



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

July 2, 2009 – Thursday

10:00 a.m.

1. Pledge of Allegiance
2. Call to Order/Roll Call
3. Public Comment
Public comment by each individual speaker shall be limited to 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 June 4, 2009
 - b) Acceptance of the Statement of Revenues and Expenses, May 2009
 - c) Authorize the Acceptance of Fiscal Year 2008 Transit Security Grant Program Funding in the Amount of \$338,746 and Execution of Required Documentation to Receive the Funds
 - d) Authorize Filing of Applications to the Metropolitan Transportation Commission (MTC) to Program Federal Transit Administration (FTA) Section 5307 and 5309 Fixed Guideway Funds for Caltrain Capital Projects in the Amount of \$42,196,343
 - e) Authorize Amendment of Resolution 2009-11 Authorizing the Filing of American Recovery and Reinvestment Act of 2009 Federal Transit Administration Applications from \$13,094,228 to \$14,128,064
 - f) Authorize Filing a Transportation Fund for Clean Air (TFCA) Regional Discretionary Grant Application in Support of the Caltrain Shuttle Program in the Amount of \$1,000,000
 - g) Authorize Execution of Purchase Orders for Fiscal Year 2010 for Information Technology Licenses, Services and Maintenance for a Not-to-Exceed Amount of \$700,000
 - h) Authorize Award of Purchase Orders for Fiscal Year 2010 for Technology Related Products and Services to Vendors Under Cooperative Purchasing Programs for an Aggregate Not-to-Exceed Amount of \$300,000
 - i) Authorize Approval and Ratification of Fiscal Year 2010 Insurance Program

RESOLUTIONS

5. Chairperson's Report
 - a) Appointment of Citizens Advisory Committee Members Representing San Francisco, San Mateo and Santa Clara Counties
6. MTC Liaison Report (Sue Lempert)
7. Report of the Citizens Advisory Committee
8. Report of the Executive Director
 - a) Caltrain Performance Report – May 2009
 - b) Electrification Update
9. Adoption of Service Suspensions and/or Fare Changes RESOLUTION
10. Adoption of Fiscal Year 2010 Operating Budget RESOLUTION
11. Authorize Approval of Bid Documents and Execute a Contract for Fuel Hedging RESOLUTION
12. Adoption of Fiscal Year 2010 Capital Budget RESOLUTION
13. Authorize Amendment to Fiscal Year 2009 Capital Budget RESOLUTION
14. Legislative Update INFORMATIONAL
15. Correspondence
16. Board Member Requests
17. General Counsel Report
18. Date/Time of Next Meeting
Thursday, August 6, 2009, 10 a.m. at San Mateo County Transit District Administrative Building,
Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070
19. 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
June 4, 2009**

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

MEMBERS ABSENT: S. Elsbernd, N. Ford

MTC LIAISON: S. Lempert

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

**PUBLIC HEARING TO DECLARE A FISCAL EMERGENCY FOR THE PENINSULA
CORRIDOR JOINT POWERS BOARD FOR FISCAL YEAR 2010**

JPB Secretary Martha Martinez said advertisements for the public hearing appeared in El Observador Newspaper on May 15 and 22, the San Francisco Chronicle and San Mateo County Times on May 19 and 26 and the San Jose Metro Newspaper on May 20 and 27. She said the public hearing was publicized through the JPB's printed agendas, Take Ones placed on trains, station flyers and information placed on the Caltrain Web site. In addition, a news release announcing the proposed declaration of a fiscal emergency was circulated to local news media.

Chief Financial Officer Gigi Harrington said Staff Coordinating Council (SCC) recommends the Board of Directors declare a fiscal emergency under the California Public Resources Code and the California Environmental Quality Act (CEQA) Code. She said in the previous seven fiscal years the JPB has utilized one-time sources of funds to balance its budget. Staff has reviewed various options to balance the FY2010 budget, including scenarios to reduce service levels and increase fares. When transit agencies revenues are insufficient to fund continued operations of its facilities, CEQA provides a statutory exemption from environmental review to any public service, program, project or activity relating or eliminating services and for initiating or increasing fees, rates or changes to the declaration of the fiscal emergency. Ms. Harrington said at the May 7 meeting the JPB called for the public hearing. Following the hearing staff will respond to any questions and the Board may declare a fiscal emergency.

Public Comment

Jeffrey Oldham, San Jose, said there are proposals to reduce costs and increase fares, but there is no proposal to increase ridership and therefore revenue. Mr. Oldham said one obvious way to increase ridership and revenue is to increase bicycle capacity onboard trains to meet current demands.

Jeff Carter, Burlingame, said Caltrain needs to immediately address the issue of getting a dedicated funding source so this crisis doesn't have to be faced in future years. Mr. Carter said staff should talk to the San Francisco Giants to underwrite some of the service since Caltrain does bring a lot of people to the ballpark.

Pat Giorni, Burlingame, said the San Mateo Grand Jury conducted a study a few years ago and concluded that Santa Clara and San Francisco counties did not pitch in with their full and complete share of the purchase price of the railroad from Southern Pacific. Ms. Giorni said Santa Clara and San Francisco counties should each pay their share of the costs.

Steve Schmidt, Menlo Park, said he read Director Jim Hartnett's comments that the Board should consider eliminating bikes on Caltrain. Mr. Schmidt said the recent drop in ridership is not due to bikes on Caltrain. He said there are other ways to save money and the bicyclists are doing their part by taking public transportation. Mr. Schmidt said the bike service should be expanded and Caltrain should allow non-cycling customers to stand.

Brian Brackney said he relies on public transportation and cutting weekend service is a bad thing; passengers should be able to pay for fares on board the train; and increasing the disabled fare at this time is not a good thing.

George Kranen, Belmont, asked what other things a declaration of fiscal emergency entitles or permits the Board to do besides avoid CEQA reporting. He asked if capital improvement funds can be moved to operating funds.

Legal Counsel David Miller responded by saying the fiscal emergency determination is not a wide-open exemption that would allow the Board to do anything, but has a very limited purpose. As reported by Ms. Harrington, CEQA contains an exemption for modifications of service levels that obviates the need to go through what would ordinarily be required under CEQA when the financial circumstances of an agency constitute a fiscal emergency..

Jim Fink, Monterey, said the whole problem is happening because the Board is not keeping up with inflation. He said in this emergency crisis the fares need to be increased.

At the request of Chair Gage, Mr. Miller was asked whether the Board had met the necessary public hearing requirements for a decision concerning a fiscal emergency.

Mr. Miller said the staff has presented the purpose of the hearing and conducted the hearing in accordance with the notice that was provided and the public has had an opportunity to comment on the issue of whether or not the Board is in position to determine a fiscal emergency exists because of the financial condition that presently exists. Mr. Miller said he has reviewed the four e-mails the Board has received on whether there is a fiscal emergency and finds nothing in the written comments that would take issue with the proposed declaration of a fiscal emergency nor have any of the oral comments received this morning questioned the propriety from a legal standpoint or from a policy perspective of making that declaration. Accordingly, the Board is positioned legally to close the public hearing and adopt the resolution in the packet.

Mr. Miller said concerning Ms. Giorni's comment in regards to the participation financially of member agency partners of the Board, although not germane to the fiscal emergency issue itself, it should be corrected. The report referenced from the Grand Jury was speaking to the other two members of this Joint Powers Authority taking steps to reimburse the San Mateo County Transit District (SamTrans), not the Joint Powers Board, for the advance that was made by SamTrans. Mr. Miller said more significantly the member agencies have stepped up to the plate and there have been recent developments whereby an agreement has been reached among the member agencies for reimbursement of the advanced funds.

A motion (Church/Cisneros) to close the public hearing was approved unanimously.

DECLARATION OF FISCAL YEAR EMERGENCY FOR FISCAL YEAR 2010

The motion (Lloyd/Yeager) to declare a fiscal emergency for Fiscal Year 2010 was approved.

PUBLIC HEARING FOR CONSIDERATION OF SERVICE SUSPENSIONS AND/OR FARE CHANGES

Ms. Martinez said at the May 7, 2009, JPB meeting the Board set today's public hearing to receive testimony on the proposed codified tariff changes. Advertisements for the public hearing appeared in the San Francisco Chronicle and San Mateo County Times on May 19 and 26, El Observador Newspaper on May 15 and 22 and the San Jose Mercury News on May 20 and 27. Ms. Martinez said the public hearing was publicized through the JPB's printed agendas, Take Ones placed on trains, station flyers and information placed on the Caltrain Web site. In addition, a news release announcing the proposed fare changes and/or service suspensions was circulated to local news media. Ms. Martinez said the public hearing notice also alternate methods for the public to submit their comments via e-mail or phone and noted there would be public meetings held prior to the hearing. Staff conducted three community meetings on May 27 at 6 p.m. in San Carlos with 27 attendees; VTA administrative offices in San Jose with 32 attendees; and in San Francisco at 25 Van Ness Avenue with 7 attendees.

Ms. Martinez said to date the JPB has received 690 e-mails and/or letters from individuals regarding the proposed changes and/or service suspensions -- 19 were against the fare increase and 74 favored all or some of the increase; 180 were against eliminating weekend service and 8 favored eliminating weekend service; 289 were against eliminating Gilroy service and 3 favored eliminating Gilroy service.

Ms. Harrington provided an overview of the budget:

- There are \$3.65 million in savings from FY2009, including \$2.9 million in fuel.
- Changes since May include the reduction in farebox revenue by \$1 million based on economic conditions; an increase of \$2 million in preventative maintenance funds available, based on preliminary indications; the proposed fuel hedging program will save the budget \$2.5 million; and administrative costs have been reduced by \$410,000.
- The budget deficit has been reduced by \$7.4 million, with a \$2.7 million deficit remaining.
- Amtrak contract changes were non-safety related cost reductions including janitorial, landscaping and staffing the San Francisco ticket office.

Chief Operating Officer Chuck Harvey provided an overview of the proposed service and fare changes:

- The fare changes and service suspension options were chosen to maximize revenue, achieve best net cost savings, minimize impact to the riding public and maintain a successful service model.
- Several revenue and expense options were looked at and at this time a fare increase, suspending all weekend service and the suspension of Gilroy service are not being recommended.
- Recommended options are reducing midday service to hourly headways, which will result in a \$1.9 million savings; increase the GO Pass pricing to the equivalent of a full fare three-zone monthly pass and increase the participation to a minimum of 100 passes, which will increase revenue by approximately \$400,000; and increase daily parking to \$3.00 per day or \$30 per month.

Director Jim Hartnett arrived at 10:43 a.m.

- The combination of service and fare changes results in a \$2.7 million savings.
- Staff recommends a mid-year evaluation to determine if additional measures are required to mitigate budget issues.
- Service changes would be implemented in September and GO Pass pricing changes would be effective in July.

Public Comment

Brian Wilfey, Los Altos, thanked staff for all the outreach. He is in support of staff's recommendation of not cutting weekend service.

Martin Summer, Palo Alto, said he strongly supports elimination of weekend service. Caltrain is a commuter service and the money should be saved for electrification. People should utilize the bus service.

Brodie Hamilton, director of Parking and Transportation at Stanford University, said 72 percent of employees who use the GO Pass only travel one or two zones. As purchaser of over half of the GO Passes, Stanford's cost should reflect more accurately its usage rates. Mr. Brodie said the proposed increase of going to a three-zone pricing would increase their costs by over \$470,000. He said some participants will be priced out of the GO Pass program and it should be priced at a level to avoid the loss of participating GO Pass companies and not put a burden on those remaining in the program.

Lisa Rheinheimer, Council of San Benito County Governments, said Caltrain service to Gilroy service is very important to the area and urged Board support for continuing the service.

Doug DeLong, Mountain View, said differential parking fees should be increased at the higher usage stations. He said the discount percentage on the monthly pass versus a cash fare should be looked at and maybe this number should be adjusted.

Jeff Carter, Burlingame, thanked staff for all the hard work on reducing the deficit and not recommending the elimination of weekend service. Caltrain is not a commuter line and weekend

service is needed. Mr. Carter said this may be the time to explore point-to-point fares and this may encourage ridership, especially for those traveling shorter distances.

Vaughn Wolfe, RailPac, said weekend service is essential and can't be cut. Mr. Wolfe said in regards to dedicated funding, other transit agencies with dedicated funding are in just as much a financial crisis as the JPB and he doesn't see this as a solution.

Norman Rolfe, San Francisco, said Caltrain is a very important regional link and must run seven days a week, 365 days a year. He said weekend service must be maintained and the increase in parking should definitely be considered.

Pat Giorni, Burlingame, said Manager of Government Affairs Seamus Murphy presented the positive train control presentation to Senator Jackie Speier's Citizens Oversight Panel. She asked if there will be proprietary rights for this new technology and revenue.

C.J. Windisch, Palo Alto, said the Board should consider the economic impact if weekend service is cut.

George Kranen, Burlingame, said he supports staff's recommendation, but he would keep the 25-cent fare zone increase and it would not price short trips out of the market. He said reducing service starts a spiraling death trap. Mr. Kranen said staff should approach the San Francisco Giants for game day subsidies. He said another source of revenue would be the sale of newspapers, food and coffee on the trains.

Debbie Hale, Transportation Agency for Monterey County, said her agency supports the retention of Gilroy service. Monterey County looks forward to working together to obtain transit's fair share of funding statewide.

Ron Collins, San Carlos, said he is glad to hear that weekend service is not being cut. He said there are not enough ticket machines at the San Carlos station, the validators do not work most of the time and many times he can not find a conductor on the train to stamp his ticket. Mr. Collins feels a lot of people are getting on the train without purchasing a ticket and by doing this Caltrain is losing revenue. On Giants game days there needs to be more cars and staff should work with the Giants to have a season Caltrain pass.

Justin Shnee, Burlingame, said in 2005 local service was cut drastically. Caltrain should provide local service now if mid-day service is cut.

Ross Bruce, Broadway Burlingame Merchants, said he supports staff recommendations of keeping weekend service and there needs to dedicated financing for Caltrain.

Heyward Robinson, mayor of Menlo Park, said the Board has a tough challenge and applauds staff for all their efforts. He said as a society automobile travel is subsidized heavily, but there should be a subsidy to support transit. Mr. Robinson agrees there needs to be a dedicated funding source. He thinks bikes on the train is great and supports expansion. Mr. Robinson said Caltrain needs a long-term sustainable plan.

Tom Gorndt, Morgan Hill, thanked staff for keeping the Gilroy service. South County service is very important to the Bellarmine community.

Father Paul Sheridan, president, Bellarmine College Preparatory in San Jose, thanked the Board for continuing the Gilroy service. This is a great example of how the Board, staff and public work together.

Ed DeLanoy, San Carlos, said Caltrain service should run from 5 a.m. to 1 a.m.

Paul Wendt, BayRail Alliance, said fuel costs are a major problem and electrification would go a long way in alleviating this problem. BayRail Alliance fully supports retaining the weekend service, higher parking charges and bikes on board.

Jim Fink, Monterey, said bicycle capacity is an issue, but there is no need to increase bicycle capacity. Bicyclists can get along with what is in place. Mr. Fink said do not eliminate weekend or Gilroy service. Caltrain needs to run seven days a week.

Brian Brackney, San Francisco, said since he can not drive a car a weekend service needs to be kept. He said there needs to be a single ticket good on both BART and Caltrain.

Michael Kincaid, Palo Alto, thanked staff for keeping weekend service. He said there needs to be a long-term permanent funding source for Caltrain. Caltrain is an exceptionally well run railroad. Mr. Kincaid said there is no transit agency in the country that is self-supporting. He said a plan needs to be developed to take to the state legislators for a dedicated funding source.

Jocelyn Squires, Mountain View, said she depends on Caltrain to get to her job. She only works on evenings and weekends and appreciates staff not cutting weekend service and late night trains.

Jerry Grace, San Lorenzo, does not like the idea of fares of going up. Translink is starting next year and people don't know anything about it.

A motion (Church/Hartnett) to close the public hearing was approved unanimously.

Executive Director Michael Scanlon said 25 people spoke and over 800 comments have been received. Staff will go back, review everything and consult with the Board before coming back at the July 2 meeting with a recommendation.

PUBLIC COMMENT

Greg Greenway, Seaport Industrial Association in Redwood City, urged the Board to take into account the needs of freight rail service on the Caltrain line as passenger rail service is modernized through electrification. He said the movement of cargo is absolutely essential to the regional economy and the most fuel efficient and environmentally friendly way to move cargo is by rail. Mr. Greenway said 26 other organizations, including the Ports of Redwood City and San Francisco have formed the Peninsula Freight Rail Users Groups.

Pat Giorni, Burlingame, asked about Lehman Brothers losses and if any funds will be recouped. She thanked Special Assistant to the CEO Mark Simon for his latest Bikes on Board update and reinstating bike destination tags. Ms. Giorni thanked staff for living up to the public's expectations by meeting the two car bike cars about 93 percent.

Jerry Grace, San Lorenzo, said he is stunned about the latest fatalities. He said people need to be alert around train tracks.

George Kranen, Belmont, said he is a casual rider, but likes to use transportation when he can. He urged the Board to get tickets like Bay Area Rapid Transit (BART) that have no expiration. MTC Commissioner Sue Lempert said the TransLink card will be available for Caltrain and BART soon. This card can be used on any transit system in the nine Bay Area counties.

Jim Fink, Monterey, said these meetings should be in the evening. He said deaths on tracks is a serious mental problem and there needs to be more policing along the tracks. Mr. Fink said the expiration of monthly passes should be 30 days from the date it is purchased.

