



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

July 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 June 3, 2010
- b) Authorize Amending the Citizens Advisory Committee Bylaws
- c) Authorize Filing an Application to Receive \$18 Million of Federal Rail Administration (FRA) High Speed Intercity Passenger Rail (HSIPR) Funds for the South Terminal Station Project
- d) Authorize Filing an Application to Receive \$10 Million of Fiscal Year 2010 Federal Rail Administration (FRA) Railroad Safety Technology Program Funds for the Caltrain Positive Train Control (PTC)/Communication Based Overlay Signal System (CBOSS) Project
- e) Authorize Amendment to Extend the Contract with Parking Company of America Management, LLC for Shuttle Bus Service for up to Two Additional One-Year Terms
- f) Authorize Award of Contracts to Essence Printing, Fong Brothers Printing, Inc. and Spectrum Lithographic for a Total Estimated Aggregate Amount of \$404,000 for a Three-Year Term to Provide Printing Services for Newsletters, Timetables and Take Ones
- g) Authorize Approval and Ratification of the Fiscal Year 2011 Insurance Program

RESOLUTIONS

5. Chairperson’s Report

- a) Appointment of Citizens Advisory Committee Member Cat Tucker, Representing Santa Clara County

MOTION

6. Report of the Citizens Advisory Committee
7. Report of the Executive Director
 - a) Caltrain Performance Report – May 2010
 - b) Peninsula Rail Program Update
8. Acceptance of Statement of Revenues and Expenses for May 2010 MOTION
9. Call for a Public Hearing on September 2, 2010 for Consideration of Service Suspensions and Fare Changes MOTION
10. Proposed Fiscal Year 2011 Operating Budget RESOLUTION
11. Adoption of Fiscal Year 2011 Capital Budget RESOLUTION
12. Authorize Award of Contract to Granite Construction Company, Inc. for a Total Amount of \$77,699,000 for the San Bruno Grade Separation Project RESOLUTION
13. Authorize Award of Contract to Disney Construction, Inc. for a Total Amount of \$6,313,333 for the Jerrold Avenue Bridge Replacement Project RESOLUTION
14. Authorize Rejection of Three Low Monetary Bids as Non-Responsive and Award of Contract to Gordon N. Ball, Inc. for a Total Amount of \$3,182,000 for the San Mateo Bridges Phase 1 - Foundation Improvements Project RESOLUTION
15. Authorize Award of Contract to The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc. for a Total Amount up to \$2,500,000 for a Three-Year Base Period to Provide On-call Environmental Planning Consulting Services RESOLUTION
16. Legislative Update INFORMATIONAL
17. Correspondence
18. Board Member Requests
19. Date/Time of Next Meeting
Thursday, August 5, 2010, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070
20. General Counsel Report
 - a) Closed Session: Pending Litigation Pursuant to Government Code Section 54956.9 (a) Russell J. Peterson et al vs. Peninsula Corridor Joint Powers Board, et al.
21. Adjourn

INFORMATION FOR THE PUBLIC

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

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

Location, Date and Time of Regular Meetings

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

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

Public Comment

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

Members of the public may address the Board on non-agendized items under the Public Comment item on the agenda. Public testimony by each individual speaker shall be limited to two minutes and items raised that require a response will be deferred for staff reply.

Accessibility for Individuals with Disabilities

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

Availability of Public Records

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

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

**Minutes
June 3, 2010**

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

MEMBERS ABSENT: M. Church, N. Ford

MTC LIAISON ABSENT: S. Lempert

STAFF PRESENT: 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 10:00 a.m. Director Ash Kalra led the Pledge of Allegiance.

FISCAL EMERGENCY DECLARATION

Chair Elsbernd said the Board will conduct a public hearing for the purpose of considering a declaration of a fiscal emergency for Fiscal Year (FY) 2011.

Deputy CEO Gigi Harrington said when a transit agency's revenues are insufficient to fund operations and facilities, the California Environmental Quality Act (CEQA) provides a statutory exemption from environmental review to any public service program, project or activity for the reduction or elimination of service and for initiating or increasing fees, rates or changes through a declaration of fiscal emergency. Ms. Harrington said the transit agency expects to have negative working capital within one year of the date of the declaration, as required by the CEQA exemption. The amount of unrestricted net assets is estimated at negative \$6.6 million at the end of FY2011 and is insufficient to support the current service levels.

Public Comment

Jeff Carter, Burlingame, said he did not see the notice for the public hearing on the trains. Caltrain should immediately begin the process to transfer capital funds to operating funds. The Board owes the public an explanation why they can't ride Caltrain when the Santa Clara Valley Transportation Authority (VTA) is moving ahead with their BART project to San Jose. Mr. Carter said hard choices need to be made and today's decision could affect people's livelihoods.

William Grindley, Atherton, said crises bring opportunities and this Board has a crisis. The Board owns the corridor and a user fee can be leveraged against California High Speed Rail Authority (CHSRA) trains of \$5,000 a train. In the first 15 years of operation, \$6 billion in fees would be received.

Jack Ringham, Atherton, said Caltrain needs dedicated funding and HSR wants the use of the Caltrain corridor. Charging CHSRA a user fee could provide dedicated funding. There are no formal agreements yet, but a common assumption is that HSR would fund Caltrain projects, like electrification and grade separation, in exchange for free use of the right of way. This arrangement would fund capital projects that provide no operating funds. The latest HSR business plan estimates construction costs of \$4.6 billion for the San Francisco to San Jose corridor. Caltrain should require a HSR user fee starting with the date construction begins and indexed for inflation. This could avoid deficits, reduce contributions from the partners and ensure Caltrain's survival.

Legal Counsel David Miller said staff presented the purpose of the hearing and the Board has afforded the public an opportunity to comment. There has been no e-mail or public testimony this morning. Mr. Miller said, with respect to the comments received this morning, the notice to the public is legally adequate and sufficient. Mr. Miller said, with respect to the substantive suggestions that have been raised, all considerations will be given to ideas that are presented for the purpose of balancing the operating budget in the short and long-term. As Executive Director Michael Scanlon has said on several occasions, ample consideration will be given when deliberations begin with CHSRA to protect the interests of the taxpayers in this region and this entity that owns the corridor. Mr. Miller said the public hearing can be closed.

A motion (Ahmad/Yeager) to declare a fiscal emergency for FY2011 was approved unanimously.

PUBLIC COMMENT

Michael McPherson, Atherton, thanked the Board for the completion of the vehicular pedestrian quad gates at Fair Oaks Avenue in Atherton. Pedestrian quad gates were completed at Watkins Avenue and he asked that staff move ahead and complete the intersection with vehicular quad gates.

Doug DeLong, Mountain View, congratulated staff for the waiver letter received from the Federal Railroad Administration (FRA).

Marc Brandt, San Francisco, said he is concerned about Caltrain. He said the San Francisco Bicycle Coalition (SFBC) can be an ally in finding and securing funding sources for Caltrain. Staff should collaborate with the SFBC for funding for Caltrain.

Shirley Johnson, SFBC, said the SFBC has found a \$10 million grant to improve onboard bicycle capacity. The SFBC wants to partner with Caltrain for this grant. The deadline to submit an application is July 16.

Brian Wilfley, Los Altos, said staff should be proud of their accomplishment in receiving the FRA waiver.

Greg Conlon, Atherton, said he is concerned about fatalities along the right of way. He applauds staff for the completion of quad gates at Fair Oaks Avenue in Atherton and encourages the work be completed at Watkins Avenue.

Irvin Dawid, Palo Alto, congratulated staff on the waiver approval from the FRA. He is concerned about the gates on the north side at the Menlo Park Caltrain Station. Mr. Dawid said there are no arms, but a gate and for disabled passengers this is very difficult to maneuver.

James Jonas, Redwood City, said none of the HSR alternatives alignment options create significant improvements to the quality of life on the Peninsula. He said at-grade and above-grade alternatives create a sight/sound impact. Mr. Jonas recommends a dual stack cut and cover trench with Caltrain and freight on top and HSR on the bottom. He said Atherton supports this option and it appeared in Appendix C of the Alternatives Analysis Report.

Jeff Carter, Burlingame, congratulated staff on the FRA waiver.

Pat Giorni, Burlingame, asked when the Bicycle Advisory Committee (BAC) will be formed. She said the City/County Association of Governments of San Mateo County is updating the County Bicycle Plan. This plan takes into consideration connections to public transportation.

CONSENT CALENDAR

- a. Approval of Minutes of May 6, 2010
- b. Authorize Filing an Application to Receive \$1,250,000 of Fiscal Year 2010 Federal Railroad Administration Railroad Research and Development Earmark Funds for the Caltrain Positive Train Control/Communications Based Overlay Signal System Project
- c. Authorize Entering into a Funding Agreement in the Amount of \$4,943,089 with Caltrans for Seismic Retrofit Work on Four Caltrain Bridges in the City of San Mateo
- d. Authorize the Execution of the Memorandum of Understanding with the Metropolitan Transportation Commission for the Operations and Maintenance of the ClipperSM Fare Collection System

The Board approved the consent calendar (Gage/Lloyd).

CHAIRPERSON'S REPORT

No report.

METROPOLITAN TRANSPORTATION COMMISSION (MTC) LIAISON REPORT

No report.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

CAC Chair John Hronowski reported on the May meeting:

1. The CAC approved changing the start time of their meeting from 6:00 p.m. to 5:30 p.m. This will be brought to the July JPB meeting for approval.
2. Presentations were given on the preliminary FY2011 Operating and Capital budgets.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Monthly Performance Statistics – April 2010 compared to April 2009
 - a. Total Ridership was 1,011,777, an increase of 0.6 percent.
 - b. Average Weekday Ridership was 38,057, a decrease of 2.7 percent.
 - c. Total Revenue was \$3,657,801, an increase of 0.3 percent.
 - d. On-time Performance was 93.2 percent, a decrease of 3.6 percent.

- e. Caltrain Shuttle Ridership was 5,516, a decrease of 8.8 percent.
- Year-to-date Performance Statistics ending April 2010 compared to April 2009
 - f. Total Ridership was 9,871,908, a decrease of 6.4 percent.
 - g. Average Weekday Ridership was 37,308, a decrease of 7 percent.
 - h. Total Revenue was \$34,968,920, a decrease of 2.8 percent.
 - i. On-time Performance was 94.2 percent, a decrease of 8.4 percent.
- Five additional northbound trains were provided for the Bay to Breakers, carrying an additional 7,000 passengers.
- Baseball service carried an additional 4,823 passengers in the month of May. Thirty-one games into the season, total ridership is 141,751, up 2 percent compared to last year.
- Three additional northbound trains will run for the fireworks in San Francisco on Sunday, July 4. A regular Saturday schedule, augmented with some limited stop trains and Gilroy service, will run on Monday, July 5.
- The bicycle service count and dwell time study has been completed and staff expects a final report in July.
- The deadline for applying to the BAC was extended and staff hopes to have the first committee meeting in July.
- On May 26, the JPB hosted a pre-proposal meeting for potential bidders for the operations, maintenance and support services contract for Caltrain. The meeting was attended by nearly 80 people representing potential bidders from around the world.
- The reading file contains special shuttle service information from the Menlo Park Caltrain Station to the Sunset Magazine event; April Safety and Security Report; a letter from Congresswoman Anna Eshoo and the FRA waiver letter.

Peninsula Rail Program (PRP) Update

Peninsula Rail Program Director Bob Doty provided these details:

- Acknowledged Mark Bailey, Dominic DiBrito and Camille Tsao for their work on obtaining the waiver from the FRA.
- The CHSRA has a new chief executive officer who has a lot to accomplish within the next seven months.
- Staff had a meeting with the Ogilvy Group on outreach and marketing plans. Staff is pursuing a more aggressive marketing strategy for the Bay Area.
- The alternatives analysis outreach meetings are almost complete. Staff has met with 12 cities with five remaining.

Public Comment

Pat Giorni, Burlingame, said she is glad the alternatives analysis got to most cities, but the cities need to be reimbursed for the costs incurred for these meetings.

Shirley Johnson, SFBC, said the SFBC is looking forward to working with staff to apply for the Tiger II grant.

James Jonas, Redwood City, said staff should challenge assumptions to cut costs.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR APRIL 2010

Ms. Harrington said staff is proposing to roll forward the savings shown in the expense side to help balance the FY2011 budget.

A motion (Gage/Lloyd) to accept the March statement was approved unanimously.

UPDATE ON PROPOSED FISCAL YEAR 2011 OPERATING BUDGET

Ms. Harrington made the following points:

- Total revenues for FY2011 are \$90 million, a decrease of \$7.2 million.
- Total expenses for FY2011 are \$102.5 million, an increase of \$5.3 million.
- Sources of funds identified to help close the budget gap include \$5 million in State Transit Assistance funding and \$6 million in savings from FY2010.
- The partners continue to work together to identify opportunities for their contributions.
- Staff is proposing the closure of staffed ticket offices in San Francisco and San Jose effective October 2010.
- The projected deficit for FY2012 is \$35.6 million.

Deputy CEO Chuck Harvey discussed fare and service changes:

- Staff is proposing a base fare increase of 25 cents, an increase of 25 cents per zone and an increase in the price of the GO Pass, all effective January 2011.
- The primary objective in the service reductions is to retain ridership and revenue.
- Potential service reductions include:
 1. Elimination of Gilroy service
 2. Elimination of weekend service.
 3. Reduction of four midday trains.
 4. Elimination of the first northbound and southbound trains and two late evening trains.
- Next steps include a call for a public hearing at the July Board meeting; conduct public meetings; implement service changes in October and the fare increase in January.

