



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

October 1, 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 September 3, 2009
 - b) Acceptance of Statement of Revenues and Expenses for June 30, 2009 (unaudited)
 - c) Acceptance of Statement of Revenues and Expenses for August 31, 2009
 - d) Authorize Execution of Lease Addendum with Clay Del Secco and Carol Del Secco Trustees to Extend Lease of Warehouse at 4000 Campbell Avenue in Menlo Park for a Period of Two Years, with a One Year Option
5. Chairperson’s Report
6. MTC Liaison Report
7. Report of the Citizens Advisory Committee
8. Report of the Executive Director
 - a) Caltrain Performance Report – August 2009
 - b) Peninsula Rail Program Update
9. Authorize Rejection of Bid from General Petroleum as Non-Responsive and Award of Contract for Furnishing Red-Dyed, Ultra-Low Sulfur Diesel (ULSD) Fuel to Pinnacle Petroleum, Inc. for a Total Estimated Cost of \$17,351,949 for a Two-year Term

RESOLUTION

MOTION

RESOLUTION

- | | |
|--|---------------|
| 10. Authorize Amendment to Fiscal Year 2010 Capital Budget in the Amount of \$1,700,000 from \$83,536,042 to \$85,236,042 | RESOLUTION |
| 11. Update on Translink on Caltrain | INFORMATIONAL |
| 12. Legislative Update | INFORMATIONAL |
| 13. Correspondence | |
| 14. Board Member Requests | |
| 15. Date/Time of Next Meeting
Thursday, November 5, 2009, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 16. General Counsel Report | |
| a) Closed Session: Pending Litigation Pursuant to Government Code Section 54956.9 (a) Russell J. Peterson et al vs. Peninsula Corridor Joint Powers Board, et al. | |
| 17. Adjourn | |

INFORMATION FOR THE PUBLIC

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

If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the JPB Website at www.caltrain.com.

Location, Date and Time of Regular Meetings

Regular meetings are held at the San Mateo County Transit District Administrative Building located at 1250 San Carlos Ave., San Carlos, which is located one block west of the San Carlos Caltrain Station on El Camino Real. The building is also accessible by SamTrans bus Routes: 260, 295, 390, 391, and KX.

The JPB meets regularly on the first Thursday of the month at 10 a.m. The JPB Citizens Advisory Committee meets regularly on the third Wednesday of the month at 6 p.m. at the same location. Date, time and place may change as necessary.

Public Comment

If you wish to address the Board, please fill out a speaker's card located on the agenda table and hand it to the JPB Secretary. If you have anything that you wish distributed to the Board and included for the official record, please hand it to the JPB Secretary, who will distribute the information to the Board members and staff.

Members of the public may address the Board on non-agendized items under the Public Comment item on the agenda. Public testimony by each individual speaker shall be limited to 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
1250 San Carlos Avenue, San Carlos CA 94070**

**Minutes
September 3, 2009**

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

MEMBERS ABSENT: None

MTC LIAISON ABSENT: S. Lempert

STAFF PRESENT: T. Bartholomew, J. Cassman, C. Cavitt, A. Chan, B. Doty, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Lee, M. Martinez, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon

PUBLIC COMMENT

Jeff Carter, Burlingame, said last week a High Speed Rail (HSR) town hall meeting was held by Congresswoman Anna Eshoo. He complimented Executive Director Michael Scanlon and Peninsula Rail Program Director Bob Doty on their efforts on this issue.

Director Ken Yeager arrived at 10:08 a.m.

Vaughn Wolfe asked if the legislative matrix could emphasize “this bill would” in bold in the text so the position the JPB is taking stands out.

Ed DeLanoy, San Carlos, said Deutsche Bank does not have a good reputation for fuel hedging.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of August 6, 2009
- b) Acceptance of Statement of Revenues and Expenses for July 2009

CHAIRPERSON’S REPORT

Appointment of Citizens Advisory Committee Member Representing Santa Clara County
Chair Gage said the Santa Clara representatives recommend Brian Wilfley for reappointment to the CAC.

A motion (Church/Lloyd) to appoint Brian Wilfley was approved unanimously.

MTC LIAISON REPORT

MTC Liaison Sue Lempert was not in attendance.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair Gerald Graham reported there was no meeting in August.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- Congratulated Mr. Wilfley on his reappointment to the CAC.
- Monthly Performance Statistics – July 2009
 - a. Total Ridership was 1,098,953, a decrease of 11.8 percent.
 - b. Average Weekday Ridership was 40,846, a decrease of 11.6 percent.
 - c. Total Revenue was \$3,889,9476, a decrease of 7.3 percent.
 - d. On-time Performance was 94.3 percent, an increase of 1.4 percent.
 - e. Caltrain Shuttle Ridership was 5,443, a decrease of 11. percent.
- The July 2009 declining performance is against record ridership numbers from July 2008.
- On August 31, eight mid-day trains were cut from the schedule and pricing on the GO Pass and parking were increased.
- Forty percent of revenues come from the partner agencies and 45 percent comes from the riders. The real problem is all three partner agencies are dealing with severe financial problems, largely the result of the economy, significantly decreased sales tax revenues and the elimination of the State Transit Assistance (STA) for at least the next four years.
- Next week staff will be recommending to the SamTrans Board a service cut of 7.5 percent and a fare increase later in the year.
- Caltrain's survival is dependent on electrification and modernization. The partners can not do electrification without HSR.

Peninsula Rail Program Update

Mr. Scanlon said Congresswoman Anna Eshoo held a well-attended HSR town hall meeting last week that included a panel of California High Speed Rail Authority (CHSRA) Executive Director Mehdi Morshed, Mr. Doty and himself. Remarks at the town hall meeting focused on what is fact and what is fiction. There is a lot of misinformation that has gotten out to the public. There was a lot of discussion on how to build HSR right so Caltrain is seen as a good neighbor and represents the step forward that needs to be taken. There was a judgment filed by a Sacramento court judge in a lawsuit filed against CHSRA. While the JPB is not a defendant or party in the lawsuit the future of Caltrain could rest in the outcome of the lawsuit that was filed by Atherton, Menlo Park and a host of other groups.

Legal Counsel David Miller offered up an analysis of the lawsuit judgment, while cautioning that the JPB is not a party in this lawsuit and is not involved in strategizing in respect to what transpires and that he has no detailed insights to what the judge ultimately will do. Mr. Miller said the challenge to the Environmental Impact Report (EIR) is by two municipalities and two private groups and challenges the adequacy of the environmental document prepared under the California Environmental Quality Act (CEQA). Mr. Miller said Judge Michael Kenny issued a ruling last week that found two flaws in the program EIR document. The project description, as contained in the environmental document, was inadequate in regards to the actual use of Union Pacific's (UP) rail corridor, most notably between San Jose and Gilroy, which is owned by the Union Pacific (UP). Mr. Miller said the flaw the judge enunciated stems from the fact that UP, last fall, sent a letter to the CHSRA indicating under no circumstances would it condone the shared use of its rail corridor. The judge found the environmental document did not adequately

describe a corridor that would be available for use. In the second component of the decision, which was found to be non-compliant with CEQA, the judge found there were some inconsistent statements in the document as to the capacity to mitigate vibration impacts. In one place the environmental document states it is uncertain whether vibration can be mitigated below significant levels. Mr. Miller said elsewhere in the document it states that mitigation will reduce vibrations to a less than significant level. This inconsistency was viewed to be a flaw.

Director Ash Kalra arrived at 10:26 a.m.

Mr. Miller said the court did not state what the remedy would be for these deficiencies. The JPB will prepare a proposed form of judgment and the CHSRA will have the ability and right to raise questions as to what the appropriate remedy should be. The judge addressed a number of other claimed irregularities by the petitioners and notably ruled that the environmental document was adequate in all other respects. For example, the discussion of the operational and environmental issues related to the Altamont Pass alternatives are legally sufficient. This was a core issue with the case. Also, the judge ruled that the HSR decision to exclude further detail study of the Highway 101 and Highway 280 alternatives was adequate in all respects.

Mr. Scanlon introduced Mr. Doty for a report on the Peninsula Rail Program (PRP):

- Staff has had discussions with key members of the Federal Railroad Administration (FRA) over the last few weeks concerning continuing efforts to obtain approval for installation of a new Positive Train Control (PTC) system that allows mixed traffic. Significant progress is being made.
- Staff had a joint meeting with the FRA and the California Public Utilities Commission (CPUC). The two agencies have decided who is the lead in particular areas and this helps a great deal.
- Staff has been developing an addendum to the current Memorandum of Understanding (MOU) that solidifies HSR's commitment to the budget and organization. This has been through multiple reviews and is in final draft form and will be presented to the CHSRA board at its October meeting. This agreement will be retroactive to July 1.
- There will be a presentation of the alternative analysis coming out this month. The first cut is what cannot be built. There are several places along the right-of-way where there are physical constraints that preclude options.
- On Saturday, September 12, there will be a public meeting on HSR in Palo Alto and PRP staff will participate.
- CHSRA is looking at the American Recovery Reinvestment Act (ARRA) package today for funding and it includes the full electrification of the system, grade separation for the entire right-of-way and the approach to San Francisco.

Mr. Scanlon continued with his report:

- Ridership on Giants service is up 33 percent over August 2008.
- Amtrak has completed the conversion of all bike cars for the bikes on-board project. Three additional Bombardier cars are being converted and should be completed by October. Two bike cars are on all train sets 96.9 percent of the time.
- Locomotive air horns continue to be of great concern. As of August 31 all cars have had horns calibrated.

- The Reading File contains a HSR frequently asked question sheet, two articles on suicide prevention and the July Safety and Security report.
- The Transit Police were commended for saving two individuals on the train. An infant had a medical emergency and a 16-year old was suffering from alcohol poisoning.
- On August 21, a 13-year old girl who was entering Gunn High School this year committed suicide.

Director Jim Hartnett said he appreciates the work Mr. Doty is doing and said staff needs to contact the cities to offer updates at their council meetings and/or public meetings. He read the decision by the judge and said for a project this massive it is remarkable that so little was found inadequate in the EIR.