Michael Kincaid, Palo Alto, asked about the implementation of the service cuts and how does the cuts of midday service affect Amtrak crews. Mr. Scanlon said nothing will be done until the Board approves the recommendations. Amtrak does have some vacancies now and they will not be filled.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of May 7, 2009
- b) Acceptance of the Statement of Revenues and Expenses, April 2009
- c) Authorize Acceptance of Fiscal Year 2007 Transit Security Grant Program Base Funding of up to \$1,461,578 and Execution of Required Documentation to Receive the Funds
- d) Authorize Acceptance of Fiscal Year 2007 Transit Security Grant Program Supplemental Funding of up to \$959,556 and Execution of Required Documentation to Receive the Funds
- e) Authorize Amendment of Resolution 2009-10 Authorizing the Filing of Fiscal Year 2009 Federal Transit Administration (FTA) Applications in the Amount of \$10,656,375
- f) Authorize an Allocation Request of \$20,600,000 in State Transportation Improvement Program (STIP) Funds for the South Terminal Station Project
- g) Authorize Amendment to 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
- h) Authorize Award of Contract to Kadesh & Associates to Provide Federal Legislative Advocacy Services for a Total Not-to-Exceed Cost of \$300,000
- i) Authorize Award of Contract to Ventek Transit, Inc. to Provide Repair Service for MEI/Sodeco (BNA52) Bill Note Acceptors and MEI/Sodeco (BNA52S) Upgrade for a Total Estimated Cost of \$363,996

CHAIRPERSON'S REPORT

No report.

MTC LIAISON REPORT

Ms. Lempert reported that the TransLink card will be operational on BART and Caltrain by the end of the year and other transit agencies within two years.

Public Comment

Jerry Grace, San Lorenzo, said people can get a disabled TransLink card.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

CAC Chair Jerry Graham reported at the May meeting:

- Received a presentation on the FY2010 budget and a sub-committee was formed to go over the budget.
- The CAC unanimously passed a motion to support the retention of weekend service.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- In the month of May there were fatalities on two consecutive days and one involved a student from Gunn High School.
- Monthly Performance Statistics – April 2009
 - a. Total Ridership was 1,006,241, a decrease of 4.9 percent.
 - b. Average Weekday Ridership was 39,115, a decrease of 2.1 percent.
 - c. Total Revenue was \$3,646,903, an increase of 2.3 percent.
 - d. On-time Performance was 97 percent, an increase of 1.7 percent.
 - e. Caltrain Shuttle Ridership was 6,045, a decrease of 2.5 percent.
- Year-to-date Performance Statistics ending April 2009
 - f. Total Ridership was 10,544,835, an increase of 8.7 percent.
 - g. Average Weekday Ridership was 40,125, an increase of 9 percent.
 - h. Total Revenue was \$35,961,884, an increase of 10.7 percent.
 - i. On-time Performance was 95.4 percent, an increase of 2.2 percent.
 - j. Caltrain Shuttle Ridership was 6,178, an increase of 16.5 percent.
- Staff is making excellent progress on the bike program and updating the Bombardier cars.
- There will be lots of special service over the next few months including KFOG KaBoom, baseball service, 4th of July service and the National Senior Games. Staff is working with the Metropolitan Transportation Commission (MTC), as the funding agency, and Santa Clara Valley Transportation Authority (VTA) to allow credentialed Senior Games participants ride on the train. The games will be held at Stanford University and are dedicated to promoting healthy lifestyles for adults 50 years and older through education, fitness and sports.

UPDATE ON THE FISCAL YEAR 2010 OPERATING BUDGET

Ms. Harrington said there was a \$10.1 million deficit in May, which has been reduced to \$2.7 million deficit.

Ms. Lempert said she is important to work things out with Stanford University.

Mr. Scanlon said since the GO Pass was initiated, Stanford's mode split of employees arriving on train rose from four percent to 20 percent. He said staff will continue to work on this issue.

Public Comment

Paul Wendt, Bay Rail Alliance, said Caltrain needs to obtain a dedicated funding source. No transit agency in the United States is able to obtain a 100 percent farebox recovery.

QUARTERLY CAPITAL PROGRESS REPORT

Director of Capital Support Programs April Chan said the major change in the report is the format. She said each project is looked at and the potential impact High Speed Rail (HSR) has on it.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy made the following points:

- The governor is recommending diverting \$745 million in local gasoline excise tax funds away from local government. These funds are used to fund streets and roads.
- There is \$336 million in spillover funds, which was unexpected and the result of increased in gas prices. The governor is proposing to divert these funds to the General Fund and staff is working through the California Transit Association (CTA) to encourage them to reimburse the STA program for the next fiscal year using those funds.

Director Ken Yeager left at 12:00 Noon

Public Comment

Jerry Grace, San Lorenzo, said 16 and 17 year olds now can vote.

MTC Commissioner Sue Lempert left at 12:01 p.m.

CORRESPONDENCE

Provided in the reading file.

BOARD MEMBER REQUESTS

None.

GENERAL COUNSEL REPORT

No report.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, July 2, 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 12:04 p.m.

PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **STATEMENT OF REVENUE AND EXPENSE FOR THE PERIOD
ENDING MAY 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 May 2009 and supplemental information.

SIGNIFICANCE

Revenue: For May of Fiscal Year 2009, *Total Operating Revenue* (line 7) is \$861,316 or 1.9 percent *worse* than budget. Within total operating revenue *Farebox Revenue* (line 1) is \$504,152 or 1.3 percent *worse* than budget, and *Other Income* (line 5) which is *worse* than budget by \$399,946 or 57.4 percent due to investment losses and lower than anticipated interest rates. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,409,394 or 3.3 percent *higher*, driven by *Farebox Revenue* (line 1) which is \$3,470,489 or 9.6 percent *higher*.

Expense: *Grand Total Expenses* (line 46) show a favorable variance of \$7,094,605 or 8.1 percent. *Total Operating Expense* (line 31) is \$6,411,815 or 8.2 percent *better* than budget. Within total operating expense *Contract Operating & Maintenance* (line 23) is \$543,305 or 1.0 percent *better* than budget and *Fuel* (line 25) is *better* than budget by \$5,486,991 or 35.6 percent. *Total Administrative Expense* (line 40) is \$682,789 or 8.2 percent *better* than budget.

Compared to prior year, *Grand Total Expenses* (line 46) are \$2,496,724 or 3.2 percent *higher*. The increase in expense over the prior year is mainly due to *Contract Operating & Maintenance* (line 23) which is \$5,478,895 or 11.7 percent *higher* offset by *Fuel* (line 25) which is \$2,830,809 or 22.2 percent *lower* than the prior year.

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

MAY 2009

						% OF YEAR ELAPSED			91.7%	
		MONTH	YEAR TO DATE			ANNUAL				
		CURRENT	PRIOR	CURRENT	REVISED	% REV	APPROVED	REVISED	% REV	
		ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	
(AS PROJECTED)										
REVENUE										
OPERATIONS:										
1	Farebox Revenue	3,695,346	36,187,138	39,657,627	40,161,779	98.7%	41,669,414	44,369,414	89.4%	1
2	Parking Revenue	178,524	2,006,385	1,937,644	1,929,648	100.4%	2,128,054	2,128,054	91.1%	2
3	Shuttles	86,713	984,343	986,457	1,009,735	97.7%	1,134,036	1,134,036	87.0%	3
4	Rental Income	136,117	1,443,402	1,528,045	1,469,980	104.0%	1,604,340	1,604,340	95.2%	4
5	Other Income	120,123	2,375,464	296,354 ^(A)	696,300	42.6%	2,111,720	759,600	39.0%	5
6										6
7	TOTAL OPERATING REVENUE	4,216,823	42,996,732	44,406,126	45,267,442	98.1%	48,647,564	49,995,444	88.8%	7
8										8
9	CONTRIBUTIONS:									
10	AB-434-Peninsula Feeder Shuttle	83,333	948,159	933,844	939,567	99.4%	1,034,355	1,034,355	90.3%	10
11	Operating Grant	40,230	218,655	117,678	105,567	111.5%	211,000	211,000	55.8%	11
12	JPB Member Agencies	3,284,715	35,079,486	36,131,870	36,131,864	100.0%	39,416,585	39,416,585	91.7%	12
13	Other Sources	0	1,217,786	0	5,184,103	0.0%	6,047,623	7,144,285	0.0%	13
14										14
15	TOTAL REQUIRED REVENUE	3,408,278	37,464,085	37,183,392	42,361,101	87.8%	46,709,563	47,806,225	77.8%	15
16										16
17	GRAND TOTAL REVENUE	7,625,101	80,460,817	81,589,518	87,628,543	93.1%	95,357,127	97,801,669	83.4%	17
18										18
19										19
20	EXPENSE									
21										21
22	OPERATING EXPENSE:									
23	Contract Operating & Maintenance	4,782,331	46,813,074	52,291,969	52,835,274	99.0%	58,501,434	58,596,434	89.2%	23
24	Shuttles (Including Peninsula Pass)	244,179	2,632,391	2,714,475	2,761,317	98.3%	3,012,891	3,012,391	90.1%	24
25	Fuel	653,462	12,746,216	9,915,407	15,402,398	64.4%	14,408,059	16,802,601	59.0%	25
26	Timetables & Tickets	36,560	165,627	194,840	196,463	99.2%	218,000	218,000	89.4%	26
27	Insurance	285,445	3,375,068	4,117,144	4,156,590	99.1%	4,535,000	4,535,000	90.8%	27
28	Facilities and Equipment Maintenance	92,798	1,059,834	1,023,141	1,112,194	92.0%	1,713,750	1,693,750	60.4%	28
29	Utilities	102,571	996,938	1,133,041	1,249,000	90.7%	1,725,270	1,725,270	65.7%	29
30	Services	61,671	878,354	847,637	936,235	90.5%	1,180,300	1,180,800	71.8%	30
31	TOTAL OPERATING EXPENSE	6,259,017	68,667,503	72,237,655	78,649,470	91.8%	85,294,704	87,764,246	82.3%	31
32										32
33	ADMINISTRATIVE EXPENSE:									
34	Wages & Benefits	467,169	5,106,930	4,838,908	5,266,723	91.9%	5,966,333	5,832,833	83.0%	34
35	Board Of Directors	892	9,525	8,179	10,147	80.6%	16,300	16,300	50.2%	35
36	Professional Services	63,057	1,188,943	1,345,015	1,554,412	86.5%	1,726,850	1,749,670	76.9%	36
37	Communications/Marketing	41,893	161,148	181,384	213,272	85.0%	311,000	311,000	58.3%	37
38	Other Office Expense and Services	101,950	907,573	1,248,109	1,259,831	99.1%	1,275,344	1,361,024	91.7%	38
39										39
40	TOTAL ADMINISTRATIVE EXPENSE	674,961	7,374,119	7,621,594	8,304,383	91.8%	9,295,827	9,270,827	82.2%	40
41										41
42	Long Term Debt Expense	91,906	777,806	674,690	674,690	100.0%	766,596	766,596	88.0%	42
43										43
44	CEMOF - Startup Expense	0	1,217,786	-	-	0.0%	0	0	0.0%	44
45										45
46	GRAND TOTAL EXPENSES	7,025,883	78,037,214	80,533,938	87,628,543	91.9%	95,357,127	97,801,669	82.3%	46

(A) Includes investments losses.

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



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF MAY 31, 2009

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Restricted)	Liquid Cash	1.530%	3,436,889	3,442,993
Investment Portfolio (Unrestricted)	Liquid Cash	1.640%	13,787,635	13,960,357
			17,224,524	17,403,350
Accrued Earnings for May 2009	\$27,842.25	(1)		
Cumulative Earnings FY2009	\$445,733.16			

(1) Earnings do not include prior period adjustments

* 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: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZE THE ACCEPTANCE OF FISCAL YEAR 2008 TRANSIT
SECURITY GRANT PROGRAM FUNDING AND EXECUTION OF
REQUIRED DOCUMENTATION TO RECEIVE THE FUNDS**

ACTION

Staff Coordinating Council (SCC) recommends Board authorization for the Executive Director, or his designee, to:

- 1) Accept an award of Federal Transit Security Grant Program (TSGP) funds in the amount of \$338,746 for the Anti-Terrorism Substations project; and
- 2) Execute and file any agreements, certifications and assurances, and any other required documentation required to receive the Federal TSGP funds.

SIGNIFICANCE

The United States Department of Homeland Security (DHS) has programmed a total of \$338,746 in Fiscal Year 2008 (FY2008) TSGP funds for the Anti-Terrorism Substations project. Implementation of this project will enable the JPB to equip police facilities at the San Francisco and San Jose Diridon Caltrain stations with state-of-the art security equipment to enhance the safety of riders, employees and property at these terminal locations. This project is consistent with the recommendations of the JPB's Threat & Vulnerability Assessment.

BUDGET IMPACT

Total cost of the Anti-Terrorism Substations is estimated at \$448,923. In addition to the \$338,746 in Federal TSGP funding, this project will also receive \$110,177 in State Proposition 1B Safety and Security funds. There is no local match requirement for either the FY2008 TSGP or the State Proposition 1B Safety and Security funds.

BACKGROUND

The DHS has programmed Federal TSGP funds to the JPB based on an assessment of risk-based factors and the recommendation of the San Francisco Bay Area Regional Transit Security Working Group (RTSWG). The RTSWG makes recommendations regarding the programming of Federal TSGP funds and is responsible for updating the Regional Transit Security Strategy (RTSS), which provides the vision, goals and objectives for meeting the region's transit security needs. The JPB is a member of the Regional Transit Security Working Group (RTSWG), along with other eligible transit operators in the San Francisco Bay Area.

Prepared by: Suna Mullins, Administrator, Capital Programs & Grants

650.508.6490

RESOLUTION NO. 2009-

PENINSULA CORRIDOR JOINT POWERS BOARD STATE OF CALIFORNIA

AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2008 TRANSIT SECURITY GRANT PROGRAM FUNDING AND EXECUTION OF REQUIRED DOCUMENTATION TO RECEIVE THE FUNDS

WHEREAS, the Federal Transit Security Grant Program (TSGP), administered by the U.S. Department of Homeland Security (DHS), provides funds to owners and operators of transit systems to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters and other emergencies; and

WHEREAS, based on an assessment of risk based factors and the recommendation of the San Francisco Bay Area Regional Transit Security Working Group (RTSWG) the DHS has programmed Fiscal Year 2008 (FY2008) TSGP funds, in an amount of \$338,746, to the Peninsula Corridor Joint Powers Board (JPB), which will enable the JPB to equip security facilities at the San Francisco and San Jose Diridon Caltrain stations with state-of-the art security equipment for the Anti-Terrorism Substations project; and

WHEREAS, the RTSWG is comprised of transit operators in the San Francisco Bay Area, which includes JPB, and makes recommendations regarding the programming of Federal TSGP funds, and is responsible for updating the Regional Transit Security Strategy (RTSS), which provides the vision, goals and objectives for meeting the region's transit security needs; and

WHEREAS, funding for the Anti-Terrorism Substations project is included in the proposed FY 2010 Capital Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB hereby:

- 1) Authorizes the Executive Director, or his designee, to accept an award of grant funding and execute and file any agreements, certifications and assurances, and any other required documentation to receive FY 2008 TSGP funds on behalf of the Peninsula

Corridor Joint Powers Board, in an aggregate amount of \$338,746, for the Anti-Terrorism Substations project, and

2) Authorizes the Executive Director, or his designee, to take any other actions necessary for the purpose of obtaining federal financial assistance provided by the DHS and recommended to the JPB by the RTSWG.

Regularly passed and adopted this 2nd day of July, 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: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZE FILING OF APPLICATIONS TO MTC TO PROGRAM
FTA SECTION 5307 AND 5309 FIXED GUIDEWAY (FG) FUNDS FOR
CALTRAIN CAPITAL PROJECTS**

ACTION

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director to submit applications to the Metropolitan Transportation Commission (MTC) to program Federal funding from the Section 5307 Urbanized Area Formula Program and the Section 5309 Fixed Guideway (FG) Program for Caltrain Capital projects.

SIGNIFICANCE

Staff is proposing to submit applications to the MTC to program Federal funds in Fiscal Year 2010, 2011 and 2012 to projects in support of the Caltrain Capital Program. The applications consist of the following Caltrain capital projects:

<u>Project</u>	<u>FTA Funds</u>
Preventative Maintenance	\$943,292
Revenue Vehicle Rehabilitation Program	\$1,443,051
Signal Communication Rehabilitation & Upgrades	\$4,500,000
Systemwide Track Rehabilitation & Related Structures	<u>\$35,310,000</u>
TOTAL	\$42,196,343

All of the projects listed will help implement programs that are consistent with the Caltrain Short Range Transit Plan (SRTP). If programmed by the MTC, the projects will be proposed for incorporation as part of the FY2010, FY2011 and FY2012 Capital budgets.

BUDGET IMPACT

Federal Section 5307 and 5309 funds require a 20 percent local match. The MTC will continue its policy of programming projected AB 664 Bridge Toll revenues, in an amount to be determined, to fund a portion of the required matching funds. Total match requirements will be finalized once MTC determines the amount and type of funds that are to be programmed for Caltrain's list of capital projects. Both Federal and matching funds will be considered for inclusion as part of the JPB's Capital Budget process for FY2010, FY2011 and FY2012.

BACKGROUND

The MTC is soliciting transit projects from eligible Federal grantees for programming an estimated \$350 million in annual regional apportionments from FY2010 through FY2012 Federal Transit Administration (FTA) Section 5307 and 5309 FG funds and matching AB 664 Bridge Toll funds. The selection of projects will be based on MTC's Transit Capital Priorities process and criteria, which are intended to fund transit projects that are most essential to the region and consistent with Transportation 2030, the region's 25-year plan.