Mr. Scanlon said the MTC is very involved and engaged with this agency to come to grips with this situation.

Director Ken Yeager said VTA continues to be a strong supporter of Caltrain. He asked what the timeline for the public hearing is even if money comes in from MTC, and whether the cuts or increases will still be necessary. Mr. Scanlon said he still believes there is a need for a fare increase and some service cuts.

Director Don Gage asked, if service is reduced, can an additional car be added to the consists to accommodate the passengers. Mr. Harvey said every train is set up as a five-car consist to maintain consistency. A six-car consist could create platform issues at many stations.

Public Comment

Ed DeLanoy, San Carlos, said the reduction of the consists has not been accepted by staff, but it would clearly result in costs savings.

Jeff Carter, Burlingame, said service reductions affect people's livelihoods and the first trains are how people get to work. People need the first trains in the morning. Mr. Carter does not like fare increases, but would rather have a fare increase than service reductions.

Irvin Dawid, Palo Alto, said this seems like the framework for the dismantling of Caltrain all because of SamTrans. All three agencies are being affected by the same cuts. The rumor mill points the finger at SamTrans and their contribution to BART.

UPDATE ON PROPOSED FISCAL YEAR 2011 CAPITAL BUDGET

Director of Budgets and Grants April Chan made the following points:

- The goal of the FY2011 budget is to invest in infrastructure and equipment improvements to maintain a state of good repair.
- The total budget is \$37.3 million and \$24 million is for the State of Good Repair.
- The projected budget shortfall is \$4.9 million.
- To close the budget gap, staff is proposing to defer a portion of the Rolling Stock State of Good Repair Program to future years.

Mr. Harvey made the following points:

- A lot of the money in the capital budget cannot be moved because it is designated by MTC for certain projects.
- The fleet needs to be maintained in a state of good repair until the fleet is replaced.
- Staff's first priority is safety and it can't be deferred or compromised.
- The second highest priority is locomotive power and primary engines, which can not be deferred.
- Due to lack of funds, the replacement of scratched windows and stained seat cushions will be put on hold.
- Staff will monitor actual fleet performance and adjust rolling stock investments annually on an as-needed basis.
- Next steps include continuing to work with partner agencies to find funding and present a capital budget at the July meeting for Board approval.

Director Gage asked the cost for the cosmetic work on the windows and seats.

Mr. Harvey said the window and seat program is \$300,000 to \$600,000 on an annualized basis.

Director Gage asked when electrification will come to fruition. Mr. Scanlon said staff is working with CHSRA and the FRA and telling them that electrification should proceed. Electrification will halve the financial problem for Caltrain.

Director Omar Ahmad said the State has really affected transit. The Board and staff need to discuss the wind down of Caltrain and the riding public needs to be aware of the situation.

Public Comment

Ed DeLanoy, San Carlos, said if the equipment is too long, it uses more fuel and costs more. VTA, San Francisco Municipal Railway and BART understand this scenario, but Caltrain doesn't.

Jeff Carter, Burlingame, said the State needs to be sued for taking money away from transit. Caltrain needs its own dedicated source of funding.

Irvin Dawid, Palo Alto, said passengers need to be aware of the future of Caltrain now and not later.

Pat Giorni, Burlingame, said staff should look at a wind down plan and let municipalities along the line know Caltrain's future. She said this might get the municipalities on line that Caltrain doesn't only affect passengers, but their cities and towns, too.

Jack Ringham, Atherton, said compared to driving, Caltrain is a terrific bargain and riders need to accept a fare increase instead of completely losing the service.

Director Gage said if the transit agencies shut down, the freeways are going to be congested. The staff and Board need to show how public transportation plays a role in people having the flexibility to have a car. The closure of Caltrain will not only impact riders, but those currently driving.

Mr. Scanlon said voters approved three measures and had these funds not been diverted by the State, transit would not be in this situation. MTC is doing a transit sustainability study and following the study there will be a need to get some type of revenue stream. Mr. Scanlon said this railroad has been here since 1863 when Abraham Lincoln was in the White House. He said with all the doom and gloom there is the greatest opportunity through HSR and other investments to make this one of the finest railroads in the world. Mr. Scanlon said this corridor needs to be improved and maintained if it is going to accommodate growth and mobility.

AUTHORIZE A BUDGET AMENDMENT TO THE FISCAL YEAR 2010 CAPITAL BUDGET IN THE AMOUNT OF \$47 MILLION FROM \$158,861,042 TO \$205,861,042 FOR THE SAN BRUNO GRADE SEPARATION PROJECT

Ms. Chan said Staff Coordinating Council (SCC) is recommending Board approval of an amendment to the FY2010 Capital Budget for the San Bruno Grade Separation Project. Staff is anticipating bringing an item to the July 1 meeting for award of a construction contract for the project. It is necessary to amend the FY2010 budget, instead of including it in the FY2011, to make sure the financial authority is available for the project prior to contract award. Ms. Chan said this contract was previously estimated to be \$165 million, but due to favorable bids staff received the project costs have been adjusted downward to \$147 million. This action is subject to approval of an additional \$51.4 million by the San Mateo County Transportation Authority at their Board meeting tonight.

A motion (Ahmad/Yeager) to amend the FY2010 Capital Budget was approved unanimously by roll call.

AUTHORIZE APPROVAL OF BID DOCUMENTS AND EXECUTE A CONTRACT FOR FUEL HEDGING PROGRAM

Ms. Harrington said SCC is recommending the Board approve the bid documents and execute the fuel hedging transaction. If the Board approves this item, staff will go to bid in the next couple of weeks to have a transaction in place by July 1.

A motion (Gage/Ahmad) to approve bid documents and execute a contract for the fuel hedging program was approved unanimously by roll call.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy reported:

- The governor's May Revise budget was as good as can be expected for transit. He did not propose to impact the gas tax swap negotiation that transit was able to secure earlier this year.
- The Public Transportation Preservation Act would authorize \$2 billion in emergency operating assistance for transit agencies to help restore and prevent service cuts or fare increases. If passed, the Bay Area would receive \$85.5 million. The MTC would be responsible for allocating the funds throughout the region.

QUARTERLY CAPITAL PROGRESS REPORT

No discussion.

CORRESPONDENCE

None

BOARD MEMBER REQUESTS

Director Ahmad asked if there is any chance to run a train to the Gilroy Garlic Festival. Mr. Scanlon said this special service was run a couple of times but did not get the ridership to continue the service.

GENERAL COUNSEL REPORT

Mr. Miller said the JPB team is actively engaged with people on the Environmental Impact Report and hope to bring back to the Board within the next three months for approval.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, July 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

ADJOURNED

Adjourned at 12:00 p.m.

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Martha Martinez
JPB Secretary

**SUBJECT: CITIZENS ADVISORY COMMITTEE – CHANGES IN THE BYLAWS
CONCERNING TIME OF MEETINGS**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Amend the Citizens Advisory Committee (CAC) Bylaws to change the regularly scheduled meeting time from 6:00 p.m. to 5:30 p.m.
2. Authorize the CAC to amend its regularly scheduled meeting time and date in the future without having to seek Board authorization.

SIGNIFICANCE

The Committee discussed the need to change the meeting time to 5:30 p.m. in order to provide members with more flexible transit options.

Committee members voted unanimously at its May 19, 2010 meeting to change the regularly scheduled meeting time to 5:30 p.m.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

The CAC was established as a JPB advisory group by Resolution No. 1992-28, dated June 3, 1992. The Committee serves as a forum for conveying community information, ideas and comments to the Board. The Board adopted a set of Bylaws under Resolution No. 2002-13, dated May 2, 2002, to formalize the rules of procedure governing the manner in which the Committee functions.

Currently, all CAC regular monthly meetings are held on the third Wednesday of the month at 6:00 p.m., pursuant to Article III – Meetings, Section 1, of the CAC Bylaws. The proposed amendment would amend the Bylaws to change the regularly scheduled meeting time from 6:00 p.m. to 5:30 p.m., and additionally, would authorize the CAC to change the regularly scheduled meeting time and date in the future without Board authorization.

RESOLUTION NO. 2010 –

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

* * *

**AUTHORIZE CHANGES TO THE BYLAWS OF THE
CITIZENS ADVISORY COMMITTEE CONCERNING TIME OF MEETINGS**

WHEREAS, pursuant to Resolution No. 1992-28, dated June 3, 1992, the Peninsula Corridor Joint Powers Board (“Board”) established a Citizens Advisory Committee (“CAC”) to provide an organized forum for conveying community information, ideas and comments to the Board; and

WHEREAS, pursuant to Resolution No. 2002-13, dated May 2, 2002, the Board adopted Bylaws to govern CAC proceedings; and

WHEREAS, Article III – Meetings, Section 1, of the CAC Bylaws states that regular meetings of the CAC shall be held on the third Wednesday of each month at 6:00 p.m.; and

WHEREAS, the CAC has requested that the Board amend the Bylaws to change the regular meeting time from 6:00 p.m. to 5:30 p.m.; and

WHEREAS, the CAC has requested the Board to authorize the CAC to change the regularly scheduled meeting time and date in the future without having to seek Board Authorization; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby amends Article III – Meetings, Section 1, of the CAC Bylaws, which states that “The regular meetings of the CAC shall be held on the third Wednesday of each month at 6:00 p.m.” to state that “The regularly scheduled meetings of the CAC shall be held on the third Wednesday of each month at 5:30 p.m. or at such other time as the CAC may determine from time to time.”

Regularly passed and adopted this 1st day of July, 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: AUTHORIZE AN APPLICATION FOR \$18 MILLION OF FEDERAL
RAIL ADMINISTRATION HIGH SPEED INTERCITY PASSENGER
RAIL FUNDS FOR THE SOUTH TERMINAL STATION PROJECT**

ACTION

Staff Coordinating Council (SCC) recommends the Board adopt a resolution authorizing the Executive Director, or his designee, to submit an application to the State Department of Transportation (Caltrans), in a total amount of \$18 million, for Federal Rail Administration (FRA) High Speed Intercity Passenger Rail (HSIPR) funds in support of the South Terminal Station project, and to execute any agreements, certifications, and/or assurances required to receive the funding.

SIGNIFICANCE

On June 4, 2009, the Board authorized the filing of a funding request and the execution of a funding agreement to receive \$20.6 million programmed to the JPB for the South Terminal project in Fiscal Year (FY) 2010 from the State Transportation Improvement Program (STIP). Since that time, Caltrans has received FRA HSIPR funds that can be allocated to this project in lieu of the STIP funds. Due to the tight cash flow of State funds, Caltrans is proposing that the JPB enter into a funding agreement with the State so that it may pass through \$18 million of HSIPR funds. On December 3, 2009, the JPB awarded a construction contract for the South Terminal that was substantially below the engineer's estimate and the total project cost was reduced from \$52 million to \$35 million. As a result, the net reduction of \$2.6 million from what was previously programmed to the JPB from the STIP will not result in the need for additional local funding sources.

The South Terminal Station project will provide additional station platforms and associated track, signal and related work that will ultimately improve operational capacity, reliability and flexibility at the San Jose Diridon station and the near vicinity in San Jose.

BUDGET IMPACT

There is no budget impact associated with this allocation request as the full cost of the South Terminal project has already been included in prior year capital budgets.

BACKGROUND

On January 28, 2010, President Barack Obama and Vice President Joe Biden announced that the U.S. Department of Transportation (USDOT) was awarding \$8 billion to states across the country to develop America's first nationwide program of high-speed intercity passenger rail service. The State of California is programmed to receive \$2.34 billion for High Speed Rail to connect Los Angeles to San Francisco and points in between, with trains running up to 220 miles per hour, and \$94 million to improve three existing intercity passenger rail routes. The \$18 million in HSIPR funds is part of the \$94 million that was awarded to California for intercity rail.

Prepared by: Joel Slavit, Manager, Grants and Fund Programming

650.508.6476

RESOLUTION NO. 2010-

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

**AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR \$18 MILLION IN
HIGH SPEED INTERCITY PASSENGER RAIL (HSPR) FUNDS FOR THE
SOUTH TERMINAL STATION PROJECT**

WHEREAS, on June 4, 2009, the Board authorized the filing of a funding request and the execution of a subsequent funding agreement to receive \$20.6 million programmed to the Peninsula Corridor Joint Powers Board (JPB) for the South Terminal project (Project) from the State Transportation Improvement Program (STIP); and

WHEREAS, the State Department of Transportation (Caltrans) has received Federal Rail Administration (FRA) High Speed Intercity Passenger Rail (HSIPR) funds that can be allocated to the Project in-lieu of the STIP funds; and

WHEREAS, Caltrans is proposing that the JPB enter into a funding agreement with the State so that the State may pass through \$18 million of FRA HSIPR funds; and

WHEREAS, the full cost of the Project has already been included as part of prior year adopted Capital Budgets.

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

1. Authorizes the Executive Director, or his designee, to submit an application to the FRA for \$18 million in HSIPR funds in support of the Project; and
2. Authorizes the Executive Director, or his designee, to execute any agreements, certifications, and/or assurances required to receive the funding.

Regularly passed and adopted this 1st day of July 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
\$10,000,000 OF FISCAL YEAR 2010 FEDERAL RAIL
ADMINISTRATION RAILROAD SAFETY TECHNOLOGY PROGRAM
FUNDS**

ACTION

Staff Coordinating Council (SCC) recommends the Board adopt a resolution authorizing the Executive Director, or his designee, to submit a grant application to receive \$10,000,000 in Fiscal Year 2010 Federal Railroad Administration (FRA) Railroad Safety Technology Program funds and to execute any agreements, certifications and/or assurances required to receive the funds, for the Caltrain Positive Train Control (PTC)/Communication Based Overlay Signal System (CBOSS) project.

