



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

June 2, 2011 – 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 RESOLUTIONS
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of May 5, 2011
 - b) Authorize Execution of Ten-year Master Agreement and Program Supplements with the California Department of Transportations for State-funded Transit Projects
 - c) Authorize Disposition of Ten Service Support Vehicles
5. Chairperson’s Report RESOLUTION
MOTION
 - a) Resolution in Memory of Omar Ahmad
 - b) Appointment of Citizens Advisory Committee Member
Representing San Francisco County
Representing San Mateo County
Representing Santa Clara County
6. Report of the Citizens Advisory Committee
7. Report of the Executive Director PROCLAMATION
 - a) Proclamation Declaring June 16, 2011 as “National Dump the Pump Day”
8. Acceptance of Statement of Revenues and Expenses for April 2011 MOTION
9. Adoption of Fiscal Year 2012 Operating Budget in the Amount of \$103,779,904 RESOLUTION
10. Preliminary Fiscal Year 2012 Capital Budget INFORMATIONAL

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| 11. Authorize Approval of Bid Documents and Execution of Documents and Payment of Premium for Commodity Price Cap For Fuel Hedging Program for Fiscal Year 2012 | RESOLUTION |
| 12. Authorize Execution of Contracts of More than \$100,000 for Information Technology License Renewals, Maintenance Services and Professional Services for Fiscal Year 2012 for an Aggregate Not-to-Exceed Amount of \$500,000 | RESOLUTION |
| 13. Authorize Execution of Contracts of More than \$100,000 for Technology Related Products and Services to Vendors Under Cooperative Purchasing Programs for an Aggregate Not-to-Exceed Amount of \$500,000 for Fiscal Year 2012 | RESOLUTION |
| 14. Legislative Update | INFORMATIONAL |
| 15. Quarterly Capital Progress Report | INFORMATIONAL |
| 16. Correspondence | |
| 17. Board Member Requests | |
| 18. General Counsel Report | |
| 19. Date/Time of Next Meeting: Thursday, July 7, 2011, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 20. Adjourn | |

INFORMATION FOR THE PUBLIC

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

If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain 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 5:40 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 (JPB)
Board of Directors Meeting
1250 San Carlos Avenue, San Carlos CA 94070**

Draft

**Minutes
May 5, 2011**

MEMBERS PRESENT: O. Ahmad, J. Cisneros, S. Elsbernd (Chair), N. Ford, L. Kniss, A. Kalra, A. Lloyd, A. Tissier, K. Yeager

MEMBERS ABSENT: None

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

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

PUBLIC COMMENT

None

CONSENT CALENDAR

- a. Approval of Minutes of April 7, 2011
- b. Authorize Assignment of Contract from CSI Capital Management, Inc. to SunTrust Bank to Provide Investment Management Services
- c. Authorize the Executive Director to Execute an Easement Agreement with the Santa Clara Valley Water District for the Maintenance of Adobe Creek

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

CHAIRPERSON'S REPORT

No report.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair Bruce Jenkins reported that they received a presentation on the annual passenger counts at their last meeting.

Director Adrienne Tissier arrived at 10:05 a.m.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Monthly Performance Statistics – March 2011 compared to March 2010
 - a. Total Ridership was 1,048,134, an increase of 4.9 percent.
 - b. Average Weekday Ridership was 37,503, an increase of 4 percent.
 - c. Total Revenue was \$4,135,784, an increase of 18.1 percent.
 - d. On-time Performance was 93.6 percent, a decrease of 3.1 percent.
 - e. Caltrain Shuttle Ridership was 5,791, an increase of 6 percent.

- Year-to-Date Performance Statistics – March 2011 compared to March 2010
 - f. Total Ridership was 9,255,793, an increase of 4.5 percent.
 - g. Average Weekday Ridership was 38,982, an increase of 4.5 percent.
 - h. Total Revenue was \$35,150,769, an increase of 12.3 percent.
 - i. On-time Performance was 93.9 percent, a decrease of 0.4 percent.
 - j. Caltrain Shuttle Ridership was 5,366, a decrease of 1.7 percent.

Director Liz Kniss arrived at 10:07 a.m.

- The Bicycle Advisory Committee did not meet in April. The next meeting is May 19.
- An additional 10 Gallery cars will be converted to bike cars. The project is scheduled to be completed by the end of June and then all train sets will have two bike cars. The first converted car entered service April 29; two more will be in service by May 6.
- Sharks ridership had an additional 388 riders per game for the first four playoff games, up 69 percent over last year. For the regular season, ridership averaged an additional 264 riders per game, up 19.5 percent from last year.
- Giants had nine home games in April averaging 6,284 additional riders per game. Through the first 11 games of the season, including the exhibition, ridership is up 16 percent over last year.
- Caltrain will run four early morning trains for the Bay to Breakers Sunday, May 15. Extra southbound trains will be provided in the afternoon.

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

- Staff is working on implementing the July 1 fare and parking increases the Board approved at the special April 21 meeting.
- The Weekend Baby Bullet pilot service will continue under the conceptual operating plan approved by the Board.
- The California High Speed Rail Authority (CHSRA) is meeting today and will be discussing phased implementation of the project on the Peninsula. Under the leadership of Director, Rail Transportation Michelle Bouchard, staff is conducting an independent capacity analysis to determine if implementation of electrification and a new signal system can meet Caltrain service needs and accommodate some level of high-speed rail service. In a few months, staff should have some an update for the Board.

Director Nat Ford arrived at 10:13 a.m.

- On April 18, Congresswoman Anna Eshoo, Senator Joe Smitian and Assemblyman Rich Gordon recommended the CHSRA look at doing a phased approach to enable the service to proceed within budget.
- The reading file contains the latest Safety and Security Report.

Chair Elsbernd asked if the staff analysis includes extending high-speed rail to the Transbay Terminal. Mr. Scanlon said the extension over to the Transbay Terminal would be a separate issue.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR MARCH 2011

Deputy CEO Gigi Harrington said operating revenue is \$2.8 million over budget and is reflective of the ridership numbers. There are \$5.2 million in savings on the expense side. Last week, fuel was \$3.40 per gallon and year-to-date it is \$2.61 per gallon. The agency has received more in revenue than the expenses for the program.