Prepared by: Suna Mullins, Capital Programming & Grants Administrator

650.508.6476

RESOLUTION NO. 2009-

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

AUTHORIZING THE FILING OF AN APPLICATION FOR FTA SECTION 5307 AND 5309 FIXED GUIDEWAY FUNDING FOR CALTRAIN CAPITAL PROJECTS

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”) (Public Law Public Law 109-59, August 10, 2005) continues the Federal Transit Administration Formula Programs (23 U.S.C. §53); and

WHEREAS, pursuant to SAFETEA-LU, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Federal Transit Administration (“FTA”) Section 5307 and Section 5309 Fixed Guideway (“FG”) Formula grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (“MPO”), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (“MTC”) is the MPO for the San Francisco Bay region; and

WHEREAS, the Peninsula Corridor Joint Powers Board is an eligible project sponsor for FTA Section 5307 and Section 5309 FG funds; and

WHEREAS, the Peninsula Corridor Joint Powers Board wishes to submit grant applications to the MTC to program funds from the FY 2009-10, FY 2010-11, and FY 2011-12 FTA Section 5307 and Section 5309 FG funds for Caltrain capital projects; and

WHEREAS, the MTC requires, as part of the applications, a resolution stating the following:

- 1) That the sponsor will commit necessary local matching funds of at least 20% for FTA Section 5307 and Section 5309 FG funds; and

- 2) That the sponsor understands that the FTA Section 5307 and Section 5309 FG funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded by FTA Section 5307 and Section 5309 FG funds; and
- 3) That the sponsor will complete the projects as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) That the sponsor understands that FTA funds must be obligated within three years of programming or the project may be removed from the program.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director, or his designee, to file applications with the MTC to program FTA Section 5307 and Section 5309 FG funding for the following projects:

<u>Projects</u>	<u>FTA Funds</u>
Preventative Maintenance	\$943,292
Revenue Vehicle Rehab Program	\$1,443,051
Signal Communication Rehab & Upgrades	\$4,500,000
Systemwide Track and Rehab & Related Structures	<u>\$35,310,000</u>
TOTAL	\$42,196,343

BE IT FURTHER RESOLVED that the Peninsula Corridor Joint Powers Board by adopting this resolution does hereby state that:

- 1) It will provide local matching funds for the Federal amounts the MTC will program to the cost of the aforementioned projects of at least 20 percent for FTA Section 5307 and Section 5309 FG funds, subject to the JPB's annual budget approval process; and
- 2) It understands that the FTA Sections 5307 and 5309 FG funding for the aforementioned projects are fixed and that the Peninsula Corridor Joint Powers Board does not expect any cost increases to be funded with FTA Section 5307 and Section 5309 FG funds; and

- 3) The projects listed will be as described in this resolution and, if approved, for the amount shown in the MTC's TIP with obligation occurring within the timeframe established below;
and
- 4) The program funds are expected to be obligated by September 30 of the year the project is programmed for in the TIP; and
- 5) It is an eligible sponsor of projects in the FTA Section 5307 and 5309 FG programs; and
- 6) It is authorized to submit applications for FTA Section 5307 and 5309 FG funds; and
- 7) There is no legal impediment to the Peninsula Corridor Joint Powers Board making applications for FTA Section 5307 and 5309 FG funds; and
- 8) There is no pending or threatened litigation which might in any way adversely affect the proposed list of projects, or the ability of the Peninsula Corridor Joint Powers Board to deliver such projects

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC prior to the MTC programming the FTA Section 5307 and 5309 FG funded projects in the TIP; and

BE IT FURTHER RESOLVED that the MTC is requested to support the applications for the projects described in the resolution and to program the projects, if approved, in MTC's TIP.

Regularly passed and adopted this 2nd day of July, 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: Gigi Harrington
Deputy CEO

SUBJECT: AMENDMENT OF RESOLUTION 2009-11 AUTHORIZING THE FILING OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FEDERAL TRANSIT ADMINISTRATION (FTA) APPLICATIONS

ACTION

Staff Coordinating Council (SCC) recommends the Board approve an amendment to Resolution 2009-11 to authorize the Executive Director, or his designee, to submit grant applications to the Metropolitan Transportation Commission (MTC) and the Federal Transit Administration (FTA), and to execute agreements required to receive an additional \$1,033,836 in Federal Highway Administration (FHWA) funds as part of the American Recovery and Reinvestment Act of 2009 (ARRA).

SIGNIFICANCE

The proposed amendment will result in the addition of \$1,033,836 in FHWA funds that will be transferred to the Federal Transit Administration in a separate Section 5307 Urbanized Area Formula Program grant application for preventive maintenance. The new total amount of Federal funds will increase from \$13,094,228, previously approved by the Board at its March 5, 2009 meeting, to \$14,128,064.

The FTA applications, with the proposed addition for preventive maintenance, will include the following projects:

<u>Project</u>	<u>FTA Amount</u>
• Track and Infrastructure Rehabilitation	\$5,500,000
• San Mateo County Railroad Bridge Replacement Program	\$4,494,228
• Replacement of Operations Control Center System	\$2,900,000
• Bike Racks on Trains	\$200,000
• Preventive Maintenance	<u>\$1,033,836</u>
	<u>\$14,128,064</u>

BUDGET IMPACT

The increase in Federal funds, in an amount of \$1,033,836, will be used to help offset capitalized maintenance costs in the proposed Fiscal Year 2010 (FY2010) operating budget. The matching local funds required for this portion of the Federal funds is \$258,459. Both the Federal funds and required matching local funds, are included as part of the FY2010 Budget.

BACKGROUND

On March 5, 2009, the Board adopted Resolution 2009-11, which authorized the filing of grant applications to the MTC and the FTA to receive funding as part of the ARRA. On May 27, 2009, the MTC directed the programming of an additional \$15.3 million in ARRA funds from the FHWA to ready-to-go transit system preservation projects among San Francisco Bay Area transit operators. The MTC has recommended the programming of \$1,033,836 of these supplemental funds to the JPB. Once the Board has authorized the amendment to Resolution 2009-11, the preventive maintenance project will be included in a JPB application to the FTA.

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

650.508.6476

RESOLUTION NO. 2009 -

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

* * *

**AUTHORIZING AMENDMENT TO RESOLUTION 2009-11 TO AUTHORIZE THE
FILING OF APPLICATIONS FOR FEDERAL AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009 FUNDING IN THE AMOUNT OF UP TO \$14,128,064,
AND THE EXECUTION OF GRANT AGREEMENTS REQUIRED TO RECEIVE THE
FUNDS FOR CALTRAIN PROJECTS, AND TO AUTHORIZE THE EXECUTION OF
REQUIRED DOCUMENTS TO RECEIVE THE FUNDS**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) adopted Resolution 2009-11 on March 5, 2009 to authorize the Executive Director, or his designee, to submit applications to the Metropolitan Transportation Commission (MTC) and the Federal Transit Administration (FTA) and to execute agreements on behalf of the JPB to receive funding from the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, on March 27, 2009, the Metropolitan Transportation Commission (MTC) directed the programming of an additional \$15.3 million in ARRA funds from the Federal Highway Administration (FHWA) to ready to go transit system preservation projects and has recommended the programming of \$1,033,826 of these supplemental funds to the JPB to be used for preventive maintenance with the understanding that their funds ultimately will be distributed to the JPB by the FTA; and

WHEREAS, the JPB desires to amend Resolution 2009-11 by authorizing the filing of applications for FTA grants and related funding agreements to include the preventive maintenance project; and

WHEREAS, the \$1,033,836 in Federal funds and the required increase of \$258,459 in local matching funds are already included as part of the Fiscal Year 2010 (FY2010) Operating Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB hereby authorize the Executive Director, or his designee, to file applications on behalf of the JPB with the MTC and the FTA for ARRA funding in the total amount of \$14,128,064 inclusive of funding for preventive maintenance from the Section 5307 Urbanized Area Formula Program in the amount of \$1,033,836, as programmed in the FY2010 Budget and to execute any agreements, certifications, and any other required documentation to receive said funds; and

2. **BE IT FURTHER RESOLVED** that the use of an additional \$258,459 in matching local funds, as programmed in the FY2010 Budget, is authorized to support the project included in the above referenced application; and

3. **BE IT FURTHER RESOLVED** that Resolution 2009-11 is amended accordingly.

Regularly passed and adopted this 2nd day of July 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: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZATION TO FILE A TRANSPORTATION FUND FOR
CLEAN AIR (TFCA) REGIONAL DISCRETIONARY GRANT
APPLICATION IN SUPPORT OF THE CALTRAIN SHUTTLE
BUS PROGRAM.**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director to:

- 1) File a discretionary grant application for Transportation Fund for Clean Air (TFCA) regional funds in a total amount of \$1,000,000 to support the Caltrain Shuttle Bus Program, and
- 2) Execute a funding agreement with the Bay Area Air Quality Management District (BAAQMD) if the application is awarded funding.

SIGNIFICANCE

The proposed application is to provide operating support for the continuation of the existing Caltrain Commuter Shuttle Program in the amount of \$1,000,000. TFCA regional discretionary funds would underwrite a portion of the operating support for the Caltrain Commuter Shuttle Bus Program for the 2010 calendar year. The shuttle program that is proposed for TFCA funding is a continuation of the existing TFCA funded Caltrain Commuter Shuttle Bus Program. A list of the 28 shuttle routes in the proposed TFCA funded Caltrain Shuttle Bus Program is provided in Exhibit A.

BUDGET IMPACT

The following is a breakdown of proposed operating support for the TFCA funded Caltrain Shuttle Bus Program in the 2010 calendar year.

Existing Commuter Shuttles

Proposed BAAQMD funds	\$1,000,000 (24 percent)*
Peninsula Corridor Joint Powers Board (JPB)	\$ 519,002 (13 percent)
San Mateo County Transportation Authority (TA)	\$1,131,768 (28 percent)
Participating Employers	\$1,423,741 (35 percent)
<hr/>	
Total	\$4,074,511 (100 percent)

*Subject of this Staff Report

The JPB contribution to the proposed application for the operating support of the Caltrain Shuttle program is included as part of the FY2010 adopted Preliminary Operating Budget.

BACKGROUND:

The TFCA funds are derived from the \$4 surcharge on motor vehicle registration paid within the boundaries of the BAAQMD. TFCA funds are distributed to public agencies through competitive grant programs to implement projects that reduce air pollution from motor vehicles. The existing Caltrain Commuter Shuttle Bus Program, which provides an essential link between rail station and employment sites, has been awarded grant funding from the BAAQMD's regional discretionary TFCA Program during previous grant cycles.

Prepared by: Suna Mullins, Capital Programming & Grants Administrator 650.508.6490
Project Manager: Richard Cook 650.508.7979

Exhibit A

List of Caltrain Shuttle Program Routes

<u>Shuttle Route Name</u>	<u>Station Served</u>
Bayshore/Brisbane	Bayshore
Crocker Park	Bayshore
Gateway	South San Francisco
Oyster Point/Utah	South San Francisco
Sierra Point	South San Francisco
Broadway	Millbrae
Burlingame	Millbrae
Lincoln Centre	Hillsdale
Mariner's Island	Hillsdale
San Mateo Hillsdale	Hillsdale
San Mateo Hayward Park	Hayward Park
Hillsdale/Belmont	Belmont
Oracle	Belmont/San Carlos
Electronic Arts	San Carlos
Redwood Shores	San Carlos
Pacific Shores	Redwood City
Marsh Road	Menlo Park
Willow Road	Menlo Park
East Palo Alto	Palo Alto
Baylands/Embarcadero	Palo Alto
Marguerite	Palo Alto/California Ave
Deer Creek	California Ave
North Bayshore	San Antonio
Shoreline	Mountain View
Mary/Moffet	Sunnyvale
Bowers Road	Lawrence
Mission	Lawrence
Advanced Micro Devices	Lawrence

RESOLUTION NO. 2009-

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

* * *

**AUTHORIZING THE FILING OF AN APPLICATION FOR GRANT FUNDS
UNDER THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT
TRANSPORTATION FUND FOR CLEAN AIR PROGRAM, IN THE TOTAL AMOUNT
OF \$1,000,000 FOR THE SUPPORT OF THE CALTRAIN SHUTTLE BUS PROGRAM**

WHEREAS, pursuant to California Health and Safety Code Sections 44241 and 44242, the Bay Area Air Quality Management District (BAAQMD) administers the Transportation Fund for Clean Air (TFCA), which provides funding under a competitive application process to public agencies for the implementation of projects that reduce air pollution from motor vehicles; and

WHEREAS, the operation of the Caltrain Shuttle Bus Program qualifies for funding under the TFCA in that it provides shuttle service to rail stations and the shuttles used in the service comply with California Air Resources Board (CARB) particulate matter standards for public transit fleets; and

WHEREAS, the TFCA grant funds, if the Peninsula Corridor Joint Powers Board (JPB) is successful in receiving a grant, will provide support for 28 shuttle routes under the Caltrain Shuttle Bus Program; and

WHEREAS, required matching funds for operating the Shuttle Bus Program have been included in the adopted Fiscal Year 2010 Preliminary Operating Budget; and

WHEREAS, the JPB will extend existing shuttle bus service administration agreements with employer participants if the JPB obtains TFCA grant funds.

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

1. Authorizes the Executive Director to execute and file an application on behalf of the JPB for TFCA funding for operating support, in an amount of \$1,000,000, for the Caltrain Shuttle Bus Program with the Bay Area Air Quality Management District for the 2010 calendar year; and

2. Authorizes the Executive Director or his designee to take further actions as may be necessary to give effect to this resolution, such as the execution of a funding agreement for these TFCA funds, amendments to shuttle bus service administration agreements with existing employer participants, and shuttle bus service administration agreements for new shuttle bus service.

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

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: AUTHORIZATION TO EXECUTE PURCHASE ORDERS OF OVER \$50,000 FOR INFORMATION TECHNOLOGY LICENSE RENEWALS, MAINTENANCE SERVICES AND PROFESSIONAL SERVICES FOR FY 2010 FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$700,000

ACTION

Staff Coordinating Council (SCC) proposes that the Board authorize the Executive Director or his designee to execute purchase orders for more than \$50,000 to product licensors and maintainers or their distributors, directly and without the utilization of cooperative purchasing agreements if not available or competitive solicitations if not applicable, to procure recurring maintenance services and license renewals necessary to permit continued effective use and upkeep of JPB-owned computer and telecommunications hardware and software used for the management and oversight of Caltrain. Further, this shall also include purchase orders for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services. Expenditures with manufacturers and vendors under this authority will not exceed the budgeted amount of \$700,000 throughout Fiscal Year 2010.

SIGNIFICANCE

Delegation of purchase order approval authority will allow the JPB to pay for recurring maintenance services, license renewal fees and professional services for proprietary software in excess of \$50,000 without bringing actions individually before the Board for approval. This delegation would not eliminate the requirement that other procurement policies and procedures be followed.

Recurring support and license agreements are, by their nature, repetitive and routine, and are required to ensure continued and effective operation of information technology assets owned by the JPB. The sole source purchase of additional modules to existing software or professional services to modify existing proprietary software will allow the JPB's changing business needs to be met in a timely manner.

Delegating this authority expedites the JPB's ability to continue needed operations and services in the management of Caltrain and reduces the time and resources otherwise required to obtain individual approval of such support and license agreements.

BUDGET IMPACT

Funds for these purchases are programmed in the proposed Fiscal Year 2010 capital and operating budgets.

BACKGROUND

Software and hardware are typically sold with licenses and maintenance agreements that require periodic renewal. Failing to renew maintenance support means loss of software updates, problems obtaining resolution assistance, and repair services typically needed to keep a product in good operating order. In some cases, the product may not be legally used if a maintenance and license renewal has not been obtained.

It is not always possible to find cooperative purchasing agreements with contracts for the necessary maintenance support and license renewals. This is particularly true for transit industry-specific information technology products. The types of licensing and maintenance agreements contemplated are generally unobtainable under any other method because they are proprietary in nature to the manufacturers of the software. Similarly, many manufacturers do not allow third parties access to source code or to provide services. As a result, professional services to upgrade, modify, or add to existing software must be performed by the original manufacturer.

JPB assets requiring payment of recurring annual or multi-year maintenance support and license fees in excess of \$50,000 that may need to be accommodated in Fiscal Year 2010 outside of cooperative purchase agreements or other pre-existing contracts include, but are not necessarily limited to:

- TRA Inc. TransitSafe (safety management system)
- Digital Concepts Inc. Digicon (rail traffic control system)
- VenTek (ticket vending machine hardware & software)

Issuance of purchase orders for maintenance and continued operation of assets like these will need to be brought individually before the Board for approval, unless authority is delegated to the Executive Director or his designee.

Project Manager: William C. Likens, Director, Information Technology

650.508.7954

RESOLUTION NO. 2009 -

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

**AUTHORIZATION TO EXECUTE PURCHASE ORDERS FOR INFORMATION
TECHNOLOGY LICENSES, MAINTENANCE SERVICES AND PROFESSIONAL
SERVICES FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$700,000 FOR
FISCAL YEAR 2010**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require continuing product support and licenses for computer and telecommunications hardware and software throughout Fiscal Year 2010, to permit the continued effective use and upkeep of information technology assets owned by the JPB; and

WHEAREAS, maintenance support and software license agreements for the information technology assets in use are, by their nature, repetitive and routine; and

WHEAREAS, the JPB will also require professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services; and

WHEAREAS, the Staff Coordinating Council recommends that the Executive Director or his designee be authorized to execute purchase orders that exceed \$50,000 to original equipment manufacturers, product licensors, and their authorized distributors and consultants to meet the technology operational requirements for Fiscal Year 2010, pursuant to the JPB's statutory procurement authority and policy, up to an aggregate not to exceed amount of \$700,000.