Director Harnett said within minutes of the decision the CHSRA should have been on record as declaring victory. The significance is that additional information has to be developed and circulated. Director Hartnett said this does not derail the project, but time can.

Director Art Lloyd said he agrees with Director Hartnett. He said the media likes to play up the negatives and not the positives. Director Lloyd asked about the geographical area between Bayshore to San Francisco/4th and King. He asked what consideration is there for the tunnels.

Mr. Doty said staff is looking at an operating pattern for the area and then will look at geographical area.

Suicide Prevention/Outreach Update

Executive Officer Public Affairs Mark Simon said on August 24 a news conference was held to brief the media on efforts being taken on this issue. Mr. Simon said staff emphasized that the community needs to begin addressing openly and frankly the issues of mental health, depression and death by suicide. He said the stigma needs to be lifted that prevents people from talking about these issues and seeking help.

Mr. Simon said Chief of Protective Services Dave Triolo participated and reviewed the work the Transit Police are doing in the High Intensity Safety Enforcement Program (HISEP), a program that Mr. Triolo started to target areas where a high level of police presence is needed. Mr. Triolo has also had the Transit Police trained in crisis intervention, which has had a direct result on the number of interventions.

Mr. Simon said Dr. Shashank Joshi, a child and adolescent psychiatrist at Stanford Hospital, also participated in the news conference. Dr. Joshi informed the media about issues related to death by suicide, contributing factors and the role the media plays.

Over the summer Mr. Simon has been in contact with individuals, organizations, governmental entities, the Palo Alto Unified School District, Foothill/DeAnza Community College, California PUC and mental health agencies from both counties.

Mr. Simon said staff has learned they need to start collecting better data and analyzing it more effectively. He said there isn't a lot of national data.

Mr. Simon said staff wants to be transparent and open to discussions. Staff wants people to realize that this is an important issue to Caltrain and that we are engaged in it. He said there is a wide range of organizations and individuals interested in this problem, locally, regionally and around the country. Staff already has a list of over 45 organizations that want to participate in this effort. He said the most effective role that staff can play is that of a convener of these interests. Mr. Simon said staff is committed to playing an active role in educating the community and the impact of suicides throughout the region.

Director Mark Church thanked Mr. Simon for assembling the group of key stakeholders. He spoke to the director of behavioral health for the county and the county is committed to assisting staff with their efforts.

Director Lloyd said Operation Lifesaver is working with staff on this issue.

DESIGNATION OF SEPTEMBER AS “RAILROAD SAFETY MONTH”

Public Information Specialist Tasha Bartholomew said Staff Coordinating Council is asking the Board to adopt a proclamation designating September as “Railroad Safety Month” in conjunction with Operation Lifesaver, an internationally renowned program promoting rail safety. She said the proclamation for Railroad Safety Month is a reaffirmation of the Peninsula Corridor Joint Powers Board commitment to provide safe and efficient train service. Ms. Bartholomew said this also is an opportunity to highlight the promotion and advancement of safety on the right-of-way through enhanced safety measures and increased public awareness.

Director Lloyd presented the proclamation to California Operation Lifesaver President Cameron Beach. He said Mr. Beach is a big supporter of Caltrain and someone staff can always depend on.

Mr. Beach thanked the Board for the proclamation honoring Operation Lifesaver. He said this is an organization founded by crew members who were tired of seeing all of the accidents that occurred on their right-of-way. Mr. Beach said Operation Lifesaver has grown to an international organization focused on both motor vehicle and trespasser deaths on the railroad. He thanked the JPB for the focus on this issue and looks forward to continue working together on this issue.

A motion (Lloyd/Ford) to approve the proclamation to designate September as “Railroad Safety Month” was approved unanimously.

AUTHORIZE AMENDING AND INCREASING THE FISCAL YEAR 2010 CAPITAL BUDGET BY \$1,200,000 FROM \$82,336,042 TO \$83,536,042

Director of Budgets and Grants April Chan said Staff Coordinating Council recommends approval of this item. The \$1.2 million will provide funding to continue staff and consultant support required for the PTC project. Ms. Chan said the \$1.2 million will be coming from Proposition 1B money that Caltrain is slated to receive.

A motion (Ford/Lloyd) to amend the Fiscal Year 2010 capital budget was approved unanimously by roll call.

AUTHORIZE THE USE OF COMPETITIVE NEGOTIATION PROCUREMENT PROCESS TO PROCURE A HIGH TECHNOLOGY CALTRAIN-SPECIFIC POSITIVE TRAIN CONTROL (PTC) SYSTEM

Director of Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council recommends approval to use a competitive negotiation procurement process in lieu of sealed bid process as it will allow more flexibility to evaluate important details in addition to price.

Public Comment

Norman Rolfe, San Francisco, asked if the present block signal system will be retained as a back-up in case the other system fails.

Mr. Doty said the current system will stay in place and the new system will be an overlay.

A motion (Lloyd/Hartnett) to authorize the use of competitive negotiation procurement to procure a high technology Caltrain-specific Positive Train Control (PTC) system to be called "CBOSS" (Communications Based Vital Overlay Signal System) was approved unanimously by roll call.

AUTHORIZE AWARD OF CONTRACTS TO LM COMMUNICATIONS, LTK ENGINEERING SERVICES, AURIGA CORPORATION AND MODIS, INC. FOR INFORMATION TECHNOLOGY ON-CALL CONSULTANT SUPPORT SERVICES FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$1,000,000

Ms. Cavitt said Staff Coordinating Council recommends approval of award of contract to these four firms for on-call no guarantee IT support for the JPB's needs.

A motion (Church/Hartnett) to authorize award of contracts to LM Communications, LTK Engineering Services, Auriga Corporation and Modis, Inc. for Information Technology On-call Consultant Support Services was approved unanimously by roll call.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy made the following report:

- The current legislative session at the state level is scheduled to expire at the end of next week. There are bills moving out of the Legislature every day.
- AB116 is a contracting streamlining bill sponsored by SamTrans and the Valley Transportation Authority (VTA). This bill passed the Legislature and is expected to be signed by the governor next week.
- AB1072 is a bill that would extend the existing Proposition 1B allocation formula through the future of the bond. This bill also passed and is awaiting the governor's signature.
- SB729 is a bill that would extend transit operators' design-build authority from the current expiration date of 2011 until 2015.
- Immediately following the current legislative session the governor has called a special session to review a series of proposals from the Tax Commission. Staff has not seen any specific bill language about what the proposals will include, but have heard it will probably include reduction or elimination of the state's Sales and Business Tax, some flattening of the State Income Tax, establishment of a new Business Net Receipts Tax to replace the elimination of the Sales and Business Taxes and a potential new Pollution Tax

which would be an 18-cent per gallon increase on the sale of gasoline. This new tax would be indexed to the Consumer Price Index (CPI) and also would be subjected to a 7-cent annual increase after the initial 18-cent increase. This would generate about \$3.5 billion statewide and it is proposed that \$2 billion would be split between Caltrans and local government for maintenance.

- When Congress returns from recess next week they will be renewing dialogue about health care. Before the end of this month Congress needs to approve the Fiscal Year 2010 Appropriations package. This package includes \$1.5 million for PTC for Caltrain, \$50 million nationwide for PTC and between \$1 billion and \$4 billion for nationwide HSR.
- Congress needs to approve reauthorization of the Surface Transportation Bill. It is unclear whether it will be a full six-year reauthorization or an extension of the program for a period of 18 months or shorter.

QUARTERLY CAPITAL PROGRESS REPORT

No discussion.

Public Comment

Doris Maez, San Bruno, said she has a concern with the accelerated timeline for the San Bruno Grade Separation project. She said in 2006 the project was put on hold and now the project is only at 35 percent design. Ms. Maez asked if it is really feasible that 100 percent design will be achieved by the end of 2009. She is worried that in the haste to meet deadlines key issues important to the citizens of San Bruno, including elevators at the station, will be overlooked or modified for the sake of expediency and the net result will be a project that nobody likes.

Mr. Scanlon said what is driving the urgency of this project is that if a contract is not awarded by June 2010 the JPB would lose \$30 million. He said the funding and commitments were made through the San Mateo County Transportation Authority. Mr. Scanlon said 65 percent design should be completed by this month.

Deputy CEO Chuck Harvey said 35 percent design has been completed and is currently in a design review with the City of San Bruno. At the same time, on a parallel path, staff has begun the preliminary work on 65 percent design. Mr. Harvey said staff is trying to accommodate many of the design concerns of San Bruno citizens. He said if a mutual consent cannot be reached on the design of the station, this project could go back on the back shelf, but if a consensus can be reached 100 percent design can be completed by the end of the year. Mr. Harvey said the delay was a direct result of HSR. He said that no HSR money can be used for design work on an environmental clearance for this project. Mr. Harvey said this project required an EIR clearance.

CORRESPONDENCE

None.

BOARD MEMBER REQUESTS

None.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, October 1, 2009, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

GENERAL COUNSEL REPORT

Mr. Miller said he had a productive meeting last week with the City & County of San Francisco dealing with the crossing near the Mission Bay project and Common Street. Mr. Miller said if an agreement is reached both the Board of Supervisors and the Port of San Francisco will have to take an action over the next couple of months that would convey property interests to the Joint Powers Board. Mr. Scanlon has given the go ahead that an agreement would be signed allowing the Common Street crossing to open as soon as the CPUC authorizes it.

- a. Closed Session: Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (a) Russell J. Peterson vs. Peninsula Corridor Joint Powers Board, et al.

Mr. Miller said the purpose of the closed session is to discuss a matter of litigation which relates to the Joint Powers Board and the Joint Powers Board as a party. He said yesterday an amended complaint that adds, as a plaintiff, Halstead Nursery Incorporated was received.

Adjourned to closed session at 11:30 a.m.

Reconvened to open session at 11:39 a.m.

Chair Gage said there is nothing to report from the closed session.

