



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

April 1, 2010 – 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 March 4, 2010
 - b) Authorize Disposition of Eight Service Support Vehicles
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 – February 2010
 - b) Peninsula Rail Program Update
9. Acceptance of Statement of Revenues and Expenses for February 2010
10. Authorize Award of Contract to Orrick, Herrington and Sutcliffe, LLP to Serve as Special Counsel in Connection with the Fiscal Year 2011 Fuel Hedging Program for a Total Amount Not-to-Exceed of \$125,000

RESOLUTION

MOTION

RESOLUTION

- | | |
|---|---------------|
| 11. Caltrain Electrification Project | RESOLUTIONS |
| a) Authorize Certification of the Caltrain Electrification Project Environmental Assessment (EA)/Final Environmental Impact Report (FEIR) | |
| b) Adopt the California Environmental Quality Act (CEQA) Findings of Fact Report and Mitigation Monitoring and Reporting Program (MMRP) Documents | |
| c) Authorize the Approval of the Caltrain Electrification Program | |
| 12. Authorize the Submittal of a Fund Programming Request of \$41.026 Million in Proposition 1A Funds for the Caltrain Corridor Electrification Project | RESOLUTION |
| 13. Authorize Filing an Application to Receive \$685,145 of Fiscal Year 2010 Proposition 1B California Transit Security Grant Program Funds and a Concurrent Letter of No Prejudice with the California Emergency Management Agency | RESOLUTION |
| 14. Authorize Award of Contract to Fehr & Peers to Provide On-call Transportation Planning and Program Support Services for up to \$1,500,000 Over a Three-year Period | RESOLUTION |
| 15. Legislative Update | INFORMATIONAL |
| 16. Correspondence | |
| 17. Board Member Requests | |
| 18. Date/Time of Next Meeting
Thursday, May 6, 2010, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 19. General Counsel Report | |
| a) Closed Session: Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(b)(1) (One Potential Case) | |

- b) Closed Session: Real Estate Negotiations – Pursuant to
Government Code 54956.8:
Agency Negotiators: David J. Miller and Brian Fitzpatrick
Under Negotiation: Price and Terms of Purchase
Property and Negotiating Parties:

Owner	Address/Location	APN
Welch Family Partnership	104 San Bruno Avenue	020-111-150
Usman and Fatima Shaikh	111 San Bruno Avenue	020-121-360
Federick J. Firpo Trust	Huntington Avenue	020-111-140
Lester and Rhoda Kaplan	222 San Bruno Avenue	020-193-360
Paul and Rita Kaplan		
Artichoke Joes	659 Huntington Avenue	020-131-570
Artichoke Joes	205 Angus Avenue	020-131-410
City and County of San Francisco	Angus and Huntington Avenue	SBE 845-41-5
	San Mateo and Huntington Avenues	SBE 846-41-5

20. 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.

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

**Minutes
March 4, 2010**

MEMBERS PRESENT: O. Ahmad, M. Church, S. Elsbernd (Chair), D. Gage, A. Kalra, A. Lloyd, K. Yeager

MEMBERS ABSENT: J. Cisneros, N. Ford

MTC LIAISON: S. Lempert

STAFF PRESENT: 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

Chair Sean Elsbernd called the meeting to order at 10:04 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Mike Cohn, San Francisco, said he again requests priority seating for bicyclists in bike cars. At the December meeting there were two requests from the Board regarding priority seating for cyclists. So far, staff has not publicly responded to the Board's request. Mr. Cohn said it takes a simple sticker or casual verbal reminder to give priority seating.

Shirley Johnson, San Francisco Bicycle Coalition (SFBC), said she has been a loyal Caltrain commuter for the last 10 years. She was bumped in February during the rainy season because less than half the consists had two bike cars. At the February JPB meeting, the SFBC presented a report entitled "Increased Onboard Bicycle Capacity." She said the time for questioning is over and the trial period is done. The SFBC requests the Board direct staff to upgrade all consists to 80 bikes per train to eliminate bumping by spring.

Director Mark Church arrived at 10:08 a.m.

Jeff Carter, Burlingame, said he attended the Burlingame City Council meeting on Monday and High Speed Rail (HSR) was discussed. Burlingame wants the trains to run underground so the property can be developed above ground. Mr. Carter said last month after a Sharks game, the train departing San Jose was overcrowded and the crew refused to open the last car on the train to ease congestion.

CONSENT CALENDAR

The Board approved the following items (Gage/Lloyd):

- a. Approval of Minutes of February 4, 2010
- b. Authorize Assignment of Contract with Tamalpais Wealth Advisors to CSI Capital Management, Inc. to Provide Investment Management Services

CHAIRPERSON'S REPORT

No report

METROPOLITAN TRANSPORTATION COMMISSION (MTC) LIAISON REPORT

MTC Liaison Sue Lempert reported:

- BART's Oakland Airporter Project did not get the required approval from the Federal government, so monies were distributed to various transit agencies.
- Next week there is a meeting on emissions that MTC is co-sponsoring with the Association of Bay Area Governments and the California Air Resources Board. She said there is a big drive to lower emissions because of climate concerns. She suggested staff distribute the chart that former Director Jerry Hill had on emissions.
- Attended the San Mateo City Council meeting on HSR.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair John Hronowski reported on the February meeting:

- The committee received a presentation on the San Bruno Grade Separation Project.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Monthly Performance Statistics – January 2010 compared to January 2009
 - a. Total Ridership was 920,103, a decrease of 6.2 percent.
 - b. Average Weekday Ridership was 35,584, a decrease of 5.2 percent.
 - c. Total Revenue was \$3,214,335, a decrease of 4.7 percent.
 - d. On-time Performance was 94.8 percent, a decrease of 2.4 percent.
 - e. Caltrain Shuttle Ridership was 6,551, an increase of 14.7 percent.
 - f. Caltrain Non-Marguerite Shuttle Ridership was 3,127, a decrease of 12.8 percent.
- Year-to-date Performance Statistics ending January 2010 compared to January 2009
 - f. Total Ridership was 6,995,558, a decrease of 9 percent.
 - g. Average Weekday Ridership was 37,704, a decrease of 8.8 percent.
 - h. Total Revenue was \$24,619,523, a decrease of 4.5 percent.
 - i. On-time Performance was 93.8 percent, a decrease of 0.8 percent.
 - j. Caltrain Shuttle Ridership was 5,649, a decrease of 9.3 percent.

Director Ash Kalra arrived at 10:17 a.m.

- February 25 was a very difficult day. In the morning the first northbound train struck an abandoned vehicle in Santa Clara County. The Santa Clara Valley Transportation Authority did an outstanding job assisting with a bus bridge. In the evening, a southbound train struck a person south of the San Antonio Caltrain Station.
- The high-pressure water line at the Centralized Equipment Maintenance and Operations Facility has been repaired and trains are now being washed.
- Staff had a meeting with City of Palo Alto officials and are working on safety enhancements in the area of the cluster of suicides. Some of the safety improvements include installation of 850 feet of fencing and staff is waiting for approval of an additional 500 feet. Vegetation is also being cleared to reduce the potential access and increase visibility.
- Bikes on board remains a robust part of the business. Last month, the Board was presented with a report by the SFBC, but staff thinks it would be better to move forward in a more constructive way and do bike counts in the spring and specifically look at dwell times. Staff

is moving forward with a Bicycle Advisory Committee (BAC). Members will be selected by the Staff Coordinating Council (SCC). Staff continues to address the bicycle issue as part of the Comprehensive Access Program. Stickers suggesting seating in the bike cars for cyclists are in production.

- Chair Elsbernd and Directors Ken Yeager and Omar Ahmad were thanked for their willingness to be the subcommittee to oversee the competitive procurement to provide Caltrain services.
- A new market, Lukes Local, has opened at the Hillsdale Caltrain Station.
- At the request of the Chair, the monthly finances have been moved from the consent calendar to its own item on the agenda. Seven months into the fiscal year things are in good shape. Fiscal Year 2011 is going to be extremely troubling. All three partner agencies have reduced sales tax revenues and the economy continues to hurt ridership from all transit agencies.
- Baseball service begins April 1 and the Giants home opener is April 9. The Giants will be wrapping one train car and it will be in service starting the week of March 15.
- The Safety and Security Report is very complimentary of the engineering and Amtrak employees who have been doing a good job keeping the tracks in shape and minimizing water around tracks.

Director Don Gage asked if staff could provide numbers for the cost to convert bike cars. He said there may be opportunities where people may want to donate money and have a car named after them.

Chair Elsbernd asked how much Caltrain received from the Federal government as a result of the Oakland Airporter project being pulled. Mr. Scanlon said, out of the \$70 million, Caltrain will receive approximately \$2.2-\$2.5 million and most of the money will be used for bridge repairs.

Peninsula Rail Program Update

Peninsula Rail Program Director Bob Doty reported:

- The California High Speed Rail Authority (CHSRA) is meeting today and the alternatives analysis will be presented to the Authority on April 8 in San Jose.
- The American Recovery and Reinvestment Act funding is due to arrive anytime. Staff doesn't know what the rules are, but it is \$1.85 billion and is matchable by bond money.
- The alternatives analysis will address very specifically the resolution of issues related to the Transbay Terminal option. This has to be approved through the Federal Railroad Administration.
- Chair Curt Pringle visited recently and it was a very positive meeting.
- Staff is continuing outreach and had an excellent meeting in San Jose Tuesday night.
- This is the only section in California doing Context Sensitive Solutions (CSS).
 - Staff will soon be releasing the toolkit in phases. People will be able to review and provide feedback.
 - The vertical options matrix has a list of categories along with a list of positive and negative consequences that will allow the public to look at all the options.
 - There will be 17 sessions where staff will train people on the use of the toolkit.
 - Some of the information and participation opportunities include newsletters, press releases, city briefings, public meetings and workshops.

Mr. Scanlon said staff is doing a beta test release, but people need to understand this a very effective but complex tool.

Director Art Lloyd asked about the freight service on Union Pacific (UP) and the intercity provision.

Legal Counsel David Miller said the trackage rights agreement and purchase agreement with Southern Pacific provided for reservation of exclusive freight rights and obligations to UP as well as intercity.

Director Ash Kalra asked how word gets out about countywide workshops and community meetings. Mr. Doty said the overall environmental document will be discussed at the countywide meetings. Secondly, there will be a series of at least 17 meetings for each community to go through the toolkit.

Director Gage asked when will people be able to access this document. Mr. Doty said the document will be available next week.

Director Ahmad said he has looked at the tool and it is very complete. He would request the Oglivy Group move with urgency on this matter.

Ms. Lempert said it is really important the local press understands the pros and cons of this project. She said there is such distress in communities that the public works managers, city managers and city councils need to present this project to the communities as a positive thing. Ms. Lempert said the message needs to get out as to why HSR is needed and the reason for where it is being built.

Director Kalra said it is very important as elected officials to ease people's concerns on HSR and the benefits of the project.

Mr. Scanlon said staff is going to get the Oglivy Group involved in getting simple public outreach done under a CSS approach. The news media is reporting things that are scaring the public.

Public Comment

Jeff Carter, Burlingame, thanked Mr. Doty and staff for a great report. He said today's *Daily Post* states 225 homes are threatened and everyday there is some negative news on HSR. Mr. Carter said he is pleased that the rider aspect is being looked at on the system.

Pat Giorni, Burlingame, said she is happy to hear the toolkit will be on the Web. Ms. Giorni understands the public meetings will be about CSS, and asked if they will coincide with the alternatives analysis.

Ted Crocker, Burlingame, asked about the direction of the Caltrain operating budget during construction and after HSR is built. Mr. Scanlon said there is no budget as of yet. Mr. Crocker is very excited about the toolkit and said it is long overdue. Mr. Scanlon said people don't need to do the toolkit to do CSS.

Shirley Johnson, SFBC, said she is glad that riders are being asked for input. She thanked staff for the formation of a BAC. She asked if the BAC will report to the Board the same way as the

CAC does and how soon will it start. Ms. Johnson said the stickers are a great welcome to bicyclists. Mr. Scanlon said the BAC will report to SCC.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR JANUARY 2010

Deputy CEO Gigi Harrington said farebox revenues are below budget by about \$400,000 and parking revenue is under budget. These are offset by higher than anticipated payments for shared track use. Ms. Harrington said expenses are under budget in the operating contract and the fuel budget.

A motion (Lloyd/Gage) to accept the January statement was approved unanimously by roll call.

AUTHORIZE ENTERING INTO MEMORANDA OF UNDERSTANDINGS WITH THE CITIES OF SAN FRANCISCO AND SAN BRUNO TO RECEIVE SECTION 190 GRADE SEPARATION FUNDING UP TO \$15,000,000

Director of Budgets and Grants April Chan said SCC is requesting Board authorization to enter into Memoranda of Understandings with the City & County of San Francisco and the City of San Bruno to provide State Public Utilities Commission (PUC) 190 Grade Separation Funds for two capital projects: The Jerrold Avenue bridge replacement project in San Francisco and the San Bruno Grade Separation project.

Ms. Chan said staff would have applied for the funds directly, but there is a rule in the PUC program that would preclude the JPB from getting more than \$5 million for one particular project over a 10-year period. Staff has asked the cities to apply for the funds and pass the funds through to the JPB.

A motion (Gage/Church) to enter into Memoranda of Understandings with the Cities of San Francisco and San Bruno was approved unanimously by roll call.

AUTHORIZE APPROVAL OF A CONTRACT CHANGE ORDER FOR THE PROCUREMENT OF RAILROAD SIGNAL HOUSES WITH GRANITE CONSTRUCTION COMPANY FOR A NOT-TO-EXCEED AMOUNT OF \$2,000,000

Director of Contracts and Procurement Cheryl Cavitt said SCC is requesting the Board approve a contract change order for the Signal Optimization Project contract with Granite Construction for the procurement of railroad signal houses for a not-to-exceed amount of \$2 million for the San Bruno Grade Separation Project. Ms. Cavitt said staff has negotiated a final price of \$1.7 million. She said a total of six signal houses will be required to construct both the new control point and support the shoofly needed to route rail traffic around the construction. Ms. Cavitt said the manufacturing lead time for these customized signal houses is too long to prevent staff from doing a stand-alone solicitation.

A motion (Church/Lloyd) to authorize approval of a contract change order with Granite Construction was approved unanimously by roll call.

**ASSESSMENT OF THE FISCAL YEAR 2010 FUEL HEDGE PROGRAM AND
AUTHORIZE ADOPTION OF A FUEL HEDGING POLICY**

Ms. Harrington said this item proposes going forward with a fuel hedge transaction for next year with the same structure that is in place now. The fuel hedge has been tripped once over the past year. Staff will go through a competitive process to solicit a new financial institution.

Ms. Harrington said she will come to the Board several times during the process with updates.

Director Ahmad said the hedge covers roughly half of the fuel usage and was hedged at \$2 per gallon. He asked if staff expects that to be the same for next year. Ms. Harrington said staff will evaluate the bids when they come in and it will depend what is going on in the market the day staff solicits the bids. She said the lower the hedge the more it costs. Director Ahmad asked about the fueling charge for trackside delivery and if the JPB is paying additional county taxes. Ms. Harrington said a series of taxes are paid based on where the fuel is delivered.

A motion (Ahmad/Gage) to adopt a fuel hedging policy was approved unanimously by roll call.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy made the following report:

State Level

There are some substantial reforms being proposed to the State transportation finance structure. The Legislature has scheduled floor votes today on bills in response to the governor's proposed gas tax swap proposal. Staff has been working with the California Transit Association (CTA) to negotiate some base level of funding for transit following last year's 100 percent diversion of State Transit Assistance (STA) and the subsequent lawsuit that ruled those diversions were illegal. The Legislature's proposal would still eliminate the sales tax on gasoline and replace it with a 17.9-cent increase in the State excise tax on gasoline. However, the Legislature would increase the sales tax on diesel fuel to 6.75 percent and reserve 75 percent of these revenues for the STA program in 2012. In addition, the Legislature will appropriate \$400 million to cover STA through the next fiscal year. Caltrain's share of this appropriation will be approximately \$5 million. The proposal removes any possibility that transit agencies would benefit from gasoline spillover funds.

**AUTHORIZE SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND
TRANSPORTATION PROTECTION ACT OF 2010 FOR CALIFORNIA'S NOVEMBER
2010 STATEWIDE BALLOT**

Mr. Murphy said SCC is recommending the Board adopt a resolution in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. This is a statewide ballot measure sponsored by the CTA, the League of California Cities and the California Alliance for Jobs. Mr. Murphy said the measure was drafted and filed in response to a long history of cuts and diversion of local government funding and it would protect the use of various revenues for very specific local services, including transportation and transit. He said the transit-specific protections deal primarily with the STA program and transportation sales taxes collected at the local level. Mr. Murphy said since 2007 the State has diverted more than \$2.8 billion in STA funding from transit agencies, including more than \$37 million from Caltrain. Last year, the court ruled that the diversion of gasoline sales tax spillover revenue is illegal. This measure would offer expanded protection to those funds and expand those protections to other traditional sources of STA funding. Mr. Murphy said this initiative would protect against the diversion of

the quarter-cent sales tax provided through the Transportation Development Act, as well as local sales taxes enacted by self-help counties. The measure also would protect the Highway Users Tax Account which funds local streets and road improvements. Mr. Murphy said aside from the 100 percent diversion of transit funds last year, the State also borrowed \$4 billion in property tax and redevelopment funds from local cities and counties. This measure would make those diversions illegal by expanding the scope of protections offered under Proposition 1A and close loopholes in that measure that allowed periodic borrowing of local revenue by the State.

A motion (Lloyd/Ahmad) to support the November 2010 ballot initiative was approved unanimously by roll call.

CALTRAIN COMPREHENSIVE ACCESS PROGRAM

Executive Officer Planning and Development Marian Lee made the following points:

- Looking 20 years out, the travel forecast model shows the potential market is expected to increase 100 percent.
- The four components of the program are setting policy, strategic access plan, capital improvement plan and a monitoring program. All components will be developed with stakeholder input.
- Forecasting 20 years out, transit-oriented developments density will increase by 40-60 percent.
- There is a competing demand for land, which will constrain access and limit ridership.
- Challenges include maximizing the future market, increased access capacity and shift access modes.
- The six goals staff is proposing to guide access investment decisions are:
 - Increase access capacity to support ridership growth.
 - Prioritize sustainable “green” access.
 - More effectively manage land and capital assets.
 - Prioritize cost-effective access modes.
 - Enhance customer satisfaction.
 - Solidify partnerships to implement improvement.
- A two-tier approach will be taken for prioritization of the goals. One will be at a system level and one is at a station level.
- The system priority focuses on reducing auto dependency. The station priority focuses on flexibility so staff can be context-sensitive to local needs.
- Staff will be doing stakeholder outreach and bring this item back to the Board in May for adoption.

Director Kalra said it is important to solidify partnerships to make this program work.

Ms. Lempert said this presentation should be shared with the planning departments of local cities.

Director Ahmad said he would like to encourage the opportunity to see where car sharing could be employed at the stations.

Public Comment

Jeff Carter, Burlingame, said he appreciates the emphasis on walking and bicycle access in the program.

Shirley Johnson, SFBC, said the comprehensive access scope shows riders to trains so where is bikes on board in the planning process because it was not in the Short Range Transit Plan and it is not in this plan.

Chair Elsbernd said bikes on board is definitely a big part of this report.

Vaughn Wolffe, Pleasanton, said when staff talks about trains in the future they may have to consider congestion at the station when 800 people, many with bikes, board and alight.

Director Ken Yeager left at 11:55 a.m.

QUARTERLY CAPITAL REPORT

Ms. Chan said she is available to meet with Board members if they have any questions.

CORRESPONDENCE

None

BOARD MEMBER REQUESTS

None

DATE/TIME/PLACE OF NEXT MEETING

Thursday, April 1, 2010, 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

- a. Closed Session: Real Estate Negotiations – Pursuant to Government Code 54956.8:
Agency Negotiators: David J. Miller and Brian Fitzpatrick
Under Negotiation: Price and Terms of Purchase
Property and Negotiating Parties:

<u>Owner</u>	<u>Address/Location</u>	<u>APN</u>
Welch Family Partnership	104 San Bruno Avenue	020-111-150
Usman and Fatima Shaikh	111 San Bruno Avenue	020-121-360
Federick J. Firpo Trust	Huntington Avenue	020-111-140
Lester and Rhoda Kaplan	222 San Bruno Avenue	020-193-360
Paul and Rita Kaplan		
Artichoke Joes	659 Huntington Avenue	020-131-570
Artichoke Joes	205 Angus Avenue	020-131-410
City and County of San Francisco	Angus and Huntington Avenue	SBE 845-41-5
	San Mateo and Huntington Avenues	SBE 846-41-5

Mr. Miller said there is no need for a closed session today. The SamTrans Board, at the JPB's request, will be taking up these items next week. As reported previously, in order to receive the \$30 million in State funds to award a contract for the San Bruno Grade Separation construction by June 30, the JPB is required to have in place agreements to have possession of the property before that date. The SamTrans Board will be holding hearings on Resolutions of Necessity next Tuesday and Mr. Miller will report back at the April meeting.

