be \$102.1 million, an increase of \$4.3 million, or 4.4 percent over FY2009 revised budget. Expenses include the following significant components:

- Operating Expenses for Caltrain are projected at \$90.7 million, an increase of \$2.9 million, or 3.4 percent over FY2009 revised budget.
 - Rail Operator Service is increasing by \$3.1 million due primarily to the contractually required increase in Amtrak service costs.
 - Fuel costs are projected to increase by \$273,000 in FY2010 to \$17.1 million, based on a projected fuel price of \$3.50 per gallon. This price per gallon was used in the FY2009 revised budget, which was an increase of 50 cents per gallon over the price in the FY2009 adopted budget.

Staff has begun researching a fuel hedging program as a means of reducing volatility and uncertainty in the fuel budget. Based upon this research, staff will provide revised projections at the June Board meeting. The request for authorization to proceed with the fuel hedging process is included in this meeting’s agenda.

- Administrative expenses are projected to increase by \$976,000 or 10.5 percent over the FY2009 revised budget mostly due to changes in the allocation of staff time and corresponding benefits. The reallocation in staff time is reflective of a time study that the District has undertaken which has identified those staff that has not been charging their time correctly to the JPB.

As discussed at previous Board meetings, Caltrain’s reserves are well below reasonable levels and the agency continues to face a structural imbalance. Staff will work diligently to seek further cost reductions and economies, including possible recommendations for service reductions prior to presenting a final budget proposal to the Board at its June meeting.

PENINSULA CORRIDOR JOINT POWERS BOARD
STATEMENT OF REVENUE AND EXPENSE
BUDGET PROPOSAL
FY2010

	<u>FY2008</u> <u>ACTUAL</u> A	<u>FY2009</u> <u>ADOPTED</u> B	<u>FY2009</u> <u>REVISED</u> C	<u>FY2010</u> <u>PROPOSED</u> D	<u>INC(DEC)</u> <u>FY09 REVISED</u> <u>to FY10PROPOSED</u> E = D-C	<u>% INC(DEC)</u> <u>FY09 REVISED</u> <u>to FY10 PROPOSED</u> F = E/C		
REVENUE								
OPERATIONS:								
1	Farebox Revenue	40,129,943	41,669,414	44,369,414	44,811,045	441,631	1.0%	1
2	Parking Revenue	2,167,514	2,128,054	2,128,054	2,178,890	50,836	2.4%	2
3	Shuttles	1,073,182	1,134,036	1,134,036	1,098,504	(35,532)	-3.1%	3
4	Rental Income	1,577,378	1,604,340	1,604,340	1,682,800	78,460	4.9%	4
5	Other Income	2,531,016	2,111,720	759,600	1,492,090	732,490	96.4%	5
6	TOTAL OPERATING REVENUE	47,479,032	48,647,564	49,995,444	51,263,329	1,267,885	2.5%	6
7								7
CONTRIBUTIONS:								
9	AB434 Peninsula Feeder Shuttle	1,034,355	1,034,355	1,034,355	1,000,000	(34,355)	-3.3%	9
10	Operating Grants	358,534	211,000	211,000	245,937	34,937	16.6%	10
11	JPB Member Agencies	38,268,530	39,416,585	39,416,585	39,416,585	0	0.0%	11
12	Other Sources	1,488,233	6,047,623	6,047,623	0	(6,047,623)	-100.0%	12
13	TOTAL CONTRIBUTED REVENUE	41,149,652	46,709,563	46,709,563	40,662,522	(6,047,041)	-12.9%	13
14								14
15	GRAND TOTAL REVENUE	88,628,685	95,357,127	96,705,007	91,925,851	(4,779,156)	-4.9%	15
16								16
EXPENSE								
OPERATING EXPENSE:								
20	Rail Operator Service	49,668,730	55,183,000	55,183,000	58,300,000	3,117,000	5.6%	20
21	Security Services	2,834,873	3,148,434	3,198,434	3,382,622	184,188	5.8%	21
22	Rail Operator Extra Work	682,928	170,000	170,000	150,000	(20,000)	-11.8%	22
23	Contract Operating & Maintenance	53,186,531	58,501,434	58,551,434	61,832,622	3,281,188	5.6%	23
24	Shuttle Service	2,876,216	3,012,891	3,012,891	2,926,620	(86,271)	-2.9%	24
25	Fuel	14,377,365	14,408,059	16,802,601	17,075,710	273,109	1.6%	25
26	Timetables and Tickets	216,399	218,000	218,000	210,000	(8,000)	-3.7%	26
27	Insurance	3,640,553	4,535,000	4,535,000	4,535,000	0	0.0%	27
28	Facilities and Equipment Maint	1,699,388	1,713,750	1,713,750	1,445,296	(268,454)	-15.7%	28
29	Utilities	1,211,422	1,725,270	1,725,270	1,502,400	(222,870)	-12.9%	29
30	Services	1,123,922	1,180,300	1,180,300	1,155,630	(24,670)	-2.1%	30
31	TOTAL OPERATING EXPENSE	78,331,798	85,294,704	87,739,246	90,683,278	2,944,032	3.4%	31
32								32
ADMINISTRATIVE EXPENSE								
34	Wages & Benefits	5,707,038	5,966,333	5,966,333	6,651,185	684,852	11.5%	34
35	Board of Directors	10,454	16,300	16,300	12,300	(4,000)	-24.5%	35
36	Professional Services	1,556,259	1,726,850	1,726,850	1,943,661	216,811	12.6%	36
37	Communications and Marketing	229,871	311,000	311,000	265,000	(46,000)	-14.8%	37
38	Other Expenses and Services	1,126,504	1,275,344	1,275,344	1,399,294	123,950	9.7%	38
39	TOTAL ADMINISTRATIVE EXPENSE	8,630,125	9,295,827	9,295,827	10,271,440	975,613	10.5%	39
40								40
41	Long-term Debt Expense	869,713	766,596	766,596	1,102,875	336,279	43.9%	41
42								42
43	GRAND TOTAL EXPENSE	87,831,635	95,357,127	97,801,669	102,057,593	4,255,924	4.4%	43
44								44
45	REVENUE OVER/UNDER	797,049	0	(1,096,662)	(10,131,742)			45

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Virginia Harrington
Chief Financial Officer

SUBJECT: **CALL FOR A PUBLIC HEARING: A DECLARATION OF FISCAL
EMERGENCY FOR THE PENINSULA CORRIDOR JOINT POWERS
BOARD FOR FISCAL YEAR 2010**

ACTION

Staff Coordinating Council (SCC) recommends that the Board hold a public hearing on June 4, 2009, to receive public comment concerning a proposed declaration of a fiscal emergency under California Public Resources Code section 21080.32 and California Environmental Quality Act implementing guidelines, Title 14 of the California Code of Regulations section 15285 for Fiscal Year 2010. The SCC recommends this action in light of the following considerations:

1. The JPB, as it has in the past several fiscal years, utilized one-time sources of funds to balance the FY2009 budget. The amount of unrestricted reserves estimated to be remaining at the end of FY2009 is approximately \$3.4 million and is insufficient to support current service levels.
2. Staff has reviewed various options to balance the FY2010 budget and these include reductions in service levels and increased fares.
3. When a transit agency's revenues are insufficient to fund operations and facilities, the California Environmental Quality Act (CEQA) provides a statutory exemption from environmental review to any public service, program, project or activity for reducing or eliminating services and for initiating or increasing fees, rates or charges through declaration of a fiscal emergency.
4. The criterion for declaring a fiscal emergency is that the transit agency expects to have negative working capital within one year from the date of the declaration.
5. The JPB must respond within 30 days of the public hearing to suggestions made by the public.
6. After responding to these comments, the JPB may declare a fiscal emergency for its Caltrain operation caused by the failure within one year of revenues to fund programs and facilities adequately.