A motion (Kniss/Tissier) to accept the March 2011 statement was approved unanimously.

QUARTERLY INVESTMENT REPORT AND FIXED INCOME MARKET REVIEW AND OUTLOOK FOR THE QUARTER ENDED MARCH 31, 2011

Investment Advisor Bill Osher from CSI Capital Management, Inc. said the economy is trying to get better. The price of oil exceeded \$100 a barrel. The price of oil will determine if people remain confident. There is improvement in employment and interest rates are starting to move up slowly.

A motion (Lloyd/Ahmad) to accept the Quarterly Investment Report and Fixed Income Market Review and Outlook was approved unanimously.

PRELIMINARY FISCAL YEAR 2012 OPERATING BUDGET

Deputy CEO Gigi Harrington delivered the following report:

- Total revenue for the 86-train schedule is \$99.3 million and total expenses are \$102.8 million.
- Staff will request \$3.5 million from the Metropolitan Transportation Commission (MTC) to close the gap.
- Staff will bring a final budget back in June for approval.

Chair Elsbernd asked if staff is close to filling the \$3.5 million gap. Ms. Harrington said staff will be going to the SamTrans Board next week to get direction on the approach for the second year.

Director Ken Yeager said people read about not having their tickets checked. Mr. Scanlon said Caltrain is a proof-of-payment system and fare revenues are being optimized and the cost of fare collection is being minimized, leaving the onboard personnel to more important work.

Director Yeager asked if the farebox recovery has always been around 50 percent. Mr. Scanlon said it has increased rapidly and on a continuing rise. The customers have been sharing a proportionately higher percentage of the cost for these trips. Director Yeager asked if this is because of the increase in fares. Mr. Scanlon said it is the combination of fare increases and employee productivity. Director Yeager asked if 50 percent is high as the farebox recovery will go or can it get better. Mr. Scanlon said Caltrain has defied all elasticity models over the years. If the modernization program is completed where the system is electrified and improves the operating characteristics with quicker stops, faster acceleration, more stops, and more revenues, this could drive the farebox ratio up significantly.

Director Liz Kniss asked why the Board didn't get this information sooner. Ms. Harrington said the key slides of the presentation were included in the board agenda packet.

Director Kniss asked what operator contract transition costs are. Ms. Harrington said it is part of the six-month rail operator transition. Director Kniss asked if there isn't a new contractor is there still the same transition costs. Ms. Harrington said there may not be, but staff will have to do certain activities to ensure due diligence as part of moving from the old contract to a new contract, including inventory, security issues and key control.

Mr. Scanlon said if Amtrak is awarded the contract the number will be significantly less. It is a joint venture bid and there will be some transition costs with a new contractor.

Director Kniss would like to know where there is certainty and non-certainty in the budget. She asked if the administrative number is about average in the industry. Mr. Scanlon said the administrative costs are way below what is normal. Ms. Harrington said the \$9.9 million administrative cost includes \$6.1 million in wages and benefits for employees; \$2.1 million for professional services which includes legal, audit and operating consultants used to maintain specialized equipment; \$1.5 million for bank fees for the credit card and Clipper transactions, software maintenance and pool cars; \$157,000 for communications and marketing.

Director Kniss said it was referenced that SamTrans will make a decision next week. Ms. Harrington said there is an item to go to the SamTrans Board reflective of the discussion this Board had concerning options for Fiscal Year (FY) 2013. This Board asked staff to make best efforts forward to bring a balancing plan by June 30, and the SamTrans Board needs to have a discussion about certain options that are available. After SamTrans Board discussion, staff will be ready to go to MTC to try to firm up the \$3.5 million for this year.

Director Tissier said staff is going to MTC for the \$3.5 million. If for some reason the SamTrans Board says no, then staff has to go to MTC for more than \$3.5 million.

Director Art Lloyd said as a frequent rider he defends the proof-of-payment system and he rarely sees passengers without a payment.

Director Omar Ahmad said an assumption was made for \$3 per gallon for diesel, so how sensitive is the fuel number if it goes up 25 percent. Mr. Scanlon said the highest paid for diesel was \$3.4912 per gallon on April 28 and 34 out of 44 weeks, fuel was in the \$2 range.

Director Ahmad asked if the fuel hedge would be \$3 per gallon this year. Ms. Harrington said staff won't know until it goes to market, but looks like it will be around \$3.35 per gallon.

Public Comment

Jeff Carter, Burlingame, thanked the Board and staff for doing everything possible to retain the 86-train schedule. He said hopefully SamTrans will approve the funding for staff to go to MTC. If service is sustained at a lower level of service, it will be hard to convince the public to retain Caltrain. The proof-of-payment works and very few fares are being missed.

Greg Conlon, Atherton, said his primary concern is safety. He said there is a direct relationship with the increase in oil and the value of the dollar. He suggested staff look at hedging fuel for the next year or two.

PRELIMINARY FISCAL YEAR 2012 CAPITAL BUDGET

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

- The goals of the Capital Budget are:
 - Invest in infrastructure and equipment improvements to maintain system in a state of good repair.
 - Invest in the rehabilitation and replacement of components for the rail vehicles to ensure fleet availability.
 - Complete Caltrain Positive Train Control (PTC) Development Plan for the PTC system project to meet a Federal mandate by December 31, 2015.
 - Continue system safety improvements.
 - Continue work to coordinate planning and design efforts for the HSR system in the Caltrain corridor with the CHSRA.
- The total FY2012 Capital Budget is \$64.6 million.
- The state of good repair portion is 64 percent of the capital budget which includes stations, right of way maintenance, the signal program and rolling stock.
- The enhancements portion of the Capital Budget is for the installation of cameras on cab cars and locomotives to provide a deterrent against terrorism, identify problem locations and serve as a post-incident investigative tool.
- The Peninsula Rail Program portion is for funding of ongoing program management and oversight and to provide for planning and design support.
- FY2012 funding sources include \$40 million from Federal grants, \$9.5 million from State and regional grants, \$2.8 million from other funding and \$12.7 million total from the partners.
- Staff is going to continue to work with staff from member agencies and will bring a recommendation back at the next meeting.