ADJOURNED

Adjourned at 12:03 p.m.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: **AUTHORIZING DISPOSITION OF EIGHT SERVICE SUPPORT
VEHICLES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director to dispose of the following vehicles:

- 1993 Chevy Lumina
- 1995 Ford F250 Pick-up
- 1997 GMC Hy-Rail Service Truck
- 1998 Chevy SUV
- 1998 Ford F550 Hy-Rail Service Truck
- 1998 Ford F250 Pick-up
- 2000 Ford F250 Pick-up
- 2003 Ford F350 Pick-up

SIGNIFICANCE

This proposed action would follow the JPB's policy to routinely dispose of surplus vehicles and equipment that are no longer viable for service.

BUDGET IMPACT

The vehicles were purchased using State Transit Assistance (STA) funds; as a result, staff will be required to comply with any grant requirements associated with disposition of equipment purchased with such funding. Any proceeds remaining after satisfaction of potential grant reimbursement and payment for any disposal costs will be deposited to the JPB's general fund.

BACKGROUND

It is the JPB's policy to dispose of surplus property in a manner that will yield maximum proceeds to the JPB and be in full compliance with its procurement policy. Methods of disposition identified in the policy include sealed bid procedure, auction, sale or transfer to another public agency, negotiation and sale or discard of the items as scrap. These vehicles will be sold through public auction.

The JPB purchased the vehicles in the years specified above for Caltrain's use for maintenance-of-way, communications and signal activities. These service support vehicles have reached the end of their useful lives and were replaced with 2009 and 2010 model year vehicles.

Sr. Contract Officer: Nita Vigil 650.508.7731
Project Manager: Jerry Willard, Deputy Director, Rail Administration 650.508.7975

RESOLUTION NO. 2010-

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

* * *

AUTHORIZING DISPOSITION OF EIGHT SERVICE SUPPORT VEHICLES

WHEREAS, it is the policy of the Peninsula Corridor Joint Powers Board (JPB) to dispose of surplus items that are determined to be no longer viable for use; and

WHEREAS, the JPB has identified the need to dispose of the following vehicles by public auction in accordance with existing JPB disposition procedures:

- 1993 Chevy Lumina
- 1995 Ford F250 Pick-up
- 1997 GMC Hy-Rail Service Truck
- 1998 Chevy SUV
- 1998 Ford F550 Hy-Rail Service Truck
- 1998 Ford F250 Pick-up
- 2000 Ford F250 Pick-up
- 2003 Ford F350 Pick-up

WHEREAS, the Executive Director recommends that the JPB authorize the disposition of the above vehicles by means permitted by the procurement manual, including auction, sale or discard as scrap; and

WHEREAS, the vehicles were purchased with State Transit Assistance (STA) funds; and

WHEREAS, any proceeds remaining after satisfaction of the STA grant requirements and any disposal costs will be deposited to the JPB's general fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the JPB authorizes the disposition of the vehicles identified above with the proceeds, if any, from the disposition to be administered in accordance with the terms of this Resolution; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director or his designee to determine the appropriate method of disposition of the vehicles.

Regularly passed and adopted this 1st day of April, 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 FEBRUARY 2010

For February 2010, Caltrain average weekday ridership (AWR) decreased 2.0 percent when compared to February 2009. AWR based on ticket sales was 35,041 for February 2010, a decrease of 707 compared to February 2009. The total number of passengers for the month of February 2010 was 865,569. This is a 2.0 percent decrease from last year's February total of 883,043. The local economy is continuing to negatively impact ridership.

In February 2010, on-time performance was 95.9 percent, as compared to 97.2 percent in February 2009. This represents a decline of about one and a third percentage points but is still above the JPB goal of 95 percent on-time.

Average weekday shuttle ridership was estimated at 5,309. Marguerite shuttle ridership reporting has continued to be irregular as they are transitioning back to a fully automated counting method and have changed their management and shuttle service provider. For this reason staff will be reporting shuttle ridership both with and without Marguerite counts until these issues with Stanford have been resolved. It is estimated that non-Marguerite shuttle ridership is down 14.4 percent from February 2009. There are large variations among individual shuttles that reflect the local area economy impact on companies directly served by these shuttles. For the station shuttles, the Millbrae-Broadway shuttle averaged 102 daily riders. The Tamien-San Jose shuttle averaged 45 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 51 daily riders.

Table A shows performance indicators for February 2010. Graph A shows AWR for the past 13 months as compared to the rolling average.

Caltrain Promotions - February 2010

Explore San Jose – Whether it’s a concert, game or other sporting event at the HP Pavilion, a trip to one of San Jose’s world-class museums or a night out in the downtown club district, San Jose has evolved into a true California destination city. The San Jose Convention Visitors Bureau’s Visitors Guide is the most comprehensive tool in getting the word out about the city. The guide is loaded with information about dining, shopping and fun things to do in around San Jose – and the transportation section of the guide provides a map and fare chart of the Caltrain system. The ad prompts readers of the annual guide, which has an annual circulation of 200,000 to explore the region by Caltrain. In addition, more than 350 visitors each month view the online version of the guide.

San Jose Sharks – Four Sharks players will be coming home to San Jose with slightly heavier luggage and hard-earned swaggers as Olympic Gold Medal winners for home team Canada. The return is that much sweeter as Olympians and the rest of the Sharks head back to the San Jose ice as the division leaders. This year’s cooperative promotion with the Sharks includes a print campaign in local newspapers, adcards on the trains and a Web button on the Caltrain Web site. The Sharks played only one game in February due to the Olympics; total ridership year-to-date is up 9 percent compared to last year.

Disney on Ice – To offer added value to our customers, Caltrain is partnering with the promoters of *Disney On Ice – Worlds of Fantasy*. Caltrain riders receive a discount of \$3 when they show a Caltrain pass or ticket at the Disney on Ice box office. Shows will be held at the HP Pavilion and the Oracle Arena in February and March. Caltrain posted adcards inside trains, and a photo from the *Disney On Ice - Worlds of Fantasy* show is displayed on the cover of the winter issue of *Weekend Edition* to help promote easy access to the shows.

Prepared by: Patrick Boland, Marketing Manager
Ted Yurek, Senior Planner

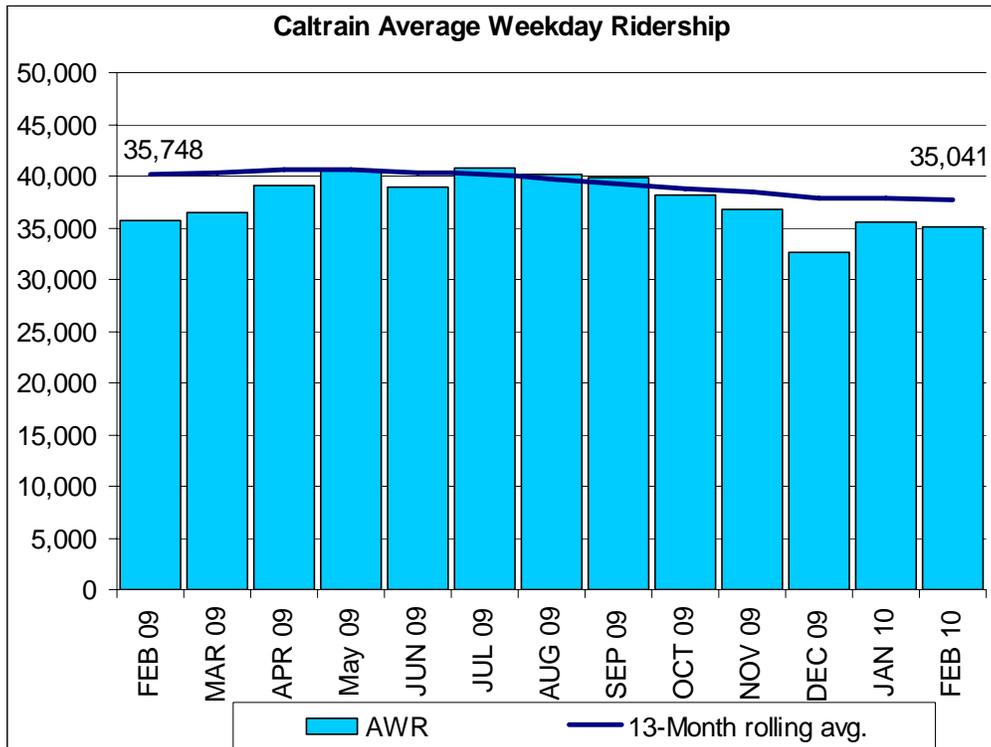
650.508.6245
650.508.6471

Table A

February 2010			
	FY2009	FY2010	% Change
Total Ridership	883,043	865,569	-2.0%
Average Weekday Ridership	35,748	35,041	-2.0%
Total Revenue	\$3,161,847	\$3,189,889	0.9%
On-time Performance	97.2%	95.9%	-1.4%
Caltrain Shuttle Ridership	6,059	5,309	-12.4%
Non-Marguerite Shuttle Ridership	3,669	3,141	-14.4%

Year to Date			
	FY2009	FY2010	% Change
Total Ridership	8,574,536	7,861,126	-8.3%
Average Weekday Ridership	40,651	37,371	-8.1%
Total Revenue	\$28,927,967	\$27,809,413	-3.9%
On-time Performance	94.9%	94.0%	-0.9%
Average Caltrain Shuttle Ridership	6,210	5,606	-9.7%

Graph A



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 FEBRUARY 28, 2010 AND SUPPLEMENTAL INFORMATION**

ACTION

Staff proposes that the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of February 2010 and supplemental information.

SIGNIFICANCE

Revenue: For February of Fiscal Year 2010, *Total Operating Revenue* (line 7) is \$252,800 or 0.8 percent **better** than budget. This is due to *Other Income* (line 5) which is **better** than budget by \$894,581 or 89.6 percent mainly due to an unbudgeted increase in shared track revenue and is offset by lower than anticipated *Farebox Revenue* (line 1) and *Parking Revenue* (line 2) which together were \$665,426 or 2.2 percent **worse** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,160,775 or 3.6 percent **higher**, due to *Other Income* (line 5) which is \$2,105,623 or 991.2 percent **higher** and is offset by *Farebox Revenue* (line 1) which is \$1,118,952 or 3.9 percent **lower**.

Expense: *Grand Total Expenses* (line 44) show a favorable variance of \$6,629,046 or 10.3 percent. *Total Operating Expense* (line 31) is \$5,690,435 or 10.0 percent **better** than budget. Within total operating expense *Contract Operating & Maintenance* (line 23) is \$2,370,907 or 5.9 percent **better** than budget and *Fuel* (line 25) is **better** than budget by \$2,490,822 or 27.0 percent. *Total Administrative Expense* (line 40) is \$938,611 or 14.4 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 44) are \$1,338,157 or 2.3 percent **lower**. The decrease in expense over the prior year is mainly due to *Fuel* (line 25) which is \$1,328,611 or 16.5 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

FEBRUARY 2010

% OF YEAR ELAPSED **66.7%**

	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	3,189,889	28,928,364	27,809,412	28,267,184	98.4%	43,762,048	43,762,048	63.5%
2	Parking Revenue	270,561	1,399,498	1,524,938	1,732,592	88.0%	2,598,890	2,598,890	58.7%
3	Shuttles	107,185	712,870	737,724	732,336	100.7%	1,098,504	1,098,504	67.2%
4	Rental Income	141,220	1,117,937	1,141,747	1,123,690	101.6%	1,682,800	1,682,800	67.8%
5	Other Income	239,799	(212,442)	1,893,181	998,600	189.6%	1,492,090	1,492,090	126.9%
6									
7	TOTAL OPERATING REVENUE	3,948,654	31,946,227	33,107,002	32,854,402	100.8%	50,634,332	50,634,332	65.4%
8									
9	CONTRIBUTIONS:								
10	AB-434-Peninsula Feeder Shuttle	83,333	683,844	666,667	666,667	100.0%	1,000,000	1,000,000	66.7%
11	Operating Grant	7,177	76,171	1,109,654	1,109,654	100.0%	2,316,867	2,316,867	47.9%
12	JPB Member Agencies	3,284,715	26,277,725	26,277,725	26,277,762	100.0%	39,416,585	39,416,585	66.7%
13	Other Sources	0	0	0	3,478,912	0.0%	3,787,512	3,787,512	0.0%
14									
15	TOTAL CONTRIBUTED REVENUE	3,375,225	27,037,740	28,054,046	31,532,995	89.0%	46,520,964	46,520,964	60.3%
16									
17	GRAND TOTAL REVENUE	7,323,880	58,983,967	61,161,048	64,387,397	95.0%	97,155,296	97,155,296	63.0%
18									
19									
20	EXPENSE								
21									
22	OPERATING EXPENSE:								
23	Contract Operating & Maintenance	5,084,569	37,536,442	37,727,583	40,098,490	94.1%	60,425,885	60,425,885	62.4%
24	Shuttles (Including Peninsula Pass)	252,219	1,957,358	1,938,288	1,950,580	99.4%	2,926,620	2,926,120	66.2%
25	Fuel	854,678	8,064,194	6,735,583	9,226,405	73.0%	13,839,649	13,839,649	48.7%
26	Timetables & Tickets	11,517	122,611	105,769	132,817	79.6%	210,000	210,000	50.4%
27	Insurance	373,232	3,131,227	2,952,696	3,023,312	97.7%	4,535,000	4,535,000	65.1%
28	Facilities and Equipment Maintenance	90,131	747,985	673,934	975,085	69.1%	1,595,296	1,595,296	42.2%
29	Utilities	89,345	847,002	721,673	998,240	72.3%	1,502,400	1,502,400	48.0%
30	Services	99,699	615,654	607,253	748,285	81.2%	1,155,630	1,156,130	52.5%
31	TOTAL OPERATING EXPENSE	6,855,390	53,022,473	51,462,779	57,153,214	90.0%	86,190,480	86,190,480	59.7%
32									
33	ADMINISTRATIVE EXPENSE:								
34	Wages & Benefits	436,421	3,444,919	3,817,212	4,220,623	90.4%	6,318,279	6,323,513	60.4%
35	Board Of Directors	947	5,538	7,549	8,700	86.8%	12,300	12,300	61.4%
36	Professional Services	124,562	1,186,463	822,727	1,215,874	67.7%	1,976,628	1,951,594	42.2%
37	Communications/Marketing	6,251	116,641	106,313	169,138	62.9%	265,000	265,000	40.1%
38	Other Office Expense and Services	94,687	922,501	806,521	884,598	91.2%	1,289,734	1,309,534	61.6%
39									
40	TOTAL ADMINISTRATIVE EXPENSE	662,867	5,676,062	5,560,322	6,498,933	85.6%	9,861,941	9,861,941	56.4%
41									
42	Long Term Debt Expense	91,906	397,973	735,250	735,250	100.0%	1,102,875	1,102,875	66.7%
43									
44	GRAND TOTAL EXPENSES	7,610,163	59,096,508	57,758,351	64,387,397	89.7%	97,155,296	97,155,296	59.4%

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



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF FEBRUARY 28, 2010

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Restricted)	Liquid Cash	0.577%	\$ 2,000,000	\$ 2,001,896
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.577%	12,011,095	12,022,479
Investment Portfolio (Unrestricted)	Liquid Cash	1.954%	13,827,080	13,956,855
			\$ 27,838,174	\$ 27,981,230
Accrued Earnings for February 2010	\$29,110.65	(1)		
Cumulative Earnings FY2010	\$223,345.37			

(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 1.000947825 as reported by LAIF for quarter ending December 31, 2009.

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

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZATION OF AWARD OF CONTRACT TO ORRICK,
HERRINGTON AND SUTCLIFFE TO SERVE AS SPECIAL COUNSEL IN
CONNECTION WITH THE FISCAL YEAR 2011 FUEL HEDGING
PROGRAM**

ACTION

Staff Coordinating Council recommends that the Board authorize the Executive Director to execute a contract with Orrick, Herrington & Sutcliffe, LLP (Orrick), in an amount not to exceed \$125,000, to serve as special counsel to the JPB in connection with the FY2011 fuel hedging program.

SIGNIFICANCE

Per the fuel hedging policy adopted by the Board in March by Resolution No. 2010-15, staff will shortly begin the process of selecting a counterparty with a credit rating of AA/Aa by at least one national rating agency for the FY2011 fuel hedging program.

Orrick served as counsel on the fuel hedge transaction entered into for the current fiscal year as well as bond counsel on the JPB's 2007 financing for Bombardier rail cars and brings a strong understanding of the JPB's history and requirements.

Staff expects to return to the Board in June 2010 to obtain approval on the award of a financial contract for fuel hedging services and in July 2010 to provide further details concerning the terms of the FY2011 fuel hedge.

BUDGET IMPACT

Orrick will be providing services jointly to both the JPB and the San Mateo County Transit District. The total cost of Orrick's services will not exceed \$125,000, with the JPB responsible for 70 percent of the cost, based upon the JPB's proportional share of the total amount of the anticipated fuel hedge.

The JPB's FY2010 adopted budget for fuel expenses is \$13.8 million which incorporates an estimated savings from a diesel fuel price cap of \$2.5 million compared with the FY2009 revised

budget. Implementing a fuel hedging program going forward will enable the JPB to purchase half of its fuel within a pre-determined price range, thus giving the JPB a measure of budgetary certainty and allowing for more effective utilization of budget resources. With a fuel hedging constraint on fuel costs, staff believes the JPB will be able to hold the FY2011 budget to similar levels as the FY2010 budget if not better.

The results of the FY2011 fuel hedge will be incorporated into the JPB's FY2011 proposed budget for fuel expenses.

BACKGROUND

The JPB currently purchases fuel from Pinnacle Petroleum based on the weekly spot price for diesel fuel, exposing the JPB to market price fluctuations. Over the past year, the price of diesel fuel has ranged from a high of \$2.22 per gallon in the first week of January 2010 to a low of \$1.14 in the third week of February 2009.

The JPB started a fuel hedging program in FY2010. The counterparty on the FY2010 transaction is Deutsche Bank AG. The JPB received its first payment from Deutsche Bank in February as the average price in January on the Gulf Coast USLD index was over the \$2.00 cap price. The JPB has also realized the primary purpose of the cap, which was to provide budget certainty.

Based on the success of this initial fuel hedging program and the approval of the fuel hedge policy by the Board in March by Resolution No. 2010-15, staff will implement the program for FY2011 utilizing the same strategy of purchasing a diesel fuel price cap which allows the JPB to limit its exposure when fuel prices rise, while continuing to receive the benefit when prices fall. No cap option transactions will be offshore transactions. Transactions would be based on the Gulf Coast Ultra Low Sulfur Diesel (ULSD) index, which was highly correlated at a rate of 0.971 between 2001 and 2009 with the Oil Price Information Service (OPIS) index on which the price that the JPB pays for fuel is based, indicating a very close relationship between the two indices.

The primary goal of the program is to reduce volatility and uncertainty in the fuel budget. Staff intends on hedging 50 percent, or approximately 2.1 million gallons, of the JPB's projected diesel fuel usage for FY2011 using a price cap based on the Gulf Coast ULSD Platt's U.S. index. The estimated budget savings from the diesel fuel price cap for the JPB is \$1.7 million compared to what the budget would need to be if the JPB did not hedge fuel and had to assume a cost of \$3.50 per gallon. In order to offer the quantity of gallons sufficient to undertake a hedging program, the JPB will again partner with the San Mateo County Transit District, which also will hedge 50 percent of its annual consumption, or approximately 0.9 million gallons.

Prepared by: Trish Reavey, Director of Finance

650.508.6434

RESOLUTION NO. 2010-

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

* * *

**AUTHORIZING AWARD OF CONTRACT TO ORRICK, HERRINGTON AND
SUTCLIFFE TO SERVE AS SPECIAL COUNSEL IN CONNECTION WITH THE
FISCAL YEAR 2011 FUEL HEDGING PROGRAM**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) currently purchases over four million gallons of diesel fuel each year to conduct train operations; and

WHEREAS, the Board adopted a fuel hedging policy in March by Resolution No. 2010-15 authorizing a fuel hedging program utilizing cap option methodology; and

WHEREAS, consistent with the fuel hedging policy, the JPB will shortly begin the process of selecting a counterparty with a credit rating of AA/Aa by at least one national rating agency for the FY2011 fuel hedging program; and

WHEREAS, the JPB requires the services of special counsel to assist it in the process of implementing a fuel hedge for the FY2011 fuel hedging program; and

WHEREAS, Orrick, Herrington & Sutcliffe, LLP, has served as the JPB’s special counsel in prior years, including advising on FY2010’s fuel hedging program, and has substantial experience with public transit financial transactions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director to execute a contract in an

amount not to exceed \$125,000 with Orrick, Herrington & Sutcliffe, LLP, to serve as special counsel to the JPB in connection with the proposed fuel hedge for FY2011, with the understanding that the not to exceed amount includes services to be provided under a separate contract with the San Mateo County Transit District, which is expected to pay 30 percent of the total cost of the special counsel services.