SIGNIFICANCE

The FY2010 funding year will be a particular challenge as one-time funding sources have been used to bridge deficits in each of the previous seven fiscal years, including the FY2009 budget. These revenues now are largely depleted. In addition to a reduction in revenues, the JPB partners continue to face financial uncertainty due in part to the State of California's budget crisis and the loss of State Transit Assistance funds. At this time it is unclear what level of partner support will be available for the FY2010 budget. To plan for the worst-case scenario, the SCC recommends that the JPB undertake the process outlined in CEQA for declaring a fiscal emergency. If a fiscal emergency is declared, the JPB can pursue appropriate service scenarios for the FY2010 budget, including reductions in service and increases in fees, rates and charges in compliance with applicable laws and regulations.

The California Environmental Quality Act considers reductions in transit service as "projects" that typically require evaluation of any potential environmental impact, unless a statutory exemption applies. The requirement for environmental review of the specified public transit changes is exempted in the case of a declared fiscal emergency. (California Public Resources Code section 21080.32; 14 Code of California Regulations section 15285).

A fiscal emergency is deemed to exist if the transit agency is projected to have negative working capital within one year from the date of the fiscal emergency declaration. To calculate available working capital, the transit agency adds together all unrestricted cash, unrestricted short-term investments and unrestricted short-term accounts receivable and then subtracts unrestricted accounts payable, where applicable. Employee retirement funds, including Internal Revenue Code Section 457 deferred compensation plans and Section 401(k) plans, health insurance reserves, bond payment reserves, workers' compensation reserves, and insurance reserves, are excluded from the calculation of available working capital.

Once the working capital analysis is complete and the transit agency concludes the declaration of a fiscal emergency is warranted, the agency is required to hold a public hearing on the issue and to respond to comments and suggestions made by the public within 30 days.

Staff recommends that the JPB hold a public hearing on the issue of a fiscal emergency for Caltrain operations on June 4, 2009. At the hearing, staff will explain why a fiscal emergency exists and the JPB will receive testimony from the public. Staff further recommends that the JPB respond to the public comments at a meeting to be scheduled within 30 days after the June 4 meeting. Staff will propose the JPB response to the Board of Directors for its consideration via the regular agenda process. A staff report containing the proposed response to the public comments will be available prior to the meeting.

After the response to the public comments has been received, the JPB can declare that a fiscal emergency exists. A declaration of fiscal emergency does not by itself implement service reductions or changes to fees or fares.

BUDGET IMPACT

There is minimal budget impact directly associated with holding a public hearing to take comment concerning the potential declaration of a fiscal emergency. Should the Board choose to declare a fiscal emergency after consideration of public comment, the JPB will evaluate service scenarios and staff would present a proposed FY2010 budget for consideration by the Board of Directors.

BACKGROUND

The FY2009 JPB adopted budget included the use of one-time revenues to support the proposed service levels. With the expenditure of most of the one-time sources of funding, there are not sufficient revenues to support existing services in FY2010. Staff is undertaking a comprehensive review of both the revenue and expense options and will develop a number of alternatives that would balance the FY2010 budget. Both revenue increases and service reductions will be included in some scenarios.

Prepared by: Virginia Harrington, Chief Financial Officer

650.508.7950

**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: **CALL FOR A PUBLIC HEARING FOR CONSIDERATION OF SERVICE
SUSPENSIONS AND/OR FARE CHANGES FOR THE FY 2010 BUDGET**

ACTION

Staff Coordinating Council (SCC) recommends the Board conduct a public hearing at its regularly scheduled meeting on June 4, 2009, to receive public comment on options for Caltrain service suspensions and fare changes.

SIGNIFICANCE

The JPB is facing a fiscal emergency. The FY 2009 budget was balanced using one-time funds that are no longer available and can therefore not be used to balance the FY 2010 budget. Additionally, the local economic climate and its deepening recession and job losses are beginning to negatively impact Caltrain ridership and revenues. The preliminary FY 2010 budget proposal reveals a significant deficit. In order to balance the budget, the JPB must approve a viable operating scenario that can be supported by available revenue sources, including partner contributions, farebox revenue and other income. Any changes resulting from this hearing process are projected to be effective in October 2009.

Service Suspension

Several service suspension options will be proposed and evaluated for their impact on ridership, revenue, and net savings to the FY 2010 operating budget. The specific options will be included in the notice of the public hearing.

Fare Changes

The fare change options that will be examined/evaluated/investigated include but are not limited to increases on the base or zone charge and a decrease in the proportional discounts allocated to the 8-ride and monthly passes. The specific fare change options will be included in the notice of the public hearing.

BUDGET IMPACT

There is minimal budget impact directly associated with holding a public hearing for proposed fare changes or service suspensions. The proposed changes, if approved, are projected to have substantial impacts to both operating revenues and expenses and will favorably impact the delivery of a balanced FY 2010 operating budget.

BACKGROUND

As Caltrain approaches the development of its FY 2010 operating budget, fare changes and service suspensions must be considered that, in combination with other cost cutting and revenue enhancement measures, will balance the budget.

In previous years, Caltrain has been successful in bridging budget gaps through the use of one-time funds, budget cuts and improved operational efficiencies. Using these methods to bridge the FY 2010 budget gap is not possible because:

- 1) Contributions from one-time funds to bridge budget shortfalls have been exhausted;
- 2) The capacity to enact further efficiency gains has been exhausted; and
- 3) The deal struck to balance the State budget zeroes out funding from the State Transit Assistance (STA) fund so that monies that could traditionally be used to bridge operating budget gaps are no longer available.

Given this current climate, the JPB must consider service suspensions and fare changes to balance its FY 2010 budget. These changes will be guided by the following principles:

- 4) Retention of the maximum service for the majority of Caltrain riders;
- 5) Maintenance of competitive fare levels and structure with a view to optimizing ridership and revenue;
- 6) Retention of the maximum number of employees possible within the context of maintaining employee productivity; and
- 7) Approach service suspensions with a plan for resumption once economic conditions allow.

In preparation for the public hearing, staff will prepare concrete fare and service proposals for comment by the public. These proposals will be presented at public meetings conducted in each of the three Caltrain counties and public comment will be received. Additionally, the proposals will be available for comment on the agency Website.

The proposals and the results of the public outreach effort will be presented to the Board during the public hearing.