ADJOURNED

Adjourned at 11:40a.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 JUNE 30, 2009 AND SUPPLEMENTAL INFORMATION
YEAR END RESULTS – UNAUDITED**

ACTION

Staff proposes that the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of June 2009 and supplemental information.

SIGNIFICANCE

Year End Revenue - Unaudited: *Total Operating Revenue* (line 7) is \$1,540,126 or 3.1 percent *worse* than budget. Within total operating revenue *Farebox Revenue* (line 1) is \$1,097,758 or 2.5 percent *worse* than budget, and *Other Income* (line 5) is *worse* than budget by \$348,493 or 45.9 percent due to investment losses and lower than anticipated interest rates. *Other Sources* (line 13) are *better* than budget by \$5,125,071 or 71.7 percent reflecting savings from this fiscal year. Of this savings, \$3,787,512 was programmed and approved by the Board to make up for the budget shortfall in FY2010. Compared to the prior year, *Total Operating Revenue* (line 7) is \$976,285 or 2.1 percent *higher*, driven by *Farebox Revenue* (line 1) which is \$3,141,713 or 7.8 percent *higher*.

Year End Expense - Unaudited: *Grand Total Expense* (line 46) shows a favorable variance of \$6,760,920 or 6.9 percent. *Total Operating Expense* (line 31) is \$6,265,091 or 7.1 percent *better* than budget. Within total operating expense *Contract operating and Maintenance* (line 23) is \$814,696 or 1.4 percent *worse* than budget offset by *Fuel* (line 25) which is *better* than budget by \$6,060,917 or 36.1 percent and *Facilities and Equipment Maintenance* (line 28) which is *better* than budget by \$552,893 or 32.6 percent. *Total Administrative Expense* (line 40) is \$495,829 or 5.3 percent *better* than budget.

Compared to prior year, *Grand Total Expenses* (line 46) are \$3,209,114 or 3.7 percent *higher*. The increase in expense over the prior year is mainly due to *Contract Operating & Maintenance* (line 23) which is \$6,797,843 or 12.9 percent *higher* and it is offset by *Fuel* (line 25) which is \$3,516,860 or 24.7 percent *lower* than the prior year.

Fiscal Year End Results: Staff will update this report and distribute it in conjunction with the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR), which will include the results of the annual external audit.

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
JUNE 2009

UNAUDITED

% OF YEAR ELAPSED **100.0%**

	MONTH		YEAR TO DATE			ANNUAL			
	CURRENT ACTUAL	PRIOR ACTUAL	CURRENT ACTUAL	REVISED BUDGET	% REV BUDGET	APPROVED BUDGET	REVISED BUDGET	% REV BUDGET	
(AS PROJECTED)									
REVENUE									
OPERATIONS:									
1	Farebox Revenue	3,614,029	40,129,943	43,271,656	44,369,414	97.5%	41,669,414	44,369,414	97.5%
2	Parking Revenue	94,378	2,167,514	2,032,022	2,128,054	95.5%	2,128,054	2,128,054	95.5%
3	Shuttles	93,303	1,073,182	1,079,760	1,134,036	95.2%	1,134,036	1,134,036	95.2%
4	Rental Income	132,728	1,577,378	1,660,773	1,604,340	103.5%	1,604,340	1,604,340	103.5%
5	Other Income	114,753	2,531,016	411,107 ^(A)	759,600	54.1%	2,111,720	759,600	54.1%
6									
7	TOTAL OPERATING REVENUE	4,049,191	47,479,033	48,455,318	49,995,444	96.9%	48,647,564	49,995,444	96.9%
8									
9	CONTRIBUTIONS:								
10	AB-434-Peninsula Feeder Shuttle	83,333	1,034,355	1,017,177	1,034,355	98.3%	1,034,355	1,034,355	98.3%
11	Operating Grant	14,779	358,534	132,456	211,000	62.8%	211,000	211,000	62.8%
12	JPB Member Agencies	3,284,714	38,268,530	39,416,584	39,416,585	100.0%	39,416,585	39,416,585	100.0%
13	Other Sources	2,019,214	6,848,197	2,019,214	7,144,285	28.3%	6,047,623	7,144,285	28.3%
14									
15	TOTAL REQUIRED REVENUE	5,402,040	46,509,616	42,585,431	47,806,225	89.1%	46,709,563	47,806,225	89.1%
16									
17	GRAND TOTAL REVENUE	9,451,231	93,988,649	91,040,749	97,801,669	93.1%	95,357,127	97,801,669	93.1%
18									
19									
20	EXPENSE								
21									
22	OPERATING EXPENSE:								
23	Contract Operating & Maintenance	7,119,161	52,613,287	59,411,130	58,596,434	101.4%	58,501,434	58,596,434	101.4%
24	Shuttles (Including Peninsula Pass)	256,863	2,876,216	2,971,338	3,012,391	98.6%	3,012,891	3,012,391	98.6%
25	Fuel	826,277	14,258,544	10,741,684	16,802,601	63.9%	14,408,059	16,802,601	63.9%
26	Timetables & Tickets	22,568	216,399	217,408	218,000	99.7%	218,000	218,000	99.7%
27	Insurance	419,799	3,640,553	4,536,943	4,535,000	100.0%	4,535,000	4,535,000	100.0%
28	Facilities and Equipment Maintenance	117,715	1,668,296	1,140,857	1,693,750	67.4%	1,713,750	1,693,750	67.4%
29	Utilities	274,951	1,175,322	1,407,992	1,725,270	81.6%	1,725,270	1,725,270	81.6%
30	Services	224,166	1,123,442	1,071,803	1,180,800	90.8%	1,180,300	1,180,800	90.8%
31	TOTAL OPERATING EXPENSE	9,261,500	77,572,059	81,499,155	87,764,246	92.9%	85,294,704	87,764,246	92.9%
32									
33	ADMINISTRATIVE EXPENSE:								
34	Wages & Benefits	543,293	5,707,038	5,382,201	5,832,833	92.3%	5,966,333	5,832,833	92.3%
35	Board Of Directors	829	10,454	9,008	16,300	55.3%	16,300	16,300	55.3%
36	Professional Services	490,943	1,556,259	1,835,958	1,749,670	104.9%	1,726,850	1,749,670	104.9%
37	Communications/Marketing	16,774	229,871	198,159	311,000	63.7%	311,000	311,000	63.7%
38	Other Office Expense and Services	101,563	1,039,555	1,349,672	1,361,024	99.2%	1,275,344	1,361,024	99.2%
39									
40	TOTAL ADMINISTRATIVE EXPENSE	1,153,402	8,543,176	8,774,998	9,270,827	94.7%	9,295,827	9,270,827	94.7%
41									
42	Long Term Debt Expense	91,906	869,713	766,596	766,596	100.0%	766,596	766,596	100.0%
43									
44	CEMOF - Startup Expense	0	846,687	-	-	0.0%	0	0	0.0%
45									
46	GRAND TOTAL EXPENSES	10,506,809	87,831,635	91,040,749	97,801,669	93.1%	95,357,127	97,801,669	93.1%

(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 JUNE 30, 2009

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Restricted)	Liquid Cash	1.377%	2,000,000	2,002,609
Local Agency Investment Fund (Unrestricted)	Liquid Cash	1.377%	1,436,889	1,438,764
Investment Portfolio (Unrestricted)	Liquid Cash	1.640%	13,788,140	13,957,177
			17,225,029	17,398,550
Accrued Earnings for June 2009	\$22,580.94	(1)		
Cumulative Earnings FY2009	\$468,297.64			

(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 1.001304743 as reported by LAIF for quarter ending June 30, 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: **STATEMENT OF REVENUE AND EXPENSE FOR THE PERIOD
ENDING AUGUST 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 August 2009 and supplemental information.

SIGNIFICANCE

Revenue: For August of Fiscal Year 2010, *Total Operating Revenue* (line 7) is \$68,108 or 0.8 percent *worse* than budget. This is due to lower than anticipated *Farebox Revenue* (line 1) and *Parking Revenue* (line 2) which together were \$319,785 or 3.9 percent *worse* than budget and are offset by *Other Income* (line 5) which is *better* than budget by \$256,025 or 101.4 percent mainly due to an unbudgeted increase in shared track revenue. Compared to the prior year, *Total Operating Revenue* (line 7) is \$336,955 or 3.6 percent *lower*, due to *Farebox Revenue* (line 1) which is \$506,732 or 6.2 percent *lower* and is offset by *Other Income* (line 5) which is \$209,152 or 69.8 percent *better*.

Expense: *Grand Total Expenses* (line 44) show a favorable variance of \$1,206,914 or 7.7 percent. *Total Operating Expense* (line 31) is \$1,154,277 or 8.3 percent *better* than budget. Within total operating expense *Contract Operating & Maintenance* (line 23) is \$464,266 or 4.7 percent *better* than budget, and *Fuel* (line 25) is *better* than budget by \$559,343 or 24.2 percent. *Total Administrative Expense* (line 40) is \$52,636 or 3.4 percent *better* than budget.