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 procurement of product support and license renewal agreements for information technology assets owned by the JPB for Fiscal Year 2010, pursuant to the JPB's

statutory procurement authority and policy, in an aggregate not-to-exceed amount of \$700,000 for Fiscal Year 2010; and

2. Authorizes the Executive Director or his designee to execute purchase orders exceeding \$50,000 to original equipment manufacturers, product licensors, or their authorized distributors for recurring product support and license renewals necessary to permit continued effective use and upkeep of JPB owned computer and telecommunications hardware and software; and

3. Authorizes the Executive Director or his designee to execute purchase orders exceeding \$50,000 to original equipment manufacturers, product licensors, or their authorized consultants for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services; and

4. Authorizes the Executive Director or his designee to execute all necessary purchase orders, contracts and other documents and to take such other actions as may be necessary to give effect to this Resolution.

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

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZING EXECUTION OF PURCHASE ORDERS FOR
TECHNOLOGY RELATED PRODUCTS AND SERVICES TO VENDORS
UNDER COOPERATIVE PURCHASING PROGRAMS FOR AN
AGGERGATE NOT-TO-EXCEED AMOUNT OF \$300,000 FOR FISCAL
YEAR 2010**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the purchase, lease and/or rental of computer and telecommunications equipment and related services, digital reprographic equipment, hardware, software, licensing, installation and configuration of telecommunications equipment, maintenance agreements, and computer peripherals to vendors under approved cooperative intergovernmental purchasing programs available to the JPB such as the California Multiple Award Schedule (CMAS), the State of California Strategic Sourcing Initiative (CSSI), the Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2), GSA Schedules (also referred to as Multiple Award Schedules and Federal Supply Schedules), and other cooperative programs as the JPB needs are identified. This action includes delegation of authority to the Executive Director to issue purchase orders over \$50,000 to vendors under approved cooperative purchasing programs. Expenditures with vendors under these programs will not exceed the budgeted amount of \$300,000 throughout Fiscal Year 2010.

SIGNIFICANCE

Approval of this contracting authority will provide the JPB with a cost effective means to support its standardization policy and provide the latest technology and related services through cooperative intergovernmental purchasing programs. Purchase orders issued under this authority will address the JPB's requirements for equipment, hardware, software, services, licensing, maintenance agreements, and programmed replacement of equipment that has reached the end of its useful life or has become unsuited to address the JPB's future needs.

BUDGET IMPACT

Funds for these purchases are programmed in the proposed Fiscal Year 2010 capital and operating budgets.

BACKGROUND

Given the rapidly changing technology of information system hardware, software and related services, the State of California, among other state agencies nationwide, has established agreements with vendors under various cooperative purchasing programs such as CMAS, CSSI, GSA, WSCA and CALNET 2 for providing these goods and services. Special districts, cities, counties and joint powers authorities are given statutory permission to procure competitively priced goods and services arising out of these vendor agreements. By utilizing such cooperative purchasing programs, the JPB saves considerable time and expense associated with independent procurements which would not likely yield more favorable pricing or service.

All vendors selected will hold valid agreements under the corresponding cooperative purchasing program. Purchase orders will be executed only with vendors whose contracts under a cooperative buying agreement were awarded on a basis that complies with the JPB's statutory procurement authority and policy and will include the JPB's terms and conditions, as appropriate. Other cooperative purchasing consortia may be added to this program and utilized for acquisition of technology items during Fiscal Year 2010 but only to the extent each fully complies with the JPB's statutory procurement authority and policy.

Project Manager: William C. Likens, Director, Information Technology

650.508.7954

RESOLUTION NO. 2009 -

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

**AUTHORIZING EXECUTION OF PURCHASE ORDERS FOR TECHNOLOGY
RELATED PRODUCTS AND SERVICES TO VENDORS UNDER COOPERATIVE
PURCHASING PROGRAMS FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF
\$300,000 FOR FISCAL YEAR 2010**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require new personal computers, computer and telecommunications equipment and related services, digital reprographic equipment, software, hardware, licensing and maintenance agreements, and computer peripherals throughout Fiscal Year 2010, to fulfill new technology requirements, to support the JPB's standardization policy and to replace technology equipment that has reached the end of its useful life; and

WHEAREAS, in light of the need to standardize, update and purchase the latest technology in personal computers, telecommunications equipment, and other related equipment and services in the most cost-effective manner, the JPB has determined that an independent JPB-initiated solicitation process for the procurements described above may not be in the JPB's best interests; and

WHEAREAS, the State of California and other cooperative purchasing consortiums including the California Multiple Award Schedule (CMAS), State of California Strategic Source Initiative (CSSI), Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2) and the General Services Administration (GSA) have established programs in which the JPB can participate in order to procure favorably priced technology systems equipment and related services; and

WHEAREAS, the Staff Coordinating Council (SCC) recommends that the JPB participate in the above-mentioned programs, to the extent such programs fully comply with the JPB's statutory procurement authority and policy, and that the JPB may add other cooperative purchasing programs to this authorization for Fiscal Year 2010 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

WHEAREAS, the SCC also recommends that the Executive Director or his designee be authorized to place purchase orders that exceed \$50,000 to vendors under JPB-approved cooperative purchasing programs to meet its personal computer, telecommunications equipment, and other related technology equipment and services requirements for Fiscal Year 2010, pursuant to the terms and conditions of each programs' vendor agreements, up to an aggregate not-to-exceed amount of \$300,000.

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

1. Determines that an independent JPB initiated solicitation process for each purchase, lease and/or rental of new personal computers, computer and telecommunications equipment and services, digital reprographic equipment, hardware, software, licensing and maintenance agreements, and computer peripherals may not be in the JPB's best interests; and
2. Authorizes the procurement of technology systems equipment and related services through JPB-approved cooperative purchasing programs, including CMAS, CSSI, WSCA, CALNET 2 and GSA vendors to meet its technology equipment and services requirements for Fiscal Year 2010 pursuant to the terms and conditions of each vendor agreement and to the extent that each vendor agreement fully complies with JPB's statutory procurement authority and policy; and

3. Authorizes the Executive Director to utilize additional cooperative purchasing programs for Fiscal Year 2010 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

4. Authorizes the Executive Director or his designee to execute purchase orders exceeding \$50,000 to vendors under the JPB-approved cooperative purchasing programs up to an aggregate, not-to-exceed, amount of \$300,000 for Fiscal Year 2010; and

5. Authorizes the Executive Director or his designee to execute all necessary purchase orders, contracts and other documents to effectuate this resolution, including any agreements with the State of California or other intergovernmental cooperative program for administrative fees for processing these purchases.

Regularly passed and adopted this 2nd day of July, 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
Deputy CEO

SUBJECT: **APPROVAL AND RATIFICATION OF THE FISCAL YEAR 2010
INSURANCE PROGRAM**

ACTION

Staff Coordinating Council (SCC) recommends the Board approve and ratify the Caltrain insurance program for FY2010 at a premium figure within the parameters of the proposed FY2010 Operating Budget:

- Purchase \$198 million of coverage for Railroad Liability, Commercial General Liability and Excess Automobile Liability, including terrorism coverage at an annual premium of \$2,255,000.
- Continue the current \$2 million self-insured retention on the liability program.
- Purchase property insurance at a total annual premium of \$773,667 under Special Risk property policies with limits of \$125 million that covers real and personal property, including the Centralized Equipment Maintenance and Operations Facility (CEMOF), stations, tunnels, bridges, culverts, signals, railroad equipment, and a \$317 million limit on rolling stock. Coverage against terrorism was added to the property program this year, as well as boiler and machinery perils for real property and CEMOF sufficient to meet the State of California inspection requirements.
- Purchase a \$5 million Pollution Liability insurance policy at an annual premium of \$54,084.
- Purchase a \$5 million Public Officials Liability policy for a \$50,000 premium.

SIGNIFICANCE

There has been a 19 percent increase in the JPB insurance premium due to a hardening of the insurance market, increased property values and broadened coverage against terrorism, environmental pollution and public official's liability. The JPB FY2010 insurance premiums are as follows:

<u>Premium Element</u>	<u>FY2009</u>	<u>FY2010</u>
Liability	\$1,975,000	\$2,255,000
Liability – Other	\$ 0	\$ 104,084
Property	<u>\$ 649,564</u>	<u>\$ 773,667</u>
Total	\$2,624,564	\$3,132,751

BUDGET IMPACT

Estimated funds to underwrite the recommended program are included in the proposed FY2010 Operating Budget, with some savings from the claims budget of the FY2009 operating budget.

BACKGROUND

FY2010 liability limits remain at \$200 million. There has been a 14 percent increase in the liability premium, mostly due to the addition of terrorism coverage to the program. The specialty railroad liability market has hardened slightly due to large rail losses in other parts of the country. Railroad insurers are trying to spread their risk by taking smaller limits on each railroad they underwrite, even on preferred risks such as the JPB. We continue to be successful in differentiating the JPB in the marketplace by highlighting the JPB's numerous safety commendations and the fact that the JPB is a dedicated system under the JPB's own control with very little freight traffic on the right of way.

A major change in the JPB's property insurance program for FY2010 is the inclusion of boiler and machinery perils to a larger property program and the addition of terrorism coverage. The JPB also experienced a substantial increase in property values due to station improvements. We were able to partially offset this significant increase in values and limits by securing a decrease of 3.3 percent in the property rate.

In addition to coverage improvements, the JPB added new policies to include Environmental Liability and a Public Officials Liability.

Prepared by: Marshall Rush, Claims Administrator

650.508.7742

RESOLUTION NO. 2009-

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

* * *

**APPROVAL AND RATIFICATION OF INSURANCE PROGRAM FOR
FISCAL YEAR 2010**

WHEREAS, the Executive Director of the Peninsula Corridor Joint Powers Board (“JPB”) has approved an insurance program for Fiscal Year 2010 which was presented to the Staff Coordinating Council (“SCC”) and the costs for which were included in the FY2010 budget approved by the Board of Directors on June 4, 2009; and

WHEREAS, in conjunction with the expiration of the JPB’s existing insurance program on June 30, 2009, District staff renewed its insurance program for FY2010 based on the plan approved by the Executive Director, with the following significant elements:

1. Maintain a self-insured retention for the JPB in the amount of \$2 million;
2. Authorize the purchase of a Railroad Liability, Commercial General Liability and Excess Automobile Liability policy including Terrorism (TRIA) with a total limit of \$200 million at an annual premium of \$2,255,000;
3. Authorize the purchase of two types of property insurance policies at a total premium of \$773,667 including Special Risk property policies with limits of \$442 million to cover real and personal property, including stations, the Centralized Equipment Maintenance and Operations Facility, rolling stock, tunnels, bridges, culverts, signals and railroad equipment, and a Boiler and Machinery policy sufficient to meet the State of California inspection requirements;
4. Authorize purchase of Public Officials Liability and Environmental Coverages for a total cost of \$104,084

WHEREAS, Staff Coordinating Council recommends that the Board of Directors approve and ratify the renewal of the JPB's insurance program for FY2010, as delineated above.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board hereby approves and ratifies the renewal of the JPB's insurance program for Fiscal Year 2010, including the types of coverage, limits and premiums recited above.

Regularly passed and adopted this 2nd day of July, 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
Deputy CEO

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

For May 2009, Caltrain average weekday ridership (AWR) decreased 3.3 percent when compared to May 2008. AWR based on ticket sales was 40,560 for May 2009, a decrease of 1,391 over May 2008. The total number of passengers for the month of May 2009 was 1,054,250. This is a 5.1 percent decrease over last year's May total of 1,110,374.

In May 2009, on-time performance was 94.6 percent, as compared to 92.7 percent in May 2008. This performance is just shy of the JPB goal of 95%, but is remarkable given that there were three trespasser incidents in May, severely affecting the on time performance of the service on those days.

Average weekday shuttle ridership was 5,522; down 6.6 percent over the same month last year. Stanford University's Marguerite shuttles provided only an estimate of its monthly ridership because some route changes were made in the past 30 days. For the station shuttles, the Millbrae-Broadway shuttle averaged 85 daily riders. The Tamien-San Jose shuttle averaged 61 riders per weekend. The Belmont-Hillsdale shuttle averaged 67 daily riders.

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

Caltrain May 2009 Promotions

KFOG KaBoom - Caltrain operated extra service to the uniquely San Francisco KaBoom event held at Piers 30/32 in early May. The concert and fireworks show is presented by radio station KFOG and features music set to fireworks as the grand finale. The campaign included commercials on KFOG and its sister station KFFG, Web links between the Caltrain and KFOG sites, on board take-ones, a news release and mention in Caltrain *Weekend Edition* publication. Caltrain ridership to KaBoom increased 5 percent compared to last year and was 378 percent higher than baseline Saturday ridership.

Bay to Breakers - Caltrain operated three early morning trains to the Bay to Breakers in mid-May. The shoestring campaign included working with race organizers to get out the word to registered runners with Web notices and a direct mailer to past race participants. In addition, Caltrain issued a news release, placed take-ones on the trains and at select running shops and clubs, posted information on the Caltrain Web site and station information boards and noticed the event in the spring edition of *Weekend Edition*. Attendance at the race was approximately 62,000, which represents a decrease of about 11 percent compared to last year. However, Caltrain experienced an increase in ridership of 18.5 percent. Baseball specials were also operated this day in support of a Sunday evening Giants game, creating an extremely heavy passenger load through San Francisco this day. Excellent support by Transit Police resulted in minimal safety and security incidents.

Kids Are Giants Too! – The San Francisco Giants and Sequoia Hospital teamed-up to strikeout child obesity with a program called, “Kids Are Giants Too!” On Wednesday, May 27, 800 Redwood City over 1,000 fourth and fifth-graders were transported by two chartered Caltrains from Redwood City to AT&T Park in San Francisco to hear Giants staff speak about the benefits of a healthy lifestyle that includes exercise and proper nutrition.

Spring Ridership Campaign – Caltrain launched a promotion to inform commuters about the advantages of riding Caltrain instead of driving with a secondary message to increase awareness of the various transit benefit programs available to commuters. The campaign included drive-time radio ads, on board take ones and Web postings on SF Gate, Yahoo and the *San Jose Mercury* and *San Mateo Times* sites. To date, more than 630 visitors have viewed the benefits page on the Caltrain Web site.

Giants Baseball - Caltrain continued to be the vehicle of choice for Peninsula Giants fans headed to baseball games at AT&T Park, and the Marketing Department highlighted Caltrain’s service in a number of ways. A brochure and news release detailed the combination of regular trains and special service that is offered. TV spots aired Comcast throughout May and will continue throughout the season. Caltrain ads promoting the service appeared on sfgate.com, and the Giants reminded fans about Caltrain via five scoreboard messages.

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

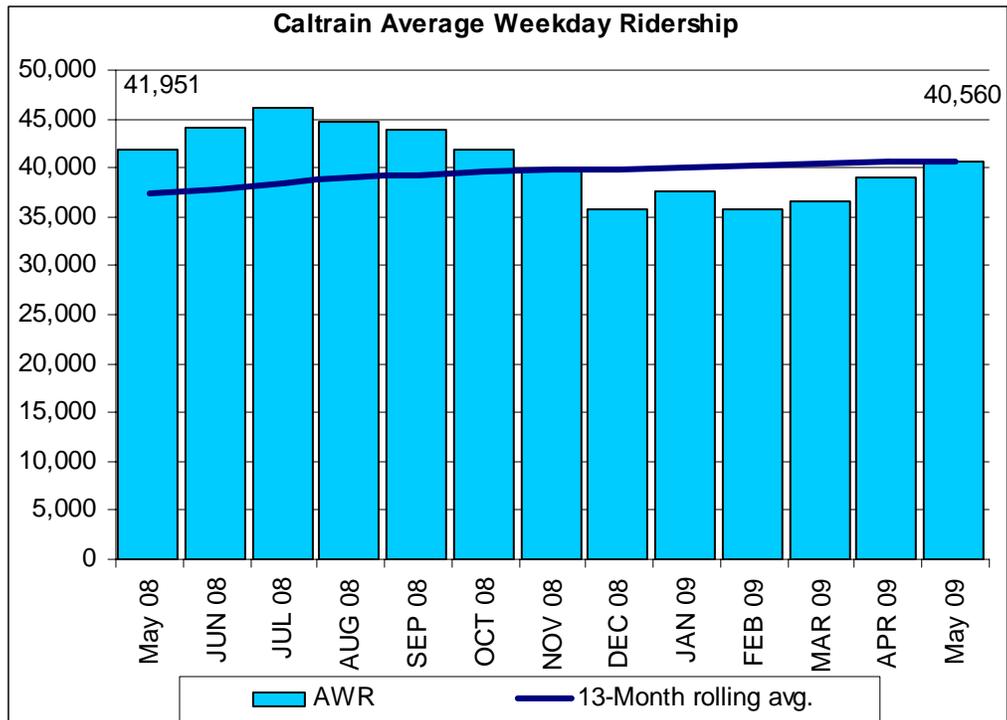
650.508.6245
650.622.8026

Table A

May 2009			
	FY 08	FY 09	%Change
Total Ridership	1,110,374	1,054,250	-5.1%
Average Weekday Ridership	41,951	40,560	-3.3%
Total Revenue	\$3,693,588	\$3,695,346	0.0%
On-time Performance	92.7%	94.6%	2.1%
Caltrain Shuttle Ridership	5,915	5,522	-6.6%

Year to Date			
	FY 08	FY 09	%Change
Total Ridership	10,815,523	11,659,304	7.8%
Average Weekday Ridership	37,297	40,165	7.7%
Total Revenue	\$36,184,283	\$39,657,230	9.6%
On-time Performance	93.4%	95.3%	2.1%
Caltrain Shuttle Ridership	5,359	6,119	14.2%

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: C.H. (Chuck) Harvey
Deputy CEO

SUBJECT: **APPROVAL OF SERVICE SUSPENSIONS AND GO PASS FARE AND
FEE CHANGES TO BALANCE THE FY2010 BUDGET**

ACTION

Following extensive review and public outreach, Staff Coordinating Council recommends approval of three actions that will result in a net budget deficit reduction of \$2.6 million:

- Reduce midday service to one-hour headways
- Increase GO Pass pricing to \$140 per employee and maintain existing minimum purchase requirement of 70 passes
- Increase parking fees to \$3 per day and \$30 per month.