SIGNIFICANCE

If awarded, funds from this discretionary program will help fund the development of the CBOSS technical requirements and the preparation of a Request for Proposals for procurement of CBOSS. The PTC/CBOSS project is part of the Peninsula Rail Program.

BUDGET IMPACT

The FRA Railroad Safety Technology Program requires a minimum 20 percent non-Federal match, which would be provided from the State Proposition 1B Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA) funds proposed in the JPB's Fiscal Year 2011 Capital Budget. The Federal funds will be included in the Fiscal Year 2011 Capital Budget at a later date, should the JPB successfully secure a funding award from the Railroad Safety Technology Program.

The total project cost is projected at \$231 million. The JPB is currently working with the State to secure a portion of the \$2.25 billion in American Recovery and Reinvestment Act (ARRA) High Speed Rail funds to fully fund this project.

BACKGROUND

The Rail Safety Improvement Act of 2008 mandates the installation of PTC on all commuter railroads and some freight railroads by December 31, 2015. Pursuant to the Rail Safety Improvement Act of 2008, \$50,000,000 in funding is available through the Railroad Safety Technology Program. This program announcement was made on March 8, 2010 and awards are expected in September 2010. The Federal Rail Administration is the agency responsible for the administration of the Railroad Safety Technology Program, which provides grants for projects that have a public benefit of improved railroad safety and efficiency.

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

RESOLUTION NO. 2010 -

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

*** * ***

**AUTHORIZATION TO FILE AN APPLICATION FOR \$10,000,000 IN
FISCAL YEAR 2010 FEDERAL RAIL ADMINISTRATION
RAILROAD SAFETY
TECHNOLOGY PROGRAM FUNDS**

WHEREAS, the Rail Safety Improvement Act of 2008 mandates the installation of Positive Train Control (PTC) on all commuter railroads and some freight railroads by December 31, 2015; and

WHEREAS, pursuant to the Rail Safety Improvement Act of 2008, \$50 million has been made available through the Railroad Safety Technology Program (RSTP) administered by the Federal Railroad Administration (FRA) to fund projects that have a public safety benefit of improved railroad safety and efficiency; and

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) is preparing an application for \$10 million in RSTP funding for the development of the technical requirements for the JPB's Communication Based Overlay Signal System (CBOSS) PTC project and the preparation of a Request for Proposals for procurement of CBOSS; and

WHEREAS, if awarded the grant from the FRA, the JPB will provide the required 20 percent non-Federal match to the RSTP funds from State Proposition 1B Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA) funds.

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

hereby:

1. Authorizes the Executive Director, or his designee, to file an application with the FRA for \$10,000,000 of RSTP funds for the development of the technical requirements for CBOSS and the preparation of a Request for Proposals for procurement of CBOSS; and
2. Authorizes the Executive Director, or his designee, to take such actions as may be necessary to give effect to this resolution, including executing any agreements, certifications, and/or assurances required to receive the funds.

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

AYES:

NOES:

ABSENT:

ATTEST:

Chair, Peninsula Corridor Joint Powers Board

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH Michael J. Scanlon
Executive Director

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

SUBJECT: **AMENDMENT TO EXTEND THE CONTRACT WITH PARKING
COMPANY OF AMERICA MANAGEMENT, LLC FOR SHUTTLE BUS
SERVICE**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director or his designee to execute an amendment to the contract for the provision of shuttle bus service with Parking Company of America Management LLC (PCAM), to extend the term for up to two additional one-year terms in the estimated amount of \$3,218,717 per year.

SIGNIFICANCE

Approval of the above action will allow shuttle bus service provided by PCAM to continue transporting approximately 5,000 customers each business day between major Caltrain stations, residential areas and workplaces in San Mateo and Santa Clara counties.

BUDGET IMPACT

The cost of each one-year extension term is estimated to be \$3,218,717. For the first year, \$2,094,604 is included in the proposed Fiscal Year 2011 operating budget. The remaining amount will be funded through AB434, contributions from employers whose employees benefit from the shuttle bus program, and other funding agencies. Funding for the second year extension term, if necessary, will be included in the FY2012 operating budget.

BACKGROUND

On September 5, 2005 the Board of Directors awarded a contract to Parking Company of America, LLC to provide shuttle bus in the estimated amount of \$15,233,260 for a three-year base term, with two one-year option terms. The current contract expires on September 30, 2010. Shuttle bus service provided by PCAM is anticipated to undergo significant revisions in the near future as a result of SamTrans and Caltrain service adjustments which are currently in the planning stage. Approval of this contract amendment will allow the JPB to establish revised service levels prior to soliciting proposals for shuttle bus service.

Contract Officer: Roxanna Atkins 650.508.6356
Project Manager: Richard Cook, Associate Operations Contract Administrator 650.508.7979

RESOLUTION NO. 2010 -

**BOARD OF DIRECTORS, SAN MATEO COUNTY TRANSIT DISTRICT
STATE OF CALIFORNIA**

* * *

**AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH PARKING
COMPANY OF AMERICA MANAGEMENT, LLC FOR SHUTTLE BUS SERVICE**

WHEREAS, pursuant to Resolution No. 2005-40, dated September 5, 2005, the Peninsula Corridor Joint Powers Board (“Board”) awarded a contract to provide shuttle bus service to Parking Company of America, LLC (“PCAM”) for a three-year base term, with two one-year option terms; and

WHEREAS, the level of service required for shuttle bus service is anticipated to undergo significant revisions in the near future as a result of SamTrans and Caltrain service adjustments which are currently in the planning stage; and

WHEREAS, the current contract with PCAM expires on September 30, 2010; and

WHEREAS, an amendment to the current contract is needed to allow the JPB to establish revised service levels prior to soliciting new proposals for shuttle bus service.

WHEREAS, the Staff Coordinating Council recommends that the Board authorize the Executive Director or his designee to execute an amendment to the contract with PCAM to extend the contract term for up to two additional one-year terms at an estimated cost of \$3,218,717 per year.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director or his designee to execute an amendment to the contract with PCAM, in a form approved by Legal Counsel, to extend the contract term for up to two additional one-year terms at an estimated cost of \$3,218,717 per year.

Regularly passed and adopted this 1st day of July, 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

Rita P. Haskin
Executive Officer, Customer Service
and Marketing

SUBJECT: **AWARD OF CONTRACTS TO PROVIDE PRINTING SERVICES FOR
NEWSLETTERS, TIMETABLES AND TAKE ONES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award three on-call, no guarantee contracts for printing services, each for a three-year term, in an estimated total aggregate amount of \$404,000, to the following firms:
Essence Printing, South San Francisco, California
Fong Brothers Printing, Inc., Brisbane, California
Spectrum Lithographic, Fremont, California
2. Authorize the Executive Director or his designee to execute the contracts with the above firms in full conformity with the terms and conditions set forth in the solicitation documents.
3. Authorize the Executive Director or his designee to exercise up to two additional, one-year option terms with the above firms in an estimated total aggregate amount of \$136,600 for each year, provided it is in the best interest of the JPB.

SIGNIFICANCE

These recommended contract awards will provide the JPB with the necessary printing services required to print Caltrain schedules, newsletters and Take One notices. The award of three contracts will provide the JPB with contractors with broad printing expertise allowing for greater availability to provide services during periods of high demand.

BUDGET IMPACT

Funds for these services are included in the Fiscal Year 2011 and projected operating budgets.

BACKGROUND

Staff advertised the Request for Proposals (RFP) on Caltrain's website and solicitation notices were sent to small businesses and DBE firms in the printing industry. The JPB received five proposals, two of which were from minority-owned firms. An Evaluation Committee (Committee) composed of qualified staff, including a staff member from a local transit agency, reviewed and scored the proposals in accordance with the following weighted criteria:

- Responsiveness of Proposal 20%
- Approach to Scope of Services 20%
- Qualifications and Experience of Firm and Personnel 25%
- Cost Proposal 35%

Three firms achieved scoring within the competitive range and were invited for interviews. Upon completion of interviews, checking of references, and final scoring of proposals, it was determined that the firms listed below have the requisite depth of experience and qualifications to successfully perform the services required under these contracts.

- Fong Brothers Printing, Inc.
- Spectrum Lithographic
- Essence Printing

Both Fong Brothers Printing, Inc. and Essence Printing are minority-owned firms, while the latter firm is a former DBE firm.

The Committee reviewed the rates submitted in the proposals and found that they compared favorably to those in the JPB's existing printing services contracts. Staff therefore recommends award of a contract to each of the above firms.

Contract Officer: Roxanna Atkins	650.508.6256
Project Manager: Mary Knuckles, Marketing Specialist	650.508.6356

RESOLUTION NO. 2010-

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

* * *

**AUTHORIZING AWARD OF CONTRACTS TO PROVIDE PRINTING
SERVICES FOR NEWSLETTERS, TIMETABLES AND TAKE ONE
NOTICES FOR A THREE YEAR TERM FOR AN AGGREGATE
TOTAL ESTIMATED COST OF \$404,000**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals for providing on-call printing services for newsletters, timetables and Take One notices; and

WHEREAS, in response to the JPB's Request for Proposals (RFP) five firms submitted proposals; and

WHEREAS, an Evaluation Committee comprised of JPB staff evaluated and ranked the proposals in accordance with the criteria set forth in the RFP; and

WHEREAS, staff has reviewed the proposals and has determined that they complied with the requirements of the solicitation documents; and

WHEREAS, staff has determined that it would be in the best interest of the JPB to award contracts to three firms to provide on-call printing services; and

WHEREAS, the Staff Coordinating Council recommends that contracts be awarded to three firms with the highest-ranked proposals: Essence Printing, South San Francisco, California; Fong Brothers Printing, Inc., Brisbane, California; and Spectrum Lithographic, Fremont, California.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board awards three on-call, no guarantee contracts for printing services to Essence Printing, Fong Brothers Printing, Inc., and Spectrum Lithographic, for a three-year term

for an estimated total aggregate cost of \$404,000 inclusive of all taxes and other costs and expenses based upon the requirements of the JPB during this term and the unit prices submitted; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute contracts on behalf of the JPB with Essence Printing, Fong Brothers Printing, Inc., and Spectrum Lithographic in full conformity with all the terms and conditions of the solicitation documents; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director, or his designee, to execute up to two one-year option terms in the estimated total aggregate amount of \$136,600 for each year if it is in the best interest of the JPB.

Regularly passed and adopted this 1st day of July, 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: APPROVAL AND RATIFICATION OF THE FISCAL YEAR 2011
INSURANCE PROGRAM**

ACTION

Staff Coordinating Council (SCC) recommends the Board approve and ratify the Caltrain insurance program for Fiscal Year 2011 at a total premium cost of \$3,120,717, inclusive of the following:

- Continue the current \$2 million self-insured retention on the liability program.
- Purchase \$198 million of coverage for Railroad Liability, Commercial General Liability and Excess Automobile Liability, including terrorism coverage, at an annual premium of \$2,255,000.
- Purchase property insurance, including Special Risk property policies, at an annual premium of \$773,667 with a limit of \$125 million for real and personal property such as the Centralized Equipment Maintenance and Operations Facility (CEMOF), stations, tunnels, bridges, culverts, signals, and railroad equipment, and a limit of \$317 million for rolling stock. This insurance also continues to provide coverage against terrorism, as well as boiler and machinery perils for real property and CEMOF sufficient to meet the State of California inspection requirements.
- Purchase a \$5 million Environmental/Pollution Liability insurance policy at an annual premium of \$47,050.
- Purchase a \$5 million Public Officials Liability policy at an annual premium of \$45,000.

SIGNIFICANCE

Thanks to locking in a two-year program in 2009, the Peninsula Corridor Joint Powers Board (JPB) railroad liability premium remains flat when many other similar railroads are experiencing increases due to a general hardening in the railroad liability market. While there have been significant increases in JPB property values of more than \$40 million as a result of renovations at the San Jose Diridon and Santa Clara stations, plus the addition of a track stabilizer to the schedule, this year's property insurance renewal premium has not increased. Coverage on the JPB's environmental/pollution policy is significantly broader than in FY2010 with a slightly

reduced premium. Public Official's liability coverage remains the same at a level premium. Below is an overview of the JPB's FY2010 and FY2011 premiums:

<u>Premium Element</u>	<u>FY2010</u>	<u>FY2011</u>
Liability: Railroad, Commercial General, Excess Automobile	\$2,255,000	\$2,255,000
Liability: Environmental, Public Officials	\$ 104,084	\$ 92,050
Property	<u>\$ 773,667</u>	<u>\$ 773,667</u>
Total	\$3,132,751	\$3,120,717

BUDGET IMPACT

Estimated funds to underwrite the recommended program are included in the proposed FY2011 Operating Budget.

BACKGROUND

FY2011 liability limits remain at \$200 million. With several new insurers in the rail liability insurance market, overall capacity is greater than in the past. Underwriters, however, are more conservative in their risk selection and pricing. The specialty railroad liability market continues to harden following MetroLink, Washington Metropolitan Area Transit Authority and other losses over the past few years. Railroad insurers are now spreading their risk by taking smaller limits on each railroad they underwrite, even with preferred risks such as the JPB. With the JPB's favorable loss history and excellent reputation in the marketplace, we have successfully attracted new insurers to the program to fill out capacity while holding down the premiums. We continue to differentiate the JPB in the marketplace by highlighting the JPB's numerous safety commendations and its dedicated system under the JPB's own control with very little freight traffic on the right of way.