Regularly passed and adopted this 1st day of April, 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: Marian Lee
Executive Officer, Planning and Development

**SUBJECT: CALTRAIN ELECTRIFICATION PROGRAM ENVIRONMENTAL
ASSESSMENT / FINAL ENVIRONMENTAL IMPACT REPORT**

ACTION

In accordance with the California Environmental Quality Act (CEQA), the Staff Coordinating Council (SCC) recommends that the Board:

1. Certify the Caltrain Electrification Program Environmental Assessment (EA) / Final Environmental Impact Report (FEIR);
2. Adopt the CEQA Findings of Fact Report and Mitigation Monitoring and Reporting Program (MMRP) documents; and
3. Approve the Caltrain Electrification Program

SIGNIFICANCE

Working in conjunction with the Federal Transit Administration (FTA), staff has completed a combined EA/FEIR to examine potential environmental impacts of the Caltrain Electrification Program. The combined environmental document has been made available for public review. The EA, which fulfills requirements of the National Environmental Policy Act (NEPA), has resulted in the issuance of a Finding of No Significant Impact (FONSI) by the FTA. In order to proceed with the next phases of the program the Peninsula Corridor Joint Powers Board (JPB) needs to certify the FEIR and adopt related findings under CEQA.

Environmental clearance represents a crucial milestone to enable the JPB to compete for federal and state funding. It indicates a state of readiness which is a key criterion for funding agencies. The program funding plan includes funding sources from federal, state and local agencies necessitating environmental clearance at both the federal (NEPA) and state (CEQA) level.

Per the Final Environmental Impact Report (FEIR), the total estimated cost of the electrification program is \$1,225 million in year of expenditure dollars: \$785 million for electrification infrastructure and \$440 million for vehicle replacement. Please note that all financial projections in the FEIR document are based on staff's best estimates at the time it was prepared.

The program attained 35 percent engineering design in 2009. Environmental clearance will allow the program to proceed into final design and ultimately construction. The recommended Board actions to certify the FEIR and to approve the Caltrain Electrification Program also will commit the JPB to implementation of various mitigation measures contained in the MMRP prepared in accordance with the CEQA.

BUDGET IMPACT

There is no impact to the budget.

BACKGROUND

Staff has completed the Caltrain Electrification EA/FEIR enclosed herein. The EA is required at the federal level and the FEIR is required at the state level to environmentally clear the Caltrain electrification program and be able to access federal and state funding.

At the federal level, no Caltrain Board action is required to finalize the EA. In accordance with the NEPA, the FTA issued a FONSI after review and concurrence with EA findings. The FONSI letter is enclosed herein.

Electrification is necessary to sustain and increase Caltrain services in the future. Electrification of the system will allow for operational efficiencies that will facilitate implementation of significant increases in service, ridership and revenues. Electrification also will substantially reduce environmental emissions and result in reduced energy consumption.

The Caltrain Electrification EA/FEIR evaluated the environmental impact of electrifying Caltrain from its San Francisco station to the Tamien station in San Jose. The program converts Caltrain from a diesel to an electrified system. It also evaluated an increased level of Caltrain service to 114 daily trains. Most of the infrastructure improvements are in the existing Caltrain right of way, with the exception of two traction power stations.

Overall, the program will provide an environmental benefit to the region and San Francisco, San Mateo and Santa Clara counties. The key findings of the environmental review are as follows:

- Does not affect fish or wildlife resources or wetlands;
- Does not affect flood plain encroachment, park lands, traffic, parking, air quality, energy or historic properties;
- Does not displace homes or businesses or induce growth;
- Does not change existing land use patterns;
- Reduces noise emissions;
- Has visual impacts resulting from the overhead electrical wires;
- Has potential to encounter hazardous wastes; and
- Has temporary construction impacts.

During the environmental process, public outreach was conducted to meet the requirements of NEPA and CEQA. Staff also conducted additional outreach to ensure sufficient information sharing with partner agencies and the public. The following are outreach events conducted during the environmental process:

- 2000 - NOP issuance and scoping meeting
- 2004 - EA/ Draft Environmental Impact Report (DEIR) circulation and public meetings
- 2006 to 2008 - board presentations and meetings with public agencies
- 2009 to 2010 - program update newsletters (see enclosed), city meetings, EA/FEIR circulation to public agencies that commented on the draft and as requested

Following Board action, within five days, a Notice of Determination (NOD) will be filed with the State Clearinghouse. The NOD will state that the JPB has approved the program that has identified mitigation measures that would reduce environmental impacts to less-than-significant levels. The State Clearinghouse process provides the public 30 days to review the notice. Copies of the EA/FEIR will be made available at 11 libraries within the project limits, at the Caltrain Administrative Office and online at www.caltrain.com.

Prepared by: Stacy Cocke, Senior Planner

650.508.6207

Enclosures:

1. *Caltrain Electrification Program EA/FEIR (CD), July 2009*
2. *FTA - FONSI letter, December 17, 2009*
3. *Caltrain Newsletter*

The Caltrain Electrification Program EA/FEIR (CD), July 2009 can be viewed at:

http://www.caltrain.com/EA-FEIR_07-2009.html



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

DEC 17 2009

Mr. Michael Scanlon
Executive Director
Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
P.O. Box 3006
San Carlos, CA 94070

Re: Environmental Assessment for
Caltrain Electrification Program

Dear Mr. ^{Mike} Scanlon:

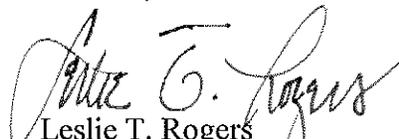
Based on our review of the Environmental Assessment dated July 2009, we have issued a Finding of No Significant Impact (FONSI) for the Caltrain Electrification Program.

A copy of the FONSI is enclosed. Copies of the FONSI and any supporting assessment information should be made available to affected units of government and to the public. Notice of this availability should be published in local newspapers and provided directly by you to affected units of Federal, State and Local governments as well as the State intergovernmental review contact established under Executive Order 12372.

Please note that if a grant is approved for this project, the standard terms and conditions of the grant contract will require the Peninsula Corridor Joint Powers Board to undertake any mitigation actions as identified in the Environmental Assessment.

Thank you for your cooperation in meeting the requirements of the National Environmental Policy Act. If you have any questions, please contact your Community Planner, Mr. Eric Eidlin, at (415) 744-2502.

Sincerely,


Leslie T. Rogers
Regional Administrator

Enclosure

ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

Grant Applicant: Peninsula Corridor Joint Powers Board (JPB)

Proposed Project: Caltrain Electrification Program

Project Location: San Francisco, San Mateo, Santa Clara Counties, California

A. Request

This is a request for the issuance of a Finding of No Significant Impact (FONSI) under 40 CFR 1508.13. A Final Environmental Assessment (EA) was prepared to assess the environmental impacts of the proposed project.

B. Project History

The Peninsula Corridor Joint Powers Board (JPB) submitted a draft Environmental Assessment (EA) for the Caltrain Electrification Program to FTA for review in 2005. The draft EA was circulated for public comment. The FTA did not issue a FONSI at that time because JPB had not yet developed a concrete funding plan for the project.

In 2006, these funding constraints prompted the JPB to reduce the scope of the project: instead of extending 77 miles from San Francisco to Gilroy, as described in the 2005 draft EA, in the revised proposal the electrification project would only span approximately 52 miles from San Francisco to San Jose. JPB approved this change to the project in 2006.

In 2008, JPB developed a revised funding plan for the shortened Electrification Program. With a funding plan in place, JPB updated the technical studies and the EA to reflect the reduction in project scope. The JPB submitted a Final EA to FTA in July 2009. Since almost four years had passed since the submittal of the draft EA on which JPB received public comments, FTA requested that the JPB complete an environmental re-evaluation to assess whether significant changes had been made to the project. Upon review, FTA concluded that the changes in project scope were minor and that the revised project would result in lesser environmental impacts than the project described in the 2005 draft EA. In light of this, FTA did not require the completion of a supplemental EA.

This FONSI is based upon the July 2009 submittal of the Caltrain Electrification Final EA. It contains a current schedule, estimate and funding information based on the reduction in the Electrification Project limits.

C. Project Description

The JPB proposes to electrify Caltrain from the San Francisco terminus at Fourth and King Streets to the Tamien Station in the City of San Jose, California, by 2015. Electrification will make it possible to provide increases in Caltrain service to 114 trains between San Francisco and San Jose daily, with continuing diesel service for another 26 miles between San Jose and Gilroy. Subsequent to issuing the original environmental document, it was determined that, for practical reasons, diesel service should remain in the segment between San Jose and Gilroy, for the time being.

This project includes converting Caltrain from diesel-hauled to electric powered trains; installation of 140 track miles of overhead contact system (OCS) for the distribution of electrical power to the new

rolling stock and a supply system consisting of 10 traction power stations; and a new fleet of electric multiple unit (EMU) rolling stock replacing a substantial portion of the current fleet of diesel locomotives and gallery cars. JPB would retain sufficient diesel locomotives for continued diesel operations between the Gilroy and Tamien Stations. Electrification also would require construction or enhancement of overbridge protection barriers on approximately 47 roadway bridges that cross over the Caltrain alignment; modification or replacement of the existing signal system to be compatible with electrification; and the placement of OCS infrastructure to wire the existing tracks.

Electrification will help JPB to meet the growing demand for commute and off-peak travel options between San Francisco and Peninsula locations. In addition to modernization of Caltrain and improved train performance and operational efficiency, there are environmental advantages associated with electrification. Electrification offers the following substantial advantages over diesel propulsion:

- Efficiency and Cost Benefits. Electric trains accelerate and decelerate faster than diesel trains, even with longer train consists. Electrification will enable JPB to serve more peak period riders more cost-effectively. Electric trains will shorten travel times and help to stimulate additional ridership.
- Reduced Noise. Noise from electrified train sets is much reduced when compared to diesel powered trains. Electrification therefore will contribute to a sustained higher Peninsula quality of life as train service increases are implemented.
- Reduced Air Emissions. Electric operations will reduce corridor air pollution emissions compared with diesel locomotive operations, even when considering remote generation and transmission of electric power.
- Additional Benefits. An electrified Caltrain system better addresses Peninsula commuters' vision of an environmentally friendly, fast, reliable and modern service, which may also stimulate ridership. Additionally, an electrified Caltrain system would set the stage for an expanded regional electric express service and, potentially, for a statewide high-speed rail service.

The proposed Caltrain Electrification Program is consistent with the Peninsula Corridor Joint Powers Board's *Strategic Plan 2004-2023* (adopted in July, 2004). The program is also consistent with *Project 2025* (adopted by JPB in November, 2006) which is a program of plans and actions intended to carry out the objectives of the *Strategic Plan 2004-2023*.

D. Environmental Effects

Based on the Environmental Assessment, FTA finds that the project would:

- Have no long-term effect on fish or wildlife resources (including rare or endangered species) or wetlands; potential construction period effects would be avoided or minimized.
- Result in no impact to agricultural resources, historic resources, geology, land use, mineral and energy resources, park and recreation areas and electromagnetic radiation.
- After mitigation, have no adverse effect on aesthetics, construction air quality, biological resources, archaeological resources, water quality and floodplain encroachment, construction noise and vibration, neighborhoods and businesses, construction traffic, parking, public services and utilities, air quality, and energy

consumption.

- Not cause displacement of homes or businesses or induce growth.
- Not cause changes to existing patterns of land use. The project would be supportive of local initiatives for transit oriented development (TOD) near Caltrain stations.
- Substantially reduce operational noise emissions compared to no-build conditions; although there would be some increased noise from traction power stations, these would be located primarily in non-residential areas.
- Include aesthetic treatments within visually-sensitive areas to offset impacts of OCS infrastructure and entail trimming of trees and other mature vegetation that currently encroach into the required safety envelope for electrified operations.
- Would have potential to encounter hazardous wastes during construction.
- Would have temporary impacts during construction.

Avoidance and mitigation measures include, but are not limited to, traction power station enclosures and adjustments to ventilation systems, minimization of soil disturbance within or adjacent to archaeologically-sensitive zones, design features to minimize impacts to historic buildings and tunnels, preconstruction surveys for migratory special-status animal species, aesthetic design treatments, coordination with local jurisdictions and neighborhood associations as practical during construction, coordination with utility providers and advance notice to customers, and implementation of a Worker Health and Safety Plan and best management practices during construction.

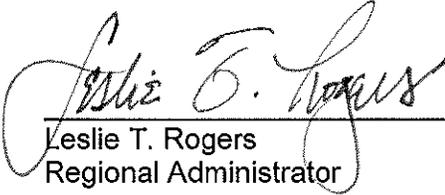
The Environmental Assessment was circulated for 55 days, from April 12 until May 25, 2004, during which four separate public hearings were conducted at different locations along the Caltrain corridor. Over 100 written comment communications were received from public agencies and interested parties and 41 individuals made oral comments at the public hearings. These comments were responded to in writing in the Final EA.

FTA requested the State Historic Preservation Officer's (SHPO) concurrence in the findings of the Historic Properties Survey Report on October 17, 2002 and SHPO concurred in these findings in a letter dated December 9, 2002. A Findings of Effect (FOE) report and an amended FOE report were prepared in accordance with the guidelines in 36 CFR 800.11. In letters dated December 9, 2002 and July 15, 2003, SHPO concurred with FTA's determination that the project with mitigation would have no adverse effect on identified eligible historic resources. These findings were updated for purposes of the current document revision.

To comply with federal regulations, a *Programmatic Agreement* and a *Data Recovery Late Discovery Treatment Plan* were signed by SHPO, FTA and the JPB on December 17, 2009.

E. Environmental Finding

Based on the EA dated March 2009 and the above discussion, it is the Federal Transit Administration's finding, under 23 CFR 771.121, that there are no significant impacts on the environment associated with the construction and operation of the proposed project. In addition, the Environmental Assessment complies with the criteria set forth under 40 CFR 1508.13 and conforms to the guidance in FTA Circular 5620.1. The applicant is directed to distribute this Finding of No Significant Impact to the affected units of federal, state, and local governments pursuant to 23 CFR 771.121(b) upon execution of this document.



Leslie T. Rogers
Regional Administrator

Date: DEC 17 2009



Caltrain *electrification*

Summer 2009



Federal & State Funds Fuel Electrification of Caltrain

Caltrain's plans to electrify the commuter railroad has passed a major milestone. The Final Environmental Assessment / Environmental Impact Report has been submitted to the Federal Transit Administration, an important step toward meeting one of the American Recovery and Reinvestment Act funding requirements - projects that have completed environmental assessment.

The document evaluates all the

potential impacts of the project on the natural and man-made environments and provides an opportunity for the public to comment on the project.

Key Differences

The Final EA/EIR includes a number of revisions to the draft submitted to the FTA in 2004.

Originally estimated at \$831 million (\$457 million for infrastructure and \$374 million for equipment in 2003 dollars) the project is now estimated

at \$1.23 billion (\$785 million for infrastructure and \$440 million for rolling stock in year of expenditure dollars).

The updated funding package includes \$353 million in Federal Transportation Administration funds and \$88 million in matching funds from the Caltrain partners for rail cars. Infrastructure funds include: \$191 million in local funds, including county sales taxes; \$16 million in federal funds; \$62 million in state funds; and \$516 million proposed

continued on page 3

Electrification Spurs Caltrain Growth and Advanced Technology



The road to electrified train service includes improvements to Caltrain's infrastructure.

Flexible Equipment

Caltrain hopes to replace its aging cars and diesel locomotives with modern, efficient, flexible Electric Multiple Units.

The light-weight, self-propelled, European-style cars offer several advantages over the traditional heavy rail cars currently in use by Caltrain. Because they are electric, EMUs produce 90 percent less air pollution. They also are quieter, an advantage for neighbors near the right of way.

Electric-powered trains are compatible with Caltrain's existing standard-gauge tracks and are able to start and stop more quickly, offering maximum operating flexibility. Off-the-shelf EMUs commonly used in Europe and Asia are scientifically designed to absorb energy in a collision, providing additional safety for train crews and passengers.

Power Facilities

The power to operate the trains will be transmitted from power facilities through overhead wires to contacts on the roof of the car. In order to provide consistent, reliable power to the trains, a series of 10 power facilities will be built along the Caltrain corridor.

Eight of the power facilities will be located on the Caltrain right of way. Two will be in San Francisco and one in Burlingame, San Mateo, Redwood City, Mountain View, Sunnyvale and San Jose. Two traction power supply substations will be built near existing electrical networks on publicly owned-property in South San Francisco and San Jose.

Each location was chosen based on proximity to the tracks and the availability of land within Caltrain-owned property.

Partnership Key to Funding Electrification

Caltrain and the California High-Speed Rail Authority have joined together to form the Peninsula Rail Program, a joint effort to bring high-speed rail to the Peninsula.

The agreement between the two agencies protects Caltrain's operations and could provide millions of dollars to help fund electrification.

It also emphasizes the importance of an extensive public outreach effort that will inform the environmental process and, ultimately, the overall design of high-speed rail on the Peninsula.

Federal and State Funds Fuel Electrification

continued from cover

from federal high-speed rail program funds, State Proposition 1A funds, and /or project financing.

The 2004 draft report proposed electrifying the railroad from San Francisco to Gilroy. In the final report, the system will be electrified only along its mainline from San Francisco to San Jose. The year of completion, originally forecast for 2008, has been updated to 2015.

The service plan presented in the final report is based on an electrified line that extends from San Francisco to San Jose.

Service is expected to increase to 114 trains by 2035, or six per hour in each direction during the peak, to serve an average projected weekday ridership of 72,000. Service levels to Gilroy would remain the same. Caltrain currently has an average weekday ridership of about 40,000.

The 2004 draft anticipated that service would increase to 132 weekday trains, with 20 trains traveling between San Jose and Gilroy by 2020.

The final report identifies Electric Multiple Units as the preferred equipment. In the draft report,

Caltrain proposed upgrading its diesel fleet with one of three alternatives: electric locomotives that would operate its existing passenger cars; electric locomotives and a fleet of new passenger cars; or Electric Multiple Units.

The original number of power stations has been reduced from 13 to 10. Eight of the stations will be located within Caltrain's right of way. The remaining two substations will be located near existing power facilities in South San Francisco and San Jose.

Next Steps

The FTA will review the Final EA/EIR and submit its final comments. Those comments will be incorporated into the document, which will be presented to the Caltrain Board of Directors for approval. It is anticipated that the FTA will accept the Final EA/EIR in fall 2009.



Artist rendering. Specific vehicle design and manufacturer has yet to be determined.

Changes Reflected in Final EA/EIR

	Draft EA/EIR	Final EA/EIR
Project limits	San Francisco to Gilroy	San Francisco to San Jose
Distance	77 miles	52 miles
Power facilities	13	10
Service		
San Francisco - San Jose	132 weekday trains by 2020	114 weekday trains by 2035
San Jose to Gilroy	20 weekday trains by 2020	Same as current level - 6 weekday trains
Projected weekday ridership	57,918 by 2020	72,029 by 2035
Project cost		
Infrastructure	\$457 million (2003 dollars)	\$785 million (year of expenditure)
Rail Cars	\$374 million (2003 dollars)	\$440 million (year of expenditure)

Electrification a Win for Riders, Environment

Electrifying Caltrain will result in a faster, more efficient, more environmentally friendly rail system.

Electric trains can stop and start faster than diesel trains, which will reduce the time it takes to travel between San Francisco and San Jose by 13 percent.

As Caltrain has already demonstrated, decreased travel time results in increased ridership. As more people decide to ride Caltrain, congestion on Bay Area freeways and surface streets will be reduced.

In addition, the switch to electric power will lower air pollutant emissions from trains by up to 90 percent, while significantly reducing power consumption. Electric powered trains also are significantly quieter, which will benefit neighbors living and working near the rail corridor.

Stay Up-to-Date

Caltrain will post updates on this vital project on its Web site:

www.caltrain.com/electrification.

RESOLUTION NO. 2010 -

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

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE CALTRAIN ELECTRIFICATION PROGRAM**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) has prepared, in conformance with the California Environmental Quality Act (“CEQA”), an Environmental Impact Report (“EIR”) for the Caltrain Electrification Program (“Project”); and

WHEREAS, the Project analyzed in the EIR consisted of converting Caltrain from diesel-hauled to electrically-powered trains for service between 4th and King Street Station in San Francisco and Gilroy; and

WHEREAS, a Notice of Preparation for the Caltrain Electrification Program EIR was duly delivered to the State Clearinghouse on September 6, 2000, and mailed to local agencies and other interested parties; and

WHEREAS, the JPB prepared a Draft EIR which concluded that the Project will have significant effects on the environment and identified mitigation measures that would reduce these significant effects to a less-than-significant level; and

WHEREAS, the Draft EIR was distributed on April 5, 2004 to the public and State Clearinghouse for review and comment, and circulated for a 50-day public review period, which ended on May 25, 2004; and

WHEREAS, the JPB received comments from agencies, interested individuals, and organizations on the Draft EIR, both in writing and at four duly-noticed public hearings; and

WHEREAS, following the circulation of the Draft EIR, the JPB elected to refine the operational strategy of Caltrain to focus the electrification enhancements to the more heavily traveled Peninsula corridor between San Francisco and Tamien Station in San Jose; and

WHEREAS, the JPB has sought to reduce the cost of the Project to be consistent with current and expected funding sources; and

WHEREAS, the JPB has updated and completed the EIR to reflect the above considerations; and

WHEREAS, responses to comments on the Draft EIR, as well as the revised EIR, were prepared and released to the public on December 28, 2009, as required by law; and

WHEREAS, the Draft EIR, as revised, together with the responses to comments, constitute the Final EIR on the Project; and

WHEREAS, the JPB has reviewed and considered the Final EIR for the Project and intends to take actions on the Project in compliance with CEQA law and Guidelines.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby certifies the Final Environmental Impact Report for the Caltrain Electrification Program (hereinafter “Project”) based upon the following findings:

- 1) The Peninsula Corridor Joint Powers Board has complied with the requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq., hereinafter “CEQA”) and the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 et. seq., (hereinafter “CEQA Guidelines”).
 - a. The JPB determined that an Environmental Impact Report was required and issued a Notice of Preparation on September 6, 2000.
 - b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 24, 2004.
 - c. On April 5, 2004, the JPB published the Draft Environmental Impact Report (“DEIR”) and provided public notice of the availability of the document for public review and comment and of the date and time of public hearing on the DEIR.
 - d. On April 5, 2004, 238 copies of the DEIR were directly mailed to agencies or individuals and was made available via posting on the Caltrain web site and at the Caltrain Headquarters in San Carlos and at public libraries along the Caltrain Corridor.
- 2) Four duly-noticed public hearings were held on said DEIR in April and May, 2004, at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 25, 2004.
- 3) The JPB prepared responses to comments on environmental issues received at the public hearing and in writing during the 50-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information, and corrected errors in the DEIR. This material was presented in a Final EIR document, published on December 28, 2009, which was distributed to the Board and to public agencies who commented on the DEIR, and was made available to others upon request at Agency offices.