Compared to prior year, *Grand Total Expenses* (line 44) are \$693,190 or 4.6 percent *lower*. The decrease in expense over the prior year is mainly due to *Fuel* (line 25) which is \$1,362,323 or 43.8 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 2010
AUGUST 2009

% OF YEAR ELAPSED **16.7%**

	MONTH	YEAR TO DATE				ANNUAL			
	CURRENT ACTUAL	PRIOR ACTUAL	CURRENT ACTUAL	REVISED BUDGET	% REV BUDGET	APPROVED BUDGET	REVISED BUDGET	% REV BUDGET	
(AS PROJECTED)									
REVENUE									
OPERATIONS:									
1	Farebox Revenue	3,819,252	8,215,932	7,709,200	7,850,934	98.2%	43,762,048	43,762,048	17.6%
2	Parking Revenue	114,191	307,066	255,094	433,145	58.9%	2,598,890	2,598,890	9.8%
3	Shuttles	88,408	173,634	184,476	183,084	100.8%	1,098,504	1,098,504	16.8%
4	Rental Income	140,813	274,795	276,550	282,290	98.0%	1,682,800	1,682,800	16.4%
5	Other Income	218,001	299,453	508,605	252,580	201.4%	1,492,090	1,492,090	34.1%
6									
7	TOTAL OPERATING REVENUE	4,380,666	9,270,880	8,933,925	9,002,033	99.2%	50,634,332	50,634,332	17.6%
8									
9	CONTRIBUTIONS:								
10	AB-434-Peninsula Feeder Shuttle	83,333	172,393	166,667	166,667	100.0%	1,000,000	1,000,000	16.7%
11	Operating Grant	9,031	19,965	11,154	11,154	100.0%	2,316,867	2,316,867	0.5%
12	JPB Member Agencies	3,284,715	6,569,436	6,569,436	6,569,436	100.0%	39,416,585	39,416,585	16.7%
13	Other Sources	0	0	0	0	0.0%	3,787,512	3,787,512	0.0%
14									
15	TOTAL CONTRIBUTED REVENUE	3,377,079	6,761,793	6,747,257	6,747,257	100.0%	46,520,964	46,520,964	14.5%
16									
17	GRAND TOTAL REVENUE	7,757,745	16,032,673	15,681,182	15,749,290	99.6%	97,155,296	97,155,296	16.1%
18									
19									
20	EXPENSE								
21									
22	OPERATING EXPENSE:								
23	Contract Operating & Maintenance	4,712,598	8,824,587	9,412,088	9,876,314	95.3%	60,425,885	60,425,885	15.6%
24	Shuttles (Including Peninsula Pass)	244,720	479,058	505,333	487,770	103.6%	2,926,620	2,926,620	17.3%
25	Fuel	929,182	3,109,581	1,747,258	2,306,601	75.8%	13,839,649	13,839,649	12.6%
26	Timetables & Tickets	29,862	17,005	31,884	44,983	70.9%	210,000	210,000	15.2%
27	Insurance	368,199	684,905	743,570	755,828	98.4%	4,535,000	4,535,000	16.4%
28	Facilities and Equipment Maintenance	30,748	145,214	131,152	177,690	73.8%	1,595,296	1,595,296	8.2%
29	Utilities	(24,614)	223,850	85,632	139,785	61.3%	1,502,400	1,502,400	5.7%
30	Services	87,633	138,664	148,111	170,333	87.0%	1,155,630	1,155,630	12.8%
31	TOTAL OPERATING EXPENSE	6,378,328	13,622,864	12,805,028	13,959,305	91.7%	86,190,480	86,190,480	14.9%
32									
33	ADMINISTRATIVE EXPENSE:								
34	Wages & Benefits	507,457	872,238	1,030,925	1,051,046	98.1%	6,318,279	6,298,479	16.4%
35	Board Of Directors	815	961	1,640	1,900	86.3%	12,300	12,300	13.3%
36	Professional Services	116,420	198,107	193,794	205,273	94.4%	1,976,628	1,976,628	9.8%
37	Communications/Marketing	6,390	16,515	31,227	34,640	90.1%	265,000	265,000	11.8%
38	Other Office Expense and Services	96,865	263,637	218,516	235,881	92.6%	1,289,734	1,309,534	16.7%
39									
40	TOTAL ADMINISTRATIVE EXPENSE	727,947	1,351,458	1,476,104	1,528,740	96.6%	9,861,941	9,861,941	15.0%
41									
42	Long Term Debt Expense	91,907	183,813	183,813	183,813	100.0%	1,102,875	1,102,875	16.7%
43									
44	GRAND TOTAL EXPENSES	7,198,182	15,158,134	14,464,944	15,671,858	92.3%	97,155,296	97,155,296	14.9%

"% 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 AUGUST 31, 2009

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Restricted)	Liquid Cash	0.925%	2,000,000	2,002,609
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.925%	6,453,377	6,461,797
Investment Portfolio (Unrestricted)	Liquid Cash	1.585%	13,326,221	13,496,702
			21,779,598	21,961,108
Accrued Earnings for August 2009	\$26,190.35	(1)		
Cumulative Earnings FY2010	\$48,023.11			

(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 1.001304743 as reported by LAIF for quarter ending June 30, 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 Scanlon
Executive Director

FROM: Marian Lee
Executive Officer, Planning and Development

SUBJECT: **AUTHORIZATION TO EXECUTE LEASE ADDENDUM TO
EXTEND LEASE OF WAREHOUSE AT 4000 CAMPBELL
AVENUE IN MENLO PARK FOR A PERIOD OF TWO YEARS,
WITH A ONE-YEAR OPTION.**

ACTION

Staff Coordinating Council (SCC) recommends that the Board Authorize the Executive Director to execute an addendum to extend the lease for the JPB's rental of a 22,750 square foot warehouse located at 4000 Campbell Avenue in Menlo Park until December 31, 2011, with an additional one-year option at JPB's sole discretion.

SIGNIFICANCE

Staff has determined that approximately 20,000 square feet of warehouse space and 2,500 square feet of office space will continue to be necessary for the next two to three years. The warehouse is strategically located near the mid-point of the Caltrain right of way, directly off the Dumbarton line, making it the ideal location for housing construction management staff for current and future capital projects, as well as staff responsible for maintenance of the railroad. Additionally, certain materials and equipment that must be stored indoors will be consolidated from various locations into this warehouse.

BUDGET IMPACT

The current lease rate is \$17,923 per month. Upon execution of the lease addendum, the monthly rate will decrease to \$15,925 for the two-year lease period from January 1, 2010 through December 31, 2011, for a total of \$382,200. The JPB shall have the option to extend the amendment for one year at market rate. The market rate for the extension shall be determined by staff and the property owner. The lease cost beyond the current fiscal year will be funded through future capital and operating funds to be considered during the budget development process.

BACKGROUND

The Construction Management Plan, which supported the CTX capital construction, included a requirement for a centralized support facility. Hence, following the drafting of the Construction Management Plan, the facility at Menlo Park was leased for three years, commencing June 1, 2002. The lease expired May 31, 2005. Staff determined that the facility was required for an additional four years and seven months. The Board approved Resolution 2005-17 which extended the lease to December 31, 2009.

Staff conducted an internal study to assess future agency needs in both the short and long term. This study included the possibility of leasing alternate sites in lieu of extending the current lease. This internal study lead to a determination that the current site is the best site to meet near-term and future JPB requirements. As part of this process, Real Estate staff worked closely with a commercial broker to conduct an in-depth review of the mid-Peninsula industrial warehouse market prior to starting negotiations with the property owner.

The proposed lease rate equates to \$.70 per square feet, which falls within fair market rent for warehouses on the Peninsula and represents an almost 20 percent reduction from the current rental rate.

Prepared by: Gary Cardona, Senior Real Estate Officer
 Brian W. Fitzpatrick, Real Estate Dept. Manager

650.508.6353
650.608.7781

RESOLUTION NO. 2009 -
PENINSULA CORRIDOR JOINT POWERS BOARD
STATE OF CALIFORNIA

* * *

**AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE LEASE ADDENDUM TO
EXTEND THE TERM OF THE LEASE OF THE WAREHOUSE AT 4000 CAMPBELL
AVENUE IN MENLO PARK FOR A PERIOD OF TWO YEARS, WITH A ONE YEAR
OPTION**

WHEREAS, on May 2, 2002, the Peninsula Corridor Joint Powers Board (“JPB”) passed Resolution No. 2002-16 authorizing the Executive Director to enter into a 3-year lease of a 22,750 square feet warehouse located at 4000 Campbell Avenue in Menlo Park (“Property”); and

WHEREAS, on May 3, 2002 the Executive Director executed the lease, which commenced on June 1, 2002 and terminated on May 31, 2005; and

WHEREAS, on May 5, 2005, the JPB passed Resolution 2005-17, which authorized the Executive Director to enter into an amendment to the lease that extended its duration for four years and seven months; and

WHEREAS, the amendment to the lease is set to terminate on December 31, 2009; and

WHEREAS, JPB is currently paying a rental rate of \$17,923.37 per month; and

WHEREAS, staff has determined that the facility will continue to be necessary for the next two to three years to support current and future capital projects by housing construction management and maintenance and for the indoor storage of materials and equipment; and

WHEREAS, staff recommends entering into a two-year lease addendum to extend the term of the lease until December 31, 2011, under which JPB will pay an amount not to exceed \$15,925.00 in rent per month for the two-year term. Furthermore, JPB shall have the option to

extend the lease for one additional year at market rate. Market rate shall be jointly determined by JPB staff and property owner; and

WHEREAS, staff recommends that the Board of Directors authorize the Executive Director to execute the lease addendum.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board of Directors hereby authorizes the Executive Director to execute a lease addendum for the property located at 4000 Campbell Avenue in Menlo Park pursuant to the terms and conditions set forth above, in a form acceptable to legal counsel.

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director, or his designee, to take any other actions necessary to give effect to this resolution.

Regularly passed and adopted this 1st day of October 1, 2010 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 AUGUST 2009**
(Table A, Graph A)

For August 2009, Caltrain average weekday ridership (AWR) decreased 10.4 percent when compared to August 2008. AWR based on ticket sales was 40,154 for August 2009, a decrease of 4,662 compared to August 2008. The total number of passengers for the month of August 2009 was 1,060,624. This is a 10.8 percent decrease from last year's August total of 1,188,931. The decrease in ridership is apparently due to the declining economy.

In August 2009, on-time performance was 95.40 percent, as compared to 92.12 percent in August 2008. This represents an improvement over last year of 3.28 percentage points and achievement of the JPB goal of 95 percent on-time. There were two incidents of trains striking trespassers on the tracks, both of which resulted in fatalities.

Average weekday shuttle ridership was 5,404; down 17.9 percent compared to the same month last year. For the station shuttles, the Millbrae-Broadway shuttle averaged 99 daily riders. The Tamien-San Jose shuttle averaged 58 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 53 daily riders.