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 116 Beall (D)</p> <p>Transportation authorities and districts: contracts.</p>	<p>ASSEMBLY APPR. 04/29/2009</p> <p>Passed (16-0)</p>	<p>Existing law establishes bridge and highway districts and various regional transportation authorities and transit districts, including the Santa Clara Valley Transportation Authority, 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 the Santa Clara Valley Transportation Authority and the Alameda-Contra Costa Transit District that exceed \$25,000, requires the contract to be let to the lowest responsible bidder. Existing law requires the Santa Clara Valley Transportation Authority and the Alameda-Contra Costa Transit District to publish a notice requesting bids to be published in a newspaper of general circulation, and requires bridge and highway districts to advertise bids as specified. This bill instead would require contracts of the Santa Clara Valley Transportation Authority, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District, 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 would revise the notice requirement to require that notice requesting bids be published at least once in a newspaper of general circulation and on the authority's or district's procurement Internet Web site. The bill also would require the authority or 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.</p> <p>Last Amended on 04/21/2009</p>	
<p>AB 118 Logue (R)</p> <p>California Global Warming Solutions Act of 2006.</p>	<p>ASSEMBLY NAT. RES. 02/26/2009-Referred to Com. on NAT. RES.</p>	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The state board is required by January 1, 2011, to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions. This bill would repeal the California Global Warming Solutions Act of 2006.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
AB 153 Ma (D) High-Speed Rail Authority.	ASSEMBLY APPR. 04/29/2009 Passed (11-5)	Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law authorizes the authority to prepare a plan for the construction and operation of that system and to enter into contracts, acquire rights-of-way through purchase or eminent domain, and take other actions, subject to specified contingencies. Under existing law, a public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets certain requirements. Existing law generally prohibits a state agency from employing legal counsel other than the Attorney General unless there is a specific statute authorizing that employment. This bill 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 231 Huffman (D) California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.	ASSEMBLY APPR. 04/20/2009-Do pass as amended and be re-referred to the Committee on Appropriations.	Requires that revenues collected pursuant to the California Global Warming Solutions Act of 2006 be deposited into a Climate Protection Trust Fund, and establishes parameters by which those funds can be distributed for the reduction of GHG and mitigation of climate change impacts.	
AB 266 Carter (D) Transportation needs assessment.	ASSEMBLY APPR. 04/21/2009-Re-referred to Com. on APPR.	Requires the California Transportation Commission (CTC) to, 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. Last Amended on 04/20/2009	
AB 277 Ammiano (D) Transportation: local retail transaction and use taxes: Bay Area.	ASSEMBLY L. GOV. 03/09/2009-Referred to Com. on L. GOV.	The Bay Area County Traffic and Transportation Funding Act establishes a process for each of the 9 counties in the San Francisco Bay Area to impose a retail transactions and use tax for transportation purposes subject to voter approval. Existing law provides for a county transportation expenditure plan to be developed in that regard, with expenditures from tax revenues to be administered by a county transportation authority, or, alternatively, by the Metropolitan Transportation Commission. Existing law requires the membership of a county transportation authority to be specified either in the county transportation expenditure plan or in the retail transactions and use tax ordinance. This bill would delete the option of specifying the membership of the authority in the retail transactions and use tax ordinance.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
AB 282 Committee on Transportation Transportation.	ASSEMBLY APPR. 04/21/2009-From committee: Do pass, and re-refer to Com. on APPR. with recommendation: To Consent Calendar. Re-referred. (Ayes 12. Noes 0.) (April 20).	The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds. This bill 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.	
AB 338 Ma (D) Transit village developments: infrastructure financing.	ASSEMBLY SECOND READING 04/23/2009-From committee: Do pass. (Ayes 11. Noes 5.) (April 22).	Recasts 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, and eliminates 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.	
AB 522 Blumenfeld (D) Transportation: bond funds.	ASSEMBLY TRANS. 03/12/2009-Referred to Com. on TRANS.	Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury and requires the proceeds of bonds deposited in the fund to be used for specified mobility, safety, and air quality improvements. This bill would require the California Transportation Commission to ensure that bond funds previously committed to a project from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 remain available to the sponsoring agency of the project for another qualifying project, if funds from any federal economic recovery legislation enacted in 2009 are used to fund the project, as specified.	
AB 569 Emmerson (R) Meal periods: exemptions.	ASSEMBLY SECOND READING 04/23/2009-From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 22).	Existing law prohibits , subject to certain exceptions, an employer from requiring an employee to work more than 5 hours per day without providing a meal period . This bill would exempt from this prohibition construction employees who are covered by a valid collective bargaining agreement containing specified terms, and would instead apply the meal period provisions of that agreement to their employment. The bill would also permit parties in the transportation industry, under a valid collective bargaining agreement, to establish an off-duty meal period that commences after not more than 6 hours of work and the circumstances for on-duty meals by commercial drivers, if the collective bargaining agreement also provides for a premium rate for overtime hours and a specified regular hourly This bill contains other existing laws. Last Amended on 04/02/2009	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
AB 610 Caballero (D) Local infrastructure.	ASSEMBLY L. GOV. 04/23/2009-In committee: Hearing postponed by committee. (Refers to 4/15/2009 hearing)	Existing law provides that the Office of Planning and Research within the Governor's office serves as the state's comprehensive planning agency in the formulation, evaluation, and updating of, among other things, long-range goals and policies for land use, population growth and distribution, urban expansion, development, open space, resource preservation and utilization, air and water quality, and other factors that shape statewide development patterns and significantly influence the quality of the state's environment. This bill would require the Office of Planning and Research to advise and educate local agencies and other interested stakeholders about the role that public-private partnerships can play in planning, studying, designing, financing, constructing, operating, maintaining, or managing local infrastructure projects.	
AB 619 Blumenfeld (D) Transportation projects: federal funds: delays.	ASSEMBLY TRANS. 03/23/2009-Referred to Com. on TRANS.	Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law provides for allocation of federal transportation funds made available to the state. This bill would require the department to notify the Legislature within 30 days of making a determination that a project, including a project designated in the National Corridor Infrastructure Improvement Program, will be delayed beyond its scheduled completion date due to state cashflow or other funding issues, if the delay places at risk federal funds, including funds earmarked for the project.	
AB 672 Bass (D) Transportation: bond- funded projects: letter of no prejudice.	ASSEMBLY TRANS. 04/22/2009-Re-referred to Com. on TRANS.	Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes. Existing law designates the state agency responsible for programming bond funds under the act as the administrative agency for those purposes. This bill would authorize a regional or local agency that is a lead agency for a project that has been approved for bond funding to apply to the administrative agency for a letter of no prejudice that would allow the regional or local agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds, as specified. Last Amended on 04/21/2009	
AB 726 Nielsen (R) Transportation capital improvement projects.	ASSEMBLY CONSENT CALENDAR 04/22/2009-Read second time. To Consent Calendar.	Existing law generally provides for allocation of transportation capital improvement funds pursuant to the State Transportation Improvement Program process. Existing law provides for 75% of funds available for transportation capital improvement projects to be made available for regional projects, and 25% for interregional projects. Existing law describes the types of projects that may be funded with the regional share of funds, and includes local road projects as a category of eligible projects. This bill would state that local road rehabilitation projects are eligible for these funds.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 729</u> <u>Evans</u> (D) Public contracts: transit design-build contracts.	ASSEMBLY APPR. 04/23/2009-Read second time. To third reading. Re-referred to Com. on APPR. pursuant to Joint Rule 10.5.	Eliminates the sunset date for transit operators to enter into design-build contracts. The current authority is set to expire as of January 1, 2011. Last Amended on 04/22/2009	
<u>AB 733</u> <u>Galgiani</u> (D) High-Speed Rail Authority.	ASSEMBLY APPR. 04/21/2009-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (April 20).	Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes. This bill 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.	
<u>AB 782</u> <u>Jeffries</u> (R) Regional transportation plans: sustainable communities strategies.	ASSEMBLY NAT. RES. 04/22/2009-In committee: Hearing postponed by committee. (Refers to 4/20/2009 hearing)	Existing law, the California Global Warming Solutions Act of 2006, requires the State Air Resources Board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels of 1990, to be achieved by 2020, as specified. This bill would provide that upon the state board's acceptance that the sustainable communities strategy or an alternative planning strategy, if implemented, will achieve the greenhouse gas emissions reduction targets established by the state board, that acceptance shall be final, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the state board's acceptance. This bill contains other related provisions and other existing laws.	