Chair Elsbernd asked how this year's capital number compares to previous years. Ms. Chan said the Capital Budget has ranged from \$50-\$70 million.

Director Nat Ford asked Mr. Scanlon to share more information on the Federal PTC mandate since it is such a large hit to the budget between now and 2015. Mr. Scanlon said PTC became a Federal mandate after the MetroLink accident in Los Angeles. There is a mandate that PTC be installed on all the systems by 2015. The American Public Transportation Association recently met with commuter rail partners to approach Congress to extend the date to 2018, which was the original date by the Federal Railroad Administration (FRA). The recent cutbacks in Congress cut the nominal funding available for PTC. Caltrain is in a unique situation because prior to any of this happening, Caltrain was proceeding to develop the Communications Based Overlay Signal System (CBOSS), which includes PTC as a feature of that more robust signal system. The big issue with this signaling system is the interoperability with HSR. This is a huge national problem that is not adequately funded or developed. As of yesterday, the FRA asked for another clarification and staff will be meeting with officials from FRA within the next two weeks.

Chair Elsbernd asked how the PTC capital project benefits the Operating Budget. Mr. Scanlon said if CBOSS could be developed and able to use Federal or HSR funds, it can reduce operating costs and improve service, which could bring in more revenue.

Director Lloyd said PTC has an extremely tremendous capital outlay. He asked if the railroad will be going to complete concrete railroad ties. Deputy CEO Chuck Harvey said probably not.

Director Lloyd asked if work is going to be done on the F40s. Mr. Harvey said there are 20 of them in the fleet and they were mid-life overhauled and are currently in a state of good repair.

Director Ahmad said the public would like to have WiFi. He said he would like staff to determine what would it mean in terms of capital and determine if there are businesses Caltrain could partner with on this, and whether there is a potential to make money.

Public Comment

Jim Bigelow, Redwood City/San Mateo County of Chamber of Commerce, said the San Mateo County Transportation Authority CAC received a preliminary budget and it reflects \$4 million for Caltrain. Over a year ago there was an agenda item to certify the Environmental Impact Report (EIR) for electrification to obtain funds. There was a problem and it was not certified because a group threatened to sue. This document needs to get certified so Caltrain can get funds that come available.

Jeff Carter, Burlingame, said that the United States is in the third world with railroad. Is CBOSS reinventing the wheel or is there a product in Europe that could be used for mixed travel?

Ed DeLanoy, San Carlos, said his first job was keeping track of the speeds of the trains over the Bay Bridge back in the 1930s. He said trains should be shortened to save fuel.

Vaughn Wolfe, Pleasanton, said staff and the Board should look at using capital funds to install solar panels.

Director Tissier asked if staff could speak to the issue of the EIR and electrification. Legal Counsel David Miller said there is a Federal certification process under the National Environmental Policy Act (NEPA). The environmental report is completed and is awaiting California Environmental Quality Act (CEQA) certification. There has been threatened litigation brought to this Board and the matter has been held to enable consideration be given as to when funding would be available and how this might integrate with HSR. The allegations were made that the EIR was inadequate because of its age and it goes back many years. Mr. Miller said over the past year, Executive Officer, Planning and Development Marian Lee and he have had several meetings with those individuals who brought threatened litigation forward and have developed a potential plan to certify the EIR on a tiered basis if and when it becomes timely to do so. The objective is to not get into unwanted litigation, but at such time as there is a compelling need to certify because funding is available staff believes they have a game plan that would work.

AUTHORIZE AMENDING AND INCREASING THE FISCAL YEAR 2011 CALTRAIN CAPITAL BUDGET IN THE AMOUNT OF \$2,750,000 FOR BIKE RACKS, SIGNAL OPTIMIZATION AND NARROWBANDING RADIO IMPROVEMENTS FOR A TOTAL BUDGET OF \$39,375,669

Ms. Chan said Staff Coordinating Council (SCC) is asking the Board to increase the FY2011 Capital Budget in the amount of \$2,750,000 for three projects. The bike rack installation project for \$300,000. The Signal Optimization Project, \$2 million, was previously approved for \$6.5 million. This project is complete, but during construction some of the wireless components of the signal system have degraded and in order to make sure this project operates at the correct level, the wireless components need to be replaced. The third project is \$450,000 for narrowbanding radio improvements to comply with a Federal Communications Commission

legal mandate. This project was previously approved for \$2.2 million. Staff is proposing to fund these items from savings realized from other projects that came from State Proposition 1B and Federal Transit Administration funding.

Director Yeager thanked staff for their work on the conversion of the 10 gallery cars to allow for two bike cars on all consists.

A motion (Lloyd/Yeager) to authorize amending and increasing the FY2011 Capital Budget in the amount of \$2,750,000 was approved unanimously by roll call.

AUTHORIZE AWARD OF CONTACT FOR PUBLIC LIABILITY CLAIMS ADMINISTRATION, INVESTIGATION AND ADJUSTMENT SERVICES TO CARL WARREN & COMPANY FOR AN ESTIMATED COST OF \$183,000 FOR A FIVE-YEAR TERM

Director of Contracts and Procurement Cheryl Cavitt said staff is in receipt of an untimely protest of the recommendation for award from John Glenn Adjustors and Administrators (JGAA). Mr. Miller said the protesting party is allowed to address the Board and the Board is the final administrative determinant of the protest. The protest arrived Tuesday evening, May 3. Staff must advise the Board that the protesting parties protest was tardy and untimely under the ground rules that are set forth in the procurement. Mr. Miller said he recommends the Board allow the protesting party to address them and then make a recommendation based on the testimony on how to dispose of the protest.