Prepared by: David Triolo,
Chief of Protective Services/Director, Risk Management 650.508.6237

RESOLUTION NO. 2010-

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

* * *

**APPROVAL AND RATIFICATION OF INSURANCE PROGRAM FOR
FISCAL YEAR 2011**

WHEREAS, the Executive Director of the Peninsula Corridor Joint Powers Board (JPB) has approved an insurance program for Fiscal Year 2011 (FY 2011) with premiums totaling \$3,120,717, which program was presented to the Staff Coordinating Council (SCC) and the costs for which are included in the proposed FY 2011 Operating Budget; and

WHEREAS, in conjunction with the expiration of the JPB's existing insurance program on June 30, 2009, District staff renewed its insurance program for FY 2011 based on the plan approved by the Executive Director, with the following significant elements:

1. Maintain a self-insured retention for the JPB in the amount of \$2 million;
2. Authorize the purchase of a Railroad Liability, Commercial General Liability and Excess Automobile Liability policy, including Terrorism (TRIA), with a total limit of \$200 million, excess of the \$2 million self-insured retention, at an annual premium of \$2,255,000;
3. Authorize the purchase of two types of property insurance policies, including Special Risk property policies, at an annual premium of \$773,677 with limits of \$442 million to cover real and personal property, including stations, the Centralized Equipment Maintenance and Operations Facility, rolling stock, tunnels, bridges, culverts, signals and railroad equipment, and a Boiler and Machinery policy sufficient to meet the State of California inspection requirements;
4. Authorize purchase of Public Officials Liability and Environmental Coverages at an annual premium of \$92,050.

WHEREAS, Staff Coordinating Council requests that the Board of Directors approve and ratify the renewal of the JPB's insurance program for FY 2011, as delineated above.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board hereby approves and ratifies the renewal of the JPB's insurance program for Fiscal Year 2011, including the types of coverage, limits and premiums recited above.

Regularly passed and adopted this 1st day of July, 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 MAY 2010**

For May 2010, Caltrain average weekday ridership (AWR) decreased 1.3 percent when compared to May 2009. AWR based on ticket sales was 40,021 for May 2010, a decrease of 539 compared to May 2009. The total number of passengers for the month of May 2010 was 1,041,920. This is a 1.2 percent decrease from last year's May total of 1,054,250. The local economy is continuing to negatively impact ridership.

In May 2010, on-time performance was 93.9 percent, as compared to 94.6 percent in May 2009. This represents a decline of 0.7 percentage points and can be attributable to one fatality, trespasser-related speed restrictions imposed around Palo Alto and miscellaneous issues.

Average weekday shuttle ridership was estimated at 5,323. Overall shuttle ridership is down 3.6 percent but the non-Marguerite ridership is down 7.4 percent. Staff will continue to report shuttle ridership both with and without Marguerite counts to allow meaningful comparisons. 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 101 daily riders. The Tamien-San Jose shuttle averaged 62 riders per Saturday/Sunday. The Belmont-Hillsdale shuttle averaged 47 daily riders.

Caltrain Promotions – May 2010

San Francisco Giants – The very competitive National League Western Division translates into higher attendance at Giants games as summer approaches. This year’s promotion includes a radio campaign on stations KNBR and KFOG, a button on the Caltrain Web site, a print ad in the Giants game program, video commercial on the AT&T scoreboard and a printed program. In addition, the Giants have opened a portable “Dugout” store at the San Francisco station to sell team merchandise for about two dozen games. Total additional ridership so far this season is 141,751, an increase of 2 percent from 2009.

Hello Neighbor – The rise in the number of housing developments near Caltrain presents a unique opportunity to reach out to these communities and gain riders. In May, San Francisco was the focus of a direct mail piece sent to more than 4,500 individual housing units. This follows a mailing to nearly 6,800 units in Santa Clara County in March and 1,800 units in San Mateo County in April. In order to receive two free round-trip tickets, respondents were required to complete an online survey about their use of Caltrain. To date, nearly 600 people have responded to the offer.

San Jose Sharks – The San Jose Sharks’ season concluded with a heartbreaking sweep by the Chicago Blackhawks in the semi-final round of the playoffs. In addition to the 9,057 fans carried for the regular season, 1,631 rode Caltrain for the eight playoff games. Regular season ridership for the 2010 season was up 3 percent from the 2009 season. This year’s cooperative promotion with the Sharks included a print campaign in local newspapers, adcards on the trains and a Web button on the Caltrain website.

Bay to Breakers – This year’s promotion for Caltrain service to San Francisco’s biggest mobile party of the year targeted students from Santa Clara University. Apparently a right of passage for students from SCU, the Santa Clara station saw more than 4,000 very early morning boardings. In addition to ads in the SCU newspaper, the promotion included a mention in the spring issue of Caltrain’s *Weekend Edition*, a radio campaign, take ones onboard the trains and posting on the Caltrain and Bay to Breakers website. Addition trains were added this year to handle the expected heavy inbound traffic, which was up 119 percent from 2009.

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

650.508.6471
650.508.6245

Table A

May 2010

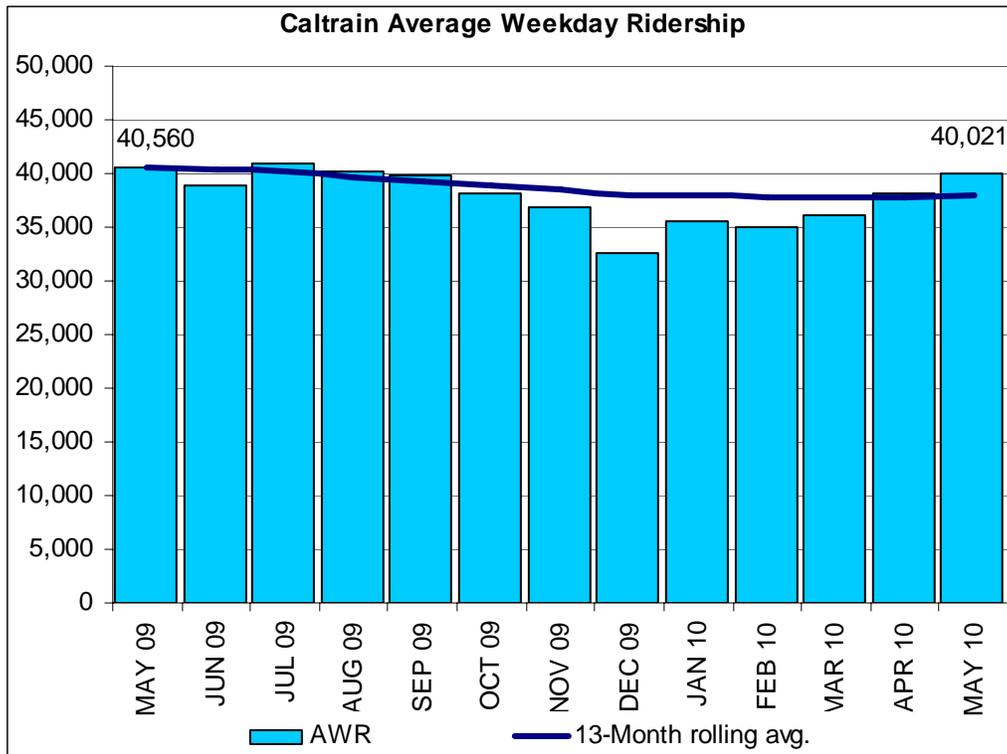
	FY2009	FY2010	%Change
Total Ridership	1,054,250	1,041,920	-1.2%
Average Weekday Ridership	40,560	40,021	-1.3%
Total Revenue	\$3,695,346	\$3,958,684	7.1%
On-time Performance	94.6%	93.9%	-0.7%*
Caltrain Shuttle Ridership	5,522	5,323	-3.6%
Non-Marguerite Shuttle Ridership	3,419	3,164	-7.5%

Year to Date

	FY2009	FY2010	%Change
Total Ridership	11,659,304	10,913,828	-6.4%
Average Weekday Ridership	40,165	37,555	-6.5%
Total Revenue	\$39,657,230	\$38,927,604	-1.8%
On-time Performance	95.3%	94.2%	-1.1%*
Average Caltrain Shuttle Ridership	6,119	5,560	-9.1%

* numeric difference of the percentages

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 MAY 31, 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 May 2010 and supplemental information.

SIGNIFICANCE

Revenue: For May of Fiscal Year 2010, *Total Operating Revenue* (line 7) is \$337,586 or 0.7 percent **better** than budget. Within total operating revenue *Other Income* (line 5) is \$1,125,580 or 82.2 percent **better** than budget 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 are \$820,587 or 2.0 percent **worse** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$1,812,351 or 4.1 percent **higher** driven by *Other Income* (line 5) which is \$2,198,926 or 742.0 percent **higher**, due to unbudgeted shared track revenue and prior year investment losses, and is offset by *Farebox Revenue* (line 1) which is \$730,078 or 1.8 percent **lower**.

Expense: *Grand Total Expenses* (line 44) show a favorable variance of \$4,070,099 or 4.9 percent. *Total Operating Expense* (line 31) is \$3,049,522 or 4.1 percent **better** than budget. Within total operating expense *Contract Operating & Maintenance* (line 23) is \$556,419 or 1.1 percent **better** than budget and *Fuel* (line 25) is **better** than budget by \$2,125,919 or 18.4 percent. *Total Administrative Expense* (line 40) is \$1,020,577 or 11.6 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 44) are \$974,046 or 1.2 percent **lower**. The decrease in expense is mainly due to *Contract Operating & Maintenance* (line 23) and *Fuel* (line 25) which together are \$1,219,104 or 2.0 percent **lower** than the prior year.

Budget Revisions: There are no budget revisions for the month of May 2010.

Prepared by: Ladi Bhuller, Manager, Budgets
David Ramires, Accountant

650.508.7755
650.508.6417

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

FISCAL YEAR 2010

MAY 2010

% OF YEAR ELAPSED **91.7%**

	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	3,958,629	39,657,627	38,927,549	39,578,504	98.4%	43,762,048	43,762,048	89.0%	1
2	Parking Revenue	225,540	1,937,644	2,212,684	2,382,316	92.9%	2,598,890	2,598,890	85.1%	2
3	Shuttles	39,140	986,457	998,565	1,006,962	99.2%	1,098,504	1,098,504	90.9%	3
4	Rental Income	150,939	1,528,045	1,584,400	1,543,410	102.7%	1,682,800	1,682,800	94.2%	4
5	Other Income	172,954	296,354	2,495,280	1,369,700	182.2%	1,492,090	1,492,090	167.2%	5
6										6
7	TOTAL OPERATING REVENUE	4,547,201	44,406,127	46,218,478	45,880,892	100.7%	50,634,332	50,634,332	91.3%	7
8										8
9	CONTRIBUTIONS:									
10	AB-434-Peninsula Feeder Shuttle	83,333	933,844	916,667	916,667	100.0%	1,000,000	1,000,000	91.7%	10
11	Operating Grant	6,627	117,678	1,132,580	1,132,580	100.0%	2,316,867	2,316,867	48.9%	11
12	JPB Member Agencies	3,284,715	36,131,870	36,131,870	36,131,925	100.0%	39,416,585	39,416,585	91.7%	12
13	Other Sources	0	0	0	(432,071)	0.0%	3,787,512	3,787,512	0.0%	13
14										14
15	TOTAL CONTRIBUTED REVENUE	3,374,675	37,183,392	38,181,117	37,749,101	101.1%	46,520,964	46,520,964	82.1%	15
16										16
17	GRAND TOTAL REVENUE	7,921,876	81,589,519	84,399,595	83,629,993	100.9%	97,155,296	97,155,296	86.9%	17
18										18
19										19
20	EXPENSE									
21										21
22	OPERATING EXPENSE:									
23	Contract Operating & Maintenance	4,759,569	52,291,969	51,580,989	52,137,408	98.9%	60,425,885	60,425,885	85.4%	23
24	Shuttles (Including Peninsula Pass)	207,278	2,714,475	2,640,687	2,682,235	98.5%	2,926,620	2,926,120	90.2%	24
25	Fuel	849,608	9,915,407	9,407,283	11,533,202	81.6%	13,839,649	13,839,649	68.0%	25
26	Timetables & Tickets	929	194,840	158,703	185,317	85.6%	210,000	210,000	75.6%	26
27	Insurance	364,924	4,117,144	4,049,002	4,157,054	97.4%	4,535,000	4,535,000	89.3%	27
28	Facilities and Equipment Maintenance	127,080	1,023,141	964,886	1,033,315	93.4%	1,595,296	1,627,646	59.3%	28
29	Utilities	90,841	1,133,041	986,774	1,078,815	91.5%	1,502,400	1,493,500	66.1%	29
30	Services	201,768	847,637	973,124	1,003,624	97.0%	1,155,630	1,156,130	84.2%	30
31	TOTAL OPERATING EXPENSE	6,601,996	72,237,654	70,761,448	73,810,970	95.9%	86,190,480	86,213,930	82.1%	31
32										32
33	ADMINISTRATIVE EXPENSE:									
34	Wages & Benefits	480,343	4,838,908	5,206,460	5,803,451	89.7%	6,318,279	6,323,513	82.3%	34
35	Board Of Directors	1,084	8,179	10,832	11,400	95.0%	12,300	12,300	88.1%	35
36	Professional Services	199,803	1,345,015	1,320,196	1,580,574	83.5%	1,976,628	1,951,594	67.6%	36
37	Communications/Marketing	5,159	181,384	134,338	233,386	57.6%	265,000	265,000	50.7%	37
38	Other Office Expense and Services	107,291	1,248,109	1,115,650	1,179,242	94.6%	1,289,734	1,286,084	86.7%	38
39										39
40	TOTAL ADMINISTRATIVE EXPENSE	793,680	7,621,595	7,787,476	8,808,053	88.4%	9,861,941	9,838,491	79.2%	40
41										41
42	Long Term Debt Expense	91,906	674,690	1,010,969	1,010,969	100.0%	1,102,875	1,102,875	91.7%	42
43										43
44	GRAND TOTAL EXPENSES	7,487,582	80,533,939	79,559,893	83,629,992	95.1%	97,155,296	97,155,296	81.9%	44

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



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF MAY 31, 2010

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
-----	-----	-----	-----	-----
Local Agency Investment Fund (Restricted)	Liquid Cash	0.560%	\$ 2,000,000	\$ 2,002,366
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.560%	25,083,441	25,113,117
Investment Portfolio (Unrestricted)	Liquid Cash	4.598%	5,704,105	5,650,555
-----	-----	-----	-----	-----
			\$ 32,787,546	\$ 32,766,038
Accrued Earnings for May 2010	\$32,016.48	(1)		
Cumulative Earnings FY2010	\$315,072.31			

(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 1.001183091 as reported by LAIF for quarter ending March 31, 2010.