<u>AB 798</u> <u>Nava</u> (D) California Transportation Financing Authority: toll facilities.	ASSEMBLY APPR. 04/14/2009-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 11. Noes 3.) (April 13).	Creates the California Transportation Financing Authority to issue bonds to fund transportation projects. Creates the California Transportation Financing Authority Fund, which would be continuously appropriated for these purposes.	
<u>AB 810</u> <u>Caballero</u> (D) Circulation and transportation element.	ASSEMBLY L. GOV. 03/31/2009-Referred to Com. on L. GOV.	Existing law requires a general plan to include a statement of development policies and, among other elements, a circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan. This bill would rename the circulation element the circulation and transportation element and make other technical and conforming changes.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 878 Caballero (D)</p> <p>Infrastructure financing.</p>	<p>ASSEMBLY L. GOV. 04/21/2009-Re-referred to Com. on L. GOV.</p>	<p>Existing law permits a governmental agency to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and may lease to, private entities, for specified types of fee-producing infrastructure projects. Existing law permits these agreements to provide for the lease of, or ownership of, infrastructure facilities owned by a governmental entity, but constructed by a private entity, to that private entity for a period of up to 35 years. This bill would authorize a local governmental agency, as defined, to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects. The bill would require an agreement entered into under these provisions to include adequate financial resources to perform the agreement, and would permit the agreements to lease, license, or provide other permitted uses by the governmental agency to extend for a term of up to 50 years, after which time the project would revert to the governmental agency.</p> <p>Last Amended on 04/20/2009</p>	
<p>AB 949 Logue (R)</p> <p>Transportation: State-Local Partnership Program.</p>	<p>ASSEMBLY TRANS. 04/20/2009-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, provides for \$1 billion of bond proceeds for the State-Local Partnership Program to be allocated by the California Transportation Commission to eligible transportation projects nominated by transportation agencies, subject to appropriation by the Legislature of moneys from the State-Local Partnership Program Account. Existing law requires a dollar-for-dollar match of local funds for projects funded with these bond funds. Existing law defines eligible local matching funds for those purposes as any voter-approved local or regional tax or fee solely dedicated to transportation improvements and uniform developer fees. This bill would expand the definition of eligible local matching funds for purposes of these provisions to include developer fees, mineral or resource extraction fees or taxes, and local or regional fees or taxes solely dedicated to transportation improvements imposed within a county or any part thereof by voter approval or by the board of supervisors.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1062 Garrick (R)</p> <p>Design-build contracts: Labor compliance program: exemptions.</p>	<p>ASSEMBLY B. & P. 04/21/2009-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes school district governing boards, the governing boards of specified community college districts and community college facility construction projects, certain cities, certain counties, and transit operators, to enter into design-build contracts, as specified. Existing law requires proposals to be evaluated and scored using certain minimum factors, including skilled labor force availability. Existing law defines "skilled labor force availability" to mean that an agreement exists with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in the preceding 5 years, except as specified. This bill would revise the definition of "skilled labor force availability" for purposes of these provisions to a commitment to training the future construction workforce of California through apprenticeship, as specified, and would require the design-build entity to provide specified information from which it intends to request the dispatch of apprentices for use on the design-build contract.</p>	
<p>AB 1063 Garrick (R)</p> <p>Design-build contracts: labor compliance program: exemptions.</p>	<p>ASSEMBLY B. & P. 04/21/2009-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes school district governing boards, the governing boards of specified community college districts and community college facility construction projects, certain cities, certain counties, and transit operators, to enter into design-build contracts, as specified. Existing law provides that, for purposes of these provisions, the "safety record" of a bidder on these design-build contracts is deemed acceptable if it meets certain standards or if the bidder is party to an alternative dispute resolution system, as specified. This bill would delete the provision that a bidder's "safety record" is deemed acceptable if the bidder is party to an alternative dispute resolution system.</p>	
<p>AB 1064 Garrick (R)</p> <p>Design-build contracts: labor compliance program: exemptions.</p>	<p>ASSEMBLY B. & P. 04/21/2009-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes school district governing boards, the governing boards of specified community college districts and community college facility construction projects, certain cities, certain counties, and transit operators, to enter into design-build contracts, as specified. Existing law requires awarding bodies entering into design-build contracts under these provisions to establish and enforce a labor compliance program or to contract with a 3rd party to operate a labor compliance program, and exempts from this requirement projects where the awarding body or the design-build entity has entered into a collective bargaining agreement that binds all of the contractors performing work on the project. This bill would delete the exemption for those projects from the requirement that the entity establish and enforce a labor compliance program or contract with a 3rd party to operate a labor compliance program.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1072 Eng (D)</p> <p>Public Transportation Modernization, Improvement, and Service Enhancement Account.</p>	<p>ASSEMBLY TRANS. 03/26/2009-Referred to Com. on TRANS.</p>	<p>Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19.925 billion of general obligation bonds for transportation purposes, including \$4 billion for allocation to various public transportation purposes. Of this amount, \$3.6 billion is to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) for allocation, upon appropriation, to transit operators and other agencies for transit purposes. Existing law specifies the process for allocating available funds in the PTMISEA for those purposes appropriated in the Budget Act of 2008. Existing law makes these provisions inoperative on July 1, 2009, and repeals them on January 1, 2010. This bill would apply these provisions to funds appropriated for these purposes from the PTMISEA by the Budget Act of 2009 and subsequent fiscal years and would make other conforming changes. The bill would require eligible project sponsors to provide the Department of Transportation with project descriptions for projects they plan to fund with PTMISEA funds yet to be appropriated for the duration of the PTMISEA program. The bill would delete the inoperative and repeal dates, thereby extending the operation of these provisions indefinitely. This bill contains other related provisions.</p>	
<p>AB 1158 Hayashi (D)</p> <p>Transit village plan.</p>	<p>ASSEMBLY THIRD READING 04/20/2009-Read second time. To third reading.</p>	<p>Existing law authorizes a city or county to prepare a transit village plan for a transit village development district that addresses specified characteristics. This bill would add the characteristic of other land uses, including educational facilities, that provide direct linkages for people traveling to and from primary and secondary education schools, community colleges, and universities, to the list of specified characteristics that a transit village plan may address.</p>	
<p>AB 1203 Ma (D)</p> <p>Transportation bond funds: transit system safety.</p>	<p>ASSEMBLY G.O. 03/31/2009-Referred to Com. on G.O.</p>	<p>Requires the California Emergency Management Agency (Cal EMA) to annually provide the Controller with a list of projects and the sponsoring agencies eligible to receive an allocation from the Transit System Safety, Security, and Disaster Response Account.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1277 Harkey (R)</p> <p>State bonds: sale.</p>	<p>ASSEMBLY APPR. 03/31/2009-Referred to Com. on APPR.</p>	<p>Existing law authorizes the Treasurer to cancel or postpone the sale of state bonds to an indefinite date prior to or at the time and place fixed for the sale of state bonds. This bill would further authorize the Treasurer to delay the sale of certain bonds under 3 specified conditions:</p> <p>(a) The Treasurer, in consultation with the Controller and the Director of Finance, determines that making principal and interest payments would result in payments from the General Fund for total debt service on bonds subject to this section that exceed 6 percent of the total General Fund revenues for the current fiscal year.</p> <p>(b) The cost of commercial paper needed to fund a start-up loan would be more than three times the normal costs of commercial paper experienced by the Treasurer over the last two fiscal years.</p> <p>(c) The Treasurer determines that the Pooled Money Investment Account does not have sufficient funds to loan an amount equal to the bond proceeds, as provided for in Section 16313.</p>	
<p>AB 1321 Eng (D)</p> <p>Environment: The Advance Infrastructure Mitigation Program Act.</p>	<p>ASSEMBLY NAT. RES. 04/20/2009-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. This bill would enact the Advance Infrastructure Mitigation Program Act, which would establish the Advance Infrastructure Mitigation Program, including defining terms for that purpose. The bill would authorize the Natural Resources Agency to administer and implement the program by taking specified actions. Those actions would include preparing, approving, and implementing regional advance mitigation plans, the contents of which the bill would specify, for planned infrastructure projects, as defined, identified by an infrastructure planning agency, as defined. The bill would specify that the purpose of a regional advance mitigation plan is to provide effective mitigation and conservation of natural resources and natural processes on a landscape, regional, or statewide scale, to expedite the environmental review of planned infrastructure projects, and to facilitate the implementation of measures to mitigate the impacts of those projects by identifying and implementing mitigation measures in advance of project approval. The bill also would authorize the agency to acquire, restore, manage, monitor, and preserve lands, or fund those actions, in accordance with an approved regional advance mitigation plan or as otherwise specified, and to establish or fund the establishment of mitigation banks and conservation banks and purchase credits at those types of banks as specified. The bill would authorize the agency to take other specified actions with respect to mitigation credits or values created or acquired under the program. This bill contains other related provisions.</p> <p>Last Amended on 04/02/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<u>AB 1342</u> <u>Evans</u> (D) Local taxation: income taxes: vehicle license fees.	ASSEMBLY REV. & TAX 04/23/2009-From committee: Do pass, and re-refer to Com. on REV. & TAX. Re-referred. (Ayes 5. Noes 2.) (April 22).	Existing law authorizes various local governmental entities to impose local taxes for various purposes. This bill would authorize the board of supervisors of any county, by ordinance, to propose to the voters either a local personal income tax or a local vehicle license fee, or both, in accordance with specified requirements. Last Amended on 04/13/2009	