Grace Hess, JGAA, said they have been the JPB claims administrator since 1992. It was the understanding of JGAA that the protest was timely if it was received by May 3. She said JGAA believes the contract should be awarded to them because their contract price for five years was \$181,453, which is less than the competitors bid in the amount of \$183,000. JGAA has extensive experience handling heavy railroad claims and the competitor has no experience in any rail. The JPB has not taken into consideration any transition costs to award the contract to the new provider which will cause downtime.

Mr. Miller said there is nothing in the staff recommendation that speaks to the issue of the adequacy of the performance of JGAA over a period of time. The ground rules in this procurement call for periodic resubmittal of proposals and consideration of the marketplace. Ground rules set forth, as indicated in the staff report, show this as a professional services contract and is not predicated upon a low pricing or low bid basis. Under the ground rules established, the cost proposal consists of 25 points, the approach to scope of services is 25 points and qualifications and experience of the firm is 50 points. In regards to the cost issue, with due respect to the testimony as the response indicated, there is not a record that suggests that the cost is lower. Even under the best of circumstances it is quite close, but the response sent yesterday by staff indicates the point of fact there are other considerations that went into the calculation that the protesting party did not take into account in their calculation. Mr. Miller said from a strictly legal standpoint it would be his recommendation that the Board reject the protest as untimely.

A motion (Cisneros/Yeager) to reject the protest by John Glenn Adjustors and Administrators was approved unanimously.

Ms. Cavitt said SCC recommends the Board award a contract for public liability claims administration, investigation and adjustment services to Carl Warren and Company.

Chair Elsbernd asked if Carl Warren and Company has experience with other rail operators. Ms. Cavitt said yes they do.

A motion (Yeager/Ahmad) to award a contract to Carl Warren & Company for an estimated cost of \$183,000 was approved unanimously by roll call.

Director Kniss left at 11:23 a.m.

AUTHORIZE AMENDMENT TO CONTRACT WITH CARTER & BURGESS, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$3,441,000 TO PROVIDE ON-CALL PROGRAM MANAGEMENT OVERSIGHT SERVICES FOR A TOTAL FIVE-YEAR NOT-TO-EXCEED AMOUNT OF \$13,441,000

Ms. Cavitt said SCC is requesting the Board authorize the Executive Director or his designee to increase the not-to-exceed contract ceiling amount for the three-year base term with Carter & Burgess for \$1.2 million and to authorize the Executive Director or his designee to increase the not-to-exceed ceiling for each of the remaining one-year option terms. She said Carter & Burgess, under this contract, performs program and project management, project controls, capital project delivery management, document control systems and other tasks. There was an increase in the complexity and number of programs to be managed, including the Peninsula Rail Program.

A motion (Tissier/Lloyd) to amend the contract with Carter & Burgess for \$3,441,000 was approved unanimously by roll call.

LEGISLATIVE UPDATE

Executive Officer, Public Affairs Mark Simon said at the State level there are reports of an additional \$2 billion in tax receipts that were not anticipated. This should ease some of the pressure on a \$15 billion deficit but will complicate the governor's efforts to put a tax increase on the ballot or get voters to approve it. The Legislature has not approved the final budget. Action is being taken on a number of transportation-related bills. Assembly Bill 147, which would allow cities and counties to impose developer impact fees for transit, bike and pedestrian improvements, did move out of committee yesterday. The JPB joined a number of other transit agencies in calling for the State to conduct a bond sale as soon as possible in order to keep transportation projects moving.

On the Federal level there has not been much movement on transportation issues since Congress approved the final spending bill for FY2011 last month. There have been some statements in recent days in the wake of the assassination of Osama Bin Laden about whether there is a need for additional Federal funding to enhance security at transit agencies. In keeping with the expectation that there will be increased security and a concern by transit agencies that those funds, if stepped up security is necessary, would have to come out of already constrained budgets.

The Silicon Valley Leadership Group has completed a series of eight town hall meetings to gather public input and commentary on long-term funding for Caltrain. Chair Elsbernd was thanked for attending the San Francisco meeting Wednesday night.

CORRESPONDENCE

In the reading file

BOARD MEMBER REQUESTS

None

GENERAL COUNSEL REPORT

Mr. Miller said he and Mr. Harvey have been engaged in a mediation proceeding involving Union Pacific Railroad in a collaborative way. This proceeding has to do with certain claims the JPB has asserted for recovery of hazardous materials rights under agreements.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, June 2, 2011, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

ADJOURNED

Chair Elsbernd passed on condolences in the passing of Mr. Scanlon's sister and adjourned the meeting in her memory.

Adjourned at 11:33 a.m.

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 EXECUTE MASTER AGREEMENT FOR STATE-FUNDED TRANSIT PROJECTS

ACTION

The Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director, or his designee, to:

1. Enter into a new 10-year Master Agreement (MA) with the California Department of Transportation (Caltrans) Division of Mass Transportation to remain eligible to receive State funding for transit projects; and
2. Execute subsequent project-specific Program Supplements, to allow for the release and payment of State funds.

SIGNIFICANCE

Caltrans Division of Mass Transportation has prepared a new MA that establishes the general terms and conditions that are applicable to all local agencies that receive State funds for transit projects. The JPB's current MA with Caltrans Division of Mass Transportation expires on June 6, 2011. Execution of the new MA is required prior to the execution of project-specific Program Supplements, and is needed to ensure that the JPB continues to remain eligible to receive funding from the Caltrans Division of Mass Transportation.

BUDGET IMPACT

Funding may be delayed if the new MA is not executed in a timely fashion. Projects that are funded through Caltrans Mass Transportation Program Supplements are approved by the Board as part of the adoption and/or amendments to the capital budget. Program Supplements provide the mechanism for the JPB to receive funding from Caltrans to carry out approved capital projects.

BACKGROUND

All project sponsors who receive transit funding from Caltrans are required to execute a new MA once every 10 years. The terms of the new MA, which has been reviewed and approved by our attorney, are substantially the same as the existing MA with the exception of the removal of a mandatory arbitration provision.