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

Caltrain Promotions – August 2009

Giants Baseball - Caltrain continued to be the vehicle of choice for Peninsula Giants fans headed to baseball games at AT&T Park as the race for a playoff slot tightened in August. Caltrain service was promoted with a brochure and news release detailing the combination of regular trains and special service offered. Commercials continue to air on select Comcast TV stations and ads promoting the service appeared on *sfgate.com*. In addition, the Giants reminded fans about Caltrain via five scoreboard messages. Through August, baseball ridership is up 3.5 percent from 2008.

Zing-Zang-Zoom on Caltrain – This fall’s promotion of Ringling Brothers Barnum & Bailey’s “Greatest Show on Earth,” kicked off with adcards aboard Caltrain, and a Web posting on the Caltrain *Fun Destinations* page that offered Caltrain riders \$5 off admission to the circus. The circus, titled “Zing-Zang-Zoom,” was heralded as a “soaring extravaganza with a magical twist!” and was held at the HP Pavilion at San Jose.

Stanford Football – A standout freshman quarterback has created a lot of excitement down on the Farm and Caltrain plans to carry a flock of Cardinal fans to the Stanford Stadium station this fall to track his development. Caltrain is partnering with the Cardinals and their arch rival, UC Berkeley, to promote the 2009 season. The promotion includes a take one, a button on the Caltrain Web site, and a campaign on the Stanford and Cal/Stanford game broadcast radio stations.

San Jose Jazzfest – More than 1,000 artists and 100,000 music lovers converged on San Jose in August for a weekend of fantastic musical diversity, tradition, and innovation. This year’s 20th annual San Jose Jazz Festival featured a blend of blues, jazz, R&B and hip-hop artists. The event was promoted in concert with the festival’s organizer, Caltrain, and the Valley Transportation Agency. Adcards were posted in all train cars, a dedicated page was created on the Caltrain Web site, and an advertisement was placed in the special festival insert of the *San Jose Mercury News*.

Summer Train Fun – Caltrain provided service to a number of fun summer events including: the Burlingame Art & Jazz Festival, the San Mateo County Fair, the Palo Alto Festival of the Arts, and the Outside Lands Music and Arts Festival.

Senior Games - Thousands of sprinters, swimmers, and shuffleboard players (all older than 50) traveled to Palo Alto’s Stanford University to compete in the National Senior Games; the largest gathering of senior athletes in North America. Organizers of the international event kept the theme green by covering the cost of transit for its participants with fare media arrangements with Caltrain, VTA, and SamTrans. Ads appeared in the *Palo Alto Daily News* Senior Olympics special sections.

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

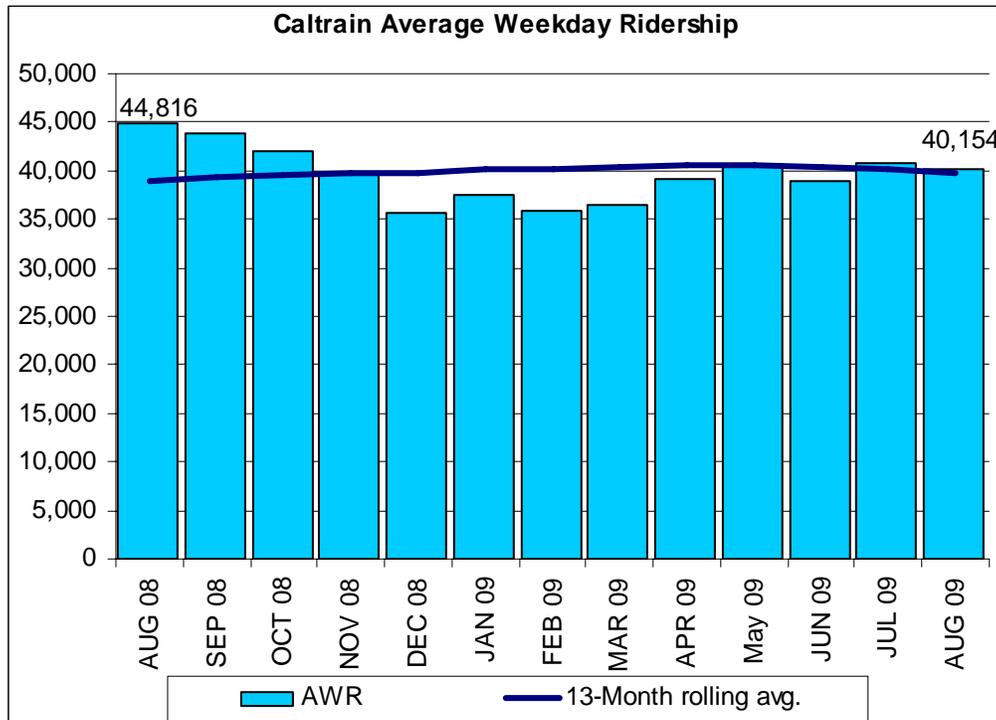
650. 508. 6245
650. 622. 8026

Table A

August 2009			
	FY 09	FY 10	%Change
Total Ridership	1,188,931	1,060,624	-10.8%
Average Weekday Ridership	44,816	40,154	-10.4%
Total Revenue	\$ 4,019,713	\$3,819,252	-5.0%
On-time Performance	92.1%	95.4%	3.6%
Caltrain Shuttle Ridership	6,584	5,404	-17.9%

Year to Date			
	FY 09	FY 10	%Change
Total Ridership	2,434,374	2,159,576	-11.3%
Average Weekday Ridership	45,521	40,500	-11.0%
Total Revenue	\$8,216,324	\$7,709,200	-6.2%
On-time Performance	93.5%	94.8%	1.5%
Caltrain Shuttle Ridership	6,351	5,424	-14.6%

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

C.H. (Chuck) Harvey
Deputy CEO

SUBJECT: REJECTION OF THE LOWEST MONETARY BID AS NON-RESPONSIVE AND AWARD OF CONTRACT FOR FURNISHING RED-DYED, ULTRA-LOW-SULFUR DIESEL (ULSD) FUEL

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Reject the lowest monetary bid from General Petroleum, Inc. (General Petroleum) of Modesto, CA as non-responsive
2. Award a contract to Pinnacle Petroleum, Inc. (Pinnacle) of Huntington, CA for furnishing Red-Dyed, Ultra-Low-Sulfur Diesel (ULSD) Fuel for a total estimated cost of \$17,351,949 for a two-year base term
3. Authorize the Executive Director or his designee to execute a contract with Pinnacle in full conformity with the terms and conditions of the bid specification documents
4. Authorize the Executive Director or his designee to exercise up to three additional one-year option terms if deemed in the best interest of the JPB

SIGNIFICANCE

Approval of the above actions will provide the JPB with a dedicated supplier of Red-Dyed, ULSD Fuel in order to ensure the continued, uninterrupted service of Caltrain operations.

BUDGET IMPACT

Funds to support the award of this contract have already been included in the adopted Fiscal Year 2010 JPB Operating Budget. No additional funding is required for this contract award.

BACKGROUND

On June 1, 2009, the San Joaquin Regional Transit District (SJRTD), as lead agency for the Regional Transit Coordinating Council (RTCC), issued an Invitation for Bids (IFB) for the provision and delivery of ULSD Fuel, Bio-Diesel Fuel and/or Unleaded Gasoline. Four agencies participated in the joint procurement: the SJRTD, the Santa Clara Valley Transportation Authority, the San Mateo County Transit District (District), and the Peninsula Corridor Joint Powers Board (JPB).

The IFB was advertised in a local newspaper and also distributed to JPB's incumbent vendor and

all other vendors who had previously expressed interest in providing fuel to the JPB.

Fourteen firms (including two minority and women owned firms) requested and received the IFB documents. Three firms attended an optional site visit to the JPB fueling facilities in San Francisco, and San Jose, CA and five firms submitted bids to the JPB:

General Petroleum, Modesto, CA	\$17,325,340*
Pinnacle Petroleum, Huntington, CA (woman-owned business)	\$17,351,949
Golden Gate Petroleum, Concord, CA	\$17,547,490
Falcon Fuels, Paramount, CA	\$17,571,660
Mansfield Oil Company, Gainesville, GA	\$18,099,799

*Calculated with incorrect OPIS rack rate

General Petroleum, the apparent low bidder, used the incorrect Oil Price Information Service (OPIS) index as the basis for calculating its Unit Bid Price per Gallon. All other bidders used the correct index as required by the IFB. Staff, with the concurrence of Legal Counsel, have therefore determined that General Petroleum's bid should be rejected as non responsive. Had General Petroleum's bid used the correct index, it would not have been the lowest priced bidder.

The next lowest bidder, Pinnacle, has submitted all required documentation and was fully responsive to the bid specifications. Staff received positive feedback from Pinnacle's references and found favorable results when its financial statements were analyzed. Based upon these reviews staff finds, and Legal Counsel concurs, that Pinnacle is the lowest responsive, responsible bidder and recommends award of this contract for a base two-year term at a total estimated cost of \$17,351,949 to Pinnacle.

JPB's incumbent contractor, Golden Gate Petroleum, is presently operating under the first one-year option term of a contract that carried a base, two-year term with a value of \$19,579,165 and three, one-year option terms. The exercised one-year option term has a value of \$9,789,583 and will be terminated for convenience upon notice to proceed following award of this contract to Pinnacle.

Although there is no disadvantaged business enterprise (DBE) participation, Pinnacle is a woman-owned business and a former participant and graduate of the DBE program.