Parking fee increases and the reduction of midday service would take place in September and GO Pass pricing changes would be effective on August 1.

SIGNIFICANCE

The JPB is facing a fiscal emergency due to a significant deficit in the proposed FY2010 budget. The FY2009 budget was balanced using one-time funds that are no longer available to balance the FY2010 budget. The local economic climate and its deepening recession and job losses are beginning to negatively impact Caltrain ridership and revenues. Additionally, severe cuts in state transit funding have negatively impacted the operating budgets of the partner agencies that fund Caltrain operations. As a result, at its June 4th meeting, the JPB declared a fiscal emergency under the California Environmental Quality Act (CEQA) allowing it to move forward with the proposed service suspensions without the need to conduct a formal environmental review.

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. The proposed plan to balance the FY 2010 budget addresses all but \$2.6 million of the net operating budget for FY 2010. The recommended service suspensions and fare increases are estimated to close that gap.

BUDGET IMPACT

The staff recommendations to increase the pricing of the GO Pass, increase parking fees and reduce midday service to hourly headways would result in an overall net budget deficit reduction of \$2.6 million.

GO Pass

An analysis of surveys, provided by participating companies, show that the GO Pass program is significantly underpriced. The GO Pass price has been tied to the 2-zone monthly pass, but that action was taken before the advent of Baby Bullet. With the introduction of Baby Bullet service, system average trip length and fare per trip as well as the overall frequency of use of the Caltrain service has dramatically increased. Staff proposes to increase the per employee price to \$140 and maintain the current minimum purchase requirement of 70 passes. This represents a 24% increase from existing fees and is estimated to increase total FY 2010 revenue by \$263,000 while maintaining as many company participants as possible. This proposal is the first step in an effort to attain the program goal of revenue neutrality.

Parking

Parking is proposed to be increased to \$3 per day and \$30 per month, a 50 percent increase, resulting in an additional \$420,000, assuming a September implementation date.

Service suspensions

Three service suspension scenarios were reviewed and evaluated for highest net cost reduction when accounting for gross cost savings and gross fare revenue loss due to ridership losses.

The midday service suspension would reduce service by eight trains resulting in hourly service between the hours of 10 a.m. and 2 p.m., and no train service between San Jose Diridon and Tamien station between 11 a.m. and 2:30 p.m. Estimated savings from implementing this plan in September would be \$1.93 million. An estimated 100,000 trips would be lost.

BACKGROUND

A public hearing was held at the June 4 board meeting to receive comment on a range of service suspensions and fare increases. This was the culmination of an outreach effort that included three community meetings on May 27, 2009 and the ability to comment via e-mail, phone and printed mail.

In sum more than 800 comments were received regarding the various proposals.

There were many service suspension and fare change proposals under consideration, initially. The fare change proposals that were not recommended all involved an overall increase in fares to all Caltrain users. These proposals are not recommended at this time as the last overall fare increase was implemented in January 2009 and staff is concerned about the resulting ridership loss that another overall fare increase could bring in such a difficult economic climate.

The other service suspension proposals, namely elimination of Gilroy service and the elimination of weekend service, did not generate enough net cost savings to warrant their further consideration. While gross savings were relatively high for both of these options, the corresponding fare revenue losses served to offset the relative cost savings. The proposed service reductions are exempt from review under CEQA as a result of the JBP's June 4, 2009 declaration of a fiscal emergency. The JPB staff has also studied the potential environmental impacts of the service changes and has determined that, due primarily to the light ridership on midday trains, no adverse environmental impacts could result from the proposed midday service suspensions. In addition, the fare changes are exempt from CEQA under Section 21080(b)(8) of the Public Resources Code as they are needed to meet the operating expenses of the agency. Finally, the potential impact of the proposed midday service changes upon minority and low-income populations has been analyzed as required by Title VI of the Civil Rights Act of 1964, and it has been determined that these actions will not have disproportionate impacts upon such populations.

Prepared by: Michelle Bouchard, Deputy Director, Rail Transportation 650.508.6420

RESOLUTION NO. 2009 -

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

* * *

**APPROVAL OF SERVICE SUSPENSIONS AND GO PASS FARE AND FEE CHANGES
TO BALANCE THE FY2010 BUDGET**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) faces a financial crisis of significant proportions that has resulted in the declaration of “fiscal emergency” as that term is defined in Section 21080.32 of the California Environmental Quality Act (“CEQA”); and

WHEREAS, among the factors contributing to the fiscal emergency are (1) the depletion of one-time funding source revenues, (2) the inability of JPB member agencies to increase their annual operating subsidies for FY2010 in part due to a loss of funding from the State of California, and (3) increases in expenditures required to operate Caltrain service including Amtrak contract expenses; and

WHEREAS, one of the consequences of the fiscal emergency faced by the JPB has been the need to consider possible reductions in overall Caltrain service and possible fare and service fee changes; and

WHEREAS, although reductions in transit service generally require an evaluation of the potential environmental impact of such actions, Section 21080.32 of CEQA provides a statutory exemption for the reduction or elimination of existing transit service, facilities, programs or activities by a transit agency as a result of a declared fiscal emergency caused by failure of agency revenues to adequately fund programs and facilities; and

WHEREAS, a fiscal emergency exists when an agency is projected to have “negative working capital” within one year from the date the agency declares that a fiscal emergency exists; and

WHEREAS, on June 4, 2009 the Board of Directors, following a public hearing and after responding verbally to comments regarding the fiscal emergency declaration immediately thereafter, adopted Resolution 2009-20, declaring a fiscal emergency; and

WHEREAS, also on June 4, 2009, the JPB held a public hearing to present detailed information regarding various service suspensions and revenue generation options and to provide the public an opportunity to comment on the proposals; and

WHEREAS, the JPB has considered all comments received at the public hearing, at three community meetings held on May 27, 2009, and via e-mail, phone and US post; and

WHEREAS, the JPB has determined that, among the range of options presented to it, that the following measures will enable it to balance the FY2010 budget: 1) suspension of the operation of four midday trains in each direction on weekdays; 2) increase the GO Pass fare to \$140 per employee; and 3) increases in the fees for parking at Caltrain stations with parking facilities owned and operated by the Agency; and

WHEREAS, notwithstanding the exemption from CEQA available to the JPB attributable to the fiscal emergency as described above, staff has separately examined the potential environmental impacts of the midday service reductions and has determined that there is no possibility of a significant environmental impact due to the service changes; and

WHEREAS, modification of fares and fees necessary to meet the operating expenses of the JPB are exempt from CEQA pursuant to Section 21080(b)(8); and

WHEREAS, the potential impact of the proposed midday service suspension upon minority and low-income populations has been analyzed as required by Title VI of the Civil Rights Act of 1964, and it has been determined that these actions will not have disproportionate impacts upon such populations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board, having explored and considered several alternative scenarios for changing the service schedule, the fares and the fees of its transportation service, with public input having been taken and considered, and having made judgments and estimates of savings and revenue increases of the different scenarios, finds that the necessary and prudent steps to take at this time will be to: 1) eliminate four midday trains in each direction on weekdays, which will have the effect of providing hourly instead of half-hourly headways for the designated time period; 2) increase the GO Pass fare to \$140 per employee; and 3) increase the fee for parking at Caltrain stations with parking facilities owned and operated by the JPB, whereby the fee for daily parkers will be increased to \$3.00 per day and the fee for purchasers of the monthly parking pass will be increased to \$30.00; and

BE IT FURTHER RESOLVED that the Board of Directors, having declared that a “Fiscal Emergency” exists within the definition of section 21080.32 of the California Public Resources Code, is taking the above-described actions in order to ensure adequate funding for its programs and facilities; and

BE IT FURTHER RESOLVED that the Board of Directors finds that the modifications of fares and charges are necessary to meet the operating expenses of the JPB; and

BE IT FURTHER RESOLVED that the Board of Directors finds that the proposed fare, fee and service changes will have no possible adverse impacts on the environment; and

BE IT FURTHER RESOLVED that the Board of Directors directs staff to make any required filings under CEQA with the relevant county officers to support the above-described actions.

Regularly passed and adopted this 2nd day of July, 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
Deputy CEO

SUBJECT: **PROPOSED CALTRAIN FISCAL YEAR 2010 OPERATING BUDGET**

ACTION

The Staff Coordinating Council recommends that the Joint Powers Board approve a Caltrain FY2010 Operating Budget of \$97,155,296.

CHANGES SINCE JUNE

At the June Board meeting, staff presented a preliminary operating budget that was balanced with \$2.7 million in proposed service adjustments and fare and revenue changes. Since then, staff has worked to incorporate those changes into the budget, and has been able to balance the budget with modest adjustments to service and revenue. The following line item adjustments have been made:

- Decrease Farebox Revenue by \$49,000 to reflect an increase in GO Pass revenue, offset by a decrease in fare revenue due to the reduction in midday service.
- Increase Parking Revenue by \$420,000 to reflect a 50 percent increase in parking rates.
- Increase Other Sources by \$134,000 due to changes in revenue and expense.
- Decrease Rail Operator Services costs by \$1.5 million to reflect the reduction in midday service.
- Decrease Fuel costs by \$736,000 to reflect a decrease in fuel usage due to the reduction in midday service.

~~As outlined in the Public Hearing for Consideration of Service Suspensions and/or Fare Changes for the FY2010 Budget staff report included in today's agenda, service suspensions and/or fare changes are currently under consideration.~~

~~The preliminary FY2010 operating budget assumes a net reduction of \$2.7 million due to the implementation of a combination of service and revenue adjustments currently under consideration. Based on the final outcome of the Public Hearing and the Board's action, staff may need to ask the Board to adjust the budget later in June.~~

SIGNIFICANCE

The FY2010 Caltrain Operating Budget proposal (Attachment “A”) shows an operating budget of ~~\$96.7~~ **\$97.2** million, a decrease of ~~\$1.2~~ **\$646,000** or ~~1.2~~ **0.7** percent, from the FY2009 revised budget.

Fiscal Year 2010 Revenue Projections

Total revenues for FY2010 are projected to be ~~96.7~~ **\$97.2 million**, which represents a small decrease **an increase of \$450,000** from the FY2009 revised budget (~~\$55,000~~). Revenues include the following significant components:

□ FY2010 Operating Revenue for Caltrain is projected to be ~~\$50.3~~ **\$50.6** million, an increase of ~~\$300,000~~ **\$639,000** or ~~0.5~~ **1.3** percent over the FY2009 revised budget. These figures include the fare increase implemented during FY2009. Compared to the originally adopted FY2009 budget, farebox revenue is increasing by \$2.1 million or 5.0 percent.

□ Total Contributed Revenue is projected to be ~~\$46.4~~ **\$46.5** million, a decrease of ~~\$323,000~~ **\$189,000** or ~~0.7~~ **0.4** percent primarily due to a decrease in Other Sources utilized in the previous year offset by additional grant funding.

- JPB Member Agency contributions do not include the customary 3 percent inflationary increase and are projected to remain flat due to the elimination of State Transit Assistance funds for each Member Agency. The total proposed contribution for each Member Agency is as follows:
 - San Mateo - \$16,521,289
 - Santa Clara - \$15,878,129
 - San Francisco - \$7,017,167
- Other Sources are decreasing by ~~\$2.4~~ **\$2.3** million. These funds are derived mainly from FY2009 fuel savings that were carried forward into FY2010.

Fiscal Year 2010 Expense Projections

Grand Total Expense for FY2010 is projected to be ~~\$96.7~~ **\$97.2** million, a decrease of ~~\$1.2~~ **\$646,000** million, or ~~1.2~~ **0.7** percent from the FY2009 revised budget. Expenses include the following significant components:

□ Operating Expenses for Caltrain are projected at ~~\$88.4~~ **\$86.2** million, ~~an increase of \$665,000~~ **a decrease of \$1.5 million**, or ~~0.8~~ **1.8** percent over the FY2009 revised budget. Included in that amount are the following items:

- Rail Operator Service is increasing by ~~\$3.1~~ **\$1.6** million due primarily to contractually required increase in Amtrak service costs.
- Fuel costs are projected to decrease by ~~\$2.2~~ **\$3.0** million in FY2010 to ~~\$14.6~~ **\$13.8** million. ~~At the direction of the Board at its May 7 meeting, 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 has reduced projections by \$2.5 million.~~ **Included in the FY2010 fuel budget are projected savings of \$2.5 million based on the proposed fuel hedging program.**

□ Administrative expenses are projected to increase by \$566,000 or 6.1 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 conducted by the District that identified staff members who had not been charging their time appropriately to the JPB.

Changes from the staff report distributed on June 4th are presented in bold, blue font.

Prepared by: Éva Goode, Acting Manager, Budgets

650.508.7755

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

	FY2008 ACTUAL	FY2009 ADOPTED	FY2009 REVISED	FY2010 PROPOSED	INC(DEC) FY09 REVISED to FY10PROPOSED	% INC(DEC) FY09 REVISED to FY10 PROPOSED		
	A	B	C	D	E = D-C	F = E/C		
REVENUE								
OPERATIONS:								
1	Farebox Revenue	40,129,943	41,669,414	44,369,414	43,762,048	(607,366)	-1.4%	1
2	Parking Revenue	2,167,514	2,128,054	2,128,054	2,598,890	470,836	22.1%	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	50,634,332	638,888	1.3%	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	2,316,867	2,105,867	998.0%	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	3,787,512	(2,260,111)	-37.4%	12
13	TOTAL CONTRIBUTED REVENUE	41,149,652	46,709,563	46,709,563	46,520,964	(188,599)	-0.4%	13
14								14
15	GRAND TOTAL REVENUE	88,628,685	95,357,127	96,705,007	97,155,296	450,289	0.5%	15
16								16
EXPENSE								
OPERATING EXPENSE:								
20	Rail Operator Service	49,668,730	55,183,000	55,183,000	56,822,333	1,639,333	3.0%	20
21	Security Services	2,834,873	3,148,434	3,198,434	3,453,552	255,118	8.0%	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	60,425,885	1,874,451	3.2%	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	13,839,649	(2,962,952)	-17.6%	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	1,595,296	(118,454)	-6.9%	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	86,190,480	(1,548,766)	-1.8%	31
32								32
ADMINISTRATIVE EXPENSE								
34	Wages & Benefits	5,707,038	5,966,333	5,966,333	6,318,279	351,946	5.9%	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	1,976,628	249,778	14.5%	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	1,289,734	14,390	1.1%	38
39	TOTAL ADMINISTRATIVE EXPENSE	8,630,125	9,295,827	9,295,827	9,861,941	566,114	6.1%	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	97,155,296	(646,372)	-0.7%	43
44								44
45	REVENUE OVER/UNDER	797,049	0	-1,096,662	0			45

RESOLUTION NO. 2009 -

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

* * *

ADOPTION OF FISCAL YEAR 2010 OPERATING BUDGET IN THE AMOUNT OF \$97,155,296

WHEREAS, the Joint Powers Agreement requires approval of an operating budget each year; and

WHEREAS, the adoption of an operating budget is necessary for obtaining both Federal and State funds to support the Peninsula Commute Service operation; and

WHEREAS, the Executive Director has prepared and presented an operating budget for Fiscal Year 2010 in the amount of \$97,155,296 which sets forth the projected revenues and expenses associated with the Peninsula Commute Service; and

WHEREAS, following review and deliberation, the Staff Coordinating Council has recommended adoption of the operating budget as presented by the Executive Director.

NOW THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board (JPB) approves the Fiscal Year 2010 (FY2010) Operating Budget for the JPB in the amount of \$97,155,296, and approves member agency apportionments for FY2010 that keep members' operating contribution level at the same level as Fiscal Year 2009; and

BE IT FURTHER RESOLVED that the Executive Director is requested to forward a copy of the FY2010 budget to member agencies of the JPB for approval at the earliest practicable date.

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

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

Board Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Virginia Harrington
Deputy CEO

SUBJECT: **APPROVE BID DOCUMENTS AND AUTHORIZE EXECUTIVE
DIRECTOR TO EXECUTE A CONTRACT FOR FUEL HEDGING
PROGRAM**

ACTION

Staff Coordinating Council recommends that the Board:

1. Approve the substantially final documents on file to be distributed to potential bidders for a diesel fuel price cap in connection with the Peninsula Corridor Joint Powers Board's (JPB) fuel hedging program; and
2. Authorize the Executive Director or the Deputy CEO to execute the International Swaps and Derivatives Association, Inc. (ISDA) Master Agreement, the ISDA Schedule to the Agreement, the Credit Support Annex and related diesel fuel cap documents with the winning bidder.

SIGNIFICANCE

On May 7, 2009, the Board authorized staff to initiate the process of establishing a fuel hedging program using a diesel fuel price cap. Based on the analysis of the JPB's financial advisors, this approach was considered to be the most conservative among the viable fuel hedging alternatives. The approach is similar to the purchase of insurance.

Staff has worked together with the JPB's financial advisors to develop a bid package for financial institutions interested in bidding on a diesel fuel price cap. Included in that package are the ISDA Master Agreement (Agreement), ISDA Schedule to the Master Agreement (Schedule) and Credit Support Annex (CSA). The documents have been reviewed by and are considered acceptable to Orrick, Herrington & Sutcliffe, LLP, special counsel to the JPB. The documents require Board approval prior to the bidding process and execution by the Executive Director or Deputy CEO. In addition to the documents listed above, a Confirmation setting forth the pricing terms will be drafted and executed.