<u>AB 1364</u> <u>Evans</u> (D) Public contracts	ASSEMBLY B. & P. 03/31/2009-Referred to Com. on B. & P.	Existing law permits the modification of contracts by state agencies in specified instances. This bill would provide that, notwithstanding any other provision of law, any state agency that has entered into a contract where the agency has or may be unable to comply with the terms of that contract because of the suspension of programs by the Pooled Money Investment Board as described in California Department of Finance Budget Letter 08-33 shall have authority to amend the terms of the contract to address contract deadlines and deliverables that may not be met because of that suspension. This bill contains other related provisions.	
<u>AB 1375</u> <u>Galgiani</u> (D) High-speed rail.	ASSEMBLY TRANS. 03/31/2009-Referred to Com. on TRANS.	Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill would revise and recast these provisions by repealing and reenacting 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.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1404 De Leon (D)</p> <p>California Global Warming Solutions Act of 2006: offsets.</p>	<p>ASSEMBLY APPR. 04/21/2009-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 3.) (April 20).</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to adopt by regulation, after a public workshop, a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act. The fee revenues are deposited into the Air Pollution Control Fund and are available upon appropriation, by the Legislature, for purposes of carrying out the act. The state board is authorized to adopt market-based compliance mechanisms, as defined, meeting specified requirements to be used for compliance with those regulations. The state board is required, before including any market-based compliance mechanism, to maximize additional environmental and economic benefits for California, as appropriate. This bill would require the state board, if the state board allows the use of market-based compliance mechanisms, to limit the use of compliance offsets, as defined, that meet specific criteria, to no more than 10% of the greenhouse gas emission reductions expected from market mechanisms during the compliance period. The bill would require the state board to apply the limit as a percentage of each regulated facility's reported emissions in a compliance period. The bill would require the state board to impose an offset verification fee on entities buying and selling compliance offsets, for deposit into the fund. Under the bill, fee revenues would be available, upon appropriation, to pay for expenses related to state board administration of the compliance offset program.</p> <p>Last Amended on 04/13/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1405 De Leon (D)</p> <p>California Global Warming Solutions Act of 2006: Community Benefits Fund.</p>	<p>ASSEMBLY APPR. 04/20/2009-Do pass as amended and be re-referred to the Committee on Appropriations.</p>	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee to be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for purposes of carrying out the act. This bill would establish the Community Benefits Fund, and would require an unspecified percentage of revenues generated pursuant to the act, including the fee discussed above, to be deposited into that fund. The moneys in the fund would be used, upon appropriation by the Legislature, for the Community Benefits Program, which the bill would create. The program would be implemented by the Community Benefits Fund Review Panel, which the bill would create within the California Environmental Protection Agency, with 9 members to be appointed by the Governor, Speaker of the Assembly, and the Senate Committee on Rule s, as provided. The panel would be required to ensure that the funds appropriated to it are used in the most impacted and disadvantaged communities in California to accelerate greenhouse gas emission reductions and mitigate direct health impacts of climate change in those communities. The state board would be required to develop and recommend methodology to the panel to identify the most impacted and disadvantaged communities. The state board, the State Energy Resources Conservation and Development Commission, and the State Department of Public Health would be required to jointly develop and recommend semiannual plans for the use of funds under the program .</p> <p>Last Amended on 04/14/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1414 Hill (D)</p> <p>Transportation planning.</p>	<p>ASSEMBLY TRANS. 04/13/2009-Re-referred to Com. on TRANS.</p>	<p>(1) Existing law generally provides for programming of transportation capital improvement projects pursuant to the state transportation improvement program process administered by the California Transportation Commission. Under that process, the commission, on a biennial basis, adopts a 5-year fund estimate of state and federal funds reasonably expected to be available for programming. Based on the fund estimate, the Department of Transportation prepares an interregional transportation improvement program, and regional transportation planning agencies each prepare a regional transportation improvement program, for the 5-year period. These programs are submitted to the commission for review, which subsequently adopts a 5-year state transportation improvement program that lists the projects in the year that they are expected to be undertaken. Existing law specifies various fair-share formulas for allocation of available transportation funds, including the north-south split, which is applicable to all available funds, including the 25% of funds available for programming for interregional projects, and county shares, which provides a share of funds to each county, but applies only to the 75% of funds available for programming to regional projects. The commission is required to adopt the state transportation improvement program consistent with the county share formula over a 4-year period basis. This bill would instead provide for programming of projects in the interregional and regional transportation improvement programs, and in the subsequently adopted state transportation improvement program, on a 6-year basis. The bill would require the fund estimate and the county share formula estimates to also be prepared and used for that same 6-year period. The bill would require projects funded by the Traffic Congestion Relief Act to be included in the state transportation improvement program. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 04/02/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p><u>ABX3 20</u> <u>Bass</u> (D)</p> <p>Federal transportation economic stimulus funds.</p>	<p>ASSEMBLY CHAPTERED 03/27/2009-Chaptered by Secretary of State. Chapter 21, Statutes of 2009-10 Third Extraordinary Session.</p>	<p>Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Under these provisions, 25% of available funds are available for interregional improvement projects nominated by the Department of Transportation, subject to a requirement that 60% of these funds be available for projects in nonurbanized areas on the interregional road system and for intercity rail projects. The remaining 75% of available funds are available for regional improvement projects nominated by regional agencies. All funds programmed through the state transportation improvement program process are subject to the north-south split, and the regional improvement funds are further subject to the county shares formula. This bill would appropriate to the department, and provide for programming and apportionment of, federal economic stimulus funds made available to the state for highway purposes under the American Recovery and Reinvestment Act of 2009. The bill would provide for 37.5% of the funds to be programmed by the department for allocation by the commission, and for 62.5% of the funds to be apportioned to the regional agencies based on the existing formula for allocation of federal regional surface transportation improvement program funds. The bill would require a portion of these funds to be programmed and allocated for transportation enhancement activities and would establish priorities in that regard. The bill would require the department, from the funds to be programmed by the department, to program a minimum of \$935,000,000 for projects in the state highway operation and protection program and would authorize not more than \$310,000,000 of those funds to be temporarily loaned by the department to advance bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 that meet certain requirements. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 03/23/2009</p>	
<p><u>ACA 9</u> <u>Huffman</u> (D)</p> <p>Local government bonds: special taxes: voter approval.</p>	<p>ASSEMBLY L. GOV. 04/20/2009-Referred to Coms. on L. GOV., REV. & TAX. and APPR.</p>	<p>Creates an additional exemption to the 1% limit on the tax rate on real property 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.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>ACA 15 Arambula (D)</p> <p>Local government transportation projects: special taxes: voter approval.</p>	<p>ASSEMBLY L. GOV. 04/20/2009-Referred to Coms. on L. GOV. and APPR.</p>	<p>The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would alternatively condition the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects upon the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.</p>	
<p>ACR 14 Niello (R)</p> <p>California Global Warming Solutions Act of 2006.</p>	<p>ASSEMBLY NAT. RES. 04/20/2009-In committee: Refused adoption. Reconsideration granted.</p>	<p>This measure 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 California 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.</p> <p>Last Amended on 03/27/2009</p>	