4) The Final Environmental Impact Report has been prepared by the JPB, as the lead agency, and consists of the DEIR, any comments received during the review process, any additional information that became available, and the responses to comments, all as required by law.

5) Project environmental files have been made available for review by the Board and the public. These files are available for public review at the Caltrain Headquarters in San Carlos, at 1250 San Carlos Avenue, and are part of the record before the Board.

6) On April 1, 2010, the Board reviewed and considered the Final EIR and hereby does find that the contents of said report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of CEQA and the CEQA Guidelines.

7) The Board hereby does find that the Final EIR concerning the Project reflects the independent judgment and analysis of the Peninsula Corridor Joint Powers Board, is adequate, accurate and objective, and that the Final EIR documents contains no significant new information to the DEIR that would require recirculation under CEQA Guidelines Section 15088.5, and hereby does certify the completion of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

Regularly passed and adopted this 1st day of April 2010 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

RESOLUTION NO. 2010 -

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

**MAKING CERTAIN FINDINGS CONCERNING MITIGATION MEASURES
AND PROJECT ALTERNATIVES, APPROVING A MITIGATION MONITORING
AND REPORTING PROGRAM AND APPROVING THE CALTRAIN
ELECTRIFICATION PROGRAM FOR WHICH AN ENVIRONMENTAL IMPACT
REPORT HAS BEEN PREPARED IN ACCORDANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, pursuant to Resolution 2010-01, the Peninsula Corridor Joint Powers Board (“JPB”) has certified that the Final Environmental Impact Report (“Final EIR”) for the Caltrain Electrification Program (“Project”) was completed in accordance with the requirements of the California Environmental Quality Act (“CEQA”), as amended, and related guidelines; and

WHEREAS, the project analyzed under the Final EIR consisted of the conversion of Caltrain from diesel-hauled to electric-hauled trains and the installation of some 130 to 140 single-track miles of an overhead electrical contact system and approximately ten traction power station facilities; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with CEQA to ensure compliance with the mitigation measures during project implementation as part of the Final EIR; and

WHEREAS, the Board of Directors of the Peninsula Corridor Joint Powers Board is the decision-making body for the Caltrain Electrification Program; and

WHEREAS, CEQA requires that, in connection with the approval of a project for which a Final EIR has been prepared, the decision-making body must make certain findings regarding those significant effects on the environment identified in the Final EIR.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby finds that it has independently reviewed and analyzed the Final EIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the Final EIR and on the Project, prior to acting upon or approving the Project, and has found that the Final

EIR represents the independent judgment and analysis of the JPB as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board does hereby make the findings contained in Exhibit A, attached hereto and incorporated herein by this reference, with respect to significant effects on the environment of the Project.

BE IT FURTHER RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board does hereby adopt the Mitigation Monitoring and Reporting Program, which is attached hereto and incorporated herein by this reference as Exhibit B.

BE IT FURTHER RESOLVED, that the Board of Directors of the Peninsula Corridor Joint Powers Board does hereby approve the Caltrain Electrification Program. The Notice of Determination for the Final EIR for the Project is hereby approved and the JPB is hereby authorized and directed to file said Notice of Determination as required under CEQA.

Regularly passed and adopted this 1st day of April 2010 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

EXHIBIT A

CEQA FINDINGS RELATIVE TO THE ADOPTION OF THE CALTRAIN ELECTRIFICATION PROGRAM

I. FINDINGS CONCERNING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following findings are made pursuant to Public Resources Code (PRC) Section 21081 and Title 14 of the California Code of Regulations, Sections 15091 and 15093 (State CEQA Guidelines).

PRC Section 21081(a) – Findings (feasible mitigation measures)

Pursuant to Public Resources Code Section 21081(a), JPB has reviewed and considered the information contained in the EA/FEIR for the Project, the public record, and the administrative record, and finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the changes or alterations that have been required in, or incorporated into, the Project, mitigate, avoid, or substantially lessen the potentially significant environmental effects of the Project, as identified in the EA/FEIR, with respect to aesthetics; air quality (construction only); biological resources; cultural resources; geology, soils and seismicity; hazardous waste and materials; hydrology, floodplain and water quality; neighborhoods and businesses (construction only); noise and vibration; public services and facilities (construction only); transportation/traffic; and utilities and service systems.

A. AESTHETICS

Significant Impacts:

The Electrification Program Alternative proposes to introduce OCS poles and wires within the rail right-of-way along the entire corridor, including through all 27 station areas. In general, the introduction of OCS poles and wires within an existing railroad corridor would not constitute a substantial adverse visual change. Poles and wires have been an integral component of the visual landscape for railway transportation uses in existence for more than 100 years. In areas of sparse vegetation where the existing right-of-way is already visible, the addition of poles and wires would be more evident. Some residents or business occupants accustomed to the existing Caltrain corridor, however, may consider these visual effects adverse. These changes would not introduce visual elements that are substantially out of character with existing land uses or obscure a scenic view or vista.

Trees and other mature vegetation that hang or lean over or into the railroad right-of-way, creating a potential hazard for safe electrified train operations, would be trimmed to enable placement and operation of OCS poles and wires along the edge of the Caltrain right-of-way. To comply with California Public Utilities Commission requirements, necessary vertical and horizontal clearances would need to be maintained from surrounding vegetation to ensure safe operation and regular maintenance of the electrical wires.

Three paralleling station facilities (PS3, PS5 and PS7) located within rail right-of-way are expected to be visible from nearby residences. The PS3 and PS5 sites are located in close proximity to residential properties located across California Drive and Alma Street, respectively. The current views do not include associated rail facilities and tree removal will be required; this effect on views in the area is expected to be adverse, and replacement landscaping should be considered to reduce this effect to an acceptable level.

This action would result in visual changes at each of the existing Caltrain stations. Seven station properties have heightened sensitivity to visual changes due to their historic status, including some stations listed in the National

Register of Historic Places (NRHP): Millbrae, Burlingame, San Carlos, Menlo Park, Palo Alto, Santa Clara, and Diridon (San Jose). Qualified architectural historians have determined that the placement of OCS poles near existing historic stations will have no adverse effect to properties that are listed in or qualify for listing in the NRHP. Visual analysis of impacts for each station concluded that, while these changes would constitute a noticeable visual impact, they would not be substantially adverse in the context of existing conditions.

All construction activities, whether for OCS poles and wires or traction power facilities, would involve the use of a variety of construction equipment, stockpiling of soils and materials, and other visual signs of construction. While evidence of construction activity would be noticeable to area residents and others in the vicinity, such visual disruptions would be short-term and are a common and accepted feature of the urban environment.

Design Features:

The following design features have been incorporated into the project to reduce aesthetic impacts:

DF-1: Minimally sized side-poles and cantilever OCS construction will be implemented wherever possible. Wires will be placed inside the poles over the tracks as much as possible to minimize impact to adjacent residences.

DF-2: Headspan OCS configurations rather than portal beams will be used where possible to minimize visual clutter. In historic station areas pole placement and wire arrangement will be designed to minimize impacts to the extent possible.

DF-3: JPB will incorporate aesthetic measures into final design including landscaping to screen views of facilities, and tapering of catenary poles to blend into the surrounding environment.

DF-4: During nighttime construction, the contractor will be required to direct any artificial lighting onto the worksite to minimize “spill over” light or glare effects on adjacent areas.

Mitigation Measures:

AV-1: Lighting associated with proposed traction power facilities will be directed onto the premises and away from surrounding land uses.

Finding:

Incorporation of specific design features and implementation of the above mitigation measure would reduce potentially significant aesthetic impacts to a level of less than significant.

B. AIR QUALITY

Significant Impacts:

Under the No Electrification Alternative, the analysis indicates that threshold criteria for air pollutant emissions would be exceeded under continued diesel train operations for both train consists. By contrast, electric power generation emissions under the Electrification Program Alternative (again, there are no emissions from electric train operation) in 2035 for both train consists exceed only the nitrogen oxides (NO_x) pounds per day and tons per year significance thresholds. This is with the conservative assumption that all electric generation emissions would be created within the Bay Area Air Basin. In either case, for both future years the estimated air pollutant emissions, including NO_x, are substantially lower for the Electrification Program Alternative than those estimated for the No-Electrification Alternative. In short, electrification of the Caltrain line would create a substantial air quality benefit

over continued use of diesel-powered locomotives. This benefit would be experienced corridor-wide, including more pollution-prone, urbanized areas along the railroad route.

The proposed Electrification Program is consistent with both the Bay Area Air Quality Management District (BAAQMD) 2000 Clean Air Plan and the Bay Area 2005 Ozone Strategy. The Electrification Program Alternative would ultimately remove 112,000 daily vehicle miles of travel (VMT) from corridor roadways. The reduction in VMT would reduce regional mobile-source air toxics (MSAT) emissions from on-road vehicles. Electrification of diesel locomotives would substantially reduce rail-related diesel particulate matter emissions. As such, the proposed project would cause region-wide MSAT levels to be significantly lower than today.

During the construction phase of the Electrification Program Alternative, nitrogen dioxide, carbon monoxide (CO), hydrocarbons, oxides of sulfur, and particulate matter (PM) would be emitted from construction equipment and exhausts of workers' vehicles. Additional dispersion of particulate matter would occur through grading and vehicular travel on unpaved areas. These impacts would all be of temporary duration and would cease when construction is completed.

Mitigation Measures (Construction Only):

AQ-1: All traffic mitigation measures identified in Section 4.2.11 of the EA/FEIR, Transportation Effects during Construction, will be implemented to reduce congestion and resultant localized CO concentrations.

AQ-2: Best management practices (BMPs), including dust control measures (e.g., watering and covering materials hauled in trucks) will be used during construction to minimize fugitive dust.

AQ-3: Construction documents will contain a provision that construction equipment shall be tuned and maintained in good working condition to minimize emissions of criteria pollutants and particulates.

Finding:

Implementation of the above mitigation measures would reduce potentially significant air quality impacts during construction to a level of less than significant.

C. BIOLOGICAL RESOURCES

Significant Impacts:

Although potentially jurisdictional waters occur within the project area, no wetlands or waters of the U.S. would be affected by construction of the Electrification Program Alternative. Project design flexibility in the placement of OCS poles would be implemented to avoid impacts to all potentially jurisdictional waters that cross the Caltrain corridor. These areas include all stream, creek, and ditch crossings along the entire length of the corridor. All potentially jurisdictional wetlands and waters of the U.S. that parallel the existing tracks occur sufficiently far outside of the project right-of-way that they would not be affected by project construction.

A limited number of special-status species have moderately suitable habitat within or adjacent to the project corridor. These include the California red-legged frog, San Francisco garter snake, California tiger salamander, Western burrowing owl, Monarch butterfly, and several species of swallows. All sensitive habitat areas would be avoided during project design and implementation; therefore, no long-term effects on special-status species would occur.

The JPB would trim trees only insofar as necessary to provide the required safety envelope. It is not anticipated that this tree trimming would result in the removal of mature trees. A structurally weak, over mature or particularly fast-growing tree on JPB property may be considered for removal. No removal of trees on private property is contemplated. Tree trimming would be conducted consistent with arboricultural industry standards. The JPB would evaluate potentially affected trees on an individual basis. The “El Palo Alto” redwood tree is located outside of the proposed project right-of-way and would not be affected by the Electrification Program Alternative.

Temporary impacts to natural resources from construction activities typically include air pollution from dust and construction equipment, increased runoff and soil erosion, and construction noise. Construction activities and related impacts may disturb habitat of California red-legged frog, San Francisco garter snake, and Monarch butterfly, and nesting behavior of several swallow species.

Mitigation Measures:

BR-1: A Vegetation Management Plan will be developed in consultation with a certified arborist. The plan will include the following:

- The JPB will not trim or remove mature vegetation any more than is necessary for safe electrified operations;
- Tree trimming during construction will be done in accordance with arboricultural industry recommended practices;
- The feasibility of landscaping mitigation will be considered in the context of required safety clearances from poles, wires and electrical facilities;
- If trees outside the Caltrain right-of-way are damaged or must be removed for placement of OCS or TPS equipment and facilities, feasibility of replacement will be considered on an individual basis in coordination with the property owner and the appropriate city and county urban foresters in accordance with applicable local ordinances; and
- Consistent with Executive Order 13112 on invasive species, the JPB will consider replacement with native plant and tree species insofar as it is practicable.

BR-2: A Biological Resources Management and Mitigation Plan will be developed in coordination with a professional biologist during final design, and will include the following:

Special-Status Species: Preconstruction surveys and other preventative measures will be conducted by qualified biologists to avoid incidental take(s) of the following special-status species within the Caltrain corridor. (See Section 4.2.3.2 for specific measures and policies)

- California red-legged frog and San Francisco garter snake;
- Monarch butterfly; and
- Nesting swallows and other nesting birds.

Sensitive and Protected Habitat:

- Sensitive habitat and wetland areas will be identified during project design and avoided during construction; and

- All natural communities and wetland areas located outside the construction zone that could be affected by construction activities will be temporarily fenced off and designated Environmentally Sensitive Area(s) (ESAs) to prevent accidental intrusion by workers and equipment.

Finding:

Implementation of the above mitigation measures would reduce potentially significant biological resources impacts to a level of less than significant.

D. CULTURAL RESOURCES

Significant Impacts:

Archaeological Resources: Three locations within the area of potential effect (APE) are particularly sensitive: the Hamilton shell mound; the Native American burial ground at Tamien Station; and areas surrounding known Mission-era remains. The Hamilton shell mound overlaps the APE in two locations. The extent of the basal deposit for shell mounds is unknown; therefore, there is potential to expose cultural materials (including human burials) when conducting ground-disturbing activities in the vicinity. Eight other known sites lie within this sensitive zone; they will be avoided during all project activities or, where avoidance is not feasible, they will be evaluated for their National Register eligibility. At Tamien Station, there are known human burials and an archaeological deposit that could be affected during project construction. Finally, the Mission sensitivity zone extends for 1.01 miles and includes site CA-SCL-30/H, the Third Mission Santa Clara. This site has been determined to be eligible for the National Register and would be avoided; however, it is very likely that structures and other remains associated with the Mission lay undetected beneath the modern ground surface. For areas within the sensitive zones, yet outside known site boundaries, testing would be performed at the planned location of OCS poles prior to construction to confirm that the pole locations are outside the site boundaries.

In addition to known resources, there is potential for encountering buried archaeological deposits during excavation for OCS pole foundations. All construction within site boundaries and in or adjacent to archaeologically-sensitive zones will be conducted using excavation methods selected to minimize the size of the excavation and the amount of soil removed, lessening potential impacts on buried cultural resources. Nonetheless, in accordance with CFR 800.5 (2) (i), physical destruction or damage to all or part of a property constitutes an adverse effect.

Historic Architectural Resources: One-hundred ninety-five (195) buildings and structures were identified within the project APE. Of these, 98 were constructed on or prior to 1963; 73 of these resources were determined to not appear eligible for listing in the National Register. Of the remaining 25 properties, 9 properties were already listed in the National Register, 10 were determined eligible for listing in the National Register, and 6 appear eligible for listing in the National Register. All 25 properties are subject to Section 106 procedures and consultation as described in the regulatory framework.

The City of Santa Clara has adopted archaeological mitigation measures in its Archaeological Monitoring and Treatment Plan. The JPB would expect to comply with this Plan for construction activities in archaeologically or culturally sensitive zones within Santa Clara's jurisdiction. The JPB will similarly comply with adopted city archeological monitoring and treatment plans affecting its construction activities within other cities' jurisdictions.

Design Features:

The following design features have been incorporated into the project to reduce cultural resource impacts:

DF-1: The OCS supports inside Tunnels 1, 2, 3 and 4, will be located as far from the tunnel portal as practical so they would not be within the view of the portal.

DF-2: For Tunnels 1, 2 and 3, the OCS will be installed and operated to avoid compromising the historic fabric of the tunnel structure.

DF-3: Prior to any activity potentially affecting the historic tunnels, structural investigations will be conducted to evaluate the probable effects on the structural integrity of the tunnels. Design approach and construction methods will be developed to minimize any potential impact to the brick lining of Tunnels 1-4.

DF-4: At Santa Clara Station, the OCS pole foundations nearest the historic station will be placed so as to be consistent with the separation of modern versus historic features. Pole locations will be coordinated with the BART to Santa Clara Project. Consultation will be conducted with the historic covenant holder from State Historic Preservation Office (SHPO).

DF-5: At Diridon Station, the OCS poles will be designed and placed to minimize effects on the historic resource. Pole locations will be coordinated with the BART to Santa Clara Project. Consultation will be conducted with the SHPO historic covenant holder.

DF-6: All construction within site boundaries and in or adjacent to archaeologically sensitive zones will be conducted using methods selected to minimize the size of the excavation and the amount of soil removed.

Mitigation Measures:

The following mitigation measures shall be implemented to reduce the significant cultural resources impacts of these phases to below the level of significance:

Prior to Preconstruction

CHR-1: A Cultural Resources Programmatic Agreement (PA) will be developed among the FTA, JPB, the SHPO Officer, and the Advisory Council on Historic Preservation, prior to construction. The plan will address the following requirements.

- Unless avoidance is certain, for those areas identified in the Cultural Resources Report as most sensitive for buried resources, exploration with a boring device or backhoe (depending on the extent of planned project impacts) will be conducted to determine whether buried resources are present. This work will be done under the direction of a qualified archaeologist prior to initiating construction.
- Any ground-disturbing project activities within the three zones of special sensitivity (Hamilton shell mound zone, Third Mission Santa Clara, Tamien Station), or other known sites specified in the PA, will require a qualified archaeologist to conduct subsurface identification, evaluation, testing and/or data recovery. Any such work will be guided by the detailed research design and treatment plan referenced in the PA.
- As required by the PA, a pre-construction Burial Agreement will be drawn up between the Joint Powers Board and the Native American Heritage Commission (in consultation with the local Native American community) to outline procedures to be followed if Native American burials are encountered during

archaeological investigations or subsequent project construction. Discovery of any human remains within the APE will trigger the protocols outlined in Section 7050.5 of the California Health and Safety Code for the treatment of human remains outside a dedicated cemetery.

- If buried cultural resources are inadvertently discovered during any ground-disturbing activities, work will stop within 100 feet of the area until the consulting archaeologist can assess the significance of the find.
- If additional ground-disturbing activities are necessary outside the area of potential effect, then the project will be subject to additional cultural resources study.
- The JPB will comply with local archaeological mitigation measures and guidelines for its activities within local jurisdictions, including but not limited to the following: The City of Santa Clara has established archaeological mitigation measures and guidelines in its Archeological Monitoring and Treatment Plan. The JPB will comply with this plan for activities in archaeologically or culturally sensitive zones within Santa Clara's jurisdiction.
- Construction workers will be informed in advance of the significance of historic resources within or along the Caltrain corridor.

Finding:

Incorporation of specific design features and implementation of the above mitigation measures would reduce potentially significant cultural resources impacts to a level of less than significant.

E. GEOLOGY AND SOILS

Significant Impacts:

Corrosive subsurface soils could have a detrimental effect on concrete, reinforcing steel, and metals exposed to these soils. Substations could be subject to settlement if they are constructed on artificial fills or soft compressible soils.

Fault rupture along the project alignment in this area is unlikely, as no known faults cross the project corridor. Strong ground shaking would, however, be experienced during an earthquake. Substations and catenary poles could be subject to liquefaction effects if they are constructed on liquefiable soils, such as foundation failure or ground settlement during an earthquake.

Design Features:

The following design features have been incorporated into the project to reduce geology and soils impacts:

DF-1: Project elements will be built in accordance with Caltrain criteria and the Uniform Building Code (UBC) to withstand settlement and forces associated with the maximum credible earthquake (MCE).

DF-2: Site-specific geotechnical studies will be performed at the substation sites to identify specific soil conditions and develop seismic design data for substations. Geotechnical report recommendations will be implemented during project design and construction.

DF-3: Project components, including electrical poles and pole foundations, will be designed in accordance with Caltrain criteria to withstand corrosive subsurface soils.

Finding:

Incorporation of specific design features would reduce potentially significant geology and soils impacts to a level of less than significant.