Contract Officer: Luis F. Velásquez	650.622.8099
Project Manager: Stephen Coleman, Manager, Maintenance Rail Equipment	408.793.5440

RESOLUTION NO. 2009 -

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

* * *

**REJECTION OF THE LOWEST MONETARY BID AS NON-
RESPONSIVE AND AUTHORIZING AWARD OF A CONTRACT TO
PINNACLE PETROLEUM, INC. FOR FURNISHING RED-DYED,
ULTRA-LOW-SULFUR DIESEL (ULSD) FUEL
AND FUELING SERVICES
FOR A TWO-YEAR ESTIMATED COST OF \$17,351,949**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB), as a participating agency in the Regional Transit Coordinating Council (RTCC), solicited competitive bids for Furnishing Red-Dyed, Ultra-Low-Sulfur Diesel (ULSD) Fuel and Fueling Services for a two-year term; and

WHEREAS, in response to the advertisement of the IFB, five firms submitted bids; and

WHEREAS, staff and general counsel have reviewed the bids submitted and determined that the bid submitted by the apparent low bidder, General Petroleum, Inc. of Modesto, CA, was non responsive because it used an incorrect index as the basis for calculating the bid price, and therefore must be rejected; and

WHEREAS, staff and general counsel have reviewed the bid submitted by Pinnacle Petroleum, Inc. of Huntington, CA (Pinnacle), and have determined it is the lowest responsive and responsible bid; and

WHEREAS, Staff Coordinating Council recommends that the Board reject the low monetary bid as non responsive and award the contract to Pinnacle, whose bid meets all requirements of the solicitation documents and has provided evidence of its ability to do the work required in the solicitation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board rejects the low monetary bid submitted by General Petroleum of

Modesto, CA as nonresponsive, and awards a contract to Pinnacle Petroleum, Inc. of Huntington, CA for Furnishing Red-Dyed, Ultra-Low-Sulfur Diesel (ULSD) Fuel and Fueling Services for a two-year base term at an estimated cost of \$17,351,949 based upon the estimated requirements of the JPB during this term and at the unit prices submitted, with an option to extend the contract for up to three additional, one-year option terms; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute a contract on behalf of the JPB with Pinnacle in full conformity with all of the terms and conditions of the solicitation documents; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to exercise up to three additional, one-year option terms with Pinnacle, provided that it is in the best interest of the JPB.

Regularly passed and adopted this 1st day of October 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 AMEND AND INCREASE THE FISCAL YEAR
2010 CALTRAIN CAPITAL BUDGET**

ACTION

Staff Coordinating Council (SCC) recommends the Board increase the Fiscal Year 2010 Capital Budget in the total amount of \$1,700,000, which includes an additional \$200,000 for the locomotive and cab car horn project and an allocation of \$1,500,000 for South San Francisco parking lot improvements. The above two changes would increase the authorized FY2010 Capital Budget from \$83,536,042 to \$85,236,042.

SIGNIFICANCE

The FY2010 Caltrain Capital Budget is proposed to be amended as follows:

1. In June, staff determined that some train horns were not compliant with Federal Railroad Administration (FRA) regulations. It was determined that the problem was caused by the piping configuration between the horn valve and the horn. In order to comply with regulations, the horns were relocated. As a result, the horns have become much more audible, causing complaints from the public. As reported to the Board at its August Board meeting, staff has evaluated whether the horns could be restored beneath the equipment in order to limit the noise impact to neighborhoods around the tracks. Staff has determined that the horns can be moved back to their original location, with a modification to ensure compliance with FRA regulations. In order to do further work on the horns, maintenance staff requires additional funding of \$200,000 not currently programmed in the FY2010 Capital Budget. Funding for this project is to come from reserves.
2. The South San Francisco station parking lot requires rehabilitation, with improved lighting and drainage, as well as repaving and striping for parking spaces. Staff proposes adding a project of \$1,500,000 to the FY2010 Capital Budget to cover this work. Funding for this project will come from the San Mateo County Transportation Authority's Measure A sales tax funds.

BUDGET IMPACT

Both projects are proposed to be funded from available reserves and/or local funds. No additional JPB member contributions are required for the proposed Capital Budget amendment. The above change would increase the authorized FY2010 Capital Budget from \$83,536,042 to \$85,236,042, an increase of \$1,700,000.

BACKGROUND

The Joint Powers Board approved the FY2010 Capital Budget on July 2, 2009 under Resolution No. 2009-38, in the amount of \$82,336,042 and subsequently amended it on September 3, 2009 under Resolution No. 2009-40. The amended Capital Budget provides an authorized total in the amount of \$85,236,042. 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: Éva Goode, Manager, Budgets

650.508.7914

RESOLUTION NO. 2009 –

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

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**AUTHORIZING AMENDMENT TO THE FISCAL YEAR 2010 CAPITAL BUDGET
IN THE AMOUNT OF \$1,700,000 FOR A TOTAL BUDGET OF \$85,236,042**

WHEREAS, pursuant to Resolution Nos. 2009-38 and 2009-40, adopted on July 2, 2009 and September 3, 2009 respectively, the Peninsula Corridor Joint Powers Board (“JPB”) adopted and subsequently amended the Fiscal Year 2010 Capital Budget for a total authorized budget of \$83,536,042; and

WHEREAS, in June, staff determined that some train horns were not compliant with Federal Railroad Administration (FRA) regulations; and

WHEREAS, the horns were subsequently relocated to effect compliance with the FRA regulations, as a consequence of which horn noise became louder, causing complaints from the public; and

WHEREAS, following investigations, Staff has determined that the horns can now be moved back to their original positions, with modifications to ensure FRA regulatory compliance; and

WHEREAS, \$200,000 not already programmed in the FY2010 Capital Budget is needed to complete this relocation and retrofit, with the funding source for this project coming from JPB reserves; and

WHEREAS, the South San Francisco station parking lot requires rehabilitation, with improved lighting and drainage, as well as repaving and striping for parking spaces; and

WHEREAS, \$1,500,000 not already programmed in the FY2010 Capital Budget is needed for the parking lot improvements, with funding coming from the San Mateo County Transportation Authority's (TA) Measure A funds; and

WHEREAS, the Staff Coordinating Council recommends that the JPB approve the amendments to the FY2010 Capital Budget to fund the projects described above.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board approves an amendment to the FY2010 Capital Budget to establish a budget for the train horn project of \$200,000 and for the South San Francisco parking lot improvement project of \$1,500,000 for a total authorized capital budget increase for FY2010 of \$1,700,000, from \$83,536,042 to \$85,236,042; 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 1st day of October 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: Rita P. Haskin
Executive Officer, Customer Service and Marketing

SUBJECT: **TRANSLINK ON CALTRAIN UPDATE**

ACTION

This report is for information only. No Board action is required.

SIGNIFICANCE

In mid-August, Caltrain initiated its soft launch of the TransLink program. The regional smart card allows customers to use a stored Monthly Pass, 8-ride Ticket or e-cash. Staff will outline the current experience with the card and the steps necessary to replace the Caltrain prepaid fare media.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

Caltrain has been an active participant with the Metropolitan Transportation Commission's project to offer TransLink to Caltrain and other Bay Area transit customers. Employee testing of the system has concluded and Caltrain is currently half-way through the soft launch period. Other transit agencies that accept TransLink include AC Transit, BART, Dumbarton Express, Golden Gate Transit and Muni. SamTrans and the Valley Transportation Authority will begin accepting TransLink next year.

Prepared by Rita P. Haskin, Executive Officer, Customer Service and Marketing 650.508.6248

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Mark Simon
Executive Officer, Public Affairs

SUBJECT: **STATE AND FEDERAL LEGISLATIVE UPDATE**

ACTION

This report is for information only. No Board action is required.

SIGNIFICANCE

Staff will provide regular updates to the Board consistent with the approved Legislative Program.

STATE

The Commission on the 21st Century Economy

The Commission, formed by the Governor last year to recommend tax reform proposals to the Legislature, will release its report on September 20. Immediately following the report's release, the Governor is expected to call a special session of the Legislature to review the Commission's recommendations.

The recommendations are expected to include:

1. Incremental reduction of the State sales tax rate
2. Flattening of the State income tax
3. A corresponding establishment of a new Business Net Receipts Tax (BNRT) to replace revenue from sales and income tax reduction
4. The creation of an 18-cent/gallon Pollution Tax on gasoline

Caltrain staff has proposed the following to the Commission:

1. Ensure that traditional sources of transit funding from the Public Transportation Account (PTA) are preserved despite the sales tax adjustments. This can be accomplished by either:
 - a. Exempting the sales tax adjustments from the tax on gasoline and diesel fuel, or
 - b. Replacing PTA funding with an equal or greater amount of funding from the BNRT.

2. Expand transit funding by doubling the sales tax permitted under the Transportation Development Act (TDA)
3. Expand transit funding by diverting property tax for transit oriented development associated with the Education Revenue Augmentation Fund (ERAF) to transit operations, compelling the State to increase its share of funding to school districts in compliance with Proposition 98.
4. Require that a portion of the Pollution Tax be used to provide funding for transportation maintenance projects.

Peninsula Rail Program

The California High Speed Rail Authority will be submitting its application to the Federal Railroad Administration for \$8 billion available through the American Economic Recovery and Reinvestment Act (ARRA) of 2009. Staff has recommended that several Caltrain projects be included in the application. The full list of projects for the section between San Jose and San Francisco include:

Summary of San Francisco to San Jose Section Costs

ARRA Track 2 Corridor Program Name: CA-SF/SANJOSEHSR-DESIGN/BUILD	Total Cost <u>(YOE\$ in Millions)</u>
Program Elements	
Transbay Terminal Rail Platform Extensions	\$205
4 th and King (Phase I)	\$100
San Bruno Grade Separations	\$300
High-Priority Grade Separations	\$689
Corridor Electrification	\$885
Positive Train Control	\$231
Diridon Station Phase I	<u>\$150</u>
Total Cost	\$2,560
State & Local Share (dollar-for-dollar match)	\$1,280
Federal Share	\$1,280

Based on Phase I (MTC list, June 2009) plus added CHSRA electrification and additional High-Priority Grade Separations

FEDERAL

FY 2010 Appropriations

The House and Senate will focus on appropriations bills this week as they seek to complete as much work as possible on the their FY 2010 spending bills before the October 1 start of the new fiscal year. While the House has completed work on all 12 of its FY 2010 appropriations bills, the Senate has approved only five of its 12 spending measure for the coming fiscal year—Transportation-Housing and Urban Development, Energy and Water, Homeland Security, Agriculture and Legislative Branch. House and Senate leaders are currently working to organize conference negotiations on these five measures, and hope to be able to approve a final

conference report on some of them before sending them to the White House to be signed into law before the October 1 start of FY 2010. However it is unlikely that all of the measures will be able to undergo a House-Senate conference before then, and with seven appropriations measures still pending in the Senate, Congress must now begin assembling a short-term stop-gap funding resolution, known as a continuing resolution or CR. The CR would maintain funding at a fixed level and for a specific period of time for all federal government programs contained in any of the FY 2010 appropriations bills that are not signed into law by October 1. Traditionally CR's maintain funding for programs within these unfinished bills at the amount at which they were funded in the previous fiscal year, which in this case would be FY 2009 levels. House and Senate leaders have not yet indicated what period would be covered by the CR, but House leaders have indicated that such a measure would likely cover the month of October. The House will unveil and hold votes on the CR later this week.