The Agreement provides the terms and conditions governing the JPB's relationship with the winning bidder. The Agreement is a form document created by International Swaps and Derivatives Association, Inc., and applies to numerous types of hedging transactions, including fuel caps, interest rate swaps and currency transactions. The Agreement standardizes the relationship between contracting parties and provides for a predictable course of dealing. The Agreement contains provisions relating to the obligations of each party, representations, events of default and termination, early termination and other matters. The Schedule modifies the Agreement to conform to the terms of the JPB's transaction. In particular, the Schedule makes clear that the diesel fuel price cap is to be viewed as a stand-alone transaction.

The CSA accompanies the Master Agreement and Schedule. The CSA provides protection to the JPB in the event that the rating of the winning bidder falls to or below A3/A-/A- by Moody's, Standard and Poor's or Fitch, as the case may be. In the event of such downgrade and diesel fuel prices rise above the cap price, then the winning bidder (hereinafter sometimes referred to as the "counterparty") must post collateral to secure its performance under the diesel fuel price cap. As a condition for bidding, however, the financial institution must be rated in the "Aa" or "AA" category by at least one national rating agency.

Based on preliminary discussions with eligible bidders by the JPB's financial advisors, two firms, Deutsche Bank and Barclays Capital, have expressed their intention to bid using the proposed set of documents. Other eligible bidders declined to participate in the bid as they did not wish to enter into the proposed form of documents and risk the need to post collateral in the event of a downgrade.

The bid is expected to occur during the week of July 13, 2009, with settlement occurring later in the week. If staff is uncomfortable with the results of the bid, including the cap price and the required premium, the JPB will elect not to proceed with a fuel hedging program at this time.

The primary goal for the proposed fuel hedging program is to reduce volatility and uncertainty in the fuel budget for Fiscal Year 2010. Staff has proposed that the JPB hedge 2.2 million gallons, which represents 50 percent of its expected annual fuel consumption. In order to maximize the hedging program's potential for economic efficiency, the JPB will partner with the San Mateo County Transit District, which will hedge 1.1 million gallons, which represents approximately 50 percent of its annual fuel consumption.

Staff expects to return to the Board at the next meeting with a report on the results of the bid. Staff also expects to return to the Board next year with results of the FY2010 fuel hedging program and a recommendation for FY2011.

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. Under the proposed fuel hedging program for FY2010, the JPB, in effect, will be able to purchase half of its fuel within a

not-to-exceed price, thus giving the JPB a measure of budget certainty and allowing for more effective utilization of budgetary resources. The maximum price for diesel fuel under the price cap, based on current market, will be significantly lower than the prices budgeted for in the previous year. As a result, staff believes the JPB will be able to reduce the FY2010 fuel budget by approximately \$2.5 million compared with the FY2009 revised budget. The revised FY2010 fuel budget will allow for the hedging program fees including \$25,000 for financial advisors, \$67,000 for legal counsel, \$10,000 in miscellaneous costs and approximately \$0.5 million for the cost of a price cap.

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

Staff has evaluated 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. 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 index used to price the JPB's actual costs may vary slightly from the index used to determine the fuel cap prices. Counterparty risk is managed in two ways. First, as a condition for bidding, specified in the request for bid form, the financial institution must be rated in the Aa or AA category by at least one national rating agency. Second, ongoing risk and exposure to the winning bidder is managed in the CSA which specifies that the financial institution must begin posting collateral to the benefit of the JPB for the value of the contract if that institution falls below A3 by Moody's or A- by S&P or Fitch. Finally, basis risk exists because the price the JPB pays for fuel is based on a different index than the one used to determine the fuel cap prices. The associated basis risk is low, however, because the two indices are closely correlated with an average price difference of 2.8 cents per gallon.

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

650.508.7914

RESOLUTION NO. 2009-

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

* * *

A RESOLUTION AUTHORIZING IMPLEMENTATION OF A FUEL HEDGING PROGRAM, AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO IMPLEMENT SUCH FUEL HEDGING PROGRAM, INCLUDING AN ISDA MASTER AGREEMENT, A SCHEDULE TO THE ISDA MASTER AGREEMENT, A CREDIT SUPPORT ANNEX AND A CONFIRMATION, AND AUTHORIZING THE TAKING OF ALL ACTION NECESSARY RELATING TO THE IMPLEMENTATION AND EXECUTION OF SAID FUEL HEDGING PROGRAM.

WHEREAS, pursuant to the Joint Exercise of Powers Agreement-Peninsula Corridor Project, made and entered into as of October 3, 1996, among the Santa Clara Valley Transportation Authority, formerly known as the Santa Clara County Transit District, the City and County of San Francisco and the San Mateo County Transit District, creating the Peninsula Corridor Joint Powers Board (the "JPB"), the JPB is authorized to operate the Caltrain commuter rail service (hereinafter referred to as "Caltrain") and to do all acts deemed necessary or convenient for the exercise of its power to operate Caltrain, including making and entering into contracts; and

WHEREAS, in connection with the operation of Caltrain, the JPB purchases and uses significant quantities of diesel fuel each year, which purchases over the past several years have totaled approximately four million gallons of diesel fuel each year; and

WHEREAS, staff, in conjunction with Public Financial Management Inc. (hereinafter referred to as the "JPB Financial Advisor"), has studied various options for reducing volatility in the price paid for diesel fuel and assisting in the process of budgeting for such costs; and

WHEREAS, staff recommends approval of a fuel hedging program (the "Hedging Program"), in the form of a diesel fuel price cap as an appropriate method of decreasing the

volatility in the price to be paid for diesel fuel and assisting in the process of budgeting for such costs; and

WHEREAS, implementation of the Hedging Program will involve soliciting bids from financial services firms interested in bidding on the diesel fuel price cap on substantially such terms as are set forth in the Request for Commodity Price Caps (the "Request"); and

WHEREAS, there has been prepared and made available to the JPB a proposed form of the Request; and

WHEREAS, implementation of the Hedging Program will also involve execution and delivery of a 1992 International Swaps and Derivatives Association, Inc. ("ISDA") Master Agreement (the "Master Agreement"), an ISDA Schedule to the Master Agreement (the "Schedule"), a 1994 ISDA Credit Support Annex (the "Credit Support Annex") and a Confirmation thereto (the "Confirmation," and, together with the Master Agreement, the Schedule and the Credit Support Annex, hereinafter collectively referred to as the "Hedging Documentation"), such Hedging Documentation to be entered into with a financial services firm (hereinafter referred to as a "Counterparty") to be selected by the Executive Director of the JPB (the "Executive Director") or the Deputy Chief Executive Officer of the JPB (the "Deputy Chief Executive Officer") with the advice of the JPB Financial Advisor; and

WHEREAS, there has been prepared and made available to the JPB proposed forms of the Master Agreement, the Schedule and the Credit Support Annex; and

WHEREAS, in order to mitigate risk in connection with implementation of the Hedging Program, the JPB proposes (i) to enter into the Hedging Documentation with a Counterparty which has a credit rating in at least the AA category from one nationally recognized rating

agency (i. e. Moody's, S&P or Fitch) and (ii) to limit the term of the diesel fuel price cap to one year; and

WHEREAS, it is now necessary for the governing body of the JPB to approve the Hedging Program, to approve the forms of the Request, the Master Agreement, the Schedule and the Credit Support Annex, to authorize the negotiation and execution and delivery of the Hedging Documentation and to authorize the taking of such other actions as shall be necessary to consummate the Hedging Program and to authorize the taking of various actions necessary in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE PENINSULA CORRIDOR JOINT POWERS BOARD as follows:

Section 1. **Findings.** The JPB hereby finds and determines that the foregoing recitals are true and correct. The JPB hereby further determines that it would be in the best interest of the JPB and in furtherance of the purposes of the JPB and the exercise of the powers of the JPB in connection with the operation of Caltrain to mitigate the risk of a rise in diesel fuel cost and to assist the JPB in its budgeting process by reducing the volatility and uncertainty in the effective cost to the JPB of diesel fuel by acquiring a diesel fuel price through the implementation of the Hedging Program and the execution and delivery of such documentation as is required to implement such Hedging Program, including, without limitation, the Hedging Documentation.

Section 2. **Approval of the Hedging Program.** Implementation of the Hedging Program on such terms as are acceptable to the Deputy Chief Executive Officer with the advice of the JPB Financial Advisor is hereby authorized and approved.

Section 3. **Approval of Hedging Documentation.** The proposed forms of Master Agreement, Schedule and Credit Support Annex presented to this meeting are hereby approved.

The Executive Director or the Deputy Chief Executive Officer, each acting alone (each, an "Authorized Officer") is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver a Master Agreement, Schedule and Credit Support Annex, in substantially the form presented to this meeting, with such changes therein as the Authorized Officer executing the same, with the advice of the JPB Financial Advisor, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Each Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver a Confirmation, such Confirmation to be in such form as shall be acceptable to the Authorized Officer executing the same, with the advice of the JPB Financial Advisor, such acceptability to be conclusively evidenced by the execution and delivery thereof.

Section 4. **Authorized Representative.** All approvals, consents, directions, notices, orders, requests and other actions permitted or required by the Hedging Documentation or by any of the other documents authorized by this Resolution may be given or taken by either Authorized Officer without further authorization or direction by the governing body of the JPB, and each Authorized Officer is hereby authorized and directed to give any such approval, consent, direction, notice, order or request and to take any such action which such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 5. **Ratification of Actions.** All actions heretofore taken by the officers and agents of the JPB with respect to the Hedging Program are hereby ratified, confirmed, and approved.

Section 6. **Completion of Hedging Program.** Each Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the JPB, to do any and all things

and to take any and all actions and to execute and deliver any and all agreements, certificates, documents and instruments and to do any and all things and take any and all actions which may be necessary or advisable to effectuate the actions which the governing body of the JPB has approved in this Resolution and to carry out, consummate and perform the duties of the JPB set forth in the Hedging Documentation and all other documents executed in connection with the Hedging Program.

Section 7. **Severability of Invalid Provisions.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution which shall continue in full force and effect.

Section 8. **Effective Date.** This Resolution shall take effect immediately upon its passage. Regularly passed and adopted this 2nd day of July, 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: Gigi Harrington
Deputy CEO

SUBJECT: ADOPTION OF THE FISCAL YEAR 2010 CALTRAIN CAPITAL BUDGET

ACTION

Staff Coordinating Council (SCC) recommends that the Board approve a Caltrain Capital Budget of \$82,336,042 for Fiscal Year 2010.

SIGNIFICANCE

As proposed, the FY2010 Caltrain Capital Budget (Attachment A) provides funding for ongoing infrastructure improvements consistent with the guidance set forth in the Caltrain Strategic Plan and the Short Range Transit Plan. Infrastructure projects include track, bridge, station, signal and communication system, and rolling stock rehabilitation that are necessary to maintain the railroad system in a state of good repair and to sustain reliability in the current train operations. Other requests include funding to comply with a legal mandate issued by the Federal Communications Commission that requires operators to reduce the bandwidth of licensed radio channels. Finally, the FY2010 budget includes funding to continue work on planning and engineering studies necessary to inform the regulatory approval process for the Caltrain 2025 effort and to coordinate with the California High-Speed Rail Authority (CHSRA) planning and design efforts.

The focus of the FY2010 Caltrain Capital Budget is to continue and complete safety, operational and accessibility improvements at selected Caltrain stations and along the right of way; to complete capital infrastructure and system improvements to provide reliability in train operations; and to focus on capital investments to maintain the current system and infrastructure in a state of good repair.

The Capital Budget is broken down into the following major categories:

- **Infrastructure and Equipment State of Good Repair.** Some of the highlights in this category include:

Stations and Intermodal Access – Provide the last increment of funding required for the safety and operational improvements at the San Jose Diridon station, including the

construction of two new platforms, reconstruction of tracks, and making signal improvements at the station to enhance operational reliability and flexibility in the vicinity of this station.

Right Of Way / Signals and Communications – Continue the design efforts for two railroad bridges in San Francisco County (Quint and Jerrold) and two in Santa Clara County (Los Gatos Creek and Guadalupe River); maintain the current infrastructure in a state of good repair by completing necessary track and structures rehabilitation; replace and upgrade signal and communication equipment; and begin procurement and installation for the now-obsolete train control and network traffic management system as the current vendor has gone out of business.

Rolling Stock – Provide funding to rehabilitate components of the current fleet of passenger cars and locomotives to ensure vehicles will operate reliably up to the end of their duty cycles.

- **Legal/Regulatory Mandates and Infrastructure and Safety Enhancements** – Provide funding to procure equipment to meet the Federal Communications Commission mandate to reduce the bandwidth of licensed radio channels, as well as funding to complete final design for the San Bruno Grade Separation project. Coordination efforts are continuing with CHSRA on the financing and alignment compatibility for this grade separation project.
- **Electrification and Caltrain 2015/ 2025 Program** – Continue project development and coordination efforts, as well as perform studies related to the implementation of Caltrain 2025 and CHSRA planning and design efforts.

Due to the delay in reaching agreement on the FY2010 Capital Budget this year, this item has not been previously presented to the Board for information at the June 2009 Board meeting. In the event that the FY2010 Capital Budget is not adopted by the Board at this meeting, and to avoid any interruption to several projects proposed in the FY2010 Capital Budget, an amendment to the FY2009 Capital Budget will be required. Presentation of this contingency action is included for Board consideration following the discussion of this item.

BUDGET IMPACT

The total proposed FY2010 Caltrain Capital Budget is \$82,336,042, which does not yet include a funding request for Electrification or for a number of the elements included in the Caltrain 2025 program. Funding needs for these projects will be determined by the ability of this region to leverage significant Federal high-speed rail funds made available through the American Recovery and Reinvestment Act (ARRA). Funding decisions from this Federal source will likely be known this fall.

Funding secured to finance the proposed FY2010 Capital Budget includes Federal, State, and other grant funding in the amount of \$82,336,042. Local match requirement to the Federal, State and other sources is \$16,602,060, and based on a one-third split per member the amount required from each partner is **\$5,534,020**. Additional amounts of \$5,000,000 (SamTrans) and \$50,000 (VTA) are required to fund county-specific station and access improvements.

FY 2010 Local Match Requirements

Member Agency	Local Match	Other	Total
City and County of San Francisco	\$5,534,020	\$0	\$5,534,020
SamTrans	\$5,534,020	\$5,000,000	\$10,534,020
Santa Clara (VTA)	\$5,534,020	\$50,000	\$5,584,020
Total	\$16,602,060	\$19,690,000	\$21,652,060

BACKGROUND

The Capital Budget is developed annually as part of the capital planning process. Budget line items are developed through priorities established in the Short Range Transit Plan and a parallel call for projects involving JPB operating and support departments, as well as the JPB partners. Capital project submittals are reviewed and prioritized by agency staff in consultation with staff from partner agencies to assure consistency with planning and policy objectives.

Prepared by: April Chan, Director of Capital Program Support

650.508.6228

RESOLUTION NO. 2009 –

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

*** * ***

**ADOPTION OF FISCAL YEAR 2010 CAPITAL BUDGET
IN THE AMOUNT OF \$82,336,042**

WHEREAS, the Joint Powers Agreement dated October 18, 1991, as amended, requires the Peninsula Corridor Joint Powers Board (JPB) to develop and approve a capital budget to complement the strategic planning process; and

WHEREAS, the Executive Director and the Staff Coordinating Council recommend that the Board adopt the Capital Budget for Fiscal Year 2010 in the amount of \$82,336,042, as more particularly set forth in Attachment A; and

WHEREAS, the local match funding requirement for the proposed Capital Budget is \$16,602,060 in Fiscal Year 2010, requiring a contribution of \$5,534,020 from each member agency to fully satisfy its local funding requirement; and

WHEREAS, additional amounts of \$5,000,000 from San Mateo, and \$50,000 from Santa Clara are required to fund area-specific station improvement projects; and

WHEREAS, San Francisco will provide \$5,534,020 of its Fiscal Year 2010 local match from a combination of Proposition K funds and other local funds through the San Francisco County Transportation Authority and the San Francisco Municipal Transportation Agency; and

WHEREAS, San Mateo will provide \$10,534,020 of its Fiscal Year 2010 local match and area-specific contribution through the San Mateo County Transportation Authority; and

WHEREAS, Santa Clara will provide \$5,584,020 of its Fiscal Year 2010 local match and area-specific contribution through the Santa Clara Valley Transportation Authority (VTA).

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board adopts the Fiscal Year 2010 Capital Budget in the amount of \$82,336,042, as set forth in

Attachment A, with the understanding that as to the local match funding requirement, the three member agencies will each contribute \$5,534,020; and

BE IT FURTHER RESOLVED that to fund the local match and area-specific funding requirements, San Mateo will contribute \$5,000,000, and Santa Clara will contribute \$50,000 in the manner recited above; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to take such additional actions as may be necessary to give effect to this resolution.