F. HAZARDOUS WASTE AND MATERIALS

Significant Impacts:

The entire Caltrain right-of-way is considered an area with a high probability of encountering hazardous wastes. Numerous known potential sources of hazardous waste within a 0.25-mile area of the proposed TPS properties have been identified.

A Caltrans District 4 Maintenance Station, located at 166 Harbor Way, is a site with known contamination. The TPS1, Alternative B proposed location is either on this contaminated site or immediately adjacent to the contaminated site. In 2005, Caltrans terminated the Voluntary Cleanup Agreement with the Department of Toxic Substances Control. A cap had been put in place to prevent potential exposure to subsurface contamination. One of the conditions of the terminated agreement is that Caltrans will evaluate any subsurface conditions prior to any development of this property.

At the majority of the listed sites, the environmental risk would be considered “neutral,” meaning that conditions at those sites are typical of properties in urbanized areas where there is a history of industrial use. Low levels of aerially deposited contaminants, such as metals and/or poly-nuclear aromatic hydrocarbons, may affect such properties. Low levels of pesticides/herbicides may also be present due to past weed and pest control activities. The presence of low-level contamination of this nature may warrant worker health and safety and material management; however, no need for remedial action or modification to the project was identified.

Contact with contaminants from pre-existing hazardous wastes in the project area could have adverse effects on workers, the public and environmental health and safety. The contaminants of concern along the Caltrain right-of-way are arsenic, lead, and total petroleum hydrocarbons. Workers could be exposed to soil and/or groundwater containing hazardous substances via direct contact (ingestion or through the skin) or via airborne pathways (inhalation of vapors or minute particles). The public and environment could be exposed to contaminants transported offsite during construction. The degree of hazard associated with these impacts on human or environmental receptors would depend upon the chemical properties, concentrations, or volumes of contaminants, the nature and duration of construction activities, and contaminant migration pathways. The largest potential exposure risk is to the construction worker.

Groundwater is shallow in many places along the Caltrain corridor, and site dewatering within existing contaminated areas could increase the migration of contaminants to surface water and other groundwater zones along the alignment. Disposal of contaminated soil or water could potentially transport contaminants out of the project area.

Design Features:

The following design features have been incorporated into the project to reduce hazardous waste and materials impacts:

DF-1: Purchase agreements for property acquired for traction power facilities will address the characterization, remediation, and liability for existing hazardous environmental conditions.

DF-2: Transformers will be placed within spill containment structures to prevent contamination of soil or groundwater in the unlikely event of a rupture.

DF-3: A worker health and safety plan (HSP) that meets the provisions of California Code of Regulations (Title 22, Section 5192) will be developed. See Section 4.2.5.2 of the FEIR for details.

Mitigation Measures:

HWM-1: The JPB will retain the services of a qualified professional engineer or geologist to prepare a focused Phase II site investigation at specific TPS station sites. If this investigation determines that any hazardous wastes of concern are present, a Risk Assessment will be prepared. The Phase II study will also include a screening program for lead arsenate herbicides, when determined necessary. Caltrain will provide a copy of this plan to the California DTSC for their review and approval prior to starting work on the project.

HWM-2: Site-specific mitigation measures will be taken if necessary for selection of Alternative TPS sites, to reduce effects related to hazardous materials/wastes at the following locations:

- TPS1 Alt B: Conduct subsurface investigations (including heavy metals, PCBs, and polynuclear aromatic hydrocarbons [PAHs], and total petroleum hydrocarbons) on the soil and groundwater at 166 Harbor Way.
- TPS2 (Preferred): Conduct soil sampling on debris piles located on property to determine contents and evaluate appropriate disposal options.
- TPS2 Alternative 1: Conduct asbestos and lead-based paint sampling on structures to determine whether asbestos-containing materials or lead-based paint exists for proper disposal.

HWM-3: Chemical test results for groundwater samples along the right-of-way will be used to obtain necessary permits (RWQCB, State DTSC, local jurisdictions). If required, treatment may include:

- Settling to allow particulate matter (total suspended solids) to settle out of the effluent in order to reduce the sediment load;
- Construction of small-scale batch wastewater treatment system to remove dissolved contaminants; and/or
- Other approved methods.

Finding:

Incorporation of specific design features and implementation of the above mitigation measures would reduce potentially significant hazardous waste and materials impacts to a level of less than significant.

G. NEIGHBORHOODS AND BUSINESSES (CONSTRUCTION ONLY)

Significant Impacts:

Construction of OCS poles and wires within the Caltrain right-of-way would have short-term, temporary noise and vibration impacts that would be heard and felt by individual residents and neighborhoods as the construction proceeds up or down the corridor. In residential areas, construction activities would be planned to minimize noise impacts to the extent possible. There may be short-term, temporary traffic detours or occasional street closures to facilitate construction of electrification facilities on or off the right-of-way.

Design Features:

The following design features have been incorporated into the project to reduce neighborhood and business impacts:

DF-1: Street detours and closures would be scheduled so they would minimize disruption to businesses and neighborhoods to the extent possible.

DF-2: In residential areas, construction activities will be planned to minimize noise impacts to the extent possible.

Mitigation Measures:

NB-1: The JPB will coordinate with the traffic departments of the local jurisdictions and with homeowner associations as practicable in developing traffic management measures affecting local streets.

NB-2: Construction documents will include a provision that requires the contractor to notify neighborhood residents, schools, and business owners in the work vicinity in advance of construction to discuss the schedule and any impending street closures or re-routings and their duration.

Finding:

Implementation of the above mitigation measures would reduce potentially significant neighborhoods and businesses impacts during construction to a level of less than significant.

H. HYDROLOGY, FLOODPLAINS AND WATER QUALITY**Significant Impacts:**

Surface waters may be affected by sediment and construction debris in stormwater runoff during construction at the locations of traction power substations and construction staging areas. Construction grading and utility excavations at substation sites would increase the sediment load in stormwater during rainfall events. Installation of electric poles would also result in some increase in sediment loads.

As the catenary poles have foundations that are 15 to 20 feet bgs, groundwater would be encountered in areas where the groundwater table is less than 15 feet bgs. This would include areas in the vicinity of San Francisco Bay in San Francisco, San Mateo and Santa Clara counties. There remains the potential to encounter groundwater during electric pole excavations in areas where depth to groundwater is unknown.

Design Features:

The following design features have been incorporated into the project to reduce hydrology, floodplain and water quality impacts:

DF-1: A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and will identify construction-period BMPs to reduce water quality impacts. The SWPPP will emphasize standard temporary erosion control measures to reduce sedimentation and turbidity of surface runoff from disturbed areas. Special attention will be provided in the SWPPP to application of the stormwater BMPs during the “Rainy Season” (defined by the Regional Water Quality Control Board [RWQCB] as October 1 through May 1).

DF-2: In the event groundwater is encountered during construction, dewatering will be conducted locally. Dewatering effluent will be tested for contamination. Contaminated effluent will be disposed of in accordance with applicable federal, state and local regulations.

Mitigation Measures:

HFP-1: At locations where the project corridor crosses designated floodplain areas on a straight-away, JPB Engineering staff will determine whether it is possible to avoid encroachment by siting catenary poles outside the floodplain area.

HFP-2: In locations where groundwater is shallow and there is potential to affect riparian habitat or encounter hazardous wastes, pole foundation siting and/or modification of construction techniques (including steel casing and other methods) will be explored to minimize the potential for impacts.

Finding:

Incorporation of specific design features and implementation of the above mitigation measures would reduce potentially significant hydrology, floodplains and water quality impacts to a level of less than significant.

I. NOISE AND VIBRATION**Significant Impacts:**

Noise modeling results for the Electrification Program Alternative indicate 38 representative sensitive receptors were projected to experience noise at the Moderate Impact level, and two were found to experience Severe Impact over the entire corridor. The results at these representative sites indicate that the Moderate Impact level of noise would occur at 805 single-family homes and 277 multi-family residential buildings, and the Severe Impact level would occur at 308 single family and 35 multi-family residential structures. When compared with No-Electrification conditions, these figures represent an 8.3 percent decrease in Moderate Impacts and an 18.5 percent reduction in Severe Impacts. By comparing the affected structures between the No Electrification and the Electrification Program alternatives, it can be concluded that the Electrification Program Alternative would improve future noise conditions.

The number of roadway crossings and stations would not be changed as a result of the proposed Electrification Program, however, more gate down time (crossing bells) and train horns are expected with the increased level of service. Therefore, although the noise impacts of train engine operations would be greatly improved by electrification, the noise impacts from train horns and crossing bells may be increased due to the proposed Electrification Program Alternative.

Total construction noise impact was determined by first calculating the noise exposure for each piece of equipment, and then combining the noise exposures for all equipment to be used during a construction stage. The equipment noise levels within a particular stage were combined together to obtain a total noise exposure for each stage. Noise levels of different stages were not combined because the different stages would not occur at the same time in a given area.

To assess impacts to sensitive receptors, a calculation was performed to determine the distance from the construction activities where an 80-dBA exposure would occur over an 8-hour period. This exposure level represents the limit for daytime construction noise at residential land uses. The table below shows the results of these calculations.

Distance to Noise Impact during Construction Stages ¹	
Construction Stage	Distance to Leq of 80 dBA Based on 8-Hours/Day of Exposure to Construction Noise ¹ (Feet)
Overhead Contact System Installation	
Foundation installation without casing	30
Foundation installation with casing	35
OCS pole installation	25
OCS wiring	30
Overbridge Protection Barriers	
Installation of barriers to roadway bridges	60
Substation, Switching, and Paralleling Stations	
Ground Clearing Stage – one site only	75
Ground grade	55
Concrete foundations	80
Electrical equipment installation	70
¹ Based on the construction noise limit criteria of 80 dBA for daytime hours at residential land uses. Distances are measured from the center of the noise producing activities associated with the construction phase. Source: Noise and Vibration Study, Parsons, November 2003.	

Based on the distances shown above and the daytime noise impact criteria of 80 dBA for residential properties, construction noise impacts would occur along the rail corridor when construction activities come within 60 to 125 feet of residences and remain within that distance for at least an 8-hour period. When those conditions occur, noise mitigation would be required. Because some construction activities are expected to be performed during nighttime hours, the number of affected residences would be greater since the nighttime criterion of 70 dBA is 10 dBA lower than daytime.

Construction vibration impacts sufficient to cause some annoyance are anticipated at residential locations that are within 40 to 130 feet from the construction activity. Vibration with potential to damage adjacent buildings is not anticipated. These kinds of construction impacts are of a temporary nature, and construction is a necessary part of any project; however, mitigation measures are proposed to reduce the impacts.

Mitigation Measures:

NV-1: TPS noise levels shall comply with IEEE national standards and guidelines for electrical power facilities. Station layouts and specific noise control measures will be developed during the design phase to minimize noise impacts from the TPSs. (See Section 3.11.3 for specific measures).

NV-2: Construction activities will be planned to minimize noise and vibration impacts at nearby sensitive sites. Nighttime construction may be necessary to avoid unacceptable disruptions in rail or traffic service during daytime hours. Such construction will (a) be limited to non-sensitive areas, (b) incorporate appropriate noise reduction measures to reduce noise levels as much as practicable.

NV-3: JPB will develop an active community liaison program to keep residents informed about construction plans and also provide a conduit for registering and monitoring complaints.

NV-4: Including the following measures in the Contract Documents will minimize noise and vibration disturbances at sensitive areas during construction:

1. Newer equipment will be used and be fitted with the manufacturers' recommended noise abatement measures. Construction equipment should be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding).
2. Use construction methods or equipment that will provide the lowest level of noise and ground vibration impact near residences.
3. Perform noise and vibration monitoring to demonstrate compliance with the noise limits. Independent monitoring should be performed to check compliance in particularly sensitive areas. Require contractors to modify and/or reschedule their construction activities if monitoring determines that maximum limits are exceeded at residential land uses.
4. Conduct truck loading, unloading and hauling operations so that noise and vibration are kept to a minimum by carefully selecting routes to avoid residential neighborhoods.
5. Design ingress and egress to and from the staging area to be on collector streets or higher street designations, and minimize the frequency of backup alarm sound.
6. Turn off idling equipment.
7. Use temporary noise barriers or partial enclosures, as practicable, to protect sensitive receptors against excessive noise from construction activities.
8. Minimize construction activities within residential areas during evening, nighttime, weekend, and holiday periods to the extent feasible.
9. Require the construction contractor to comply with FTA construction noise and vibration limits.
10. The potential for annoyance or damage from construction vibration will be minimized to the extent possible. Use of construction equipment that creates high vibration levels shall be limited and required vibration-intensive activities will be planned and monitored to affect as few residents as possible.

Finding:

Implementation of the above mitigation measures would reduce potentially significant noise and vibration impacts to a level of less than significant.

J. POPULATION, HOUSING, AND ENVIRONMENTAL JUSTICE

Significant Impacts:

Some property acquisitions affecting non-residential properties would be necessary to site and construct TPS stations, and to provide connections between the substations and the Caltrain line. All TPS stations are proposed to be sited in areas used for transportation or currently zoned for industrial use. Properties are assumed to be acquired permanently. A total of approximately 1.73 to 3.61 acres would be acquired for these facilities, depending on the alternative selected for the TPS facilities in South San Francisco and San Jose. No residential properties would be affected. If Alternative 1 is chosen for TPS2, there would be displacement of one active business, an auto towing business with vehicle storage, and an estimated 18 employees. Federal and state laws and JPB policy require consistent and fair treatment of owners of property to be acquired, including just compensation for their property. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, will be followed.

Design Features:

The following design feature has been incorporated into the project to reduce population, housing and environmental justice impacts:

DF-1: Any permanent acquisition of property for OCS poles and TPS facilities will be conducted within federal and state laws and JPB policy.

Finding:

Compliance with applicable laws, specifically the Uniform Relocation Assistance and Real Property Acquisition Policies Act, would reduce potentially significant population, housing, and environmental justice impacts to a level of less than significant.

K. PUBLIC SERVICES AND FACILITIES

Significant Impacts:

Construction of OCS poles and wires within the Caltrain right-of-way could involve short-term, temporary detours or street closures. These are not expected to be significant or to have substantial adverse effects on public or emergency service delivery or the ability of people to access public facilities. The traction power stations are all located either within or adjacent to the right-of-way, which has the effect of reducing impacts on local public services and community facilities. Establishing connections from the traction power facilities to the Caltrain right-of-way could involve short-term street closures, but it is not expected to disrupt or delay public or emergency services delivery or affect accessibility to public and community facilities.

Mitigation Measures:

PF-1: To maintain acceptable response times and performance objectives for emergency response services, a Traffic Management Plan (TMP) will be developed for implementation during the construction period. The TMP will address traffic management procedures (e.g., roadway closures, detour routes, manual traffic operations) during construction. All affected emergency routes will be identified in the TMP. Coordination will be conducted with the

traffic departments of the local jurisdictions and emergency service providers to minimize adverse effects on response times.

PF-2: Advance notice of street closures and detours will be provided to local jurisdictions, emergency service providers, and motorists.

Finding:

Implementation of the above mitigation measures would reduce potentially significant public services and facilities impacts to a level of less than significant.

L. TRANSPORTATION / TRAFFIC

Significant Impacts:

By the year 2035 under the No-Electrification Alternative, Caltrain stations would experience increased parking demand, for a total projected demand of 6,931 spaces. Demand would exceed supply at 10 stations that provide parking, with an overall projected parking supply shortfall of approximately 963 spaces for the No-Electrification Alternative. The Electrification Program Alternative is projected to increase the No Electrification parking demand to 7,417 spaces by year 2035. Demand would exceed supply at 11 stations, with an overall projected parking supply shortfall of approximately 1,312 spaces for the Electrification Alternative. In 2035, when compared with the No-Electrification Alternative, the Electrification Program Alternative is projected to have a larger shortfall of supply by 349 spaces. Parking provisions and controls can directly affect the volume of traffic on residential streets, particularly where these streets are used for parking by commuters, shoppers, and other unrelated traffic attracted by nearby nonresidential destinations.

Construction crews will follow established safety practices to protect work crews while working within an active rail right-of-way, including flaggers, and – if track conditions are affected – speed restrictions (slow orders).

Design Features:

The following design features have been incorporated into the project to reduce traffic and transportation impacts:

DF-1: Parking demand at individual stations will be periodically reviewed and appropriate actions developed in consultation with JPB's partner agencies.

DF-2: Construction crews will follow established safety practices to protect work crews while working within an active rail right-of-way, including flaggers, and – if track conditions are affected – speed restrictions (slow orders).

Mitigation Measures:

TT-1: The JPB will maintain surveillance over parking supply and usage at its Caltrain stations on an ongoing basis. The JPB's Capital Improvement Program has identified financial resources to address the need for additional parking and other access improvements as they become necessary. The JPB will periodically review the relationship between parking supply and demand and program resources to correct imbalances when they become apparent.

TT-2: Provisions will be incorporated into the construction contracts to designate areas for construction worker parking and to avoid substantial parking impacts to residential or business areas.

TT-3: Contractors will be required to coordinate with rail dispatch to minimize disruption of rail service in the corridor.

Finding:

Implementation of the above mitigation measures would reduce potentially significant transportation / traffic impacts to a level of less than significant.

M, UTILITIES AND SERVICE SYSTEMS**Significant Impacts:**

There is low to moderate potential for the Caltrain Electrification Program facilities to affect underground utilities that cross the Caltrain right-of-way. Pole placement can generally be modified to avoid them. The situation is somewhat more difficult for overhead utilities and utilities that run underground longitudinally within or along the right-of-way. In these cases, constructing OCS pole foundations, overhead facilities, and TPS stations would have the potential to encroach upon existing utilities. Careful and continuous coordination with all utility providers and local jurisdictions will be initiated during preliminary engineering and will continue through final design and construction to ensure that all potentially conflicting utility locations are identified.

Design Features:

The following design features have been incorporated into the project to reduce utilities and service system impacts:

DF-1: Underground utilities will be relocated if required to accommodate the installation of OCS and TPS equipment and facilities. The relocation will be coordinated with the utility owner and will be conducted in a manner which minimizes disruption to the utility and its customers.

DF-2: Large underground and longitudinally running utilities will be avoided to the extent possible by design modifications.

DF-3: Overhead utility conflicts will be avoided by raising the existing utility wires over the OCS wires or relocating them under the tracks, per federal, state and local code requirements. If relocation underground is required, then the overhead wires will be removed once the underground service is established.

DF-4: In most cases, the JPB has reserved the right to have utilities relocated if they interfere or conflict with planned railroad facilities. In the event that a longitudinal or transverse utility line is in conflict with a proposed electrification facility, the utility owner would be requested to relocate it.

The potential exists, nonetheless, for construction activities to encounter unexpected utilities within the Caltrain right-of-way. Relocations of affected utilities that cross the Caltrain right-of-way will be the responsibility of the utility owner and may require short-term, limited interruptions of service. No interference with existing utility service is anticipated during installations of connections to existing high-voltage power transmission facilities because the utility will put customer loads on alternate feeders during the connection activity.

Mitigation Measures:

US-1: To prevent damage to utility systems and minimize disruption or degradation of utility service to local customers, utilities will be avoided while constructing OCS pole foundations, power stations, and overhead facilities insofar as possible. Coordination efforts will focus on identifying potential conflicts, planning utility reroutes, and formulating strategies for overcoming problems that may arise.

US-2: If unanticipated underground utilities are discovered, then OCS pole foundations will be adjusted to avoid them.

US-3: Any short-term, limited service interruptions will be scheduled well in advance and appropriate notification provided to users.

Finding:

Incorporation of specific design features and implementation of the above mitigation measures would reduce potentially significant utilities and service systems impacts to a level of less than significant.

II. FINDINGS CONCERNING PROJECT ALTERNATIVES

The EA/FEIR included an alternatives analysis in accordance with Section 15126.6 of the State CEQA Guidelines. Two project alternatives are analyzed in the EA/FEIR: “No Project Alternative”, also referred to as the “No Electrification Alternative,” and the Electrification Program Alternative. The EA/FEIR also includes a discussion of seven project alternatives that had previously been considered by JPB, but which had been rejected prior to the preparation of the EA/FEIR for various reasons. Findings regarding the No-Electrification Alternative considered in the EA/FEIR are provided below.

A. NO ELECTRIFICATION ALTERNATIVE

The No-Electrification Alternative incorporates a series of rehabilitation improvements as identified in Caltrain’s State of Good Repair (SOGR) Program and does not include electrification. Under the No-Project Alternative, Caltrain will not increase the level of service beyond the current 98 trains per day level of service. The SOGR projects will generally be carried out within the existing Peninsula Corridor Joint JPB- or Union Pacific Railroad (UPRR)-owned railroad rights-of-way and will be evaluated separately in accordance with applicable environmental requirements.

This alternative would avoid certain significant but mitigable environmental impacts that have been assessed to the proposed project. These impacts are identified above.

However, implementation of this alternative would mean that electrification of passenger services between San Francisco and San Jose would not occur. The No-Electrification Alternative would also result in specific environmental impacts that would exceed Electrification Program impacts as follows:

- Air Quality - BAAQMD criteria for reactive organic gases (ROG), NO_x and particulates (PM₁₀) would be exceeded under diesel train operations in forecast years 2015 and 2035.
- Water Quality – Greater water quality impacts would result due to much higher particulate exhaust emissions from on-going sole use of diesel-powered locomotives.
- Minerals and Energy Resources – Consumption of approximately three times the energy used by the Electrification Program Alternative for the year 2035.