Key elements of the Transportation, Housing and Urban Development bills include:

- \$50 million in Rail Safety Technology Grants
- Between \$1.2 billion and \$4 billion for high speed rail
- \$1.5 million for Caltrain Positive Train Control initial deployment and demonstration

Transportation Reauthorization

This month Congress is working to decide how to continue funding for federal transportation programs in the face of the September 30 expiration of the current transportation law—SAFETEA-LU. Strong division still remains between House and Senate transportation committee leaders on the best path to follow in reauthorizing the current national transportation law.

On June 24 the House Transportation and Infrastructure's Highways and Transit Subcommittee unanimously approved a \$500 billion transportation reauthorization bill and full Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) continues to press colleagues to move forward with the Committee's full reauthorization instead of the 18-month of extension proposed by the White House and endorsed by the Senate. However the Chairman has indicated that if a full reauthorization can not be completed prior to the September 30 deadline, he would favor a short, 3-month extension of SAFETEA-LU to maintain pressure on colleagues to work towards approval of a full scale six-year reauthorization measure sooner. The Highways and Transit Subcommittee-approved bill, titled the Surface Transportation Authorization Act (STAA), would authorize federal transportation programs for the next six years. Funding targets in the bill would double the federal investment in surface transportation and provide \$337 billion for highways, \$99.8 billion for mass transit, \$50 billion for high-speed rail and \$12.6 billion for highway safety. The bill also contains a provision to provide new operating assistance to transit systems by making a portion of formula funds available for operating purposes. The measure does not include the authorization amounts for specific accounts and projects, which have been left blank pending House Ways and Means Committee writing of the revenue title of the bill that will structure how the bill will be financed.

Meanwhile the four Senate committees with jurisdiction over transportation reauthorization—the Senate Environment and Public Works; Banking, Housing and Urban Affairs Committees; Finance and Commerce, Science and Transportation—have organized and approved an extension

of current transportation law for 18 months in line with the Administration's proposal. The \$51.5 billion draft measure would keep federal transportation programs funded at FY 2009 amount levels through March 31, 2011, with no substantive changes to current transportation programs. However, even as Senate transportation committee leaders work to bring their 18-month extension to the Senate floor, ongoing discussions continue on policy and program changes to include in a full six-year reauthorization measure. Towards that end Senate Banking, Housing and Urban Affairs Committee Chairman Christopher Dodd (D-CT) has introduced the Livable Communities Act of 2009 (S 1619). The bill would authorize a series of grant programs to help communities develop comprehensive regional plans that incorporate transportation, housing, community and economic development and environmental goals in implementing local land use decisions and policies.

Climate Protection

The House passed its own climate protection legislation on June 26 (HR 2454-the American Clean Energy and Security Act) by a 219-212 vote. The legislation aims to reduce overall domestically produced greenhouse gas emissions by 17 percent below 2005 levels by 2020 and 83 percent below 2005 levels by 2050 through the establishment of an emissions cap and trading system. Under the bill major emitters would have to reduce their emissions or buy allowances, which could be traded like commodities. The bill would give away 85 percent of these allowances when it takes effect in 2012 and auction the remaining 15 percent, with the portion of free allowances gradually declining in subsequent decades. Auction proceeds would be used to help low-and moderate-income consumers pay potentially higher energy bills, and about 30 percent of the free allowances would be directed to utilities that distribute electricity to help mitigate higher energy costs that they might face, as well as protect their residential, commercial, and industrial customers. The measure would also allow 1 percent of emissions allowances to be used to create State Energy and environment Development (SEED) accounts. The accounts are intended to provide resources to state governments to develop energy efficiency and renewable energy programs. The bill would require that 12.5 percent of SEED funding be passed through to units of local governments, though no parameters are established to outline how the states would distribute such funding.

Using the House-passed measure as a base, California Senator and Environment and Public Works Committee Chair Barbara Boxer and a small group of dedicated Senate colleagues are working to develop climate protection legislation that they hope to unveil in late September. Introduction of the bill is expected to be followed by hearings and markups by the six Senate committees with jurisdiction over the legislation in October. Those committees include the Senate Agriculture, Nutrition, and Forestry; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance and Foreign Relations. While the bill is likely to clear the Environment and Public Works Committee with relative ease (Democrats control the committee by a 12-7 margin), advancing the measure will likely prove more difficult in the Senate Finance Committee. Democrats hold only a three-vote margin on the Committee, which holds jurisdiction over tax and revenue issues and will negotiate the portion of emissions allowances that will be distributed to various industries as well as what provisions will be put in place to protect consumers from any increased energy costs associated with the plan. The resulting product of the six committee's deliberations will then be merged with the Senate Energy and Natural Resources Committee's renewable energy production measure—the

American Clean Energy Leadership Act—which was approved by the Committee on June 17. The combined package is then expected to be scheduled for a Senate floor vote.

Seeking to influence the direction of the Senate climate protection measure, Senators Tom Carper (D-DE) and Arlen Specter (D-PA) introduced S 575, the Clean, Low-Emission, Affordable, New Transportation Efficiency Act (CLEAN-TEA) in March of this year. CLEAN-TEA would set aside 10 percent of emission allowances generated through a cap-and-trade bill for transportation investment and institute comprehensive transportation planning efforts to reduce GHG emissions. With the transportation sector accounting for 30 percent of all GHGs produced in the United States, it is imperative that any comprehensive climate protection legislation seeking to reduce GHGs direct funding to the local governments and transportation agencies for this purpose.

Sale-In Lease-Out(SILO)/Lease-In Lease-Out (LILO) Legislation

On July 31 Senator Robert Menendez (D-NJ) introduced S 1341, the Close the SILO/LILO Loophole Act to help protect transit agencies from technical defaults on SILO/LILO transactions that were entered into before the JOBS Act of 2004. Similar legislation, HR 3439, was introduced in the House by Congressman John Lewis (D-GA). While significant efforts have been made to attract House and Senate cosponsors to these important measures, few lawmakers have signed on in support of either bill under the mistaken belief that transit agencies are not at risk from investors seeking to collect on these transactions due to the technical default that was created by the national financial collapse that downgraded the credit market rating of the insurers/guarantors of these transactions. This mistaken belief largely stems from the settlement reached in November of 2008 between the Washington Metropolitan Area Transit Authority (WMATA) and Belgian bank KBC Group at the urging of U.S. District Court Judge Rosemary Collyer to end a long-term leasing deal following the technical default of the financing arrangement that occurred after the downgrading and subsequent collapse of guarantor American Insurance Group (AIG).

However, risks to transit agencies have increased substantially following last week's 7th Circuit Court of Appeals decision requiring Hoosier Energy Rural Electric Cooperative, Inc. to repay its investor John Hancock Life Insurance Company after the downgrading of Ambac Assurance Corporation, which served as a guarantor in the Hoosier/Hancock SILO arrangement. This decision could inspire investors involved in such deals with transit agencies to become more aggressive in seeking funding from transit agencies who are in technical default.

Prepared By: Seamus Murphy, Manager, Government Affairs

650.508.6388

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>AB 116 Beall (D)</p> <p>Transportation authorities and districts: contracts.</p>	<p>ASSEMBLY ENROLLED 08/31/2009-Enrolled and to the Governor at 5:15 p.m.</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.</p> <p>This bill instead would require contracts of the Santa Clara Valley Transportation Authority, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District, under which the expenditure for the purchase of supplies, equipment, and materials exceeds \$100,000, to be let to the lowest responsible bidder or to the responsible bidder who submits a proposal that provides the best value, as defined. The bill would revise the notice requirement to require that notice requesting bids be published at least once in a newspaper of general circulation and on the authority's or district's procurement Internet Web site. The bill also would require the authority or district, to the extent practicable, to obtain a minimum of 3 quotations, either written or oral, that permit prices and terms to be compared, whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds \$2,500, but does not exceed \$100,000. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 04/21/2009</p>	
<p>AB 153 Ma (D)</p> <p>High-Speed Rail Authority.</p>	<p>SENATE T. & H. 07/02/2009-In committee. Two year bill</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.</p> <p>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>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
AB 231 Huffman (D) California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.	SENATE E.Q. 06/18/2009- Two year bill.	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. Last Amended on 06/26/2009	
AB 266 Carter (D) Transportation needs assessment.	SENATE RLS. 06/11/2009- Two year bill	Requires the California Transportation Commission (CTC) to, on an every-5-year basis, to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis. Last Amended on 04/20/2009	
AB 282 Committee on Transportation Transportation.	ASSEMBLY ENROLLMENT 09/09/2009-Assembly Rule 77 suspended. Senate amendments concurred in. To enrollment. (Ayes 78. Noes 0.)	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 09/02/2009	
AB 289 Galgiani (D) High-speed rail.	SENATE RLS. 08/17/2009- Two year bill	Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill would require the High-speed Rail Authority, to the extent possible, to use the proceeds of bonds from the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to match federal funds made available from the American Recovery and Reinvestment Act of 2009. This bill contains other related provisions and other existing laws. Last Amended on 08/17/2009	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>AB 338 Ma (D)</p> <p>Transit village developments: infrastructure financing.</p>	<p>ASSEMBLY ENROLLMENT 09/10/2009-Senate amendments concurred in. To enrollment. (Ayes 48. Noes 29.)</p>	<p>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.</p> <p>Last Amended on 06/25/2009</p>	<p>Support</p>
<p>AB 619 Blumenfeld (D)</p> <p>Transportation projects: federal funds: delays.</p>	<p>SENATE T. & H. 06/17/2009-Two year bill</p>	<p>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.</p> <p>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.</p>	
<p>AB 672 Bass (D)</p> <p>Transportation: bond-funded projects: letter of no prejudice.</p>	<p>ASSEMBLY ENROLLMENT 09/08/2009-Returned by the Governor at the request of the Assembly.</p>	<p>Authorizes letters of no prejudice (LNOP) for certain bond-funded transportation projects, allowing these projects to move forward if bond funding is not yet available.</p> <p>Last Amended on 06/02/2009</p>	
<p>AB 726 Nielsen (R)</p> <p>Transportation capital improvement projects.</p>	<p>SENATE T. & H. 06/16/2009-Two year bill</p>	<p>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.</p> <p>This bill would state that local road rehabilitation projects are eligible for these funds.</p>	
<p>AB 729 Evans (D)</p> <p>Public contracts: transit design-build contracts.</p>	<p>ASSEMBLY ENROLLED 09/10/2009-Enrolled and to the Governor at 10:30 a.m.</p>	<p>Extends the sunset date for transit operators to enter into design-build contracts to January 1, 2015.</p> <p>Last Amended on 06/30/2009</p>	<p>Support</p>