<p>SB 31 Pavley (D)</p> <p>California Global Warming Solutions Act of 2006: revenue allocations.</p>	<p>SENATE E. U., & C. 04/22/2009-Set for hearing April 27.</p>	<p>Specifies certain uses for revenues collected pursuant to the California Global Warming Solutions Act of 2006.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 93 Kehoe (D)</p> <p>Redevelopment: payment for land or buildings.</p>	<p>SENATE THIRD READING 03/10/2009-Read second time. Amended. To third reading.</p>	<p>The Community Redevelopment Law requires a redevelopment agency to make specified findings 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 determinations by the agency and the local legislative body are final and conclusive. An agency is authorized to enter into a contract with the community or other public corporation when the value of the land or the cost of the installation and construction of the building, facility, structure, or other improvement, or both, has been, or will be, paid or provided for initially by the community or other public corporation, and the agency agrees to reimburse, the community or other public corporation. An agency may contract with the community 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. This bill 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>Last Amended on 03/10/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p><u>SB 99</u> Committee on Local Government</p> <p>Joint exercise of powers: reporting and disclosures.</p>	<p>SENATE APPR. 03/04/2009-From committee: Do pass, but first be re-referred to Com. on APPR with recommendation: To Consent Calendar. (Ayes 5. Noes 0. Page 254.) Re-referred to Com. on APPR.</p>	<p>Under the Marks-Roos Local Bond Pooling Act of 1985, a joint exercise of powers authority may issue or purchase bonds to assist local agencies in financing public capital improvements, working capital, liability, or other insurance needs, or projects whenever there are significant public benefits for taking that action. Under the Ralph M. Brown Act, all meetings of the legislative body of a local agency must, subject to designated exceptions, be open and public. That act requires the legislative body to hold regular meetings, and permits the legislative body to hold special and emergency meetings, requiring certain notices and agendas. This bill 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><u>SB 128</u> <u>Padilla</u> (D)</p> <p>California Climate Change Institute.</p>	<p>SENATE E.Q. 04/16/2009-Set for hearing April 27.</p>	<p>The existing California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. This bill would 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. The bill would make implementation of its provisions subject to sufficient funds being appropriated by the Legislature for its purposes.</p> <p>Last Amended on 04/02/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
SB 187 Benoit (R) Employment: working hours.	SENATE L. & I.R. 04/17/2009-Set for hearing April 29.	Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. This bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.	
SB 205 Hancock (D) Traffic congestion: motor vehicle registration fees.	SENATE APPR. 04/17/2009-Set for hearing April 27.	Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles for specific limited purposes. The bill 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 are consistent with a regional transportation plan , 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. Last Amended on 04/14/2009	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 287 Calderon (D)</p> <p>Meal periods.</p>	<p>SENATE L. & I.R. 04/17/2009-Set for hearing April 29.</p>	<p>Existing law requires an employer to provide an employee who works more than 5 hours in a workday with a meal period of not less than 30 minutes, unless the employee works no more than 6 hours in a workday and the meal period is waived by mutual consent. An employer also is required to provide an employee who works more than 10 hours in a workday with a 2nd meal period of not less than 30 minutes, unless the employee works no more than 12 hours, the first meal period was not waived, and the 2nd meal period is waived by mutual consent. The Industrial Welfare Commission (IWC) of the Department of Industrial Relations adopts and amends wage orders that, among other things, specify how meal periods are required to be provided to covered employees within various industries, including the procedures for providing employees with on-duty meal periods. This bill would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods. The bill also would specify conditions under which on-duty meal periods are permitted rather than meal periods in which the employee is relieved of all duty. The meal period provisions of a valid collective bargaining agreement would be required to be implemented for covered employees rather than the statutory requirements. This bill contains other related provisions.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 295 Dutton (R)</p> <p>California Global Warming Solutions Act of 2006.</p>	<p>SENATE E.Q. 04/20/2009-Set, first hearing. Hearing canceled at the request of author.</p>	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The state board is required to evaluate the total potential costs and total potential economic and noneconomic benefits of the plan. The state board is required by January 1, 2011, to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions. This bill, notwithstanding this provision or any other provision of law, would prohibit the state board or its staff from beginning to develop these regulations until July 1, 2009, and until the state board reevaluates the evaluation of costs discussed above. The bill would prohibit the state board from implementing those regulations until the unemployment rate in the state is below 5.8% for 3 consecutive months. The bill would also require the state board to evaluate, and make public, the costs of those regulations. This bill contains other related provisions.</p> <p>Last Amended on 04/13/2009</p>	
<p>SB 333 Hancock (D)</p> <p>Voluntary Greenhouse Gas Emission Offset Program Fund.</p>	<p>SENATE E.Q. 03/27/2009-Set for hearing April 27.</p>	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. This bill would create the Voluntary Greenhouse Gas Emission Offset Program Fund, and would provide that funds received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. The moneys in the fund would be available, upon appropriation, for expenditure by the Resources Agency for specified projects. The bill would require that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects. The Resources Agency would be required, by October 1, 2010, to adopt guidelines for the distribution of moneys from the fund and to develop strategies for the sale of voluntary greenhouse gas emission offsets by the state and other opportunities for contributions by the public to the Voluntary Greenhouse Gas Emission Offset Program Fund.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 338 Alquist (D)</p> <p>Energy: California Alternative Energy and Advanced Transportation Financing Authority.</p>	<p>SENATE E. U., & C. 04/16/2009-Set for hearing April 27.</p>	<p>The California Alternative Energy and Advanced Transportation Financing Authority Act creates the Alternative Energy and Advanced Transportation Financing Authority and requires the authority to establish a renewable energy program to provide financial assistance to specified entities to generate new and renewable energy sources, develop clean and efficient distributed generation, and demonstrate the economic feasibility of new technologies. The act defines "project" for the purposes of the act to include specified property and activities that utilize or are designed to utilize an alternative source, or that are utilized for the design, technology transfer, manufacture, production, assembly, distribution, or service of advanced transportation technologies. This bill would additionally define "project" to apply to specified property and activities that are utilized for the design, technology transfer, manufacture, production, assembly, distribution, or service of renewable energy technologies, renewable energy projects, and renewable energy manufacturing service of renewable energy technologies , renewable energy projects, and renewable energy manufacturing , and would make conforming changes.</p> <p>Last Amended on 04/15/2009</p>	
<p>SB 391 Liu (D)</p> <p>California Transportation Plan.</p>	<p>SENATE E.Q. 04/23/2009-Read second time. Amended. Re- referred to Com. on EQ.</p>	<p>Existing law requires various transportation planning activities by state and regional agencies, including preparation of sustainable communities strategies by metropolitan planning organizations. Existing law provides for the Department of Transportation to prepare the California Transportation Plan for submission to the Governor by December 1, 1993, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. This bill would require the department to update the California Transportation Plan by December 31, 2015, and every 5 years thereafter. The bill would require the plan to address how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050. The bill would require the plan to identify the statewide integrated multimodal transportation system needed to achieve these results. The bill would require the department, by December 31, 2012, to submit to the California Transportation Commission and specified legislative committee chairs an interim report providing specified information regarding sustainable communities strategies, including an assessment of how their implementation will influence the configuration of the statewide integrated multimodal transportation system. The bill would also specify certain subject areas to be considered in the plan for the movement of people and freight. The bill would require the department to consult with and coordinate its planning activities with specified entities and to provide an opportunity for public input. The bill would make additional legislative findings and declarations and require the plan to be consistent with that statement of legislative intent.</p> <p>Last Amended on 04/23/2009</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
SB 409 Ducheny (D) Department of Railroads.	SENATE TRANS. 04/15/2009-Testimony taken. Hearing postponed by committee. (Refers to 4/14/2009 hearing)	Existing law creates the Department of Transportation in the Business, Transportation and Housing Agency, with various powers and duties relative to the intercity rail passenger program, among other transportation programs. Existing law creates the High-Speed Rail Authority, with various powers and duties relative to development and implementation of a high-speed passenger train system. Existing law creates the Public Utilities Commission, with various powers and duties relative to railroads, among other responsibilities. This bill would create the Department of Railroads in the Business, Transportation and Housing Agency, and create the positions of director and deputy director within the department, to be appointed by the Governor, as specified. The bill would transfer to the department responsibility for various state railroad programs currently administered by the above-referenced agencies. The bill would specify new duties of the department relative to an analysis of the state's freight rail transportation system. The bill would provide that the department shall be the only state agency eligible to apply for and receive grant and loan funds from the federal government for intercity rail, high-speed rail, or freight rail purposes.	