Prepared by: Peter Skinner, Senior Grants Analyst

650.622.7818

RESOLUTION NO. 2011 –

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

*** * ***

**AUTHORIZATION TO EXECUTE A MASTER AGREEMENT
AND PROGRAM SUPPLEMENTS WITH THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION FOR
STATE-FUNDED TRANSIT PROJECTS**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) may receive funding from the State of California now or sometime in the future for transit related projects; and

WHEREAS, substantial revisions were made to the programming and funding process for the transportation projects programmed in the State Transportation Improvement Program, by Chapter 622 (SB 45) of the Statutes of 1997; and

WHEREAS, the Traffic Congestion Relief Act of 2000 (the Act) was established by Chapters 91 (AB 2928) and 92 (SB 496), as amended by SB 1662, of the statutes of 2000, creating the Traffic Congestion Relief Program (TCRP); and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to execute an agreement with the Department before it can be reimbursed for project expenditures; and

WHEREAS, the Department utilizes Master Agreements (MA) for State-Funded Transit Projects, along with associated Program Supplements, for the purpose of administering and reimbursing state transit funds to local agencies; and

WHEREAS, the JPB's existing MA with Caltrans expires June 6, 2011; and

WHEREAS, Caltrans has presented the JPB with a new 10-year MA for approval and execution to satisfy the requirements described above; and

WHEREAS, Staff Coordinating Council recommends that the JPB authorize the Executive Director or his designee to execute the MA and any amendments thereto.

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

1. Authorizes the Executive Director, or his designee, to execute a MA and all Program Supplements for State funded transit projects and any amendments thereto with the California Department of Transportation; and

2. Agrees to comply with all conditions and requirements set forth in the MA, and applicable statues, regulations and guidelines for all State-funded transit projects.

Regularly passed and adopted this 2nd day of June, 2011, 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 C. H. (Chuck) Harvey
Deputy CEO Deputy CEO

SUBJECT: **AUTHORIZE DISPOSITION OF TEN SERVICE SUPPORT
VEHICLES**

ACTION

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

- 1992 Chevy Blazer
- 1994 Chevy Hi-Rail Service Truck
- 1997 Chevy Blazer
- 1997 Chevy Lumina
- 1997 GMC Pick-up
- 1998 Chevy Cheyenne
- 1998 Ford Explorer
- 1999 Ford Explorer
- 1999 Ford Pick-up
- 2003 Dodge RAM Truck

SIGNIFICANCE

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

BUDGET IMPACT

The vehicles were purchased with local capital contingency funds. Proceeds, net of any disposal costs, will be returned to the capital contingency account.

BACKGROUND

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

The JPB purchased the vehicles in the years specified above for Caltrain's use for communications and signal, facilities, and transportation activities. These service support vehicles have reached the end of their useful lives and were replaced with 2010 and 2011 model year vehicles.

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

RESOLUTION NO. 2011-

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

* * *

AUTHORIZING DISPOSITION OF TEN SERVICE SUPPORT VEHICLES

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

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

- 1992 Chevy Blazer
- 1994 Chevy Hi-Rail Service Truck
- 1997 Chevy Blazer
- 1997 Chevy Lumina
- 1997 GMC Pick-up
- 1998 Chevy Cheyenne
- 1998 Ford Explorer
- 1999 Ford Explorer
- 1999 Ford Pick-up
- 2003 Dodge RAM Truck

WHEREAS, the Executive Director recommends that the JPB authorize the disposition of the above vehicles by any means permitted by the procurement manual, including through a sealed bid procedure, auction, sale or transfer to another public agency, negotiation, or by discarding as scrap; and

WHEREAS, the vehicles were purchased with local capital contingency funds; and

WHEREAS, any proceeds, net of any disposal costs, will be returned to the capital contingency account.

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

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

Regularly passed and adopted this 2nd day of June, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

Resolution 2011-18

Resolution in Memory

of

OMAR AHMAD

WHEREAS, for too brief a time, the Peninsula Corridor Joint Powers Board of Directors was privileged to have as a colleague **OMAR AHMAD**, whose breadth of vision matched the depth of his convictions and who was a true financial, civic and social entrepreneur; and

WHEREAS, throughout his tenure on the Board, **DIRECTOR AHMAD** demonstrated a continuing commitment to the customers who use the Caltrain service and to the men and women who run and manage the rail system; and

WHEREAS, regardless of their complexity, **DIRECTOR AHMAD** showed an eagerness to tackle the most difficult issues facing Caltrain, whether economic, political or strategic, mindful of his responsibility to ensure the vitality of Peninsula commuter rail service now and for future generations; and

WHEREAS, with his background, expertise and a joyful fascination with the possibilities technology could provide, **DIRECTOR AHMAD** was a forward-looking leader whose expectation was that the latest tools would serve humanity, and not the other way around; and

WHEREAS, as a proud pioneer for his Muslim community, **DIRECTOR AHMAD** provided a voice for and a connection to previously underrepresented persons and, by so doing, expanded the understanding of us all about our common dreams, aspirations and humanity; and

WHEREAS, as an elected official and as a Board member, **DIRECTOR AHMAD** regarded these responsibilities with a deep and abiding respect and an uncommon understanding of the ethical commitment contained within his oath of office to uphold the highest and distinctly American standards of public service; and

WHEREAS, for all the serious issues in which he engaged, **DIRECTOR AHMAD** reveled in being a figure of fun and characteristically dressed in blue jeans, vest and cowboy boots while routinely toting an iPad and cup of Starbucks coffee; and

WHEREAS, **DIRECTOR AHMAD** could captivate a JPB meeting with an extemporaneous discourse that linked the British Empire, the invention of railroads, ancient Chinese art and the complexities of Caltrain funding, all while waving a roll of toilet paper to illustrate his point; and

WHEREAS, while our friend and colleague **DIRECTOR AHMAD** was tragically and abruptly taken from us, his zest for life, his spirit and his example will continue to be with us.