- Noise - Based on FTA noise criteria, 875 single-family residences and 301 multi-family residences would experience noise at FTA “Moderate Impact” level, and 371 single-family residences and 50 multi-family residences would experience noise at FTA “Severe Impact” level. These numbers greatly exceed those for the Electrification Program Alternative.
- Vibration - Based on FTA vibration criteria, impacts would occur at 483 representative sensitive receptors. The Electrification Program Alternative is projected to result in a 79 percent reduction in vibration impacts to representative sensitive receptors.
- Transportation - New transit ridership is projected to be 9 percent lower than under the Electrification Program Alternative. Projected daily riders (for year 2035) total 64,678.

Finding:

Implementation of the No-Electrification Alternative would not meet any of the Project’s objectives, and would result in adverse air quality, water quality, energy, noise and vibration, and transportation effects beyond those assessed for the Electrification Program Alternative. Implementation of the No-Electrification Alternative would not be consistent with Caltrain’s Strategic Plan build-out scenario or Project 2025, both of which are intended to accommodate projected ridership increases and provide enhanced service to customers. Given these considerations, this alternative is considered not feasible.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) RELATIVE TO THE ADOPTION OF THE CALTRAIN ELECTRIFICATION PROGRAM

CALTRAIN ELECTRIFICATION PROGRAM PENINSULA CORRIDOR JOINT POWERS BOARD

The California Environmental Quality Act (CEQA) requires that public agencies adopting Environmental Impact Reports (EIRs) take affirmative steps to determine that project design features and approved mitigation measures are implemented subsequent to project approval. The Lead Agency must adopt a reporting and monitoring program for the project design features and mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the EIR during project implementation (Public Resources Code, Section 21081.6; CEQA Guidelines, Section 15074(d)).

This Mitigation Monitoring and Reporting Program (MMRP) has been adopted by the Peninsula Corridor Joint Powers Board (JPB), as Lead Agency pursuant to the State CEQA Guidelines, to ensure compliance with project design features and approved mitigation measures associated with the proposed project for the Caltrain Electrification Program. The Senior Planner for the San Mateo County Transit District will oversee MMRP implementation to ensure that all design features, best management practices, and approved mitigation measures for the proposed project are carried out.

Implementation of project design features, best management practices, and/or mitigation measures will reduce potential significant impacts to the following resources: aesthetics; air quality (construction only); biological resources; cultural resources; hazardous waste (construction only) and materials; hydrology, floodplain, and water quality; noise and vibration (construction only); population and housing and environmental justice; transportation/traffic; and utilities and service systems.

This MMRP for the Caltrain Electrification Program consists of a checklist (Table 1) that identifies the project design features, best management practices, and mitigation measures by resource. The table identifies the mitigation monitoring and reporting requirements, including the person(s) responsible for verifying implementation of the design feature or mitigation measure, timing of verification (prior to, during, or after construction), and responsible party.

Because the MMRP is a summary document, the detailed provisions, design features and mitigation measures described in the environmental document should be regarded as reference material. Such details should be incorporated into design documents and construction specifications proceeding from this MMRP.

To avoid redundancy, some mitigation measures and/or design features listed in the environmental document for a specific resource have been moved to a different resource area in this MMRP. The affected issue areas are: aesthetic and visual resources to biological resources (Vegetation Management Plan measures); and traffic and transportation to public services and facilities (Traffic Management Plan components). In addition, the environmental document includes mitigation measures and/or design features that are not listed in this MMRP because they are laws, regulations, or components of required plans (e.g., a Stormwater Pollution Prevention Plan) that would be accomplished as a matter of course following typical project implementation.

**Table 1. Caltrain Electrification Program EA/FEIR
Project Design Features and Mitigation Monitoring and Reporting Program**

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
Aesthetics/Visual Quality						
Design Feature 1 Sec. 3.1.3	Minimally sized side-poles and cantilever OCS construction will be implemented wherever possible. Wires will be placed inside the poles over the tracks as much as possible to minimize impact to adjacent residences.	Engineering staff	X			JPB
Design Feature 2 Sec. 3.1.3	Headspan OCS configurations rather than portal beams will be used where possible to minimize visual clutter. In historic station areas pole placement and wire arrangement will be designed to minimize impacts to the extent possible.	Engineering staff	X			JPB
Design Feature 3 Sec. 3.1.3	JPB will incorporate aesthetic measures into final design including landscaping to screen views of facilities, and tapering of catenary poles to blend into the surrounding environment.	Engineering and Planning staff	X			JPB
Design Feature 4 Sec. 4.2.1	During nighttime construction, the contractor will be required to direct any artificial lighting onto the worksite to minimize "spill over" light or glare effects on adjacent areas.	Construction Superintendent		X		Contractor
Mitigation Measure AV-1 Sec. 3.1.3	Lighting associated with proposed traction power facilities will be directed onto the premises and away from surrounding land uses.	Engineering staff / Construction Superintendent	X	X	X	JPB (design & operation) / Contractor (construction)
Air Quality						
Mitigation Measure AQ-1 Sec. 4.2.2.2	All traffic mitigation measures identified in Section 4.2.11, Transportation Effects during Construction, will be implemented to reduce congestion and resultant localized CO concentrations.	Construction Superintendent		X		Contractor
Mitigation Measure AQ-2 Sec. 4.2.2.2	Best management practices (BMPs), including dust control measures (e.g., watering and covering materials hauled in trucks) will be used during construction to minimize fugitive dust.	Construction Superintendent		X		Contractor
Mitigation Measure AQ-3 Sec. 4.2.2.2	Construction documents will contain a provision that construction equipment shall be tuned and maintained in good working condition to minimize emissions of criteria pollutants and particulates.	Engineering staff	X			JPB
Biological Resources						
Mitigation Measure BR-1 Section 3.4.3	A Vegetation Management Plan will be developed in consultation with a certified arborist. The plan will include the following: <ul style="list-style-type: none"> The JPB will not trim or remove mature vegetation any more than is necessary for safe electrified operations. Tree trimming during construction will be done in accordance with arboricultural industry recommended practices. 	JPB	X			Certified Consulting Arborist

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	<ul style="list-style-type: none"> The feasibility of landscaping mitigation will be considered in the context of required safety clearances from poles, wires and electrical facilities. If trees outside the Caltrain right-of-way are damaged or must be removed for placement of OCS or TPS equipment and facilities, feasibility of replacement will be considered on an individual basis in coordination with the property owner and the appropriate city and county urban foresters in accordance with applicable local ordinances. Consistent with Executive Order 13112 on invasive species, the JPB will consider replacement with native plant and tree species insofar as it is practicable. 					
Mitigation Measure BR-2 Sec. 4.2.3.2	<p>A Biological Resources Management and Mitigation Plan will be developed in coordination with a professional biologist during final design, and will include the following:</p> <p>Special-Status Species: Preconstruction surveys and other preventative measures will be conducted by qualified biologists to avoid incidental take(s) of the following special-status species within the Caltrain corridor. (See Section 4.2.3.2 for specific measures and policies)</p> <ul style="list-style-type: none"> California red-legged frog and San Francisco garter snake. Monarch butterfly. Nesting swallows and other nesting birds. <p>Sensitive and Protected Habitat:</p> <ul style="list-style-type: none"> Sensitive habitat and wetland areas will be identified during project design and avoided during construction. All natural communities and wetland areas located outside the construction zone that could be affected by construction activities will be temporarily fenced off and designated Environmentally Sensitive Area(s) (ESAs) to prevent accidental intrusion by workers and equipment. 	JPB / Construction Superintendent	X	X		Consulting Biologist
Cultural and Historical Resources						
Design Feature 1 Sec. 3.5.4.2	The OCS supports inside Tunnels 1, 2, 3 and 4, will be located as far from the tunnel portal as practical so they would not be within the view of the portal.	Engineering staff	X			JPB
Design Feature 2 Sec. 3.5.4.2	For Tunnels 1, 2 and 3, the OCS will be installed and operated to avoid compromising the historic fabric of the tunnel structure.	Engineering staff	X			JPB

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
Design Feature 3 Sec. 3.5.4.2	Prior to any activity potentially affecting the historic tunnels, structural investigations will be conducted to evaluate the probable effects on the structural integrity of the tunnels. Design approach and construction methods will be developed to minimize any potential impact to the brick lining of Tunnels 1-4.	Engineering staff	X			JPB
Design Feature 4 Sec. 3.5.4.2	At Santa Clara Station, the OCS pole foundations nearest the historic station will be placed so as to be consistent with the separation of modern versus historic features. Pole locations will be coordinated with the BART to Santa Clara Project. Consultation to be conducted with the historic covenant holder from State Historic Preservation Office (SHPO).	Engineering staff	X			JPB
Design Feature 5 Sec. 3.5.4.2	At Diridon Station, the OCS poles will be designed and placed to minimize effects on the historic resource. Pole locations will be coordinated with the BART to Santa Clara Project. Consultation to be conducted with the SHPO historic covenant holder.	Engineering staff	X			JPB
Design Feature 6 Sec. 4.2.4.1	All construction within site boundaries and in or adjacent to archaeologically sensitive zones will be conducted using methods selected to minimize the size of the excavation and the amount of soil removed.	JPB/Construction Superintendent		X		JPB
Mitigation Measure CHR-1 Section 3.5.3.3	A Cultural Resources Programmatic Agreement (PA) will be developed among the FTA, JPB, the SHPO Officer, and the Advisory Council on Historic Preservation, prior to construction. The plan will address the following requirements: <ul style="list-style-type: none"> Unless avoidance is certain, for those areas identified in the Cultural Resources Report as most sensitive for buried resources, exploration with a boring device or backhoe (depending on the extent of planned project impacts) will be conducted to determine whether buried resources are present. This work will be done under the direction of a qualified archaeologist prior to initiating construction. Any ground-disturbing project activities within the three zones of special sensitivity (Hamilton shell mound zone, Third Mission Santa Clara, Tamien Station), or other known sites specified in the PA, will require a qualified archaeologist to conduct subsurface identification, evaluation, testing and/or data recovery. Any such work will be 	JPB	X	X		Consulting Archaeologist

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	<p>guided by the detailed research design and treatment plan referenced in the PA.</p> <ul style="list-style-type: none"> As required by the PA, a pre-construction Burial Agreement will be drawn up between the Joint Powers Board and the Native American Heritage Commission (in consultation with the local Native American community) to outline procedures to be followed if Native American burials are encountered during archaeological investigations or subsequent project construction. Discovery of any human remains within the APE will trigger the protocols outlined in Section 7050.5 of the California Health and Safety Code for the treatment of human remains outside a dedicated cemetery. If buried cultural resources are inadvertently discovered during any ground-disturbing activities, work will stop within 100 feet of the area until the consulting archaeologist can assess the significance of the find. If additional ground-disturbing activities are necessary outside the area of potential effect, then the project will be subject to additional cultural resources study. The JPB will comply with local archaeological mitigation measures and guidelines for its activities within local jurisdictions, including but not limited to the following: The City of Santa Clara has established archaeological mitigation measures and guidelines in its Archeological Monitoring and Treatment Plan. The JPB will comply with this plan for activities in archaeologically or culturally sensitive zones within Santa Clara's jurisdiction. The JPB will similarly comply with adopted city archaeological monitoring and treatment plans affecting its construction activities within other cities' jurisdictions. Construction workers will be informed in advance of the significance of historic resources within or along the Caltrain corridor. 					
Geology and Soils						
Design Feature 1 Sec. 3.6.3	Project elements will be built in accordance with Caltrain criteria and the Uniform Building Code (UBC) to withstand settlement and forces associated with the maximum credible earthquake (MCE).	Engineering staff	X			JPB
Design Feature 2 Sec. 3.6.3	Site-specific geotechnical studies will be performed at the substation sites to identify specific soil conditions and develop	JPB Engineering staff / Construction Superintendent	X	X		JPB (design) / Contractor (construction)

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	seismic design data for substations. Geotechnical report recommendations will be implemented during project design and construction.					
Design Feature 3 Sec. 3.6.3	Project components, including electrical poles and pole foundations, will be designed in accordance with Caltrain criteria to withstand corrosive subsurface soils.	Engineering staff	X			JPB
Hazardous Waste and Materials						
Design Feature 1 Sec. 3.7.4	Purchase agreements for property acquired for traction power facilities will address the characterization, remediation, and liability for potential hazardous waste and materials.	JPB	X			JPB
Design Feature 2 Sec. 4.2.5.2	Transformers will be placed within spill containment structures, if determined appropriate, to prevent contamination of soil or groundwater in the unlikely event of a rupture.	Engineering staff	X			JPB
Design Feature 3 Sec. 4.2.5.2	A worker health and safety plan (HSP) that meets the provisions of California Code of Regulations (Title 22, Section 5192) will be developed. See Section 4.2.5.2 for details.	JPB / Construction Superintendent	X	X		Consulting Professional Engineer or Geologist (design) / Contractor (construction)
Mitigation Measure HWM-1 Sec. 4.2.5.2	The JPB will retain the services of a qualified professional engineer or geologist to prepare a focused Phase II site investigation at specific TPS station sites. If this investigation determines that any hazardous wastes of concern are present, a Risk Assessment will be prepared. The Phase II study will also include a screening program for lead arsenate herbicides, when determined necessary. Caltrain will provide a copy of this plan to the California DTSC for their review and approval prior to starting work on the project.	JPB	X	X		Consulting Professional Engineer or Geologist
Mitigation Measure HWM-2 Sec. 3.7.4	Site-specific mitigation measures will be taken if necessary for selection of Alternative TPS sites, to reduce effects related to hazardous materials/wastes at the following locations: <ul style="list-style-type: none"> TPS1 Alt B: Conduct subsurface investigations (including sampling and analysis of heavy metals, PCBs, and polynuclear aromatic hydrocarbons [PAHs], and total petroleum hydrocarbons) on the soil and groundwater at 166 Harbor Way. TPS2 (Preferred): Conduct soil sampling on debris piles located on property to determine contents and evaluate appropriate disposal options. TPS2 Alternative 1: Conduct asbestos and lead-based paint sampling on structures to determine whether asbestos-containing materials or lead-based paint exists 	JPB	X	X		Consulting Professional Engineer or Geologist (design) / Contractor (construction)

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	for proper disposal.					
Mitigation Measure HWM-3 Sec. 4.2.5.2	Chemical test results for groundwater samples along the right-of-way will be used to obtain necessary permits (RWQCB, State DTSC, local jurisdictions). If required, treatment may include: <ul style="list-style-type: none"> • Settling to allow particulate matter (total suspended solids) to settle out of the effluent in order to reduce the sediment load, • Construction of small-scale batch wastewater treatment system to remove dissolved contaminants, and/or • Other approved methods. 	Construction Superintendent		X		Contractor
Hydrology, Floodplain, and Water Quality						
Design Feature 1 Sec. 3.8.3 and 4.2.6.2	A SWPPP will be prepared and will identify construction-period BMPs to reduce water quality impacts. The SWPPP will emphasize standard temporary erosion control measures to reduce sedimentation and turbidity of surface runoff from disturbed areas. Special attention will be provided in the SWPPP to application of stormwater BMPs during the "Rainy Season" (defined by RWQCB as October 1 through May 1).	Construction Superintendent	X	X		Contractor
Design Feature 2 Sec. 4.2.6.2	In the event groundwater is encountered during construction, dewatering will be conducted locally. Dewatering effluent will be tested for contamination; contaminated effluent will be disposed of in accordance with applicable federal, state and local regulations.	Construction Superintendent		X		Contractor
Mitigation Measure HFP-1 Sec. 3.8.3	At locations where the project corridor crosses designated floodplain areas on a straight-away, Engineering will determine whether it is possible to avoid encroachment by siting catenary poles outside the floodplain area.	Engineering staff	X			JPB
Mitigation Measure HFP-2 Sec. 4.2.6.2	In locations where groundwater is shallow and there is potential to affect riparian habitat or encounter hazardous wastes, pole foundation siting and/or modification of construction techniques (including steel casing and other methods) will be explored to minimize the potential for impacts.	Construction Superintendent		X		Contractor
Neighborhoods and Businesses						
Design Feature 1 Sec. 4.2.7.1	Street detours and closures will be scheduled to minimize disruption to businesses and neighborhoods to the extent possible.	Construction Superintendent		X		Contractor
Design Feature 2 Sec. 4.2.7.1	In residential areas, construction activities will be planned to minimize noise impacts to the extent possible.	Construction Superintendent		X		Contractor
Mitigation Measure NB-1 Sec. 4.2.7.2	JPB will coordinate with the traffic departments of the local jurisdictions and with homeowner associations as practicable in developing traffic	Engineering staff	X	X		JPB (design) / Contractor (construction)

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	management measures affecting local streets.					
Mitigation Measure NB-2 Sec. 4.2.7.2	Construction documents will include a provision that requires the contractor to notify neighborhood residents, schools, and business owners in the work vicinity in advance of construction to discuss the schedule and any impending street closures or re-routings and their duration.	Engineering staff	X	X		JPB (design) / Contractor (construction)
Noise and Vibration						
Mitigation Measure NV-1 Sec. 3.11.3	TPS noise levels shall comply with IEEE national standards and guidelines for electrical power facilities. Station layouts and specific noise control measures will be developed during the design phase to minimize noise impacts from the TPSs. (See Section 3.11.3 for specific measures)	Engineering staff	X		X	JPB (design issues); Acoustical consultant (Noise assessment)
Mitigation Measure NV-2 Sec. 4.2.9.3	Construction activities will be planned to minimize noise and vibration impacts at nearby sensitive sites. Nighttime construction may be necessary to avoid unacceptable disruptions in rail or traffic service during daytime hours. Such construction will (a) be limited to non-sensitive areas, to the extent feasible, or (b) incorporate appropriate noise reduction methods to reduce noise levels as much as practicable.	Construction Superintendent		X		Contractor
Mitigation Measure NV-3 Sec. 4.2.9.3	JPB will develop an active community liaison program to keep residents informed about construction plans and also provide a conduit for registering and monitoring complaints.	Planning staff		X		JPB
Mitigation Measure NV-4 Sec. 4.2.9.3	Including the following measures in the Contract Documents will minimize noise and vibration disturbances at sensitive areas during construction: 1. Newer equipment will be used and be fitted with the manufacturers' recommended noise abatement measures. Construction equipment should be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding). 2. Use construction methods or equipment that will provide the lowest level of noise and ground vibration impact near residences. 3. Perform noise and vibration monitoring to demonstrate compliance with the noise limits. Independent monitoring should be performed to check compliance in particularly sensitive areas. Require contractors to modify and/or reschedule their construction activities if monitoring determines that maximum limits are exceeded at	Construction Superintendent		X		Contractor

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	<p>residential land uses.</p> <p>4. Conduct truck loading, unloading and hauling operations so that noise and vibration are kept to a minimum by carefully selecting routes to avoid residential neighborhoods.</p> <p>5. Design ingress and egress to and from the staging area to be on collector streets or higher street designations, and minimize the frequency of backup alarm sound.</p> <p>6. Turn off idling equipment.</p> <p>7. Use temporary noise barriers or partial enclosures, as practicable, to protect sensitive receptors against excessive noise from construction activities.</p> <p>8. Minimize construction activities within residential areas during evening, nighttime, weekend, and holiday periods to the extent feasible.</p> <p>9. Require the construction contractor to comply with FTA construction noise and vibration limits. Local agencies will be consulted on a case-by-case basis, and if necessary, local noise and vibration ordinances may also be applied.</p> <p>10. The potential for annoyance or damage from construction vibration will be minimized to the extent possible. Use of construction equipment that creates high vibration levels shall be limited and required vibration-intensive activities will be planned and monitored to affect as few residents as possible.</p>					
Population, Housing & Environmental Justice						
Design Feature 1 Sec. 3.12.2.3	Any permanent acquisition of property for OCS poles or TPS facilities will be conducted within federal and state laws and JPB policy.	Real Estate Dept. staff	X			JPB
Public Services and Facilities						
Mitigation Measure PF-1 Sec. 4.2.10.2	A Traffic Management Plan (TMP) will be developed for implementation during the construction period. The TMP will address traffic management procedures (e.g., roadway closures, detour routes, manual traffic operations) during construction. All affected emergency routes will be identified in the TMP. Coordination will be conducted with the traffic departments of local jurisdictions and emergency service providers to minimize adverse effects on response times.	Construction Superintendent		X		Contractor
Mitigation Measure PF-2 Sec. 4.2.10.2	Advance notice of street closures and detours will be provided to local jurisdictions, emergency service providers, and motorists.	Construction Superintendent		X		Contractor
Transportation / Traffic						
Design Feature 1	Parking demand at individual stations	Planning Staff			X	JPB