SB 425 Simitian (D) Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	SENATE T. & H. 04/16/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on T. & H. Set for hearing April 28.	The Personal Income Tax Law and the Corporation Tax Law allow various deductions in computing the income that is subject to the taxes imposed by those laws. Existing law allows an employer to deduct its expenses in carrying out a parking subsidy and a parking cash-out program, as defined, for employees. This bill would disallow a deduction for expenses of specified employers for parking subsidies unless all employees provided with a parking subsidy are offered a parking cash-out program in accordance with a specified statute. This bill contains other related provisions and other existing laws. Last Amended on 04/16/2009	
SB 454 Lowenthal (D) Department of Transportation: Division of Rail.	SENATE RLS. 03/12/2009-To Com. on RLS.	Existing law creates the Division of Rail within the Department of Transportation. This bill would make a nonsubstantive change to that provision.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
SB 455 Lowenthal (D) High-speed rail.	SENATE APPR. 04/22/2009-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 10. Noes 1. Page 609.) Re-referred to Com. on APPR.	Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor. This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate. The bill would require the members of the authority, at a scheduled board meeting, to cause to be prepared an overall project schedule with project delivery milestones on a quarterly basis, and to approve a quarterly contract status report, beginning at the first board meeting after March 1, 2010. The bill would also require the members of the authority to approve all contract amendments at a scheduled board meeting. This bill contains other related provisions and other existing laws. Last Amended on 04/16/2009	
SB 526 Ashburn (R) Intercity rail: San Joaquin Corridor: Altamont Pass extension.	SENATE T. & H. 04/21/2009-Set for hearing April 28.	Existing law provides for the Department of Transportation to contract with Amtrak for intercity rail services and connecting feeder buses. This bill would require the Department of Transportation to enter into negotiations with the relevant operating freight and passenger commuter railroads for the purpose of developing a service plan and an operating agreement for the extension of at least one San Joaquin Corridor intercity passenger train using the Altamont Corridor to and from San Francisco. The bill would require the department to report to the Legislature by March 31, 2010, on the status of the negotiations . Last Amended on 04/02/2009	
SB 527 Ashburn (R) High-speed rail.	SENATE T. & H. 04/23/2009-Set, first hearing. Hearing canceled at the request of author.	Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. This bill would state the intent of the Legislature to reorganize the High-Speed Rail Authority to ensure greater oversight and accountability for the high-speed rail project.	
SB 528 Negrete McLeod (D) Toll facilities: comprehensive development lease agreements.	SENATE T. & H. 03/12/2009-To Com. on T. & H.	Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge users of those projects tolls and user fees, subject to various terms and conditions. Existing law limits the number of projects authorized pursuant to these provisions to 2 in northern California and 2 in southern California. Existing law provides that a lease agreement may provide for reasonable compensation to the leaseholder for the adverse effects on toll or user fee revenue due to competing transportation projects that may be undertaken, as specified. This bill would prohibit a lease agreement entered into on or after January 1, 2010, from providing for compensation for adverse effects of competing projects.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 560 Ashburn (R)</p> <p>Regional transportation plans: sustainable communities strategy.</p>	<p>SENATE PRINT 03/12/2009-To Coms. on EQ. and T. & H.</p>	<p>Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy as part of their regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law generally requires transportation planning and programming activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with certain exceptions. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organizations to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. This bill would provide that greenhouse gas emission credits for counties and cities that site and permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the sustainable communities strategy or an alternative planning strategy. The bill would also provide that transportation trips outside of federal lands that are directly related to activities of a federal or state military installation shall not be included in the emissions inventory otherwise required to be considered to achieve any reductions in greenhouse gas emissions. This bill contains other related provisions and other existing laws.</p>	
<p>SB 648 Oropeza (D)</p> <p>Transportation.</p>	<p>SENATE RLS. 03/19/2009-To Com. on RLS.</p>	<p>Existing law creates the Department of Transportation within the Business, Transportation and Housing Agency. This bill would state the intent of the Legislature to enact legislation on the subject of transportation.</p>	
<p>SB 659 Pavlev (D)</p> <p>Transportation.</p>	<p>SENATE T. & H. 03/26/2009-Re-referred to Com. on T. & H.</p>	<p>Existing law generally provides for programming of transportation capital projects pursuant to the state transportation improvement program process. Existing law authorizes a local agency to request that a portion of the cost of any project in the program funded by the local agency be eligible for reimbursement from federal funds, as specified. This bill would make a nonsubstantive change to these provisions.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 686 DeSaulnier (D)</p> <p>Environment: CEQA exemption: addition and deletion.</p>	<p>SENATE THIRD READING 04/23/2009-From Consent Calendar. Placed on third reading.</p>	<p>The California Environmental Quality Act requires the Office of Planning and Research to adopt guidelines that include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and a list of classes of projects that are exempted from the act's requirements. The act establishes procedures for the certification and adoption of the guidelines. The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of Natural Resources Agency. This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.</p>	
<p>SB 716 Wolk (D)</p> <p>Local transportation funds.</p>	<p>SENATE T. & H. 04/21/2009-Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law requires that 1/4% of the local sales and use tax be transferred to the local transportation fund of the county and be allocated, as directed by the transportation planning agency, for various transportation purposes. This bill would authorize a county, city, county transportation commission, or transit operator to file a claim for an allocation of funds for vanpool service operation expenditures and capital improvement expenditures, including for vanpool services for purposes of farmworker transportation to and from work.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
<p>SB 721 Steinberg (D)</p> <p>Energy: greenhouse gas emissions.</p>	<p>SENATE APPR. 04/23/2009-Read second time. Amended. Re-referred to Com. on APPR.</p>	<p>The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The act requires all state agencies to consider and implement strategies to reduce their GHG emissions. This bill would create the Climate Action Team (CAT), consisting of representatives from specified state agencies, that would be responsible for coordinating the state's overall climate policy. The CAT, on or before January 1, 2011, and annually thereafter, would be required to prepare, adopt, and present to the Legislature, a strategic research, development, demonstration, and deployment plan that establishes priorities and identifies key expenditure categories for research, development, demonstration, and deployment funds to be expended by the state agencies represented on the CAT for the following fiscal year. The bill would require a state agency that is represented on the CAT to expend research, development, demonstration, and deployment funds, which would be administered by the Department of Transportation and allocated for clean technology, environmental protection, and public interest energy research, consistent with this plan. The CAT, on or before January 1, 2011, and biennially thereafter, would also be required to prepare and adopt a climate change impact mitigation and adaptation plan that includes specified information. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 04/23/2009</p>	
<p>SB 728 Lowenthal (D)</p> <p>Air pollution: parking cash-out program.</p>	<p>SENATE PRINT 03/19/2009-To Coms. on EQ. and JUD.</p>	<p>Existing law requires an employer of 50 persons or more who provides a parking subsidy to employees and who is in an air basin that is designated as a nonattainment area in terms of air quality to offer a parking cash-out program, defined as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. This bill would authorize the State Air Resources Board to impose a civil penalty for a violation of this requirement, and would authorize a city, county, and air pollution control district or air quality management district to adopt additional penalties and compliance mechanisms.</p>	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
SB 734 Lowenthal (D) Transportation.	SENATE T. & H. 04/16/2009-Set for hearing April 28.	The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds. This bill 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.	
SCA 3 Wyland (R) Transportation Investment Fund.	SENATE REV. & TAX 04/23/2009-Set, first hearing. Hearing canceled at the request of author.	Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund (TIF) for allocation to various transportation purposes. Article XIX B authorizes this transfer to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature, subject to various restrictions. This measure 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.	
SCA 5 Hancock (D) State budget.	SENATE RLS. 01/29/2009-To Coms. on RLS. and E., R. & C.A.	The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a 2/3 vote. This measure 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.	SENATE B. & F. 02/05/2009-To Coms. on B. & F.R. and E., R. & C.A.	Existing constitutional provisions require each house of the Legislature to pass a bill appropriating money from the General Fund, except appropriations for the public schools, by a 2/3 vote. This measure 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.	