THEREFORE BE IT RESOLVED that the Peninsula Corridor Joint Powers Board of Directors with saddened hearts and in gratitude for the special privilege that came with being his friend and his colleague does adjourn this meeting in memory and in honor of **OMAR AHMAD**.

UNANIMOUSLY ADOPTED by the Peninsula Corridor Joint Powers Board this 2nd day of June 2011.



Chair, Peninsula Corridor Joint Powers Board

**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 APRIL 2011

For April 2011, Caltrain average weekday ridership (AWR) increased 7.1 percent over April 2010. AWR based on ticket sales was 40,756 for April 2011, an increase of 2,699 compared to April 2010. AWR has trended upward compared to last year for 10 of the last 11 months. The total number of passengers for the month of April 2011 was 1,075,960, representing a 6.3 percent increase from last year's April total of 1,011,777.

In April 2011, on-time performance was 89.8 percent, as compared to 93.2 percent in April 2010, a decrease of 3.4 percentage points and below the standard of 95 percent. Contributing factors included fatal pedestrian and auto strikes plus various mechanical, communication and signal problems. A comprehensive report on Caltrain on-time performance will be presented at the meeting.

Average weekday shuttle ridership was estimated at 7,000. Overall shuttle ridership is up 18.7 percent from April 2010. For the station shuttles, the Broadway-Millbrae shuttle averaged 108 daily riders. The Belmont-Hillsdale shuttle averaged 81 daily riders. The weekend Tamien-San Jose shuttle averaged 44 riders per day.

Caltrain Promotions – April 2011

Earth Day – In collaboration with the Peninsula Congestion Relief Alliance and SamTrans, Caltrain participated in an Earth Day promotion to encourage commuters to take transit as a way to save money and help the environment. Employees in San Mateo County were encouraged to pledge to “Give the earth a rest and drive less”. The first 500 participants were given a Clipper card loaded with \$10 e-cash. All participants were entered into a drawing. The promotion also reminded employers of the \$230 pre-tax commuter benefit.

San Francisco Giants – Caltrain promoted the return of the World Champion San Francisco Giants with brochures, a web button, web page and schedule, station flyers, Tweet and Facebook posting, news release, article in the spring edition of *Caltrain Connection*, radio spots on KNBR, and web banners on sfgate and San Jose Mercury News sites. An additional 56,555 people rode Caltrain for the nine home games played in April. Year-to-date total additional ridership is up 16 percent compared to last year.

Sharks Hockey – Baseball fans weren’t the only happy sports fans along the Caltrain line: Shark Territory was bursting with excitement as the San Jose Sharks skated to the playoffs. Hockey fans were reminded about Caltrain’s service to the Shark Tank through passenger take ones (funded by the Sharks), onboard adcards, a web button, radio reads before each game and mentions in *Track the Fun* and *Caltrain Connection*. The Sharks made announcements regarding Caltrain service during the games. For the regular season, Caltrain ridership increased 19.5 percent compared to last year. Four playoff games were played in April, and Caltrain transported 1,350 additional riders, a 69 percent increase compared to the same number of playoff games last year.

Gas Pain Relief – As drivers continued to pay more and more to fill their gas tanks, Caltrain promoted itself as a way to get gas relief. Newspaper ads directed readers to calculate the savings of commuting by train by using a Commute Calculator located on the Caltrain website.

Partnership: Cirque du Soleil – Caltrain partnered with Cirque du Soleil to offer a discount to customers. Cirque du Soleil offered a 25 percent discount on select performances, and Caltrain promoted the discount on its *Track the Savings* webpage.

Publications: Caltrain issued spring editions of its *Caltrain Connection* newsletter and *Track the Fun* brochure.

Prepared by: Rita P. Haskin, Executive Officer, Customer Service and Marketing 650.508.6248
Ted Yurek, Senior Planner, Operations Planning 650.508.6471

Table A

April 2011

	FY2010	FY2011	%Change
Total Ridership	1,011,777	1,075,960#	6.3%
Average Weekday Ridership	38,057	40,756#	7.1%
Total Revenue	\$3,657,801	\$4,374,574	19.6%
On-time Performance	93.2%	89.8%	-3.4%*
Caltrain Shuttle Ridership	5,895**	7,000	18.7%

Year to Date

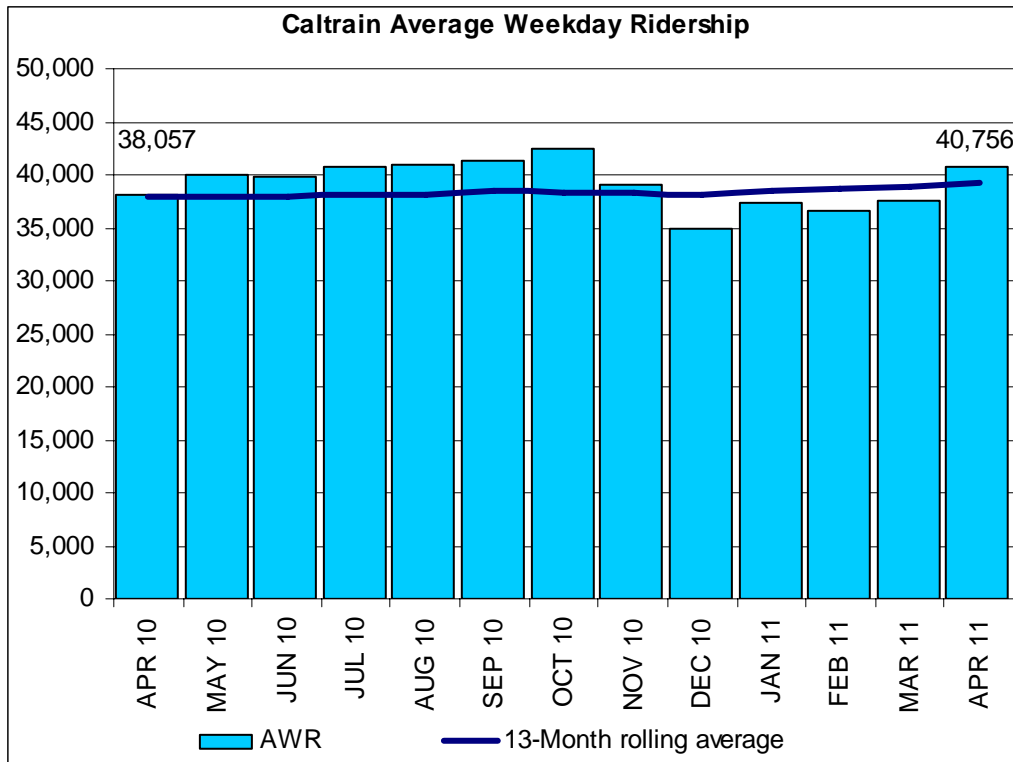
	FY2010	FY2011	%Change
Total Ridership	9,869,834**	10,331,753#	4.7%
Average Weekday Ridership	37,369**	39,159#	4.8%
Total Revenue	\$34,968,920	\$39,525,343	13.0%
On-time Performance	94.2%	93.5%	-0.7%*
Average Caltrain Shuttle Ridership	5,503**	6,144	11.6%