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

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

**SUBJECT: CALL FOR A PUBLIC HEARING FOR CONSIDERATION OF
SERVICE SUSPENSIONS AND FARE CHANGES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board conduct a public hearing at its regularly scheduled meeting September 2, 2010, to receive public comment on proposed Caltrain service suspensions and fare changes.

SIGNIFICANCE

The Peninsula Corridor Joint Powers Board (JPB) declared a fiscal emergency at its June 3, 2010 board meeting. In the past, annual budgets were balanced using one-time funds that are no longer available to balance the Fiscal Year (FY) 2011 budget. Caltrain ridership and JPB member agency contributions continue to be negatively impacted by the economy, including near-non-existent job creation. The preliminary FY2011 budget proposal reveals a significant deficit. In order to balance the budget, the JPB must approve a viable operating scenario that is supported by available revenue sources, including partner contributions, farebox revenue and other income. Service as well as fare and tariff changes resulting from this hearing process are expected to take effect in January 2011.

Service Suspension

Several service suspension options will be proposed and evaluated for their impact on ridership, revenue and net savings to the FY2011 operating budget. The proposed changes to be considered may include suspension of certain early morning, mid-day and late evening weekday trains, reduction or elimination of Gilroy extension trips and elimination of weekend service. The specific options will be included in the notice of public hearing.

Fare Changes

The proposed fare change includes either a 25-cent increase to the base fare or 25-cent increase to the zone fare, with corresponding changes to related fare media (Day Pass, Monthly Pass, 8-ride Ticket). The last general fare increase occurred in January 2009. Other codified tariff

changes related to the full implementation of the Clipper program and an increase in the Go Pass cost, will be proposed and included in the official notice of the public hearing.

BUDGET IMPACT

The proposed changes, if approved, are projected to have substantial positive impacts to both operating revenues and expenses and will help balance the FY2011 Operating Budget. With the changes taking effect after the start of the fiscal year, the full annualized savings will not be realized until the following fiscal year.

BACKGROUND

Fare changes and service suspensions are two components that will help achieve a balanced FY2011 budget. A number of other actions have been taken or are proposed to be taken to help fill the budget gap in advance of considering fare and service changes. Among them is the proposal to discontinue the staffed sale of Caltrain tickets and passes at the San Jose Diridon and San Francisco stations.

In preparation for the public hearing, staff will prepare a menu of specific fare and service proposals for comment by the public. These proposals will be presented at public meetings conducted in each of the three Caltrain counties and public comment will be sought. Additionally, the proposals will be circulated onboard trains and posted on the Caltrain website. Comments will be accepted at the meetings, through the website, via mail and through the Customer Service Center.

The specific proposals and the results of the public outreach will be presented to the Board during the September 2, 2010 public hearing.

Prepared By:	Michelle Bouchard, Director, Rail Transportation	650.508.6420
Project Manager:	Rick Degman, Manager, Rail Operations	650.508.7722

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **PROPOSED FISCAL YEAR 2011 OPERATING BUDGET**

ACTION

The Staff Coordinating Council recommends that the Joint Powers Board approve a FY2011 Operating Budget of \$99,879,615. (See Attachment "A"). This Operating Budget assumes that the Board of Directors (Board) will implement a combination of service changes and fare increases totaling \$2.3 million after the public hearing on September 2, 2010.

SIGNIFICANCE

At the June Board meeting, staff presented an unbalanced preliminary operating budget with a \$12.5 million deficit. At that time, various options to balance the budget were presented for discussion. Since then, staff has worked to incorporate various changes to help balance the budget including the following:

- Increase Other Sources by \$200,000 due to additional FY2010 savings.
- Decrease Rail Operator Service costs by \$225,000 to further refine projected costs for the Amtrak contract.
- Decrease Professional Services by \$75,000 due to the timing of when planned independent validation and verification services can proceed.

The attached Operating Budget shows an operating budget of \$99.9 million, an increase of \$2.7 million, or 2.8 percent, over the FY2010 revised budget.

Fiscal Year 2011 Revenue Projections

Total revenues for FY2011 are projected to be \$99.9 million, an increase of \$2.7 million or 2.8 percent from the FY2010 revised budget. Revenues include the following significant components:

FY2011 Operating Revenue for Caltrain is projected to be \$51.3 million, an increase of \$628,000, or 1.2 percent over FY2010 revised budget.

- Farebox Revenue is decreasing by \$408,000 to reflect current decreases in farebox levels.

- Other Income is increasing by \$943,000 due to an increase in budgeted shared track maintenance revenue from Union Pacific.
- Total Contributed Revenue is projected to be \$48.6 million, an increase of \$2.1 million more than last year, or 4.5 percent primarily due to an increase in operating grant revenue.
 - Operating Grants are increasing by \$4 million mostly due to \$5.1 million in STA formula funds made available to Caltrain as a result of the state gasoline tax swap offset by a decrease \$800,000 in ARRA funds.
 - JPB Member Agency contributions are projected to decrease by \$4.3 million. The San Mateo County Transit District initiated a decrease in its contribution to the JPB prompting the other member agencies to decrease proportionately. The total projected contributions for each member agency are as follows:
 - San Mateo - \$14,707,875
 - Santa Clara - \$14,135,309
 - San Francisco - \$6,246,947
 - Other Sources are increasing by \$2.4 million due to additional operating savings from FY2010.

Fiscal Year 2011 Expense Projections

Grand Total Expense for FY2011 is projected to be \$99.9 million, an increase of \$2.7 million, or 2.8 percent over FY2010 revised budget. Expenses include the following significant components:

- Operating Expenses for Caltrain are projected at \$90.8 million, an increase of \$4.6 million, or 5.4 percent over FY2010 revised budget.
 - Rail Operator Service is increasing by \$1.8 million primarily due to the contractually required increase in Amtrak service costs.
 - Operator Contract Transition Costs are estimated to be \$2 million. This projection is for mobilization costs that may result from the award of a new operating contract effective July 1, 2011.
 - Fuel costs are projected to increase by \$307,000 in FY2011 to \$14.1 million, based on a projected fuel price of \$3 per gallon. The increase is due to a slight projected increase in miles. Staff has implemented a fuel hedging program as a means of reducing volatility and uncertainty in the fuel budget.
- Administrative expenses are projected to increase by \$388,000 or 3.9 percent over the FY2010 revised budget largely due to costs associated with the request for proposal for the Operating Contract and litigation costs reflective of current year-to-date actuals. In addition, there are changes projected in the allocation of staff time and corresponding benefits.

As discussed at previous Board meetings, the JPB's reserves are well below reasonable levels, and the agency continues to face a structural imbalance. In addition, the JPB partners continue to experience reductions in their traditional essential sources of revenues largely attributable to the ongoing global recession. There is no dedicated source of funding for Caltrain, and the railroad's operations are funded annually out of the general funds of the member agency partners.

As outlined in the Public Hearing for Consideration of Service Suspensions and Fare Changes for the FY2011 Budget staff report included in today's agenda, service suspensions and fare changes are currently under consideration. The proposed FY2011 Operating Budget assumes a net reduction of \$2.3 million made up of a combination of service reductions and fare increases.

The JPB Budget Sub-committee will continue its on-going efforts concerning funding for Caltrain as extraordinary financing problems are on the horizon for next fiscal year.

Prepared by: Ladi Bhuller, Manager, Budgets

650.508.7755

PENINSULA CORRIDOR JOINT POWERS BOARD
STATEMENT OF REVENUE AND EXPENSE
PROPOSED BUDGET
FY2011

	<u>FY2009</u>	<u>FY2010</u>	<u>FY2010</u>	<u>FY2011</u>	<u>INC(DEC)</u>	<u>% INC(DEC)</u>	
	<u>ACTUAL</u>	<u>ADOPTED</u>	<u>REVISED</u>	<u>PROPOSED</u>	<u>FY10 REVISED</u>	<u>FY10 REVISED</u>	
	A	B	C	D	<u>to FY11 PROPOSED</u>	<u>to FY11 PROPOSED</u>	
					E = D-C	F = E/C	
REVENUE							
OPERATIONS:							
1	Farebox Revenue	43,271,656	43,762,048	43,762,048	43,353,719	(408,329)	-0.9%
2	Parking Revenue	2,032,022	2,598,890	2,598,890	2,271,159	(327,731)	-12.6%
3	Shuttles	1,079,760	1,098,504	1,098,504	1,505,578	407,074	37.1%
4	Rental Income	1,660,773	1,682,800	1,682,800	1,696,200	13,400	0.8%
5	Other Income	411,106	1,492,090	1,492,090	2,435,440	943,350	63.2%
6	TOTAL OPERATING REVENUE	48,455,317	50,634,332	50,634,332	51,262,096	627,764	1.2%
7							
8	CONTRIBUTIONS:						
9	AB434 Peninsula Feeder Shuttle	1,017,177	1,000,000	1,000,000	1,000,000	0	0.0%
10	Operating Grants	132,456	2,316,867	2,316,867	6,327,389	4,010,522	173.1%
11	JPB Member Agencies	39,416,584	39,416,585	39,416,585	35,090,130	(4,326,455)	-11.0%
12	Other Sources	1,996,889	3,787,512	3,787,512	6,200,000	2,412,488	63.7%
13	TOTAL CONTRIBUTED REVENUE	42,563,107	46,520,964	46,520,964	48,617,519	2,096,555	4.5%
14							
15	GRAND TOTAL REVENUE	91,018,424	97,155,296	97,155,296	99,879,615	2,724,319	2.8%
16							
17	EXPENSE						
18							
19	OPERATING EXPENSE:						
20	Rail Operator Service	56,045,145	56,822,333	56,822,333	58,661,660	1,839,327	3.2%
21	Security Services	3,161,029	3,453,552	3,453,552	3,473,676	20,124	0.6%
22	Rail Operator Extra Work	204,956	150,000	150,000	150,000	0	0.0%
23	Contract Operating & Maintenance	59,411,130	60,425,885	60,425,885	62,285,336	1,859,451	3.1%
24	Operator Contract Transition Costs	0	0	0	2,000,000	2,000,000	100.0%
25	Shuttle Service	2,971,338	2,926,620	2,926,120	3,345,631	419,511	14.3%
26	Fuel	10,741,684	13,839,649	13,839,649	14,146,389	306,740	2.2%
27	Timetables and Tickets	217,408	210,000	210,000	190,500	(19,500)	-9.3%
28	Insurance	4,536,943	4,535,000	4,535,000	4,870,000	335,000	7.4%
29	Facilities and Equipment Maint	1,140,857	1,595,296	1,595,296	1,213,000	(382,296)	-24.0%
30	Utilities	1,407,992	1,502,400	1,502,400	1,642,800	140,400	9.3%
31	Services	1,071,803	1,155,630	1,156,130	1,126,610	(29,520)	-2.6%
32	TOTAL OPERATING EXPENSE	81,499,156	86,190,480	86,190,480	90,820,266	4,629,786	5.4%
33							
34	ADMINISTRATIVE EXPENSE						
35	Wages & Benefits	5,382,201	6,318,279	6,323,513	6,521,825	198,312	3.1%
36	Board of Directors	9,008	12,300	12,300	12,300	0	0.0%
37	Professional Services	1,835,958	1,976,628	1,951,594	2,122,724	171,130	8.8%
38	Communications and Marketing	198,159	265,000	265,000	227,840	(37,160)	-14.0%
39	Other Expenses and Services	1,327,347	1,289,734	1,309,534	1,365,539	56,005	4.3%
40	TOTAL ADMINISTRATIVE EXPENSE	8,752,672	9,861,941	9,861,941	10,250,228	388,287	3.9%
41							
42	Long-term Debt Expense	766,596	1,102,875	1,102,875	1,102,875	0	0.0%
43	Service Adjustment/Fare and Revenue Changes				(2,293,754)	(2,293,754)	#DIV/0!
44							
45	GRAND TOTAL EXPENSE	91,018,423	97,155,296	97,155,296	99,879,615	2,724,319	2.8%
46							
47	REVENUE OVER/UNDER	0	0	0	0		

RESOLUTION NO. 2010 -

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

* * *

**ADOPTION OF FISCAL YEAR 2011 OPERATING BUDGET IN THE AMOUNT OF
\$99,879,615**

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

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

WHEREAS, the Executive Director has prepared and presented an Operating Budget for Fiscal Year 2011 (FY2011) in the amount of \$99,879,615 which sets forth the projected revenues and expenses associated with the Peninsula Commute Service; and

WHEREAS, the FY2011 Operating Budget assumes a net reduction of \$2.3 million made up of a combination of service and revenue adjustments to be decided by the Board of Directors (Board) after the public hearing on September 2, 2010; and

WHEREAS, following review and deliberation, the Staff Coordinating Council has recommended adoption of the FY2011 Operating Budget as presented by the Executive Director.