Peninsula Corridor Joint Powers Board

Legislative Bill Matrix April 30, 2009

Bill ID/Topic	Location	Summary	Position
SCA 15 Calderon (D) State budget.	SENATE B. & F. 04/13/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B. & F.R.	The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a 2/3 vote. This measure would exempt General Fund appropriations in the Budget Bill for the ensuing fiscal year from the 2/3 -vote requirement if the total amount of General Fund revenues estimated by the Legislative Analyst, on or after May 15, for the current fiscal year is at least 5% below the estimate of General Fund revenues set forth in the Budget Bill enacted for the current fiscal year . This bill contains other related provisions and other existing laws. Last Amended on 04/13/2009	
SCAX11 Wyland (R) Transportation Investment Fund.	SENATE RLS. 12/18/2008-From committee without further action.	Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund (TIF) for allocation to various transportation purposes. Article XIX B authorizes this transfer to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature, subject to various restrictions. This measure 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.	
SCAX21 Wyland (R) Transportation Investment Fund.	SENATE RLS. 02/19/2009-From committee without further action.	Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund (TIF) for allocation to various transportation purposes. Article XIX B authorizes this transfer to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature, subject to various restrictions. This measure 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.	ASSEMBLY DESK 04/02/2009-To Com. on RULES.	This measure would designate September as "Railroad Safety Month."	