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
Sec. 3.15.9.2	will be periodically reviewed and appropriate actions developed in consultation with JPB's partner agencies.					
Design Feature 2 Sec. 4.2.11.2	Construction crews will follow established safety practices to protect work crews while working within an active rail right-of-way, including flaggers, and – if track conditions are affected – speed restrictions (slow orders).	Construction Superintendent		X		Contractor
Mitigation Measure TT-1 Sec. 3.15.9.2	The JPB will maintain surveillance over parking supply and usage at its Caltrain stations on an ongoing basis. The JPB's Capital Improvement Program has identified financial resources to address the need for additional parking and other access improvements as it becomes necessary. The JPB will periodically review the relationship between parking supply and demand and program resources to correct imbalances when they become apparent.	Planning Staff			X	JPB
Mitigation Measure TT-2 Sec. 4.2.11.2	Provisions will be incorporated into the construction contracts to designate areas for construction worker parking and to avoid substantial parking impacts to residential or business areas.	Engineering staff		X		JPB
Mitigation Measure TT-3 Sec. 4.2.11.2	Contractors will be required to coordinate with rail dispatch to minimize disruption of rail service in the corridor.	Construction Superintendent		X		Contractor
Utilities and Service Systems						
Design Feature 1 Sec. 3.16.2.2	Underground utilities will be relocated if required to accommodate the installation of OCS and TPS equipment and facilities. The relocation will be coordinated with the utility owner and will be conducted in a manner which minimizes disruption to the utility and its customers	Engineering staff	X			JPB
Design Feature 2 Sec. 3.16.2.2	Large underground and longitudinally running utilities will be avoided to the extent possible by design modifications.	Engineering staff	X			JPB
Design Feature 3 Sec. 3.16.2.2	Overhead utility conflicts will be avoided by raising the existing utility wires over the OCS wires or relocating them under the tracks, per federal, state, and local code requirements. If relocation underground is required, the overhead wires would be removed once the underground service was established.	Engineering staff	X			JPB
Design Feature 4 Sec. 3.16.3	Careful and continuous coordination with all utility providers and local jurisdictions would be initiated during preliminary	Engineering staff	X			JPB

Design Feature or Mitigation No.	Design Feature or Mitigation Measure	Person(s) to Verify	Timing of Verification			Responsible Party
			Pre Const	During Const	Post Const	
	engineering and would continue through final design and construction to ensure that all potentially conflicting utility locations are identified.					
Mitigation Measure US-1 Sec. 3.16.3	To prevent damage to utility systems and minimize disruption or degradation of utility service to local customers, utilities will be avoided while constructing OCS pole foundations, power stations, and overhead facilities insofar as possible. Coordination efforts will focus on identifying potential conflicts, planning utility reroutes, and formulating strategies for overcoming problems that may arise.	Engineering staff	X			JPB
Mitigation Measure US-2 Sec. 4.2.12.2	If unanticipated underground utilities are discovered, OCS pole foundations will be adjusted to avoid them.	Construction Superintendent		X		Contractor
Mitigation Measure US-3 Sec. 4.2.12.2	Any short-term, limited service interruptions will be scheduled well in advance and appropriate notification provided to users.	Construction Superintendent		X		Contractor

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZE THE SUBMITTAL OF A FUND PROGRAMMING
REQUEST OF \$41.026 MILLION IN PROPOSITION 1A FUNDS FOR
THE CALTRAIN CORRIDOR ELECTRIFICATION PROJECT**

ACTION

Staff Coordinating Council (SCC) recommends the Board adopt a resolution authorizing the Executive Director, or his designee, to submit a Proposition 1A fund programming request in the amount of \$41.026 million to the California Transportation Commission (CTC) for the Corridor Electrification Project, and to execute any required agreements, certifications, and/or assurances associated with the fund programming and allocation.

SIGNIFICANCE

At its February 24, 2010 meeting, the CTC adopted High-Speed Passenger Train Bond Program Guidelines (Guidelines) for the \$950 million set aside out of the \$9.9 billion bond measure for intercity rail, commuter rail, and urban rail capital improvements that provide direct connectivity to the State's future high-speed rail system. Of the \$950 million, \$760 million is available for commuter and urban rail system projects. The \$760 million is divided among eligible applicants using a formula that incorporates the following factors: track miles, vehicle miles and passenger trips. Using the formula established in the bond measure, Caltrain's share is \$41.026 million.

The Guidelines require the CTC to adopt a three-year rolling program for Fiscal Years 2011, 2012 and 2013. Of the funding available, the Guidelines provide that the CTC can program, on a case-by-case basis, up to 10% of the funds for pre-construction activities. The first three-year rolling program is scheduled for CTC adoption at its May 20, 2010 meeting.

The proposed programming of \$41.026 million for the Corridor Electrification Project is consistent with the funding plan included in California High Speed Rail Authority's application to the Federal Rail Administration for a share of the \$8 billion American Recovery and Reinvestment Act (ARRA) High Speed Rail (HSR) Program. Of the \$41.026 million, staff is proposing to program \$4.1 million for pre-construction activities in Fiscal Years 2011 and 2012, and the balance of \$36.929 million for construction activities in Fiscal Year 2013. Once the decision is made on how California's share of ARRA HSR Program funds is to be distributed,

staff will assess if the proposed programming of Proposition 1A funds needs to be adjusted. CTC does permit amendments to the adopted three-year rolling program.

BUDGET IMPACT

The estimated year-of-expenditure cost of the Corridor Electrification Project is \$785 million. The Project assumes funding from Federal formula funds of \$16 million, State funds of \$62 million which includes the \$41.026 million in Proposition 1A funds for Caltrain, and \$191 million of local funds from the three JPB partners. It is assumed that the balance of the funds needed for the Project will come from a combination of Federal ARRA HSR and State Proposition 1A program funds.

BACKGROUND

The Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, or Proposition 1A, was approved by the voters on November 4, 2008. The bond measure provides \$9.9 billion to construct infrastructure needed for high speed train service connecting the San Francisco Bay Area, Central Valley, and the Los Angeles regions. \$950 million of the \$9.9 billion in the bond measure was set aside to finance capital improvements to intercity, commuter and urban rail lines and systems that provide connectivity to the high-speed rail system. The Guidelines that the CTC adopted on February 24, 2010 apply only to the \$950 million.

Prepared by: April Chan, Director, Budgets and Grants

650.508.6228

RESOLUTION NO. 2010 –

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

* * *

**AUTHORIZING THE SUBMITTAL OF A FUND PROGRAMMING REQUEST OF
\$41,026,000 IN STATE PROPOSITION 1A FUNDS FOR THE
CALTRAIN CORRIDOR ELECTRIFICATION PROJECT**

WHEREAS, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, or Proposition 1A, was approved by the voters on November 4, 2008 to provide \$9.9 billion in bond funds to construct infrastructure and purchase equipment needed for high speed train service in California; and

WHEREAS, Proposition 1A sets aside \$950 million out of the \$9.9 billion to finance capital improvements to intercity, commuter and urban rail lines and systems that provide connectivity to the high-speed rail system in California; and

WHEREAS, the California Transportation Commission (CTC) adopted High-Speed Passenger Train Bond Program Guidelines (Guidelines) for the \$950 million in Proposition 1A funds; and

WHEREAS, \$760 million out of the \$950 million is available for commuter and urban rail system projects, and is divided amongst eligible applicants using a formula that incorporates the following factors: track miles, vehicle miles and passenger trips; and

WHEREAS, the Peninsula Corridor Joint Powers Board's (JPB's) formula share out of the \$760 million is \$41.026 million; and

WHEREAS, the Guidelines require the CTC to adopt a three-year rolling program for Fiscal Years 2011 to 2013; and

WHEREAS, the Staff Coordinating Council proposes to program \$41.026 million of Caltrain's share to the Corridor Electrification Project, consistent with the project funding plan included in the State's application to the Federal Rail Administration for High Speed Rail program funding consideration under the American Recovery and Reinvestment Act.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board authorizes the Executive Director, or his designee, to submit a Proposition 1A fund programming request in the amount of \$41.026 million to the CTC for the Corridor Electrification Project, and to execute any required agreements, certifications, and/or assurances associated with the fund programming and allocation; and

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

Regularly passed and adopted this 1st day of April 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: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZATION TO FILE AN APPLICATION TO RECEIVE \$685,145 OF FISCAL YEAR 2010 PROPOSITION 1B CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS AND A CONCURRENT LETTER OF NO PREJUDICE WITH THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY**

ACTION

Staff recommends the Board adopt a resolution authorizing the Executive Director, or his designee, to submit a grant application to receive \$685,145 in Proposition 1B (Prop 1B) California Transit Security Grant Program (CTSGP) funds and a concurrent Letter of No Prejudice (LONP), and to execute any agreements, certifications and/or assurances required to receive the funds, for the Caltrain Safety Fencing Program.

SIGNIFICANCE

The Peninsula Corridor Joint Powers Board (JPB) has been programmed to receive a total of \$685,145 in CTSGP Prop 1B funds in Fiscal Year 2010 from the California Emergency Management Agency (CalEMA) to help underwrite the Caltrain Safety Fencing Program. Due to the State fiscal crisis, the State Controller has not been able to sell a sufficient amount of bonds to fully fund all Prop 1B capital projects. Should funding not be available at the time of the proposed allocation, the LONP would enable the JPB to proceed with work with its own funds should the JPB desire to do so, and be reimbursed once bond proceeds are available to allocate to the JPB.

BUDGET IMPACT

There is no local match requirement for the CTSGP Prop 1B funds. The \$685,145 in CTSGP funds will be proposed for inclusion as part of the Fiscal Year 2011 Capital Budget deliberations.

BACKGROUND

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, otherwise known as Proposition 1B, was approved by California voters on November 7, 2006. Proposition 1B includes a funding program specifically for transit safety and security projects, such as the Caltrain Safety Fencing Program, known as the CTSGP. The State Controller develops a list of eligible transit operators and the amount of funds that each operator is eligible to receive on an annual basis. Funding allocations are contingent on bond sales, which have been delayed due to the State's current fiscal environment.

Prepared by: Suna Mullins, Capital Programming and Grants Administrator 650.508.6490

RESOLUTION NO. 2010 -

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

* * *

**AUTHORIZING THE FILING OF AN APPLICATION TO RECEIVE \$685,145 OF
FISCAL YEAR 2010 PROPOSITION 1B CALIFORNIA TRANSIT SECURITY GRANT
PROGRAM FUNDS AND A CONCURRENT LETTER OF NO PREJUDICE WITH THE
CALIFORNIA EMERGENCY MANAGEMENT AGENCY**

WHEREAS, the California Transit Security Grant Program (CTSGP) is a funding program for capital security and safety projects that is part of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, otherwise known as Proposition 1B, which was approved by California voters on November 7, 2006; and

WHEREAS, the CTSGP is administered by the California Emergency Management Agency (CalEMA); and

WHEREAS, the State Controller develops an annual list with the amount of funds each project sponsor in California is programmed to receive; and

WHEREAS, in Fiscal Year (FY) 2010, the Peninsula Corridor Joint Powers Board (JPB) is programmed to receive \$685,145 to help underwrite the Caltrain Safety Fencing Program; and

WHEREAS, due to the lack of bond funding for new projects, the State Controller's Office has been unable to allocate CTSGP funds to projects; and

WHEREAS, AB672, signed by the Governor on October 11, 2009, authorizes approval of a Letter of No Prejudice (LONP) for projects programmed or otherwise approved for funding from Proposition 1B programs; and

WHEREAS, an LONP allows the JPB to expend its own funds for any component of the program project and be reimbursed once CTSGP funds are available to allocate to the JPB; and

WHEREAS, staff recommends that the Board authorize the Executive Director, or his designee, to submit a grant application, and any other documentation required, to the CalEMA to receive a total of \$685,145 in FY 2010 CTSGP funds for the Caltrain Safety Fencing Program; and

WHEREAS, staff also recommends that the Board authorize the Executive Director, or his designee, to file a concurrent LONP to permit the use of Member Agency funds for the Caltrain Safety Fencing Program pending reimbursement from the State.

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

1. Authorizes the Executive Director, or his designee, to submit a grant application, and any other documentation required, to the CalEMA to receive a total of \$685,145 in FY 2009-2010 Proposition 1B 6261-0002 CTSGP funds for the Caltrain Safety Fencing Program; and
2. Authorizes the Executive Director, or his designee, to file an LONP to permit the use of Member Agency funds for the Caltrain Safety Fencing Program pending reimbursement of \$685,145 from the State; and
3. Authorizes the Executive Director, or his designee, to execute and furnish any assurances, certifications, or additional information as the CalEMA may require in connection with the filing of the grant application or LONP.

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to take such actions as may be necessary to give effect to this Resolution.

Regularly passed and adopted this 1st day of April 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: Gigi Harrington
Deputy CEO

Marian Lee
Executive Officer
Planning and Development

SUBJECT: **AWARD OF A CONTRACT TO PROVIDE ON-CALL
TRANSPORTATION PLANNING AND PROGRAM SUPPORT**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award a contract to Fehr & Peers of San Francisco, CA, to provide on-call transportation planning and program support services with total maximum compensation in the amount of \$1,500,000 over a three-year base period to be shared in the aggregate with Wilbur Smith Associates, the other on-call consultant awarded a contract resulting from the same solicitation.
2. Authorize the Executive Director or his designee to execute a contract with Fehr & Peers in full conformity with the terms and conditions of the solicitation documents and negotiated agreement.
3. Authorize the Executive Director or his designee to exercise up to two additional one-year option terms with the above firm with total maximum compensation in the amount of \$375,000 for each option term, to be shared in the aggregate with Wilbur Smith Associates, if deemed in the best interest of the Peninsula Corridor Joint Powers Board (JPB).

SIGNIFICANCE

Approval of the above actions will provide transportation planning and program support services for the JPB.

BUDGET IMPACT

Work Directives issued under this contract will be funded by a mix of Federal, State, regional, and/or local revenues and grants on a project basis. Funds for Work Directives will come from approved JPB planning and capital project budgets.

BACKGROUND

A Request for Proposals (RFP) to provide on-call transportation planning and program support services was issued as a joint procurement detailing the scope of services for the San Mateo County Transit District, the JPB, and the San Mateo County Transportation Authority. The

solicitation included two categories of services: Transportation Planning and Program Support and Environmental Planning. The Board approved rejection of all proposals for Environmental Planning at its December 2009 meeting. The Board approved a Transportation Planning and Program Support contract award to Wilbur Smith Associates under Resolution No. 2010-7 at its February 2010 meeting.

The solicitation information was advertised in a newspaper of general circulation and on the JPB's procurement Web site. Solicitation notices also were sent to interested firms, small business enterprises, and disadvantaged business enterprises (DBEs).

An Evaluation Committee (Committee) composed of qualified JPB staff reviewed and scored the proposals in accordance with the following weighted criteria:

- Team Organization and Staffing Approach 0-25 points
- Lead Firm Qualifications and Past Performance 0-25 points
- Contract Manager and Key Staff Qualifications and Experience 0-20 points
- Project Management Approach and Quality Control Assurance 0-15 points
- Understanding of Scope of Services 0-15 points

After review, evaluation, and initial scoring of proposals, firms were invited for interviews. Following interviews, the Committee completed the final evaluation and consensus ranking.

The Committee determined that Fehr & Peers, the second highest-ranked firm, is qualified to be selected for contract award. The firm possesses the requisite depth of experience, has the required qualifications to successfully perform the scope of services defined in the solicitation documents, and is fully capable of providing the specified services at a fair and reasonable price. Fehr & Peers included six subconsultants in its consulting team, including two DBE firms for market research and service planning.

The contract will be for on-call services and as such, work will be authorized on a Work Directive-basis. There is no guarantee of any specific amount of on-call work to be authorized under the contract. Before issuance of any Work Directive for which \$250,000 or more cumulatively in State or Federal funds will be used, the firm may be required to undergo a post-award audit, which will be performed by Caltrans or a designated outside auditor.

Transportation planning and program support services are currently being provided under General Engineering Consulting (GECs) Agreements and the above-mentioned Wilbur Smith Associates agreement.

Contract Officer: Evelyn Marcal 650.508.7958
Project Manager: Hilda Lafebre, Manager, Capital Projects & Environmental Planning 650.622.7842

RESOLUTION NO. 2010 -

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

* * *

**AUTHORIZING AWARD OF CONTRACT TO FEHR & PEERS
FOR ON-CALL TRANSPORTATION PLANNING AND PROGRAM SUPPORT
SERVICES FOR A TOTAL AGGREGATE AMOUNT OF \$1,500,000 FOR A
THREE-YEAR TERM**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB), along with the San Mateo County Transit District and San Mateo County Transportation Authority, issued a Request for Proposals (RFP) to provide on-call transportation planning and program support services for the three agencies; and

WHEREAS, in response to the RFP, proposals were received from six firms; and

WHEREAS, an Evaluation Committee has reviewed and scored proposals, conducted interviews with four firms in the competitive range, ranked the proposals according to the evaluation criteria set forth in the RFP, and determined that Fehr & Peers of San Francisco, CA, received the second highest consensus ranking; and

WHEREAS, staff and Legal Counsel have reviewed the Fehr & Peers proposal and determined that it complied with the requirements of the solicitation documents; and

WHEREAS, Staff Coordinating Council recommends that a contract for on-call transportation planning and program support services be awarded to Fehr & Peers for a three-year base term with total maximum compensation in the amount of \$1,500,000 to be shared in the aggregate with Wilbur Smith Associates, the other firm awarded a contract with the JPB resulting from the same solicitation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors (Board) of the JPB hereby awards a contract for on-call transportation planning and program support services to

Fehr & Peers of San Francisco, CA, for a three-year base term with total maximum compensation in the amount of \$1,500,000 to be shared in the aggregate with Wilbur Smith Associates; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute a contract on behalf of the JPB with Fehr & Peers, in a form approved by Legal Counsel; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director, or his designee, to exercise up to two additional, one-year option terms to the contract with Fehr & Peers with total maximum compensation in the amount of \$375,000 for each option year to be shared in the aggregate with Wilbur Smith Associates, if in the best interest of the JPB.

Regularly passed and adopted this 1st day of April 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: 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 ISSUES

Gas Tax Swap Package:

On March 22, Governor Schwarzenegger signed ABx8 6 and ABx8 9, otherwise known as the gas tax swap package.

ABx8 6 is a revenue neutral bill that eliminates the sales tax on gasoline in exchange for a 17.3 cents increase in the excise tax. The net effect of the 17.3 cents excise tax increase will provide \$700 million annually for bond debt service prior to an allocation of \$650 million in revenues which will be distributed pursuant to ABx8 9 as follows:

44 percent - State Transportation Improvement Program (STIP) for capacity projects,
44 percent - Local Streets and Roads
12 percent - State Highway Operations and Protection Program (SHOPP) for maintenance of the state highway system.

ABx8 9 includes a \$400 million appropriation for transit operations through FY 2010-11. The bill eliminates three out of the four funding sources for state funding of public transportation (spillover, Proposition 42, and the sales tax on the Prop 111 gas tax). It preserves the sales tax on diesel fuel and increases the diesel fuel sales tax rate, which provides local transit operators with nearly \$350 million beginning in FY 11-12, with gradual increases in subsequent years.

Caltrain's portion of the \$400 million State Transit Assistance appropriation is \$5.1 million for FY 09-10 and FY10-11. The FY 09-10 funding is expected in July and can be used for operations and capital projects.

The governor also is expected to sign SB 70, which exempts specified consumers of diesel fuel, including transit operators, from the increase in the sales tax on diesel from 5 percent to 6.75 percent.

High Speed Rail:

Two bills that affect California's high-speed train project were introduced last month:

SB 965 (DeSaulnier) is the legislative vehicle for the high-speed rail component of Senate President Pro- Tem Darrell Steinberg's Jobs Agenda. The bill would provide the California High Speed Rail Authority with guidance to ensure that the expenditure of high-speed rail funding provided through the American Recovery and Reinvestment Act will expedite and maximize job creation in the State and meet strict federal obligation deadlines.

AB 2121 (Harkey) would halt the sale of \$9.95 billion in general obligation bonds associated with Proposition 1A, the Safe Reliable High Speed Passenger Train Bond Act approved by voters in 2008.

FEDERAL ISSUES

FY 2011 Appropriations:

Congresswomen Eshoo and Speier will move forward with the JPB's \$500,000 appropriations request for the Caltrain Fencing and Signage Program. Members of Congress were required to submit their FY 2011 appropriations requests to the House Appropriations Committee by last Friday and will be posting them online over the next several weeks.

The Senate Appropriations Committee has set deadlines for submission of FY 2011 requests by subcommittee over the next six weeks and the offices of Senators Feinstein and Boxer are working to finalize their requests now.

Jobs Legislation:

Last Thursday President Obama signed into law the Hiring Incentives to Restore Employment Act (HR 2847). The new law extends funding for Federal surface transportation programs through December 31, 2010, and transfers \$19.5 billion of general funds from the Treasury into the Highway Trust Fund (HTF), including \$4.8 billion into the Mass Transit Account. These funds are based on the restoration of interest payments on balances to the HTF and ensure the solvency of the Mass Transit Account through the end of FY 2011.

On March 10 the Senate also voted 62-36 to pass HR 4213, the \$140 billion tax extenders bill that includes an extension of the alternative fuels tax credit. The House is expected to either vote on the Senate bill as passed or to seek a conference on the bill. The House passed an earlier version that included the alternative fuel credit. If passed, the tax credit would be applied retroactively to January 1, 2010.