NOW THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board (JPB) approves the FY2011 Operating Budget for the JPB in the amount of \$99,879,615, and approves member agency apportionments for FY2011 that reduces members' operating contribution level by 11% as compared to Fiscal Year 2010; and

BE IT FURTHER RESOLVED that the Executive Director is requested to forward a copy of the FY2011 Operating Budget to JPB member agencies for approval at the earliest practicable date.

Regularly passed and adopted this 1st day of July 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: **ADOPTION OF FISCAL YEAR 2011 CAPITAL BUDGET**

ACTION

Staff Coordinating Council recommends that the Board approve a Capital Budget of \$33,392,086 for Fiscal Year (FY) 2011 (See Attachment A).

SIGNIFICANCE

At the May 6 and June 3 Board meetings, Staff presented the preliminary Capital Budget of \$37,277,086, which included \$18,634,477 of partner agency contribution. The available member share per partner is \$3,000,000, for a total of \$9,000,000, leaving a gap of \$9,634,477. In order to close that gap, staff proposes to use \$4,734,477 of cost savings from existing projects, while at the same time reducing the Rolling Stock State of Good Repair (SOGR) project budget by \$4,900,000. Maintenance staff was able to reduce the Rolling Stock SOGR project by prioritizing repairs and focusing on only the most critical work, including rehabilitation work on bolsters, suspensions, locomotive power, and engines. In addition, since June, the proposed budget for the Rail Operations Control Center project in FY2011 has been adjusted upwards to \$2,515,000 to reflect the staff levels necessary to support a critical communications project during design, testing, and implementation. The Rail Operations Control Center project will be fully funded from Federal and other grant sources.

The FY2011 Capital Budget provides funding for ongoing infrastructure improvements consistent with the guidance set forth in the Caltrain Strategic Plan and the Short Range Transit Plan. Infrastructure projects include track, bridge, station, signal and communication system, and rolling stock rehabilitation that are necessary to maintain the railroad system in a state of good repair and to sustain reliability in the existing train operations. Other projects include on-going safety enhancements to the Caltrain right-of-way, and projects to comply with legal and regulatory mandates. The FY2011 Capital Budget also includes funding to continue work on the overall program management for the Peninsula Rail Program, and to coordinate planning and design efforts for the high-speed rail system in the Caltrain corridor with the California High-Speed Rail Authority (CHSRA).

The FY2011 Capital Budget is broken down into the following major categories:

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

- * Continue the design efforts for the Los Gatos Creek Railroad Bridge (Santa Clara County) replacement project;
 - * Maintain the current infrastructure in a state of good repair by completing necessary track and structures rehabilitation and replacement;
 - * Replace and upgrade signal and communication equipment;
 - * Continue the procurement and installation of a new state-of-the-art train control and network traffic management system;
 - * Continue to rehabilitate components of the current fleet of passenger cars and locomotives to ensure vehicles will operate reliably up to the end of their duty cycles.
- **Legal/Regulatory Mandates and Infrastructure and Safety Enhancements** – Provide funding to procure equipment to meet the Federal Communications Commission mandate to reduce the bandwidth of licensed radio channels, as well as funding for safety enhancement projects such as fencing and signage installation.
 - **Peninsula Rail Program** – Provide funding for overall program management and planning coordination efforts with CHSRA to define the program for high-speed rail development in the Caltrain corridor, as well as to establish project priorities and construction sequence to ensure Caltrain operational needs are met. Also included in this category is partial funding for the design and engineering phase of the Communications Based Overlay Signal System project, Caltrain’s Positive Train Control system.

BUDGET IMPACT

The total proposed FY2011 Capital Budget is \$33,392,086, which does not yet include a funding request for the major project components of the Peninsula Rail Program. Funding needs for the Peninsula Rail Program will be determined in collaboration with CHSRA. The FY2011 Capital Budget will be amended once funding decisions are made with regards to the program of projects to be funded by the \$2.25 billion in Federal high-speed rail funds recently awarded to California through the American Recovery and Reinvestment Act.

Total funding secured to finance the proposed FY2011 Capital Budget includes Federal, State, and other grant funding in the amount of \$19,657,609. Local match requirement to these sources is \$13,734,477. Using project savings of \$4,734,477 from prior years, the amount to be funded from the three partner agencies is \$9,000,000, or \$3,000,000 per partner.

BACKGROUND

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

Prepared by: April Chan, Director, Budgets and Grants

650.508.6228

FY2011 JPB PROPOSED CAPITAL BUDGET

REVISED

PROJECT TITLE/DESCRIPTION	FY2011 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY BUDGETED	FY2011 CAPITAL BUDGET REQUEST	FUTURE BUDGET REQUEST	Proposed Funding Plan								
						Federal		State		Other		JPB		FY2011 TOTAL
						Amount	Source	Amount	Source	Amount	Source	Amount	Source	

I. State of Good Repair

I.1	Stations	Systemwide Station Improvements - SOGR	Design / Constr	9,430,000	4,093,000	500,000	4,837,000							500,000	Members	500,000
I.2	ROW/Signals	Los Gatos Creek Bridge Replacement	Design	12,423,000	3,893,154	1,400,000	7,129,846	1,120,000	FTA					280,000	Members	1,400,000
I.4	ROW/Signals	FY11 System Track Rehab	Constr	7,000,000	-	7,000,000	-	5,897,664	ARRA/FTA			450,000	\$350KAB664 \$100K Sale of Assets	652,336	Members	7,000,000
I.5	ROW/Signals	Signal System Rehab	Constr	12,000,000	5,200,000	900,000	5,900,000							900,000	Members	900,000
I.6	ROW/Signals	Rail Operations Control System	Constr	10,215,000	7,700,000	2,515,000	-	2,012,000	FTA			503,000	TBD			2,515,000
I.7	Rolling Stock	Rolling Stock Equipment, including but not limited to: Gallery Car SOGR, F40 SEP-HEP Overhaul/Replacement, F40 Locomotive Overhaul	Procurement	29,138,361	5,771,859	7,619,945	10,846,557	2,019,945						5,600,000		7,619,945
						19,934,945		11,049,609			953,000			7,932,336		19,934,945

II. Legal Mandates and Required Infrastructure Enhancements

II.1		Narrow Banding Project	Final Design / Constr	2,170,141	1,564,000	606,141	-							606,141	Members	606,141
II.2		Caltrain Safety Fencing Program	Constr	8,988,019	4,519,128	1,000,000	3,468,891			1,000,000	Prop 1B					1,000,000
II.3		Payment Card Industry Data Security Standard	Procurement	291,000	-	291,000	-							291,000	Members	291,000
II.4		Update of Suicide Prevention Signs	Constr	110,000	-	110,000	-							110,000	Members	110,000
						2,007,141		-		1,000,000				1,007,141		2,007,141

III. Peninsula Rail Program

III.1		PRP - Program Implementation & Management	Support		10,858,600	5,610,000	TBD			2,805,000	CHSRA			2,805,000	Members	5,610,000
III.2		Communications Based Overly Signal System	Final Design / Construction	231,000,000	3,075,000	3,850,000	224,075,000	1,250,000	FRA	2,600,000	PTMISEA					3,850,000
						9,460,000		1,250,000		5,405,000				2,805,000		9,460,000

IV. Caltrain Support Program and Capital Contingency

IV.1		Capital Program Management	Support			434,050								434,050	Members	434,050
IV.2		Capital Project Development	Support			565,950								565,950	Members	565,950
IV.3		Capital Contingency - Engineering	Support			330,000								330,000	Members	330,000
IV.4		Capital Contingency - Rail Services	Support			660,000								660,000	Members	660,000
						1,990,000								1,990,000		1,990,000

Total Budget Request 33,392,086

12,299,609 6,405,000 953,000 13,734,477

4,578,159 FY2011 Per Member Requirement

RESOLUTION NO. 2010 –

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

*** * ***

**AUTHORIZING ADOPTION OF THE FISCAL YEAR 2011 CAPITAL BUDGET
IN THE AMOUNT OF \$33,392,086**

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

WHEREAS, the Executive Director and the Staff Coordinating Council recommend that the Board of Directors (Board) adopt the Capital Budget for Fiscal Year 2011 in the amount of \$33,392,086, as more particularly set forth in Attachment A; and

WHEREAS, the local match funding requirement for the proposed Capital Budget is \$13,734,477, requiring a contribution of \$3,000,000 from each of the three member agencies to fully satisfy their local funding requirement, in addition to the use of \$4,734,477 in cost savings from existing projects; and

WHEREAS, San Francisco will provide \$3,000,000 of its Fiscal Year 2011 local match from a combination of Proposition K funds and other local funds through the San Francisco County Transportation Authority and the San Francisco Municipal Transportation Agency; and

WHEREAS, San Mateo will provide \$3,000,000 of its Fiscal Year 2011 local match through the San Mateo County Transportation Authority; and

WHEREAS, Santa Clara will provide \$3,000,000 of its Fiscal Year 2011 local match through the Santa Clara Valley Transportation Authority.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board adopts the Fiscal Year 2011 Capital Budget in the amount of \$33,392,086, as set forth in

Attachment A, with the understanding that, as to the local match funding requirement, the three member agencies will each contribute \$3,000,000; and

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

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

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

The project is being constructed in a manner that is compatible with proposed California High Speed Rail improvements in San Bruno. The project is scheduled to have a 30-month duration.

Invitations for Bids (IFBs) were distributed throughout the construction industry. The solicitation was advertised in a newspaper of general circulation and on the JPB’s procurement website. Solicitation notices were also sent to potential bidders and disadvantaged business enterprises (DBEs). Seven bids were received and opened publicly on May 18, 2010. The three lowest bids are listed below.

	Company	Total Bid Amount
	<i>Engineer’s Estimate</i>	<i>\$100,000,000</i>
1.	Granite Construction Company	\$77,699,000
2.	Gordon N. Ball	\$79,750,000
3.	Diablo Contractors	\$84,476,000

Staff reviewed the bids and determined that Granite’s bid was responsive to the solicitation requirements. Granite Construction Company was deemed to be the apparent low bidder with a bid that was 22 percent lower than the engineer’s estimate.

Staff and legal counsel determined that Granite Construction Company submitted a complete bid package and satisfied all of the applicable legal requirements. Granite Construction is an established Bay Area contractor. Company reference checks confirm that Granite Construction is an experienced and competent contractor. Therefore, staff concludes that Granite Construction Company is appropriately qualified and capable of meeting the requirements of the contract and is the lowest responsive, responsible bidder.

The DBE Office reviewed the IFB prior to release and encouraged bidders to provide subcontracting opportunities to small businesses, including DBEs. Granite Construction Company obtained 126 sub-bids from various subcontractors, including 19 sub-bids from DBEs. Granite Construction Company intends to engage 28 subcontractors, 11 of which are DBE firms. DBE participation is proposed at 7.7 percent of the contract price. The projected level of DBE participation on this contract supports the JPB’s overall DBE program objectives.

Staff is anticipating that \$26.7 million in funding will be allocated to the project by the California Transportation Commission. This funding is necessary for the project to proceed. In addition, the project award is also contingent upon the execution of a Construction and Maintenance Agreement (“C&M Agreement”) with the City of San Bruno. This C&M Agreement will allocate responsibilities for construction and maintenance of the new facilities between the JPB and the City of San Bruno.

Contract Officer: Patrick May
 Project Manager: Rafael Bolon

650.508.7732
 650.622.7805

RESOLUTION NO. 2010-

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

* * *

**AUTHORIZING AWARD OF CONTRACT TO
GRANITE CONSTRUCTION COMPANY FOR THE
SAN BRUNO GRADE SEPARATION PROJECT
AT A TOTAL COST OF \$77,699,000.**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) solicited bids for the San Bruno Grade Separation Project; and

WHEREAS, in response to the JPB’s invitation for bids, seven firms submitted bids; and

WHEREAS, staff and General Counsel have reviewed the bids; and

WHEREAS, the Executive Director has recommended that a contract be awarded to the lowest responsive, responsible bidder, Granite Construction Company, whose bid meets the requirements of the contract documents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Granite Construction Company, Inc. of Watsonville, Ca., for the San Bruno Grade Separation Project for a total cost of \$77,699,000, contingent upon the allocation of \$26.7 million in project funds from the California Transportation Commission and execution of a Construction and Maintenance Agreement with the City of San Bruno; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute a contract on behalf of the Peninsula Corridor Joint Powers Board with Granite Construction Company, in full conformity with all the terms and conditions of the solicitation documents and upon satisfaction of the conditions set forth in this Resolution.

Regularly passed and adopted this 1st day of July, 2010 by the following vote

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

This project has an Incentives Section that compensates the Contractor for early completion of the bridge replacement component of the work to ensure that Caltrain trains can be returned to service before the start of revenue service. The incentive provides for up to a maximum of \$750,000 if the work is completed under the seven and one-half hour window allowed for the bridge replacement work. Any incentive earned will be paid to the Contractor in addition to the bid amount shown below.