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

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

PROJECT TITLE/DESCRIPTION	FY2010 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	FY2010 CAPITAL BUDGET REQUEST	FUTURE BUDGET REQUEST
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Proposed Funding Plan								FY2010 TOTAL
Federal		State		Other		JPB		
Amount	Source	Amount	Source	Amount	Source	Amount	Source	

I. State of Good Repair

I.1	Stations	South Terminal Station Improvements	Constr	52,000,000	47,775,000	4,225,000	-	-					4,225,000	Members	4,225,000	
I.2	Stations	Systemwide Station Improvements - SOGR	Prel Eng / Constr	9,430,000	3,593,000	500,000	5,337,000						500,000	Members	500,000	
I.3	Stations	Advanced Traveler Information System (ATIS)	Constr	5,300,000	1,555,588	500,000	3,244,412	400,000	ADA				100,000	Members	500,000	
I.4																
I.5	ROW/Signals	FY10 System Track Rehab	Constr	8,625,000	-	8,625,000	-	8,000,000	ARRA/TR			625,000	AB 664	0	8,625,000	
I.6	ROW/Signals	Operation Control Center Replacement	Award/ Env / Prelim Eng / Final design / Bid	12,700,000	2,200,000	5,500,000	5,000,000	4,980,000	Signals			260,000	TBD	260,000	Members	5,500,000
I.7	ROW/Signals	Quint St. and Jerrold Bridges Replacement	Final & Award	45,500,000	5,900,000	33,550,000	6,050,000	16,000,000	TR		16,950,000	Prop 1B; PUC190	600,000	Members	33,550,000	
I.8	ROW/Signals	Los Gatos Creek Bridge Replacement & Guadalupe Environment	Design	28,800,000	3,931,098	400,000	24,468,902						400,000	Members	400,000	
I.9	ROW/Signals	Signal System Rehab	Constr	12,000,000	700,000	4,500,000	6,800,000	4,500,000							4,500,000	
I.10																
I.11	Rolling Stock	F40 Locomotive Overhaul	Procure	8,760,600	-	1,923,300	6,837,300	892,086	FTA Formula (Note 2)				1,031,214	Members	1,923,300	
I.12	Rolling Stock	Gallery Car State of Good Repair Program		12,600,000	-	2,009,892	10,590,108	1,607,914	FTA Formula (Note 3)				401,978	Members	2,009,892	
I.13	Rolling Stock	Overhaul/Replacement F40 SEP-HEP Units (Note 4)	Procure	2,758,000	-	1,838,667	919,333						1,838,667	Members	1,838,667	
I.14	Rolling Stock	MP36 Radiators	Procure	231,000	-	231,000	-						231,000	Members	231,000	
I.15	Rolling Stock	Repair Gallery Car Bolster	Procure	567,598	-	310,000	257,598						310,000	Members	310,000	
I.16	Rolling Stock	Traction Motors & New Wheel Sets for 1 ea. F40 Locomotive	Procure	110,000	-	110,000	-						110,000	Members	110,000	
						64,222,859		36,380,000		16,950,000		885,000		10,007,859	64,222,859	

II. Legal Mandates and Required Infrastructure Enhancements

II.1		Narrow Banding Project	Procure Final Des /	2,124,000	864,000	700,000	560,000						700,000	Members	700,000
II.2		Caltrain Safety Fencing Program	Constr	4,393,019	3,594,759	798,260	-			798,260	Prop 1B				798,260
II.3		Signal Optimization	Constr	6,100,000	5,500,000	600,000	-	480,000	FTA Grant Savings			120,000	Other Local		600,000
II.4		2nd ATCS	Constr	4,500,000	3,675,000	825,000	-	660,000	FTA Grant Savings			165,000	Other Local		825,000
II.5		Caltrain Station Safety & Security	Final Des / Constr	448,923	-	448,923	-	338,746	Federal DH		110,177	Prop 1B			448,923
II.6		San Bruno Grade Separation	FD / Bid & Award	275,000,000	22,000,000	5,000,000	270,000,000					5,000,000	SMCTA		5,000,000
						8,372,183		1,478,746		908,437		5,285,000		700,000	8,372,183

PROJECT TITLE/DESCRIPTION	FY2010 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	FY2010 CAPITAL BUDGET REQUEST	FUTURE BUDGET REQUEST
III. Electrification and Caltrain 2015/2025					
III.1	Electrification	785,000,000	30,975,000	TBD	TBD
III.2	Caltrain 2025 - Program Management & Implementation		4,178,600	6,680,000	TBD
III.3	Caltrain 2025 CBOSS/PTC	231,000,000	1,625,000	TBD	TBD
III.4	North Terminal - 2025	98,000,000	1,500,000	TBD	TBD
III.5	Caltrain 2025 Control Center		-	TBD	TBD
III.6	Caltrain 2025 field Device Connectivity FOB		110,000	TBD	TBD
III.7	Caltrain Service Reliability Plan	200,000	-	200,000	TBD
III.8	Caltrain Rolling Stock Procurement Plan and Specification		2,041,000	571,000	TBD

7,451,000

IV. Caltrain Support Program and Capital Contingency

IV.1	Capital Program Management			500,000	
IV.2	Capital Project Development			750,000	
IV.3	Capital Contingency - Engineering			330,000	
IV.4	Capital Contingency - Rail Services			660,000	
IV.5	Capital Contingency - Gilroy			50,000	

2,290,000

Total Budget Request 82,336,042

Proposed Funding Plan								FY2010 TOTAL
Federal		State		Other		JPB		
Amount	Source	Amount	Source	Amount	Source	Amount	Source	
								TBD
		3,340,000	CHSRA			3,340,000	Members	6,680,000
								TBD
								TBD
								TBD
								TBD
						200,000	Members	200,000
456,800	FTA Formula - Rolling Stock Reserve					114,200	Members	571,000
						3,654,200		7,451,000

						500,000	Members	500,000
						750,000	Members	750,000
						330,000	Members	330,000
						660,000	Members	660,000
				50,000	VTA			50,000
						2,240,000		2,290,000

FY 2010 Total JPB Member Requirement 16,602,059

FY 2010 Per Member Requirement (1/3 Share of \$16,602,059) 5,534,020

NOTES:

- (1) FY2010 matching funds requested for L.7 and L.8 are for Federal funds budgeted in FY2009; matching funds required for L.9 will be requested in FY2011.
- (2) 20% match requirement to \$892,086 equals \$223,022.
- (3) 20% match requirement to \$1,607,914 equals \$401,979.
- (4) Total cost of the overhaul/replacement of F40 SEP-HEP units is \$2,758,000. Project will be spread over a 18-24 month period to complete in order to accommodate cash flow availability.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZATION TO AMEND AND INCREASE THE FISCAL YEAR
2009 CALTRAIN CAPITAL BUDGET**

ACTION

Staff Coordinating Council (SCC) recommends the Board increase the Fiscal Year 2009 Capital Budget in the total amount of \$3,500,000 with an additional \$2,000,000 for the Caltrain System-wide Track Rehabilitation Program, and an additional \$1,500,000 for the Caltrain 2025 Program Management and Implementation in the event the adoption of the FY2010 Capital Budget is delayed until this Fall. The above two changes would increase the authorized FY2009 Capital Budget from \$151,504,629 to \$155,004,629.

SIGNIFICANCE

The FY2009 Caltrain Capital Budget is proposed to be amended as follows:

1. The Caltrain System-wide Track Rehabilitation Program covers the work required to keep the Caltrain railroad right-of-way in a state of good repair. Capital and rehabilitation work is on-going and is contracted to be done by Amtrak forces; any delay in the adoption of the FY2010 Capital Budget would impact the delivery of this work. Amendment to the FY2009 Capital Budget will ensure there is no interruption.
2. Caltrain 2025 Program Management and Implementation covers planning and engineering studies that need to be completed to help inform the regulatory approval process for the Caltrain 2025 effort. In addition, coordination efforts with the California High-Speed Rail Authority (CHSRA) need to be continued in order to formulate the partnership required to secure Federal and State funding for a number of projects included in Caltrain 2025, including among others, Electrification and Positive Train Control. To avoid any interruption of this effort, amendment to the FY2009 Capital Budget work is required in the event there is delay in the adoption of the FY2010 Capital Budget.

BUDGET IMPACT

The \$2,000,000 for Caltrain System-wide Track Rehabilitation Program will be fully funded by Federal American Recovery and Reinvestment Act funds, while the \$1,500,000 for the Caltrain 2025 Program Management and Implementation will be funded by JPB Partners. The above change would increase the authorized FY2009 Capital Budget from \$151,504,629 to \$155,004,629, or an increase of \$3,500,000.

BACKGROUND

The Joint Powers Board approved the FY2009 Capital Budget on August 7, 2008 under Resolution No. 2008-36 and subsequently amended it on November 6, 2008 and March 5, 2009 under Resolution Nos. 2008-46 and 2009-12 respectively. The amended Capital Budget provides an authorized total in the amount of \$155,004,629. The JPB annually adopts a Capital Budget to accompany the Operating Budget. The purpose of the Capital Budget is to implement a balanced program of projects that gives the JPB the ability to meet its goals and objectives as set forth in the 10-year Short Range Transit Plan and the related Rapid Rail Plan.

Prepared by: April Chan, Director, Capital Program Support

650.508.6228

RESOLUTION NO. 2009 –

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

*** * ***

**AUTHORIZING AMENDMENT TO THE FISCAL YEAR 2009 CAPITAL BUDGET
IN THE AMOUNT OF \$3,500,000 FOR A TOTAL BUDGET OF \$155,004,629**

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

WHEREAS, pursuant to Resolution Nos. 2008-46 and 2009-12, adopted November 6, 2008, and March 5, 2009 respectively, the JPB amended the Fiscal Year 2009 Capital Budget for a total authorized budget of \$151,504,629; and

WHEREAS, the Caltrain System-wide Track Rehabilitation Program is currently approved in the Fiscal Year 2009 Capital Budget in the amount of \$6,500,000 and is proposed to increase by \$2,000,000 to allow this work to continue uninterrupted to ensure the railroad right-of-way is maintained in a state of good repair with the understanding that the full funding for this project will come from Federal American Recovery and Reinvestment Act funds; and

WHEREAS, the Caltrain 2025 Program Management and Implementation project is currently approved in the Fiscal Year 2009 Capital Budget in the amount of \$4,500,000 and is proposed to increase by \$1,500,000 in order to ensure planning and engineering studies can be completed to inform the regulatory process and coordination efforts can continue with the California High Speed Rail Authority (CHSRA) with the understanding that funding for this project will come from JPB Member Agencies; and

WHEREAS, the Board has not approved the proposed Fiscal Year 2010 Capital Budget;
and

WHEREAS, in order to avoid disruption to the two above-noted ongoing and critical projects, additional funding for these projects is necessary; and

WHEREAS, pending the adoption of the Fiscal Year 2010 Capital Budget, the Executive Director and the Staff Coordinating Council recommend that the Board approve the amendments to the Fiscal Year 2009 Capital Budget in the amount of \$3,500,000, as described above and more particularly detailed in Attachment A; and

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board approves an amendment to the Fiscal Year 2009 Capital Budget to increase the budget for the Caltrain System-wide Track Rehabilitation Program by \$2,000,000 and to increase the budget for the Caltrain 2025 Program Management and Implementation project by \$1,500,000 for a total authorized capital budget increase for Fiscal Year 2009 of \$3,500,000, from \$151,504,629 to \$155,004,629, as set forth in Attachment A; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to take such additional actions as may be necessary to give effect to this resolution.

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

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

Caltrain FY 2009 Capital Budget														
(Amendment No. 3: July 2, 2009)														
PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS	FY2010	FY2011
I. Stations & Intermodal Access														
1. South San Francisco Caltrain Station Improvement Project	Final Design/Construction	\$ 51,000,000	\$ 10,315,327	\$ 25,789,000	\$ 6,586,000	FTA Swap	\$ 19,203,000	STIP	\$ -		\$ -	\$ 14,895,673	\$ -	\$ -
2. Santa Clara Station - New Center Platform and Underpass and SB Platform Extension (Note 1)	Final Design/Construction	\$ 26,000,000	\$ 11,741,300	\$ 14,258,700	\$ -		\$ -		\$ 14,258,700	ACE, VTA	\$ -	\$ -	\$ -	\$ -
3. South Terminal Station (Note 1)	Final Design/Construction	\$ 52,000,000	\$ 14,000,000	\$ 33,775,000	\$ 5,100,000	Signal, Track	\$ 27,400,000	ITIP, Prop 1B	\$ 795,000	AB664	\$ 480,000	\$ 4,225,000	\$ 4,225,000	\$ -
4. Caltrain Systemwide Station Improvements: State of Good Repair Program	Preliminary Eng / Final Design / Construction	\$ 9,400,000	\$ 2,593,000	\$ 1,000,000	\$ -		\$ -		\$ -		\$ 1,000,000	\$ 5,807,000	\$ 1,000,000	\$ -
5. Provision of mini-high platforms at selected Caltrain Stations (Note 3)	Preliminary Eng / Final Design /	\$ 825,000	\$ -	\$ 660,000	\$ 660,000	ADA	\$ -		\$ -		\$ -	\$ -	\$ -	\$ -
I. Stations & Intermodal Access				\$ 75,482,700	\$ 12,346,000		\$ 46,603,000		\$ 15,053,700		\$ 1,480,000	\$ 24,927,673		
II. Right of Way / Signal & Communications														
1. FY 2009 Systemwide Track Rehabilitation Program	Construction	\$ 8,500,000	\$ 3,250,000	\$ 5,250,000	\$ 4,600,000	TR, ARRA	\$ -		\$ -		\$ 650,000	\$ -		
2. Quint and Jerrold Bridge	Final Design	\$ 42,000,000	\$ 900,000	\$ 2,400,000	\$ 2,400,000	TR	\$ -		\$ -		Note 2	TBD	\$ 600,000	
3. San Mateo Bridge Replacement Environmental Document, Preliminary Engineering and Final	Final Design/Construction	\$ 46,521,058	\$ 12,268,417	\$ 32,600,000	\$ 3,000,000	TR	\$ 29,600,000	TCRP, PUC 190, LSSRP & Match, Prop 1B	\$ -		Note 2	\$ 1,652,641		
4. Los Gatos and Guadalupe Bridges Env. Documents and Los Gatos Bridge Final Design	Final Design	\$ 26,000,000	\$ 2,331,098	\$ 1,600,000	\$ 1,600,000	TR	\$ -		\$ -		Note 2	TBD	\$ 400,000	
5. Wide Spectrum (Data) Radio ATCS Second Channel Implementation	Final Design/Construction	\$ 3,675,000	\$ 1,600,000	\$ 2,075,000	\$ 1,660,000	Rapid Rail	\$ -		\$ -		\$ 415,000	\$ -		
6. Railroad Signal System Rehab	Preliminary Eng	\$ 12,000,000	\$ -	\$ 700,000	\$ 560,000	Signal	\$ -		\$ -		\$ 140,000	\$ 11,300,000		
7. Narrow Banding Project - Develop Project Strategy Plan & Master Voice Radio Plan	Preliminary Eng / Final Design / Procurement	\$ 1,287,000	\$ -	\$ 1,287,000	\$ 440,000	Rapid Rail	\$ 847,000	STA	\$ -			\$ -		
8. Replacement of Caltrain Operations Control Center (OCC) System (Train Control/Network Traffic Management System)	Planning/Design	\$ 12,500,000	\$ 450,000	\$ 1,750,000	\$ 1,400,000	FTA Comm	\$ -		\$ 350,000	Others/TBD	\$ -	\$ 10,300,000		
9. Caltrain Visual Messaging System - Update	Preliminary Eng / Final Design /	\$ 180,000	\$ -	\$ 180,000	\$ 144,000	ADA	\$ -		\$ -		\$ 36,000	\$ -		
10. San Mateo Grade Crossing Safety Improvement	Final Design/Construction	\$ 17,200,000	\$ 5,560,000	\$ 11,640,000			\$ 2,000,000	PUC 130	\$ 9,640,000	SMCTA		\$ -		
11. Maintenance of Caltrain Engineering Standards	Update of Standards	\$ 2,985,000	\$ 2,550,000	\$ 435,000			\$ -		\$ -		\$ 435,000	\$ -		
12. Aerial Mapping Update	Update of Aerial Mapping	\$ 1,125,000	\$ 1,000,000	\$ 125,000	\$ -		\$ 125,000	STA	\$ -		\$ -	\$ -		
13. Closure of Stockton Avenue in San Jose (Note 4)	Construction	\$ 703,723	\$ 373,994	\$ 329,729			\$ 329,729	PUC 130			-	\$ -		
II. Right of Way / Signal & Communications				\$ 60,371,729	\$ 15,804,000		\$ 32,901,729		\$ 9,990,000		\$ 1,676,000	\$ 23,252,641		

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

(Amendment No. 3: July 2, 2009)														
PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS	FY2010	FY2011
III. Rolling Stock														
1. Rolling Stock/Vehicles	Planning, Specs & RFP Dev't		\$ 441,000	\$ 1,600,000	\$ -		\$ 1,600,000	STA	\$ -		\$ -	TBD		
III. Rolling Stock				\$ 1,600,000	\$ -		\$ 1,600,000		\$ -		\$ -	\$ -		
IV. Operational Facilities & Equipment														
1. Rolling Stock Equipment, including but not limited to, engine power assemblies; speedometer upgrades; wheelchair lifts, battery sets, HVAC thermostat; signage	Procurement	\$ 2,450,900	\$ -	\$ 2,450,900							\$ 2,450,900			
2. Parking Machine Replacement Program - San Mateo, Sunnyvale and San Antonio Stns	Procurement	\$ 380,800	\$ -	\$ 380,800							\$ 380,800	\$ -		
3. PCI Compliance & Network Security Improvements	Procurement	\$ 270,000	\$ 50,000	\$ 220,000							\$ 220,000	\$ -		
4. Bike Racks on Trains	Procurement	\$ 200,000	\$ -	\$ 200,000	\$ 200,000	Federal ARRA			\$ -		\$ -			
IV. Operational Facilities & Equipment				\$ 3,251,700	\$ 200,000		\$ -		\$ -		\$ 3,051,700	\$ -		
V. Electrification														
1. Electrification Program	Final Design	\$ 98,860,000	\$ 30,975,000	TBD					TBD			TBD		
V. Electrification				\$ -					\$ -					
VI. Caltrain 2025														
1. Caltrain 2025 Implementation Program: including engineering studies, financing strategies, support work needed for FRA and other regulatory agency approvals.				\$ 6,000,000			\$ 1,000,000	STA			\$ 5,000,000	TBD		
VI. Caltrain 2025				\$ 6,000,000	\$ -		\$ 1,000,000				\$ 5,000,000	TBD		
VII. Safety/Security Program														
1. Caltrain ROW Safety and Security Program, including but not limited to ROW Fencing				\$ 2,138,500			\$ 2,138,500	DHS/Prop 1B						
VII. Safety/Security Program				\$ 2,138,500	\$ -		\$ 2,138,500		\$ -		\$ -	\$ -		

FISCAL YEAR 2009 CALTRAIN CAPITAL BUDGET

(Amendment No. 3: July 2, 2009)														
PROJECT TITLE/DESCRIPTION	FY 09 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	Proposed FY09 Capital Budget	Federal	Type	State	Type	Other	Type	Members	FUTURE NEEDS	FY2010	FY2011
VIII. Others														
1. Capital Program Development/Management		\$ 650,000		\$ 650,000			\$ 650,000	STA					\$ 650,000	\$ 650,000
2. Capital Project Development		\$ 1,500,000		\$ 1,500,000			\$ 1,500,000	STA						
3. Capital Contingency-Engineering		\$ 300,000		\$ 300,000							\$ 300,000		\$ 300,000	\$ 300,000
4. Capital Contingency-Rail		\$ 660,000		\$ 660,000							\$ 660,000		\$ 660,000	\$ 660,000
5. Capital Contingency-Gilroy		\$ 50,000		\$ 50,000					\$ 50,000	VTA				
6. Third Party Re-collectible Program - Providing staff & engineering support for third party projects		\$ 3,000,000		\$ 3,000,000					\$ 3,000,000	3rd Party Payments				
VIII. Others		\$ 6,160,000		\$ 6,160,000	\$ -		\$ 2,150,000		\$ 3,050,000		\$ 960,000	\$ -		
				\$ 155,004,629	\$ 28,350,000		\$ 86,393,229		\$ 28,093,700		\$ 12,167,700			
Notes:														
(1) VTA funding support for the Santa Clara Station and South Terminal Improvement projects is subject to VTA Board of Directors approval at its regularly scheduled <i>October</i> meeting.														
(2) Matching funds required for these projects will be requested from the JPB Members as part of the FY2010 Capital Budget development process.														
(3) Matching funds in the amount of \$165,000 will be provided from the Capital Contingency Rail funds included in section VIII, line item 4														
(4) Project is funded 100% by Caltrans' Section 130 Grade Crossing Improvement Program.														