* numeric difference of the percentages

**FY2010 figures have been adjusted to reflect corrected number of days operated per month

#subject to adjustment due to possible anomalies with Clipper reporting data

Graph A



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Peninsula Corridor Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Mark Simon
Executive Officer for Public Affairs

SUBJECT: Proclamation Declaring June 16, 2011, as “National Dump the Pump Day”

ACTION

Staff Coordinating Council recommends the Board adopt the proclamation designating June 16, 2011 as “National Dump the Pump Day.”

SIGNIFICANCE

The proclamation for “National Dump the Pump Day” is a reaffirmation of the Peninsula Corridor Joint Powers Board’s commitment to provide quality commuter train service to all citizens who travel between San Francisco and San Jose. In partnership with the American Public Transportation Association, Dump the Pump Day is an opportunity to encourage people to give up driving and use public transportation, steps that would reduce the carbon footprint, ease congestion and pollution and save money.

“National Dump the Pump Day” began in June 2006 when gas prices were \$3 per gallon. With gas prices at \$4 per gallon or more, using transit options such as Caltrain is one of the most effective ways to beat high gas prices. Train riders can use the Commute Calculator on the Caltrain website to compare the cost of taking Caltrain instead of driving a car.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

In the last year, Caltrain has taken a number of steps to provide an alternative to driving:

- Offered the public free rides on New Year’s Eve evening
- Added Weekend Baby Bullet service
- Added additional bike cars on 10 Gallery train sets so that every train set has two bike cars
- Transitioned to the regional Clipper card to make it easier for customers to access other transit organizations in the Bay Area

Proclamation

IN HONOR OF NATIONAL DUMP THE PUMP DAY

WHEREAS, June 16, 2011 marks the American Public Transportation Association's (APTA) 6th Annual National Dump the Pump Day; and

WHEREAS, Caltrain supports National Dump the Pump Day as a day that encourages people to ride public transportation to save money, protect the environment, reduce our dependence on foreign oil and improve the quality of life for all Americans; and

WHEREAS, Caltrain operates 86 weekday trains between San Francisco and San Jose, serving the Peninsula Rail Corridor, which includes the communities of San Francisco, San Mateo and Santa Clara counties; and

WHEREAS, U.S. public transportation use reduces the country's carbon footprint by 37 million metric tons -- the equivalent of 4.9 million households using electricity in a year; and

WHEREAS, U.S. public transportation use saves 4.2 billion gallons of gasoline per year -- the equivalent of 900,000 cars filling up every day; and

WHEREAS, public transportation saved 785 million hours in travel time and 640 million gallons of fuel in 2009 and without public transportation, congestion costs would have risen by nearly \$19 billion.

NOW, THEREFORE BE IT RESOLVED that the Peninsula Corridor Joint Powers Board, in support of APTA's efforts, encourages citizens to get out of their vehicles and onto public transportation, and do hereby proclaim Thursday, June 16, 2011 as *NATIONAL DUMP THE PUMP DAY*.



Chair, Peninsula Corridor Joint Powers Board

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 APRIL 30, 2011 AND SUPPLEMENTAL INFORMATION**

ACTION

Staff proposes that the Board accept and enter into the record the Statement of Revenue and Expense for the month of April 2011 and supplemental information.

SIGNIFICANCE

Revenue: For April of Fiscal Year 2011, *Total Operating Revenue* (line 7) is \$3,229,866 or 7.6 percent **better** than budget. Within total operating revenue, *Farebox Revenue* (line 1) is \$3,351,129 or 9.3 percent **better** than budget offset by *Shuttles* (line 3) which are \$339,439 or 27.1 percent **worse** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is \$4,323,767 or 10.4 percent **higher**.

Expense: *Grand Total Expenses* (line 47) show a favorable variance of \$5,082,679 or 6 percent. *Total Operating Expense* (line 33) is \$4,412,491 or 5.9 percent **better** than budget. Within total operating expense, *Contract Operating & Maintenance* (line 23) and *Fuel* (line 26) together are \$3,964,277 or 6.3 percent **better** than budget. *Total Administrative Expense* (line 42) is \$670,188 or 7.7 percent **better** than budget.

Compared to prior year, *Grand Total Expenses* (line 47) are \$6,905,546 or 9.6 percent **higher**. The increase in expense is mainly due to *Fuel* (line 26) and *Insurance* (line 28) which together are \$3,516,335 or 28.7 percent **higher**.

Budget Revisions: There are no budget revisions for the month of April 2011.