Invitations for Bids (IFBs) were distributed throughout the construction industry. The solicitation was advertised in a newspaper of general circulation and on the JPB’s procurement website. Solicitation notices were also sent to potential bidders and disadvantaged business enterprises (DBEs). Six bids were received and opened publicly on May 27, 2010. Below are listed the three lowest bids:

	Company	Total Bid Amount
	<i>Engineer’s Estimate</i>	<i>\$10,124,850</i>
1.	Disney Construction, Inc.	\$6,313,333
2.	Anderson Pacific Engineering Construction, Inc.	\$6,998,000
3.	Gordon N. Ball, Inc.	\$7,488,000

Staff reviewed the bids and determined that all of the bidders were responsive to the solicitation requirements. Disney has submitted all of the required bid documents, with only one discrepancy. In the Bidder’s Statement of Qualifications, bidders were required to provide a variety of information regarding the subcontractor selected to perform the self-propelled modular transporter (SPMT) portion of the work. In attached sheets, Disney provided all of the requested information for its designated subcontractor Bigge Crane and Rigging Co. (Bigge), except for the value of the jobs they performed. Legal counsel has determined this omission can be waived as a minor irregularity.

Accordingly, staff and legal counsel determined that Disney Construction, Inc. submitted a complete bid package and satisfied all of the applicable legal requirements. Moreover, Disney Construction is an established Bay Area contractor. Company reference checks confirm that Disney Construction, Inc. is an experienced and competent contractor. Therefore, staff concludes that Disney Construction, Inc. is appropriately qualified and capable of meeting the requirements of the contract and is therefore the lowest responsive, responsible bidder.

The DBE Office reviewed the IFB for subcontracting possibilities prior to release and encouraged bidders to provide subcontracting opportunities to small businesses, including DBEs. Disney Construction, Inc. intends to engage eight subcontractors, though none are DBE firms. Although there is no DBE participation on this contract, Disney Construction, Inc. will work with JPB staff in association with CityBuild staff from the City and County of San Francisco to comply with first source hiring provisions of the contract and provide potential employment opportunities to economically disadvantaged individuals. To address the absence of DBE participation on this contract, staff will consider the establishment of contract goals in future contracts to ensure fulfillment of its overall DBE program objectives.

Contract Officer: Alicia Fraumeni
 Project Manager: Ildefonso Burgos-Gil

650.508.6442
 650.508.7922

RESOLUTION NO. 2010-

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

* * *

**AUTHORIZING AWARD OF CONTRACT TO
DISNEY CONSTRUCTION, INC.
FOR THE JERROLD AVENUE BRIDGE REPLACEMENT PROJECT
AT A COST OF \$6,313,333, TOGETHER WITH THE OPPORTUNITY TO EARN
AN ADDITIONAL INCENTIVE PAYMENT OF UP TO \$750,000**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) solicited bids for the Jerrold Avenue Bridge Replacement Project; and

WHEREAS, in response to the JPB’s invitation for bids, six firms submitted bids; and

WHEREAS, staff and General Counsel have reviewed the bids; and

WHEREAS, the Executive Director has recommended that a contract be awarded to the lowest responsive, responsible bidder, Disney Construction, Inc., whose bid meets the requirements of the contract documents; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby awards a contract to Disney Construction, Inc. of Burlingame, California, for the Jerrold Avenue Bridge Replacement Project for a cost of \$6,313,333, with the understanding the contractor can earn an additional incentive payment of up to \$750,000 for early completion of the bridge replacement component of the work; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute a contract on behalf of the Peninsula Corridor Joint Powers Board with Disney Construction, Inc., in full conformity with all the terms and conditions of the solicitation.

Regularly passed and adopted this 1st day of July, 2010 by the following vote

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

project, the four bridges will be replaced under the San Mateo Bridges Phase 2 – Bridge Replacement project.

The San Mateo Bridges Phase 1 – Foundation Improvements Project will rehabilitate abutments, and retrofit bent columns at the four bridges in San Mateo. This project includes civil and utility work. The project is scheduled to be 300 days in duration.

Invitations for Bids (IFBs) were distributed throughout the construction industry. The solicitation was advertised in a newspaper of general circulation and on the JPB’s procurement website. Solicitation notices also were sent to potential bidders and disadvantaged business enterprises (DBEs). Eleven bids were received and opened publicly on May 13, 2010. The four lowest bids are listed below:

	Company	Total Bid Amount
	<i>Engineer’s Estimate</i>	<i>\$4,000,000</i>
1.	West Bay Builders, Inc.	\$3,112,349
2.	Anderson Pacific Engineering Construction, Inc.	\$3,130,000
3.	Robert A. Bothman, Inc.	\$3,130,000
4.	Gordon N. Ball, Inc.	\$3,182,000

Staff reviewed the bids and determined that the bids received from the three lowest bidders, West Bay Builders, Inc., Anderson Pacific Engineering Construction, Inc. and Robert A. Bothman, Inc. were non-responsive to the solicitation requirements. The three lowest bidders each failed to submit a list of five previously completed grouting projects, information essential to determining the bidder’s qualifications, and required by the Supplemental Technical Provisions of the IFB.

The fourth lowest bidder, Gordon N. Ball submitted a bid that was 20 percent lower than the engineer’s estimate. Staff reviewed the bid from Gordon N. Ball, Inc. for responsiveness to the solicitation requirements and determined that it is responsive. Staff and Legal Counsel verified that Gordon N. Ball, Inc. satisfied all of the applicable legal requirements. Company reference checks confirm that Gordon N. Ball, Inc. is an experienced and competent contractor. Accordingly, staff concludes that Gordon Ball is the lowest responsive, responsible bidder.

The DBE Office reviewed the IFB prior to release and established a 3.6 percent contract goal for underutilized disadvantaged business enterprises in accordance with Federal highway-aid requirements of the California Department of Transportation. Gordon N. Ball, Inc. met the goal with a commitment level of 3.67 percent from three underutilized DBE firms. This level of DBE participation supports the JPB’s overall DBE program objectives.

Contract Officer: Helen Hoang
Project Manager: Ildefonso Burgos-Gil

650.508.7964
650.508.7922

RESOLUTION NO. 2010-

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

* * *

**REJECTING THREE LOW MONETARY BIDS AS NON-RESPONSIVE AND
AUTHORIZING AWARD OF CONTRACT TO GORDON N. BALL FOR SAN MATEO
BRIDGES PHASE 1 – FOUNDATION IMPROVEMENTS PROJECT
AT A TOTAL COST OF \$3,182,000**

WHEREAS, the Peninsula Corridor Joint Powers Board (“JPB”) solicited bids for the San Mateo Bridges Phase 1 – Foundation Improvements Project; and

WHEREAS, in response to the JPB’s invitation for bids, eleven firms submitted bids; and

WHEREAS, staff and General Counsel have reviewed the bids, and determined that the bids received from the three lowest bidders, West Bay Builders, Inc. of Novato, CA, Anderson Pacific Engineering Construction, Inc. of Santa Clara, CA and Robert A. Bothman, Inc. of San Jose, CA, each failed to include a list of five previously completed grouting projects, information essential to determining the bidder’s qualifications, and expressly required by the IFB; and

WHEREAS, failure to comply with the material solicitation requirement of submitting the list of five previously completed grouting projects renders the three bids non-responsive; and

WHEREAS, the Executive Director has recommended that a contract be awarded to the lowest responsive, responsible bidder, Gordon N. Ball, Inc., whose bid meets the requirements of the solicitation documents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Peninsula Corridor Joint Powers Board rejects the bids of West Bay Builders, Inc., Anderson Pacific Engineering Construction, Inc. and Robert A. Bothman, Inc. as non-responsive for the reason

stated above and awards a contract to Gordon N. Ball, Inc. of Alamo, CA, for the San Mateo Bridges Phase 1 – Foundation Improvements Project for a total cost of \$3,182,000; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute a contract on behalf of the Peninsula Corridor Joint Powers Board with Gordon N. Ball, Inc., in full conformity with all the terms and conditions of the solicitation documents.

Regularly passed and adopted this 1st day of July, 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 CONTRACTS TO PROVIDE ON-CALL
ENVIRONMENTAL PLANNING CONSULTING SERVICES**

ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award contracts to The Louis Berger Group, Inc. and to Jones & Stokes Associates, Inc., a wholly-owned subsidiary of ICF Consulting Group, Inc. to provide on-call environmental planning consulting services for up to \$2,500,000 over a three-year base period to be shared in the aggregate between the above two firms.
2. Authorize the Executive Director or his designee to execute a contract with The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc. in full conformity with the terms and conditions of the solicitation documents and negotiated agreements.
3. Authorize the Executive Director or his designee to exercise up to two additional one-year option terms with the above two firms for up to \$1,250,000 in total, for both options terms, to be shared in the aggregate between the above two firms, if deemed in the best interest of the Peninsula Corridor Joint Powers Board (JPB).

SIGNIFICANCE

Approval of the above actions will provide on-call environmental planning consulting 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 environmental planning consulting 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. This is the second solicitation for these services. The first solicitation included two categories of services: (1) Transportation Planning and Program Support, and (2) Environmental Planning. The Board approved the rejection of all proposals for Environmental Planning at its December 2009

meeting.

The second solicitation, for environmental planning only, was advertised in a newspaper of general circulation and on the JPB's procurement website. Solicitation notices also were sent to interested firms, small business enterprises, and disadvantaged business enterprises (DBEs). Five proposals were received.

An Evaluation Committee (Committee), composed of qualified JPB staff and a consultant, 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
- Project 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, the Committee invited three firms in the competitive range for interviews. Following interviews, the Committee completed the final evaluation and consensus ranking. The three highest-ranking firms are listed below in order of their consensus rankings.

- The Louis Berger Group, Inc. of Sacramento, CA
- Jones & Stokes Associates, Inc. of San Francisco, CA
- URS Corporation of San Francisco, CA

The Committee determined that The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc. are qualified to be selected for contract awards. The firms possess the requisite depth of experience, have the required qualifications to successfully perform the scope of services defined in the solicitation documents, and are fully capable of providing the specified services at a fair and reasonable price. The Louis Berger Group, Inc. included nine subconsultants, including five DBE firms, in its consulting team. Similarly, Jones & Stokes Associates, Inc. included eight subconsultants, including four DBE firms, in its consulting team.

The on-call environmental planning consulting services 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 contracts and the total cost will be shared in the aggregate between the two firms. Before issuance of any Work Directive for which \$250,000 or more collectively in State or Federal funds will be used, the firms may be required to undergo an audit by Caltrans or a designated external auditor.

Currently, environmental planning consulting services are being provided under General Engineering Consulting Agreements.

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 CONTRACTS
TO THE LOUIS BERGER GROUP, INC. AND JONES & STOKES ASSOCIATES, INC.
FOR ON-CALL ENVIRONMENTAL PLANNING CONSULTING SERVICES
FOR UP TO \$2,500,000 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 environmental planning consulting services; and

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

WHEREAS, an Evaluation Committee has reviewed and scored proposals, conducted interviews with three firms in the competitive range, and ranked the proposals according to the evaluation criteria set forth in the RFP, and determined that The Louis Berger Group, Inc. of Sacramento, CA and Jones & Stokes Associates, Inc., a wholly-owned subsidiary of ICF Consulting Group, Inc., of San Francisco, CA received the first and second highest consensus rankings, respectively; and

WHEREAS, staff and Legal Counsel have reviewed the The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc. proposals and determined that both proposals complied with the requirements of the solicitation documents; and

WHEREAS, Staff Coordinating Council recommends that contracts for on-call environmental planning consulting services be awarded to The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc. for a three-year base term for up to \$2,500,000, which amount will be shared in the aggregate between the two firms.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors (Board) of the JPB hereby awards two contracts for on-call environmental planning consulting services to The Louis Berger Group, Inc. of Sacramento, CA and Jones & Stokes Associates, Inc., a wholly-owned subsidiary of ICF Consulting Group, Inc., of San Francisco, CA for a three-year base term for up to \$2,500,000, which is to be shared in the aggregate between the two firms; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is authorized to execute contracts on behalf of the JPB with The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc., in full conformity with the terms and conditions of the solicited documents and negotiated agreements; 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 contracts with The Louis Berger Group, Inc. and Jones & Stokes Associates, Inc. in an amount of up to \$1,250,000 in total for both option terms, which will be shared in the aggregate between the two firms, if in the best interest of the JPB.

Regularly passed and adopted this 1st day of July 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

Local Taxpayer, Public Safety and Transportation Protection Act of 2010

On June 22, the California Secretary of State's Office announced that the ballot measure being sponsored by the California Transit Association, the League of California Cities and the California Alliance for Jobs has officially qualified for the November 2010 ballot.

The initiative campaign submitted over a million signatures to the Secretary of State for verification, much more than the required 694,354 valid signatures to qualify a constitutional amendment for the statewide ballot.

If passed in November, the measure would:

- Prohibit the State from borrowing local government property tax funds which are vital for public safety and other local services.
- Prohibit the State from borrowing or taking gasoline taxes which are dedicated to transportation and transit improvements and services.
- Prevent the taking of locally levied taxes, including parcel taxes, sales taxes, and other locally imposed taxes that are currently dedicated to cities, counties, transit agencies, and other special districts.

- Prohibit the State from taking, borrowing or redirecting existing funding for public transit, including existing taxes on diesel fuel dedicated to the Public Transportation Account.
- Add additional constitutional protections to prevent the state from raiding redevelopment funds or shifting redevelopment funds to other state purposes.

AB 2620 Potential Amendments

In its current form, this bill would dedicate 15% of future toll revenue to the State Highway Operation and Protection Program (SHOPP). Staff has indicated an oppose position consistent with established principle that toll revenue should be invested in the corridor where it was collected.

Professional Engineers in California Government (PECG) is proposing to gut and amend this bill with language that prevents Caltrans from adding “indirect overhead costs” to the amount that it charges local agencies as a part of its reimbursed work program. PECG asserts that the language is intended to make Caltrans services more competitive with private contractors.