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>AB 116 Beall (D)</p> <p>Transportation authorities and districts: contracts.</p>	<p>SENATE APPR. 06/10/2009-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 10. Noes 1.) (June 9).</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>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>AB 153 Ma (D)</p> <p>High-Speed Rail Authority.</p>	<p>SENATE T. & H. 05/21/2009-Referred to Coms. on T. & H. and JUD.</p>	<p>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.</p>	
<p>AB 231 Huffman (D)</p> <p>California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.</p>	<p>SENATE RLS. 06/03/2009-In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>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.</p> <p>Last Amended on 04/29/2009</p>	
<p>AB 266 Carter (D)</p> <p>Transportation needs assessment.</p>	<p>SENATE RLS. 06/11/2009-Referred to Com. on RLS.</p>	<p>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.</p> <p>Last Amended on 04/20/2009</p>	
<p>AB 277 Ammiano (D)</p> <p>Transportation: local retail transaction and use taxes: Bay Area.</p>	<p>SENATE SECOND READING 06/17/2009-From committee: Do pass. (Ayes 6. Noes 4.) (June 16).</p>	<p>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</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
		specifying the membership of the authority in the retail transactions and use tax ordinance. Last Amended on 05/11/2009	
<u>AB 282</u> Committee on Transportation Transportation.	SENATE T. & H. 06/08/2009-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H.	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. Last Amended on 06/08/2009	
<u>AB 289</u> <u>Galgiani (D)</u> California Environmental Quality Act: exemptions.	SENATE E.Q. 06/04/2009-Referred to Com. on EQ.	Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project 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, unless the project is exempt from the act. This bill would specifically provide that this exemption includes grade separation projects that are a component of the California high-speed rail system. This bill contains other existing laws. Last Amended on 04/14/2009	
<u>AB 338</u> <u>Ma (D)</u> Transit village developments: infrastructure financing.	SENATE L. GOV. 06/11/2009-Referred to Com. on L. GOV.	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. Last Amended on 05/11/2009	Support

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
AB 619 Blumenfield (D) Transportation projects: federal funds: delays.	SENATE T. & H. 05/21/2009-Referred to Com. on T. & H.	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.	SENATE RLS. 06/04/2009-In Senate. Read first time. To Com. on RLS. for assignment.	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 or project component for which bond funding has been programmed or otherwise approved by the administrative agency or is otherwise targeted to be available, as specified , to apply to the administrative agency for a letter of no prejudice that would make the regional or local agency eligible to be subsequently reimbursed from bond funds for expenditures of funds under its control for the project or project component under certain conditions, as specified. This bill contains other related provisions and other existing laws. Last Amended on 06/02/2009	
AB 726 Nielsen (R) Transportation capital improvement projects.	SENATE T. & H. 06/16/2009-In committee: Set, first hearing. Hearing canceled at the request of author.	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.	
AB 729 Evans (D) Public contracts: transit design-build contracts.	SENATE T. & H. 05/21/2009-Referred to Com. on T. & H.	Extends the sunset date for transit operators to enter into design-build contracts to January 1, 2015. Last Amended on 04/22/2009	Support

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
AB 732 Jeffries (R) Transportation projects: design-sequencing contracts.	SENATE APPR. 06/16/2009-Read second time, amended, and re-referred to Com. on APPR.	Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct phase 2 of a pilot project through the utilization of design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, which are selected by the Director of Transportation taking into consideration specified geographical considerations. This bill would extend the operative date of those provisions until July 1, 2010, thereby extending the authority of the department to conduct phase 2 of the pilot project. The bill would instead specify that the pilot project consist of not more than 9 transportation projects. Last Amended on 06/16/2009	
AB 733 Galgiani (D) High-Speed Rail Authority.	SENATE T. & H. 05/21/2009-Referred to Com. on T. & H.	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.	
AB 798 Nava (D) California Transportation Financing Authority: toll facilities.	SENATE RLS. 06/03/2009-In Senate. Read first time. To Com. on RLS. for assignment.	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.	
AB 810 Caballero (D) Circulation and transportation element.	SENATE L. GOV. 06/04/2009-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

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1072 Eng (D)</p> <p>Public Transportation Modernization, Improvement, and Service Enhancement Account.</p>	<p>SENATE T. & H. 06/11/2009-Referred to Com. on T. & H.</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 authorize a project sponsor to use an allocation in a subsequent fiscal year in order to complete projects that were approved in a previous fiscal year. The bill would authorize a project sponsor, in a particular fiscal year, to loan its allocation to another project sponsor with an identified eligible project under terms and conditions approved by the department. 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>Last Amended on 05/05/2009</p>	
<p>AB 1158 Hayashi (D)</p> <p>Transit village plan.</p>	<p>SENATE L. GOV. 06/15/2009-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law authorizes a city or county to create a transit village plan for a transit village development district. 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>SENATE T. & H. 06/11/2009-Referred to Com. on T. & H.</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

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>AB 1364 Evans (D)</p> <p>Public contracts: state bonds: grant agreements.</p>	<p>SENATE G.O. 06/11/2009-Referred to Com. on G.O.</p>	<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 grant agreement for the expenditure of state bond funds where the state agency or grant recipient has or may be unable to comply with the terms of that agreement because of the suspension of programs by the Pooled Money Investment Board as described in California Department of Finance Budget Letter 08-33 shall , with the consent of the grant recipient, have the authority to either renegotiate the deadlines and timetables for and deliverables within the grant agreement that may not be met because of that suspension in order to preserve the validity of the agreement or to invalidate the grant agreement . This bill contains other related provisions.</p> <p>Last Amended on 04/29/2009</p>	
<p>AB 1404 De Leon (D)</p> <p>California Global Warming Solutions Act of 2006: offsets.</p>	<p>SENATE RLS. 06/04/2009-In Senate. Read first time. To Com. on RLS. for assignment.</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 party's reported emissions in a compliance period. The bill would require the state board to impose a fee pursuant to the fee authority described above for deposit into the fund to pay for expenses related to state board administration of the compliance offset program, upon appropriation by the Legislature.</p> <p>Last Amended on 06/01/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

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>SENATE RLS. 06/04/2009-In Senate. Read first time. To Com. on RLS. for assignment.</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 a minimum of 30% 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, 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 a methodology 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 biennial plans for the use of funds.</p> <p>Last Amended on 06/01/2009</p>	
<p>ACA 9 Huffman (D)</p> <p>Local government bonds: special taxes: voter approval.</p>	<p>ASSEMBLY REV. & TAX 06/16/2009-In committee: Hearing postponed by committee. (Refers to 6/15/2009 hearing)</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> <p>Last Amended on 04/27/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
ACA 15 Arambula (D) Local government transportation projects: special taxes: voter approval.	ASSEMBLY INACTIVE FILE 06/01/2009-To inactive file on motion of Assembly Member Arambula.	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.	
ACR 14 Niello (R) California Global Warming Solutions Act of 2006.	ASSEMBLY APPR. 04/27/2009-ASM. NAT. RES. Vote - Be adopted and be re-referred to the Committee on Appropriations.	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. Last Amended on 03/27/2009	
SB 93 Kehoe (D) Redevelopment: payment for land or buildings.	ASSEMBLY DESK 05/21/2009-In Assembly. Read first time. Held at Desk.	This bill would authorize a redevelopment agency, with the consent of the legislative body, to pay 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 and is located inside or contiguous to, as defined, the project area if the legislative body makes specified determinations . The bill would delete the requirement that the agency, with respect to the financing, acquisition, or construction of a transportation, collection, and distribution system and related peripheral parking facilities, in a county with a population of 4 million persons or more, enter into an agreement with the rapid transit district that includes the county, or a portion thereof, under which the rapid transit district is required to be given specified responsibilities. The bill would authorize an agency to pay for all or 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 and is partially located in the project area, but extends beyond the project area's boundaries, if the legislative body makes specified determinations . Last Amended on 05/18/2009	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 99 Committee on Local Government</p> <p>Joint exercise of powers: reporting and disclosures.</p>	<p>ASSEMBLY L. GOV. 06/08/2009-To Com. on L. GOV.</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.</p> <p>Last Amended on 05/12/2009</p>	
<p>SB 205 Hancock (D)</p> <p>Traffic congestion: motor vehicle registration fees.</p>	<p>ASSEMBLY DESK 06/01/2009-In Assembly. Read first time. Held at Desk.</p>	<p>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.</p> <p>Last Amended on 04/14/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 391 Liu (D) California Transportation Plan.</p>	<p>ASSEMBLY DESK 06/01/2009-In Assembly. Read first time. Held at Desk.</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 and alternative planning 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 05/04/2009</p>	
<p>SB 425 Simitian (D) Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.</p>	<p>SENATE REV. & TAX SUSPENSE FILE 06/11/2009-Amended Text Released</p>	<p>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.</p> <p>Last Amended on 06/11/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 455 Lowenthal (D)</p> <p>High-speed rail.</p>	<p>ASSEMBLY DESK 06/02/2009-In Assembly. Read first time. Held at Desk.</p>	<p>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.</p> <p>Last Amended on 04/16/2009</p>	
<p>SB 476 Correa (D)</p> <p>Environment: California Environmental Quality Act: noncompliance allegations: public comment.</p>	<p>ASSEMBLY NAT. RES. 05/28/2009-To Coms. on NAT. RES. and JUD.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for a public review period for the public to review a draft EIR, proposed negative declaration, or proposed mitigated negative declaration. CEQA requires a lead agency to evaluate and respond to comments on a draft EIR, proposed negative declaration, or proposed mitigated negative declaration made during the public review period and authorizes a lead agency to evaluate and respond to comments made on a draft EIR when the comments are submitted after the public review period. CEQA requires an action or proceeding alleging noncompliance with its requirements to be based on grounds that were presented to the public agency orally or in writing by any person, and prohibits a person from maintaining an action or proceeding unless the person objected to the approval of the project orally or in writing, during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the issuance of the notice of determination. This bill instead would prohibit these actions or proceedings unless the oral or written presentation or objection occurs during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the filing, rather than issuance, of the notice of determination. Last Amended on 04/30/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 555 Kehoe (D)</p> <p>Eminent Domain Law: conservation easement.</p>	<p>ASSEMBLY JUD. 06/15/2009-To Com. on JUD.</p>	<p>Existing law authorizes various agencies to acquire land for purposes related to conservation. Existing law provides for a conservation easement to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. Existing law establishes procedures for the independent appraisal review of land to be acquired for conservation and establishes a conservation easement registry. Existing law prohibits, with a specified exception, the sale of conservation lands to another owner or the transfer of possession and control of conservation lands to another agency, unless specified actions occur. This bill would revise the Eminent Domain Law to establish requirements for acquisition of property subject to a conservation easement. The bill would require the person seeking to acquire the property to give the holder of the conservation easement a notice containing specified information and an opportunity to state any objections to the acquisition. The bill would require the holder of conservation easement to provide notice, as specified, of the proposed acquisition to a public entity that helped fund the purchase of the conservation easement or that imposed conditions on a project that were satisfied, in whole or in part, by the conservation easement. The bill would require a person seeking to acquire the property subject to a conservation easement to respond to any objections in writing and provide by first-class mail the response to each easement holder or public entity that filed an objection. The bill would require the notice of the hearing on the resolution of necessity to be sent to any holder of a conservation easement or public entity, as specified, and to contain information regarding the effect of failing to file a written request to appear and be heard. The bill would require that a resolution of necessity to acquire property subject to a conservation easement to refer to specific authority for the acquisition of the property. The bill would specify that the holder of a conservation easement is entitled to compensation under the Eminent Domain Law. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 05/21/2009</p>	
<p>SB 686 DeSaulnier (D)</p> <p>Environment: CEQA exemption: addition and deletion.</p>	<p>ASSEMBLY NAT. RES. 05/11/2009-To Com. on NAT. RES.</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.</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 716 Wolk (D) Local transportation funds.</p>	<p>ASSEMBLY TRANS. 06/08/2009-To Com. on TRANS.</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. Existing law specifies the allowable uses for local transportation funds, and generally requires these funds to be used for transit purposes in urban counties, while in counties with a population under 500,000 as of the 1970 census and certain other counties, these funds may also be used for local streets and roads, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet , and for other specified purposes . This bill would instead authorize those local transportation funds to be used for local streets and roads in those circumstances and for those other specified purposes in counties with a population under 500,000 as of the 2000 census, and each decennial census thereafter, and in certain other counties. The bill, in those counties where local transportation funds may be allocated to local streets and roads, would also authorize use of those funds for specified farmworker vanpool purposes upon a finding by the transportation planning agency that there are no unmet transit needs or no unmet transit needs that are reasonable to meet.</p> <p>Last Amended on 05/19/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
<p>SB 722 Steinberg (D) Greenhouse gas credits.</p>	<p>ASSEMBLY NAT. RES. 06/11/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on NAT. RES.</p>	<p>Under existing law, a person or entity that represents that a consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of specified environmental terms, is required to maintain in written form in its records information and documentation supporting the validity of the representation, as specified. Existing law provides that it is unlawful for a person to make any untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied. A violation of these requirements is a misdemeanor. This bill would make it unlawful for a person, as defined, to represent in an advertisement or in any other sales or promotional materials made available to the public for the sale of a greenhouse gas credit or emission reduction, that the credit or reduction reduces greenhouse gas emissions unless certain requirements are met. The bill would also require a person that represents in an advertisement or in any sales or promotional materials made available to the public for the sale of a greenhouse gas credit or emission reduction, that the credit or emission reduction results in a reduction of greenhouse gases to maintain in written form and make available to any member of the public who requests it certain information and documentation supporting the validity of that representation. A violation of these provisions would be punishable by a specified civil penalty and would create a civil cause of action. Reasonable attorney fees and costs would be available for any such action brought. These requirements would become operative on January 1, 2011, and would become inoperative if the Federal Trade Commission adopts binding and enforceable trade rules or regulations for claims or representations for greenhouse gas emission reduction credits or reductions to protect consumers.</p> <p>Last Amended on 06/11/2009</p>	
<p>SB 728 Lowenthal (D) Air pollution: parking cash-out program.</p>	<p>ASSEMBLY TRANS. 06/08/2009-To Com. on TRANS.</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 . The bill would also authorize a city, county, and air pollution control district or air quality management district to adopt a penalty or other mechanism to ensure compliance. The bill would authorize the imposition of a penalty by the state board or the local agency, but not both .</p> <p>Last Amended on 04/27/2009</p>	

Peninsula Corridor Joint Powers Board

Bill Matrix as of 6/18/2009

Bill ID/Topic	Location	Summary	Position
SB 734 Lowenthal (D) Transportation.	ASSEMBLY TRANS. 06/02/2009-To Com. on TRANS.	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.	
SB 783 Ashburn (R) High-speed rail.	ASSEMBLY TRANS. 06/08/2009-To Com. on TRANS.	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 requires the authority to prepare and to submit to the Legislature a revised business plan containing specified elements by September 1, 2008. This bill would require the authority to prepare, publish, adopt, and submit to the Legislature a business plan addressing specified elements no later than January 1, 2012 , and every 2 years thereafter, with a draft of the business plan to be available at least 60 days in advance for public review and comment, followed by a public hearing. Last Amended on 05/28/2009	
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	