Prepared By: Seamus Murphy, Manager, Government Affairs

650.508.6388

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

Bill ID/Topic	Location	Summary	Position
AB 153 Ma High-Speed Rail Authority.	SENATE T. & H. 7/2/2009 - In committee: Set, first hearing. Hearing canceled at the request of author.	<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.</p>	
AB 231 Huffman California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.	SENATE E.Q. 6/18/2009 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ.	<p>Requires that revenues collected pursuant to the California Global Warming Solutions Act of 2006 be deposited into a Climate Protection Trust Fund, and establishes parameters by which those funds can be distributed for the reduction of GHG and mitigation of climate change impacts.</p> <p>Last Amended on 6/26/2009</p>	
AB 266 Carter Transportation needs assessment.	SENATE RLS. 6/11/2009 - Referred to Com. on RLS.	<p>Requires the California Transportation Commission (CTC) to, on an every-5-year basis, to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis.</p> <p>Last Amended on 4/20/2009</p>	
AB 289 Galgiani High-speed rail.	SENATE T. & H. 2/11/2010 - Re-referred to Com. on T. & H.	<p>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. Existing law provides for appointment of an executive director by the authority, who is exempt from civil service and serves at the pleasure of the authority.</p> <p>This bill would authorize the Governor to appoint up to five deputy directors exempt from civil service who would serve at the pleasure of the executive director. Last Amended on 1/25/2010</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

Bill ID/Topic	Location	Summary	Position
<p>AB 619 Blumenfeld</p> <p>Transportation projects: federal funds: delays.</p>	<p>SENATE T. & H. 6/17/2009 - In committee: Set, first hearing. Hearing canceled at the request of author.</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 726 Nielsen</p> <p>Transportation capital improvement projects.</p>	<p>SENATE T. & H. 6/16/2009 - In committee: Set, first hearing. Hearing canceled at the request of author.</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 732 Jeffries</p> <p>Transportation projects: design-sequencing contracts.</p>	<p>SENATE APPR. SUSPENSE FILE 8/27/2009 - In committee: Held under submission.</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. Last Amended on 6/16/2009</p>	

**Peninsula Corridor Joint Powers Board
Legislative Matrix as of March 16, 2010**

Bill ID/Topic	Location	Summary	Position
<p>AB 1375 Galgiani</p> <p>High-speed rail.</p>	<p>SENATE T. & H. 2/11/2010 - Referred to Coms. on T. & H. and RLS.</p>	<p>Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, 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.</p> <p>This bill would revise and recast these provisions by repealing and reenacting the California High-Speed Train Act. The bill would continue the High-Speed Rail Authority in existence to make policy decisions relative to implementation of high-speed rail consistent with Proposition 1A. The bill would create the Department of High-Speed Trains within the Business, Transportation and Housing Agency, which would implement those policies. The bill would transfer certain of the existing powers and responsibilities of the authority to the department and would specify additional powers and duties of the authority and department relative to implementation of the high-speed rail project, including the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature. The director of the department would be appointed by the Governor , who would serve at the pleasure of the authority, and the Governor would be authorized to appoint up to 10 executive employees of the department who would be exempt from civil service and serve at the pleasure of the director. The bill would provide for acquisition and disposition by the department of rights-of-way for the high-speed rail project. The bill would enact other related provisions. Last Amended on 1/15/2010</p>	
<p>AB 1609 Evans</p> <p>2010-11 Budget</p>	<p>ASSEMBLY BUDGET 1/21/2010 - Referred to Com. on BUDGET.</p>	<p>This bill would make appropriations for support of state government for the 2010-11 fiscal year. This bill contains other related provisions.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

Bill ID/Topic	Location	Summary	Position
<u>AB 1747</u> <u>Galgiani</u> High-Speed Rail Authority	ASSEMBLY TRANS. 2/18/2010 - Referred to Com. on TRANS.	<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>	
<u>AB 1794</u> <u>Gilmore</u> Emissions of greenhouse gases: California Global Warming Solutions Act of 2006.	ASSEMBLY PRINT 2/11/2010 - From printer. May be heard in committee March 13.	<p>The California Global Warming Solutions Act of 2006, establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases.</p> <p>The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board, on or before January 1, 2011, to adopt greenhouse gas emission limits and emission reduction measures, as defined, by regulation to achieve the maximum technologically feasible and cost-effective reductions in emissions of greenhouse gases, in furtherance of achieving the statewide greenhouse gas emissions limit, with the regulations to become operative beginning January 1, 2012. This bill would make technical and nonsubstantive revisions to the above requirements.</p>	
<u>AB 1805</u> <u>Calderon</u> Environment: California Environmental Quality Act (CEQA)	ASM NATURAL RESOURCES May be heard in committee March 22	<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 the judicial review of a lead agency's decision to certify an EIR.</p> <p>The bill would enact the CEQA Litigation Protection Pilot Program of 2010 and would require the Business, Transportation and Housing Agency to select projects that meet specified requirements from specified regions for each calendar year between 2010 and 2014. The bill would exempt from judicial review, pursuant to CEQA, a lead agency's decision to certify the EIR of, or to adopt a mitigated negative declaration based on an initial study for, the selected projects, a lead agency's and responsible agency's approval of the selected project, and the Business, Transportation and Housing Agency's selection of the projects. The bill would require the Business, Transportation and Housing Agency, by December 31 of each year, to submit an annual report to the Governor and to the Legislature summarizing the designation of projects, and the job creation and investment attributable to the designated projects. The bill would repeal the pilot program as of January 1, 2016.</p>	

**Peninsula Corridor Joint Powers Board
Legislative Matrix as of March 16, 2010**

Bill ID/Topic	Location	Summary	Position
<p>AB 2098 Miller</p> <p>Federal transportation economic stimulus funds: 2nd round.</p>	<p>ASSEMBLY TRANS. 3/11/2010 - Referred to Com. on TRANS.</p>	<p>Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission.</p> <p>This bill would enact provisions to govern the expenditure of the 2nd round of federal transportation economic stimulus funds that may be awarded to the state in 2010 pursuant to an unspecified federal act, subject to appropriation by the Legislature. The bill would provide for an unspecified division of the available funds between state and regional agencies. The bill would restrict allocation of the state portion of funds to projects in areas defined as economically distressed under federal law. The bill would enact various other requirements applicable to expenditure of the federal funds. This bill contains other existing laws.</p>	
<p>AB 2121 Harkey</p> <p>High-speed rail.</p>	<p>ASSEMBLY TRANS. 3/4/2010 - Referred to Com. on TRANS.</p>	<p>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. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.</p> <p>This bill would reduce the amount of general obligation debt authorized pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2011.</p>	
<p>AB 2324 John A. Perez</p> <p>Transit: public transit vehicle stations.</p>	<p>ASSEMBLY PUB. S. 3/11/2010 - Referred to Com. on PUB. S.</p>	<p>Existing law prohibits a person from knowingly possessing specified weapons and other items within any sterile area, as defined, of an airport or passenger vessel terminal, except as specified.</p> <p>This bill would make it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle station, as defined, specified weapons. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

<p><u>AB 2579</u> <u>Evans</u></p> <p>Master Plan for Infrastructure Financing and Development Commission.</p>	<p>ASSEMBLY PRINT 2/22/2010 - Read first time.</p>	<p>The California Constitution regulates the issuance of debt by the state and requires that debt in excess of \$300,000 for which the state will be generally obligated be submitted to, and approved by, the voters.</p> <p>This bill would create the Master Plan for Infrastructure Financing and Development Commission, the mission of which would be to develop and recommend a plan to be presented to the Governor and Legislature that provides for building and maintaining the infrastructure necessary to meet the needs of Californians from the present to the year 2050, and to establish a process for periodically adjusting and adapting the plan in coming years to meet changing circumstances. The bill would require that the commission consist of 11 members: the Treasurer or his or her designee, and members appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. The bill would authorize the Governor to appoint the chair of the commission who would work full-time on commission business for an unspecified salary. The bill would authorize the chair, with the concurrence of the commission, to appoint an executive director, who would be exempt from civil service and be paid an unspecified salary. The bill would require that funding for the operating costs of the commission be available upon appropriation by the Legislature. The bill would require the chair of the commission to appoint the members of specified task force committees, to be composed of both members and nonmembers of the commission, and would require commission members to chair at least one task force committee in which they have expertise. The bill would provide that the subject matter responsibilities of these task force committees include, but not be limited to, planning and financing, transportation, housing, natural resources and conservation, and education. The commission would be required to establish a timeline for submission of periodic reports on their findings to the Governor and Legislature, provide opportunity for public comment and participation, and to incorporate the "Governor's Five Year Infrastructure Plan" and the "State Environmental Goals and Policy Report" into its long-term planning recommendations. The bill would require the commission to submit its final report to the Governor and Legislature no later than December 1, 2012, and to be dissolved 30 days after issuance of the final report.</p>	
<p><u>ABX8 6</u> <u>Committee on Budget</u></p> <p>Sales and use taxes: motor vehicle fuel tax: diesel fuel tax.</p>	<p>Signed</p>	<p>Existing law requires the Director of Finance to make certain adjustments in one of the formulas used in computing the state's obligation under the California Constitution to provide funding for school districts and community college districts so as to ensure that the modifications in property tax revenue allocation requirements that were made by prior enactments do not have a net fiscal impact on school districts or community college districts, or upon the state's funding obligation to those districts.</p> <p>This bill would additionally specify adjustments on the calculation of the state's constitutional funding obligations that are related to the change in taxes made by this bill. This bill contains other related provisions and other existing laws. Last Amended on 3/3/2010</p>	

**Peninsula Corridor Joint Powers Board
Legislative Matrix as of March 16, 2010**

<p><u>ABX89</u> <u>Committee on Budget</u></p> <p>Transportation finance.</p>	<p>Signed</p>	<p>The Motor Vehicle Fuel Tax Law and the Diesel Fuel Tax Law each impose a tax at the rate of \$0.18 per gallon on the removal, entry, sale, delivery, or specified use of motor vehicle fuel, commonly referred to as gasoline, and including aviation gasoline, and diesel fuel. Article XIX of the California Constitution requires state-imposed excise tax revenues from fuel used in motor vehicles upon public streets and highways to be used solely for highway and mass transit guideway purposes.</p> <p>This bill would require new revenues from an increase in those taxes to first be used to reimburse the General Fund for the amount needed for debt service on specified general obligation transportation bonds, with 44% of remaining revenues to be transferred to the State Highway Account to fund projects in the state transportation improvement program (STIP), 12% to be transferred to the State Highway Account for the State Highway Operation and Protection Program (SHOPP), and the remaining 44% to be apportioned to cities and counties for local street and road purposes pursuant to a specified formula, thereby resulting in an appropriation. However, in the 2010-11 fiscal year, after the reimbursement of the General Fund for debt service, approximately \$650,000,000 would be retained for future appropriation and 50% of the remaining revenues would be allocated to the STIP and 50% would be allocated to local streets and roads. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 3/3/2010</p>	
<p><u>ACR 14</u> <u>Niello</u></p> <p>California Global Warming Solutions Act of 2006.</p>	<p>ASSEMBLY NAT. RES. 4/27/2009 - In committee: Refused adoption.</p>	<p>This measure would call upon the State Air Resources Board, prior to any regulatory action being taken consistent with the scoping plan for the implementation of the California Global Warming Solutions Act of 2006, to perform an economic analysis that will give the State of California a more complete and accurate picture of the costs and benefits of the act's implementation. The measure would also call upon the Governor to use the authority granted by the act to adjust any applicable deadlines for regulations. Last Amended on 3/27/2009</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

<p><u>SB 70</u> Committee on Budget and Fiscal Review.</p> <p>Sales and use taxes: fuel taxes.</p>	<p>Enrolled to Governor</p>	<p>The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. AB 6 of the 2009-10 8th Extraordinary Session would, if enacted, impose an additional 1.75% tax on the sale of, and the storage, use, or other consumption in this state of, diesel fuel on or after July 1, 2011.</p> <p>This bill would exempt the sale of, and the storage, use, or other consumption of, specified diesel fuel from that tax that would be imposed by AB 6 of the 2009-10 8th Extraordinary Session. Assembly Bill 6 of the 2009-10 Eighth Extraordinary Session would both increase and decrease the rates of specified taxes and require adjustments to the rates on an annual basis to achieve revenue neutrality. Assembly Bill 6 would increase the rate of tax under the Motor Vehicle Fuel Tax Law on the removal, entry, sale, delivering or specified use of motor vehicle fuel, including aviation gasoline. This bill would clarify that the rate changes to achieve revenue neutrality would be effective for the next fiscal year. This bill would exclude aviation gasoline from the increase in the rate of motor vehicle fuel taxes. The Sales and Use Tax Law requires a collection of prepayment of retail sales tax at the time that motor vehicle fuel tax or diesel fuel tax is imposed, and on each subsequent sale other than the retail sale. This law requires the State Board of Equalization to establish the prepayment rate based on 80% of the combined state and local sales tax rate, as prescribed. This law authorizes the board to readjust the rate if the price of fuel decreases or increases and the established rate results in prepayments which consistently exceed or are significantly lower than the retailers' sales tax liability. This bill would also authorize the State Board of Equalization to readjust the rate if an exemption from sales tax for sales of fuel, as specified, is enacted and the established rate results in or could result in prepayments which consistently exceed or are significantly lower than the retailers' sales tax liability. This bill would become operative only if both this bill and AB 6 of the 2009-10 8th Extraordinary Session are chaptered and this bill is chaptered last. This bill would take effect immediately as a tax levy.</p>	
<p><u>SB 409</u> <u>Ducheny</u></p> <p>Passenger rail programs: strategic planning.</p>	<p>ASSEMBLY TRANS. 2/11/2010 - To Com. on TRANS.</p>	<p>Existing law creates the Department of Transportation in the Business, Transportation and Housing Agency, with various powers and duties relative to the intercity passenger rail program, among other transportation programs. Existing law creates in state government the High-Speed Rail Authority, with various powers and duties relative to development and implementation of a high-speed passenger train system. The authority has 9 members, 5 appointed by the Governor and 4 appointed by the Legislature. Existing law also creates in state government the California Transportation Commission, with various powers and duties relative to programming of transportation capital projects and assisting the Secretary of Business, Transportation and Housing in formulating state transportation policies.</p> <p>This bill would place the High-Speed Rail Authority within the Business, Transportation and Housing Agency. The bill would require the 5 members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. The bill would require the authority to annually submit a funding plan to the California Transportation Commission for approval, identifying the need for investments during the fiscal year and the amount of bond sales necessary to accommodate those investments. This bill contains other related provisions.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

<p><u>SB 476</u> <u>Correa</u></p> <p>Environment: California Environmental Quality Act: noncompliance allegations: public comment.</p>	<p>ASSEMBLY NAT. RES. 7/7/2009 - 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. Last Amended on 4/30/2009</p>	
<p><u>SB 686</u> <u>DeSaulnier</u></p> <p>Environment: CEQA exemption: addition and deletion.</p>	<p>ASSEMBLY NAT. RES. 5/11/2009 - To Com. on NAT. RES.</p>	<p>The California Environmental Quality Act requires the Office of Planning and Research to adopt guidelines that include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and a list of classes of projects that are exempted from the act's requirements. The act establishes procedures for the certification and adoption of the guidelines. The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of Natural Resources Agency.</p> <p>This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.</p>	
<p><u>SB 874</u> <u>Ducheny</u> 2010-11 Budget</p>	<p>SENATE BUDGET & F.R. 1/21/2010 - To Com. on B. & F.R.</p>	<p>This bill would make appropriations for support of state government for the 2010-11 fiscal year. This bill contains other related provisions.</p>	

**Peninsula Corridor Joint Powers Board
Legislative Matrix as of March 16, 2010**

<p><u>SB 964</u> <u>Alquist</u></p> <p>Workforce development program: high-speed rail.</p>	<p>SENATE T. & H. 2/18/2010 - To Coms. on T. & H. and ED.</p>	<p>Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.</p> <p>This bill would require the authority to contract with the California Community Colleges Chancellor's office to develop a labor market assessment of the workforce and identify the education and skills needed for high-speed rail, and to develop a comprehensive workforce training and certification program or programs to facilitate the availability of that workforce. The bill would require the authority and the chancellor's office to form a Jobs Advisory Task Force, as specified, to advise the authority and the Chancellor's office on the establishment and operation of training and certification programs required to produce an adequate skilled workforce for this project. The bill would require the labor market assessment to be incorporated into the authority's biennial revised business plan. This bill contains other related provisions.</p>	
<p><u>SB 965</u> <u>DeSaulnier</u></p> <p>High-speed rail.</p>	<p>SENATE T. & H. 2/18/2010 - To Com. on T. & H.</p>	<p>Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, 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.</p> <p>This bill would authorize the authority to receive and expend any federal funds awarded to the authority for the purposes of developing a project or projects along the high-speed rail network, thereby making an appropriation. The bill would require the authority to take various actions in that regard. It would also require the authority to submit to the Legislature an expenditure plan for the federal funds within 30 days of enactment of this act and to submit a progress report on expenditure of the funds to the Legislature within 180 days of the award of those funds and annually thereafter. It would make legislative findings and declarations relative to the award of federal funds to the state under the federal American Recovery and Reinvestment Act (ARRA) for high-speed rail purposes.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

<p><u>SB 1010</u> <u>Correa</u></p> <p>Environment: California Environmental Quality Act (CEQA).</p>	<p>SENATE PRINT 2/18/2010 - To Coms. on EQ. and JUD.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for the judicial review of a lead agency's decision to certify an EIR.</p> <p>The bill would enact the CEQA Litigation Protection Pilot Program of 2010 and would require the Business, Transportation and Housing Agency to select projects that meet specified requirements from specified regions for each calendar year between 2010 and 2014. The bill would exempt from judicial review, pursuant to CEQA, a lead agency's decision to certify the EIR of, or to adopt a mitigated negative declaration based on an initial study for, the selected projects, a lead agency's and responsible agency's approval of the selected project, and the Business, Transportation and Housing Agency's selection of the projects. The bill would require the Business, Transportation and Housing Agency, by December 31 of each year, to submit an annual report to the Governor and to the Legislature summarizing the designation of projects, and the job creation and investment attributable to the designated projects. This bill contains other related provisions.</p>	
<p><u>SB 1012</u> <u>Runner</u></p> <p>Environmental quality: California Environmental Quality Act:(CEQA).</p>	<p>SENATE RLS. 2/18/2010 - To Com. on RLS.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.</p> <p>This bill would make technical, nonsubstantive changes to those provisions.</p>	
<p><u>SB 1260</u> <u>Yee</u></p> <p>High-speed rail.</p>	<p>SENATE RLS. 3/4/2010 - To Com. on RLS.</p>	<p>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.</p> <p>This bill would state the intent of the Legislature to enact legislation to implement the bond act.</p>	
<p><u>SB 1263</u> <u>Wyland</u></p> <p>California Global Warming Solutions Act of 2006: inoperative.</p>	<p>SENATE E.Q. 3/4/2010 - To Com. on EQ.</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.</p> <p>This bill would make the provisions of the California Global Warming Solutions Act of 2006, and any regulation adopted pursuant to the act, inoperative.</p>	

Peninsula Corridor Joint Powers Board Legislative Matrix as of March 16, 2010

<p><u>SB 1371</u> <u>Lowenthal</u></p> <p>Federal transportation economic stimulus funds: 2nd round.</p>	<p>SENATE T. & H. 3/4/2010 - To Com. on T. & H.</p>	<p>Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Under these provisions, 25% of available funds are available for interregional improvement projects nominated by the Department of Transportation, subject to a requirement that 60% of these funds be available for projects in nonurbanized areas on the interregional road system and for intercity rail projects. The remaining 75% of available funds are available for regional improvement projects nominated by regional agencies. All funds programmed through the state transportation improvement program process are subject to the north-south split, and the regional improvement funds are further subject to the county shares formula.</p> <p>This bill would require the Department of Transportation to work with local transportation agencies to develop a list of potential projects that may be awarded within a 90-day period of the award to the state of 2nd round federal transportation economic stimulus funds. The bill would require the department to submit a monthly status report to the Legislature, as specified, with respect to certain milestones for expenditure of these funds. The bill would make related legislative findings and declarations. This bill contains other related provisions and other existing laws.</p>	
<p><u>SBX8 1</u> <u>Committee on Budget and Fiscal Review</u></p> <p>Budget Act of 2009.</p>	<p>SENATE THIRD READING 3/11/2010 - From Assembly without further action.</p>	<p>The Budget Act of 2009 (Chapter 1 of the 2009-10 Third Extraordinary Session) and revisions to the Budget Act of 2009 (Chapter 1 of the 2009-10 Fourth Extraordinary Session) made appropriations for the support of state government during the 2009-10 fiscal year.</p> <p>This bill would make changes in specified items in connection with federal funding for the State Department of Public Health for HIV/AIDS programs. This bill contains other related provisions and other existing laws. Last Amended on 2/22/2010</p>	
<p><u>SCA 15</u> <u>Calderon</u></p> <p>State budget.</p>	<p>SENATE BUDGET & F.R. 4/13/2009 - From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B. & F.R.</p>	<p>The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a 2/3 vote.</p> <p>This measure would exempt General Fund appropriations in the Budget Bill for the ensuing fiscal year from the 2/3 -vote requirement if the total amount of General Fund revenues estimated by the Legislative Analyst, on or after May 15, for the current fiscal year is at least 5% below the estimate of General Fund revenues set forth in the Budget Bill enacted for the current fiscal year . This bill contains other related provisions and other existing laws. Last Amended on 4/13/2009</p>	