If amended, Staff will withdraw the current oppose position and review the amended language to determine whether a new position is warranted.

Russell J. Peterson et al vs. Peninsula Corridor Joint Powers Board, et al.

On June 22, Sacramento Superior Court Judge Kevin Culhane ruled in favor of Caltrain’s motion to dismiss the case, which sought to halt study of future high speed rail service on the Caltrain corridor between San Francisco and San Jose.

FEDERAL

Climate Change Legislation

With efforts languishing to move legislation that includes an economy-wide cap and trade system that would establish the cost of carbon emissions across all industries, key Democratic Senators are considering an approach that would limit carbon fees to emissions generated by utilities.

Staff worked to oppose earlier legislation that failed to dedicate 100 percent of revenues associated with a fee on the production of gasoline to transportation. A utility-only approach would generate far less revenue than the more comprehensive approach.

Staff will monitor this issue and take action if necessary.

Prepared By: Seamus Murphy, Manager, Government Affairs

650.508.6388

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 6/21/2010**

Bill	Location	Summary	Position
<u>AB 153</u> <u>Ma D</u> 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. This bill contains other related provisions and other existing laws.</p>	
<u>AB 231</u> <u>Huffman D</u> 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>	
<u>AB 266</u> <u>Carter D</u> 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>	

Peninsula Corridor Joint Powers Board State Legislative Matrix as of 6/21/2010

<p><u>AB 289</u> Galgiani D</p> <p>High-speed rail.</p>	<p>SENATE T. & H. 6/17/2010 - In committee: Set, first hearing. Hearing canceled at the request of author.</p> <p>6/29/2010 1:30 p.m. - John L. Burton Hearing Room (4203) SENATE TRANSPORTATION AND HOUSING, ALAN LOWENTHAL, Chairman</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. The federal American Recovery and Re investment Act of 2009 (ARRA) provides funding for allocation nationally to high-speed rail projects.</p> <p>This bill would state the intent of the Legislature to appropriate \$230,500,000 to the authority from the bond act in the Budget Act of 2010-11, to be used to provide a dollar-for-dollar match for federal ARRA funds received by the state for high-speed rail purposes. The bill would identify the corridors eligible for ARRA funds, upon appropriation by the Legislature, and require the authority to work with the Federal Railroad Administration to create a plan for expenditure of the federal funds. The bill would set forth the dates for obligation and expenditure of the federal funds and dates for completion of various tasks in that regard. These provisions would not apply to the portion of ARRA funds awarded to the Transbay Terminal project in San Francisco . This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 5/28/2010</p>	
<p><u>AB 619</u> Blumenfield D</p> <p>Transportation projects: high-speed rail.</p>	<p>SENATE T. & H. 6/17/2010 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H.</p>	<p>Existing law, the California High-Speed Rail 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 gives the authority the power to, among other things, enter into contracts with private or public entities for the design, construction, and operation of high-speed trains. 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 establish procedures to be followed by entities that intend to bid or submit a proposal to contract with the authority for goods or services related to the high-speed train network, as specified. Among other provisions, the bill would require any entity applying for a contract with the authority to affirmatively certify whether it had any direct involvement in the deportation of any individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps between specified dates during World War II. The bill would also authorize the authority to disqualify an entity from bidding on a contract based on its disclosures and would authorize civil penalties to be imposed on an entity that submits a false certification under those provisions, as provided. Last Amended on 6/17/2010</p>	
<p><u>AB 726</u> Nielsen R</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>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 6/21/2010**

<p><u>AB 987</u> <u>Ma D</u></p> <p>Transit village development districts.</p>	<p>SENATE THIRD READING 6/17/2010 - Read second time. To third reading.</p>	<p>Existing law, the Transit Village Development Planning Act of 1994, authorizes a city or county to create a transit village plan for a transit village development district. A transit village development district is required to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined.</p> <p>This bill would recast the area included in a transit village development district to include all land within not more than 1/2 mile of the main entrance of a transit station and make additional legislative findings. The bill also would make technical, nonsubstantive changes. Last Amended on 5/20/2010</p>	<p>Support</p>
<p><u>AB 1104</u> <u>Monning D</u></p> <p>Transportation: bond-funded projects: letter of no prejudice.</p>	<p>SENATE T. & H. 5/26/2010 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H.</p>	<p>Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes. Existing law designates the state agency responsible for programming bond funds under the act as the administrative agency for those purposes. Existing law authorizes a regional or local agency that is a lead agency for a project for which bond funding has been programmed, approved, or otherwise targeted to be available, as specified, to apply to an administrative agency for a letter of no prejudice that would make the regional or local agency eligible for reimbursement from bond funds for expenditures of funds for the project or project component, as specified. Existing law exempts specified projects regarding grade separation and railroad crossing safety improvements from the authorization to apply for a letter of no prejudice.</p> <p>This bill would permit a regional or local agency to apply for a letter of no prejudice for specified projects regarding grade separation and railroad crossing safety improvements, which are currently prohibited from making that application, as described above. This bill contains other related provisions. Last Amended on 5/26/2010</p>	

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<p><u>AB 1375</u> <u>Galgiani D</u></p> <p>High-speed rail.</p>	<p>SENATE T. & H. 6/17/2010 - In committee: Set, first hearing. Hearing canceled at the request of author.</p> <p>6/29/2010 1:30 p.m. - John L. Burton Hearing Room (4203) SENATE TRANSPORTATION AND HOUSING, ALAN LOWENTHAL, Chairman</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 establish compensation of certain employees of the department, advise the Secretary of Business, Transportation and Housing and the Director of the Department of Railroads concerning high-speed rail matters, and annually adopt a 6-year high-speed train program for submission to the Governor and the Legislature. The bill would create the Department of Railroads within the Business, Transportation and Housing Agency, which would succeed to most of the existing powers and responsibilities of the authority and would be responsible for implementing the high-speed train project. The director of the department would be appointed by the Governor, who would serve at the pleasure of the Governor, 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 limit the department's authority to use eminent domain to the powers previously granted to the authority in that regard, as specified. The bill would transfer the existing employees of the authority, other than the executive director, to the department. The bill would enact other related provisions. Last Amended on 5/24/2010</p>
<p><u>AB 1747</u> <u>Galgiani D</u></p> <p>High-Speed Rail Authority.</p>	<p>SENATE RLS. 6/3/2010 - Referred to Com. on RLS.</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes.</p> <p>This bill would authorize the authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts including purchasing high-speed trains, as specified. Last Amended on 4/14/2010</p>
<p><u>AB 1830</u> <u>Jones D</u></p> <p>High-Speed Rail Authority.</p>	<p>SENATE T. & H. 6/29/2010 1:30 p.m. - John L. Burton Hearing Room (4203)</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes.</p> <p>This bill would require the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws. Last Amended on 6/1/2010</p>

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<p>AB 1955 De La Torre D</p> <p>Public officers: incompatible offices.</p>	<p>SENATE L. GOV. 6/30/2010 9:30 a.m. - Room 112 SENATE LOCAL GOVERNMENT, COX, Chair</p>	<p>Existing law prohibits a public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, from simultaneously holding 2 incompatible public offices, as specified.</p> <p>This bill would provide additional circumstances when 2 public offices are incompatible. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 4/12/2010</p>	
<p>AB 2121 Harkey R</p> <p>High-speed rail.</p>	<p>SENATE RLS. 6/10/2010 - Referred 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 require the authority to annually adopt a 6-year high-speed train program, as specified, for submission to the chairs of the appropriate policy and budget committees of the Legislature. The bill would also require the authority to annually prepare and submit to the chairs of those committees of the Legislature a report including, among other things, a description of the progress made on the program and a detailed financial plan to pay for construction of the high-speed train network.</p> <p>Last Amended on 5/28/2010</p>	
<p>AB 2324 John A. Perez D</p> <p>Transit: public transit facilities.</p>	<p>SENATE PUB. S. 6/22/2010 9 a.m. - Room 3191 SENATE PUBLIC SAFETY, LENO, Chair</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. This bill would make it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle facility, as defined, specified weapons, if a notice is posted at the facility, as specified. By creating a new crime, the bill would impose a state-mandated local program.</p> <p>This bill contains other related provisions and other existing laws. Last Amended on 6/10/2010</p>	
<p>AB 2620 Eng D</p> <p>Transportation: toll facilities.</p>	<p>SENATE T. & H. 6/29/2010 1:30 p.m. - John L. Burton Hearing Room (4203)</p>	<p>Existing law provides that the Department of Transportation shall have full possession and control of the state highway system and associated property. Existing law provides for the development of high-occupancy toll lanes on the state highway system by regional transportation agencies under specified circumstances and specifies the use of toll revenues generated from these facilities. This bill would require up to 15 percent of net toll revenues , as specified, generated by certain toll facilities on the state highway system to be dedicated to funding projects in the state highway operation and protection program (SHOPP) . The bill would make legislative findings and declarations in that regard.</p> <p>The bill would require those revenues to be used for SHOPP projects in the transportation corridor in which the revenues are generated, but would also authorize the department to apply jointly with the public agency implementing the toll facility to the California Transportation Commission to direct those revenues to other projects on the state highway system within the county in which the toll facility is located and the revenue is generated, including non-SHOPP projects. This bill would not apply to toll facilities authorized in statute on or before January 1, 2010. Last Amended on 5/28/2010</p>	<p>Oppose</p>

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<p><u>ACR 14</u> <u>Niello R</u> 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>	
<p><u>SB 409</u> <u>Ducheny D</u> Passenger rail programs: strategic planning.</p>	<p>ASSEMBLY TRANS. 6/28/2010 1:30 p.m. - State Capitol, Room 4202</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. Last Amended on 1/26/2010</p>	

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<p><u>SB 476</u> <u>Correa D</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 964</u> <u>Alquist D</u></p> <p>Workforce development program: high- speed rail.</p>	<p>ASSEMBLY TRANS. 6/28/2010 1:30 p.m. - State Capitol, Room 4202</p>	<p>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. This bill would require the High-Speed Rail Authority to contract with the Employment Development Department to develop a labor market assessment of the workforce and identify the education and skills needed for construction, operation, and maintenance of the high-speed train system.</p> <p>The bill would require the authority and the department to form an advisory committee, as specified, to advise the authority and the department on the availability of skilled labor relative to the high-speed train project and on options for workforce training programs in that regard. The bill would require the labor market assessment to be submitted to the Legislature and incorporated into the authority's biennial revised business plan. This bill contains other related provisions. Last Amended on 4/22/2010</p>	

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<p><u>SB 965</u> <u>DeSaulnier D</u></p> <p>High-speed rail.</p>	<p>ASSEMBLY TRANS. 6/28/2010 1:30 p.m. - State Capitol, Room 4202</p>	<p>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 , subject to appropriation by the Legislature, would authorize the High-Speed Rail Authority to expend federal funds made available by the federal American Recovery and Reinvestment Act (ARRA) for high-speed rail purposes . The bill would require the authority to take various actions in that regard. The bill would also require the authority to submit to the Legislature an expenditure plan for the federal funds within 60 days of enactment of this act or upon finalization of a cooperative agreement with the federal government, whichever occurs later, and to submit a progress report on expenditure of the funds to the Legislature on the following December 31 and annually thereafter. The bill would make legislative findings and declarations relative to the award of federal funds to the state by ARRA for high-speed rail purposes. The bill would exempt the Transbay Terminal project in San Francisco from these provisions if ARRA funds are made available to the Transbay Joint Powers Authority for that project. Last Amended on 4/7/2010</p>	
<p><u>SB 1320</u> <u>Hancock D</u></p> <p>Transit fare evasion and passenger misconduct: administrative adjudication.</p>	<p>ASSEMBLY TRANS. 6/17/2010 - From committee: Do pass as amended. (Ayes 8. Noes 4.) (Heard in Committee on June 14.)</p> <p>6/21/2010 #21 ASSEMBLY SENATE SECOND READING FILE</p>	<p>Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or to engage in passenger misconduct on or in a facility or vehicle of , a public transportation system. Existing law authorizes the City and County of San Francisco and the Los Angeles County Metropolitan Transportation Authority to adopt and enforce an ordinance to impose and enforce civil administrative penalties for fare evasion or passenger misconduct, other than by minors, on or in a transit facility or vehicle in lieu of the criminal penalties, with specified administrative adjudication procedures for the imposition and enforcement of the administrative penalties, including an initial review and opportunity for a subsequent administrative hearing. Fare evasion and passenger misconduct violation penalties are deposited in the general fund of the City and County of San Francisco or the County of Los Angeles, as applicable.</p> <p>This bill would authorize the Santa Clara Valley Transportation Authority, the Sacramento Regional Transit District, Foothill Transit, and the Alameda-Contra Costa Transit District to adopt and enforce a similar administrative adjudication ordinance. Fare evasion and passenger misconduct violation penalties would be deposited in the general fund of the county in which the citation is administered. This bill contains other related provisions. Last Amended on 6/10/2010</p>	

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<p><u>SB 1371</u> <u>Lowenthal D</u></p> <p>Federal transportation economic stimulus funds: 2nd round.</p>	<p>ASSEMBLY APPR. 6/16/2010 - Read second time. Amended. Re-referred to Com. on APPR.</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 to the Legislative Analyst's Office and specified committees, or to post on its Internet Web site, a monthly status report with respect to expenditure of these funds. The bill would make related legislative findings and declarations. This bill contains other related provisions and other existing laws. Last Amended on 6/16/2010</p>	
<p><u>SCA 15</u> <u>Calderon D</u></p> <p>State budget.</p>	<p>SENATE B. & F.R. 4/28/2010 - Hearing postponed by committee. (Refers to 4/22/2010 hearing)</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>	