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>AB 732 Jeffries (R)</p> <p>Transportation projects: design-sequencing contracts.</p>	<p>SENATE APPR. SUSPENSE FILE 08/27/2009- Two year bill</p>	<p>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.</p> <p>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.</p> <p>Last Amended on 06/16/2009</p>	
<p>AB 733 Galgiani (D)</p> <p>High-Speed Rail Authority.</p>	<p>ASSEMBLY ENROLLED 09/08/2009-Enrolled and to the Governor at 4:15 p.m.</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, 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.</p> <p>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.</p>	
<p>AB 798 Nava (D)</p> <p>California Transportation Financing Authority: toll facilities.</p>	<p>ASSEMBLY ENROLLMENT 09/09/2009-Assembly Rule 77 suspended. (Ayes 50. Noes 26.) Senate amendments concurred in. To enrollment. (Ayes 51. Noes 25.)</p>	<p>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.</p> <p>Last Amended on 06/24/2009</p>	
<p>AB 810 Caballero (D)</p> <p>Circulation and transportation element.</p>	<p>SENATE L. GOV. 06/04/2009-Two year bill</p>	<p>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.</p> <p>This bill would rename the circulation element the circulation and transportation element and make other technical and conforming changes.</p>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
AB 1072 Eng (D) Public Transportation Modernization, Improvement, and Service Enhancement Account.	ASSEMBLY ENROLLED 09/04/2009-Enrolled and to the Governor at 2 p.m.	Provides transit operators with predictability in spending transit capital revenue made available through the issuance of the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) by locking in a formula for allocation of the funds. Allows recipients to “bank” their allocations over multiple years so that they can accumulate funds for large high-priority projects. Last Amended on 06/18/2009	
AB 1158 Hayashi (D) Transit village plan.	ASSEMBLY ENROLLED 09/04/2009-Enrolled and to the Governor at 2 p.m.	Adds 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. This bill would become operative only if AB 338 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last. Last Amended on 06/25/2009	
AB 1203 Ma (D) Transportation bond funds: transit system safety.	ASSEMBLY ENROLLED 08/31/2009-Enrolled and to the Governor at 5:15 p.m.	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.	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>AB 1364 Evans (D)</p> <p>Public contracts: state bonds: grant agreements.</p>	<p>ASSEMBLY ENROLLMENT 09/08/2009-Senate amendments concurred in. To enrollment. (Ayes 78. Noes 0. Page 3088.)</p>	<p>Existing law permits the modification of contracts by state agencies in specified instances.</p> <p>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 is, or may be, unable to comply with the terms of that agreement because of the suspension of interim funding for projects and contracts by the Pooled Money Investment Board on or after December 18, 2008, shall, with the consent of the grant recipient, have the authority to either renegotiate, modify, or eliminate the deadlines and timetables for and deliverables within the grant agreement in order to address the suspension or to terminate the grant agreement if no grant funds have yet been delivered thereunder. The bill would specify that it does not modify any act under which bonds are authorized to be issued or the State General Obligation Bond Law. This bill contains other related provisions.</p> <p>Last Amended on 08/17/2009</p>	
<p>AB 1404 De Leon (D)</p> <p>California Global Warming Solutions Act of 2006: offsets.</p>	<p>ASSEMBLY ENROLLMENT 09/12/2009-In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To enrollment.</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.</p> <p>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 an administrative 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. This bill contains other related provisions.</p> <p>Last Amended on 09/04/2009</p>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<u>ACA 9</u> <u>Huffman</u> (D) Local government bonds: special taxes: voter approval.	ASSEMBLY THIRD READING 08/31/2009-Two year bill	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. Last Amended on 06/26/2009	
<u>ACR 14</u> <u>Niello</u> (R) California Global Warming Solutions Act of 2006.	ASSEMBLY NAT. RES. 04/27/2009Two Year bill	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	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>SB 93 Kehoe (D)</p> <p>Redevelopment: payment for land or buildings.</p>	<p>SENATE ENROLLMENT 09/08/2009-Senate concurs in Assembly amendments. (Ayes 39. Noes 0. Page 2284.) To enrollment.</p>	<p>The Community Redevelopment Law authorizes 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 either within or without the project area if the legislative body makes specified determinations. These determinations by the agency and the local legislative body are final and conclusive. Existing law requires 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, to 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.</p> <p>This bill would instead 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. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 08/31/2009</p>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p><u>SB 99</u> Committee on Local Government</p> <p>Joint exercise of powers: reporting and disclosures.</p>	<p>SENATE ENROLLMENT 09/10/2009-Senate concurs in Assembly amendments. (Ayes 36. Noes 0.) To enrollment.</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.</p> <p>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 08/31/2009</p>	
<p><u>SB 205</u> Hancock (D)</p> <p>Traffic congestion: motor vehicle registration fees.</p>	<p>ASSEMBLY APPR. SUSPENSE 08/27/2009-Two year bill</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.</p> <p>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 07/13/2009</p>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>SB 391 Liu (D)</p> <p>California Transportation Plan.</p>	<p>SENATE ENROLLED 09/11/2009-Enrolled. To Governor at 9 p.m.</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.</p> <p>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>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p><u>SB 425</u> <u>Simitian</u> (D) Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.</p>	<p>SENATE APPR. SUSPENSE FILE 08/27/2009-Two year bill</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.</p> <p>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 07/23/2009</p>	
<p><u>SB 476</u> <u>Correa</u> (D) Environment: California Environmental Quality Act: noncompliance allegations: public comment.</p>	<p>ASSEMBLY NAT. RES. 07/07/2009-Hearing postponed by committee. (Refers to 6/22/2009 hearing)</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.</p> <p>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.</p> <p>Last Amended on 04/30/2009</p>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>SB 555 Kehoe (D)</p> <p>Eminent Domain Law: conservation easement.</p>	<p>SENATE ENROLLMENT 09/10/2009-Senate concurs in Assembly amendments. (Ayes 26. Noes 11.) To enrollment.</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.</p> <p>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 comment on the acquisition. The bill would require the holder of the conservation easement to provide notice, under certain circumstances and as specified, of the proposed acquisition to each public entity that helped fund the purchase of the conservation easement or that imposed conditions on approval or permitting of a project that were satisfied, in whole or in part, by the conservation easement, and other information, as specified. The bill would require a person seeking to acquire the property subject to the conservation easement to respond to any comments in writing and provide by first-class mail the response to each easement holder or public entity that filed comments. The bill would require the notice of the hearing on the resolution of necessity to be sent to any holder of the conservation easement and 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 the conservation easement refer to specific authority for the acquisition of the property. The bill would specify that the holder of the conservation easement is entitled to compensation under the Eminent Domain Law, as specified. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 09/03/2009</p>	
<p>SB 686 DeSaulnier (D)</p> <p>Environment: CEQA exemption: addition and deletion.</p>	<p>ASSEMBLY NAT. RES. 05/11/2009-Two year bill</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.</p> <p>The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of Natural Resources Agency. This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.</p>	

**Peninsula Corridor Joint Powers Board
Bill Matrix as of 9/21/2009**

Bill ID/Topic	Location	Summary	Position
<p>SB 728 Lowenthal (D)</p> <p>Air pollution: parking cash-out program.</p>	<p>SENATE ENROLLED 09/11/2009-Enrolled. To Governor at 9 p.m.</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.</p> <p>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. This bill contains other related provisions.</p> <p>Last Amended on 08/20/2009</p>	
<p>SB 734 Lowenthal (D)</p> <p>Transportation.</p>	<p>SENATE ENROLLMENT 09/08/2009-Senate concurs in Assembly amendments. (Ayes 40. Noes 0. Page 2282.) To enrollment.</p>	<p>Existing law provides that every person riding a bicycle upon a highway has all the rights applicable to the driver of a vehicle and is subject to specified provisions in the Vehicle Code, including the rules of the road and specified equipment requirements. Existing law also does not prohibit the operation of bicycles on any shoulder of a highway.</p> <p>This bill would define a "bicycle path crossing" as either that portion of a roadway included within the prolongation or connection of the boundary lines of a bike path, as defined, at intersections where the intersecting roadways meet at approximately right angles or as any portion of a roadway distinctly indicated for bicycle crossing by lines or other markings on the surface, except as specified. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 08/27/2009</p>	
<p>SB 783 Ashburn (R)</p> <p>High-speed rail.</p>	<p>SENATE ENROLLED 09/10/2009-Enrolled. To Governor at 11 a.m.</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 requires the authority to prepare and to submit to the Legislature a revised business plan containing specified elements by September 1, 2008.</p> <p>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.</p> <p>Last Amended on 07/02/2009</p>	