Prepared by: Sheila Tioyao, Manager, General Ledger
David Ramires, Accountant

650.508.7752
650.508.6417

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

Fiscal Year 2011

April 2011

% OF YEAR ELAPSED

83.3%

	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	4,374,574	34,968,865	39,525,342	36,174,213	109.3%	43,353,719	44,594,719	88.6%
2 Parking Revenue	236,308	1,987,144	2,055,210	1,892,630	108.6%	2,271,159	2,271,159	90.5%
3 Shuttles	80,043	959,426	915,200	1,254,639	72.9%	1,505,578	1,505,578	60.8%
4 Rental Income	141,878	1,433,527	1,444,069	1,414,430	102.1%	1,696,200	1,696,200	85.1%
5 Other Income	188,191	2,322,576	2,055,485	2,029,527	101.3%	2,435,440	2,435,440	84.4%
6								
7 TOTAL OPERATING REVENUE	5,020,993	41,671,538	45,995,305	42,765,439	107.6%	51,262,096	52,503,096	87.6%
8								
CONTRIBUTIONS:								
9								
10 AB434 Peninsula Feeder Shuttle	83,333	833,333	833,333	833,330	100.0%	1,000,000	1,000,000	83.3%
11 Operating Grants	-	1,125,953	6,354,321	6,366,633	99.8%	6,327,389	6,428,714	98.8%
12 JPB Member Agencies	2,924,177	32,847,155	29,241,775	29,241,760	100.0%	35,090,130	35,090,130	83.3%
13 Other Sources	-	-	-	4,853,374	0.0%	6,200,000	7,190,000	0.0%
14								
15 TOTAL CONTRIBUTED REVENUE	3,007,511	34,806,441	36,429,430	41,295,098	88.2%	48,617,519	49,708,844	73.3%
16								
17 GRAND TOTAL REVENUE	8,028,504	76,477,979	82,424,736	84,060,536	98.1%	99,879,615	102,211,940	80.6%
18								
19								
EXPENSE								
OPERATING EXPENSE:								
23 Contract Operating and Maintenance	5,244,489	46,821,420	48,468,948	51,108,834	94.8%	62,285,336	61,418,015	78.9%
24 Operator Contract Transition Costs	-	-	-	333,333	0.0%	2,000,000	2,000,000	0.0%
25 Shuttles (incl Peninsula Pass)	20,002	2,433,409	2,529,158	2,788,026	90.7%	3,345,631	3,345,631	75.6%
26 Fuel	1,204,176	8,557,675	10,410,028	11,734,419	88.7%	14,146,389	13,963,956	74.5%
27 Timetables and Tickets	0	157,774	142,689	158,750	89.9%	190,500	190,500	74.9%
28 Insurance	579,782	3,684,078	5,348,060	5,048,307	105.9%	4,870,000	5,860,000	91.3%
29 Facilities and Equipment Maint	105,713	837,806	998,984	1,010,369	98.9%	1,213,000	1,213,000	82.4%
30 Utilities	100,366	895,933	1,332,230	1,369,033	97.3%	1,642,800	1,642,800	81.1%
31 Services	2,801	771,357	845,235	936,752	90.2%	1,126,610	1,125,610	75.1%
32								
33 TOTAL OPERATING EXPENSE	7,257,329	64,159,453	70,075,332	74,487,823	94.1%	90,820,266	90,759,512	77.2%
34								
ADMINISTRATIVE EXPENSE								
36 Wages and Benefits	473,554	4,726,117	4,963,249	5,458,532	90.9%	6,521,825	6,521,825	76.1%
37 Board of Directors	1,800	9,748	10,588	10,250	103.3%	12,300	12,300	86.1%
38 Professional Services	135,149	1,120,393	1,762,705	1,847,324	95.4%	2,122,724	2,224,049	79.3%
39 Communications and Marketing	3	129,180	172,607	191,100	90.3%	227,840	227,840	75.8%
40 Office Expense and Other	92,370	1,008,359	1,074,314	1,146,445	93.7%	1,365,539	1,363,539	78.8%
41								
42 TOTAL ADMINISTRATIVE EXPENSE	702,876	6,993,796	7,983,463	8,653,651	92.3%	10,250,228	10,349,553	77.1%
43								
44 Long Term Debt Expense	91,906	919,063	919,063	919,063	100.0%	1,102,875	1,102,875	83.3%
45 Service Adjustment/Fare and Revenue Changes	-	-	-	-	0.0%	(2,293,754)	-	0.0%
46								
47 GRAND TOTAL EXPENSE	8,052,111	72,072,311	78,977,857	84,060,536	94.0%	99,879,615	102,211,940	77.3%

"% 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.

* The Approved Budget is the Board adopted budget effective July 1, 2010.

** The Revised Budget is the adopted budget plus Board amendments plus budget transfers.



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF APRIL 30, 2011

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
-----	-----	-----	-----	-----
Local Agency Investment Fund (Restricted)	Liquid Cash	0.588%	\$ 2,000,000	\$ 2,002,524
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.588%	16,102,656	16,122,980
Investment Portfolio (Unrestricted)	Liquid Cash	3.371%	6,204,586	6,106,102
Other (Unrestricted)	Liquid Cash	0.050%	602,673	602,673
-----	-----	-----	-----	-----
			\$ 24,909,915	\$ 24,834,279
Accrued Earnings for April 2011	\$23,229.17	(1)		
Cumulative Earnings FY2011	\$267,409.36			

(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 1.001262155 as reported by LAIF for quarter ending March 31, 2011.

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

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **PROPOSED FISCAL YEAR 2012 OPERATING BUDGET**

ACTION

The Staff Coordinating Council recommends that the Joint Powers Board approve a FY2012 Operating Budget of \$103,779,904.

SIGNIFICANCE

At the May 5 Board meeting, staff presented a preliminary FY2012 operating budget to support an 86-train weekday service schedule, with a projected shortfall of \$3.5 million to be balanced with \$3.5 million in requested one-time funding from the Metropolitan Transportation Commission (MTC). Staff has since concluded discussions between the JPB partner agencies and the MTC, and MTC staff has recommended providing \$3.5 million in preventative maintenance funding for Caltrain to close the shortfall. MTC is scheduled to take action on this recommendation at its June 2011 regularly scheduled meeting.

Fiscal Year 2012 Revenue Projections

Total revenues for FY2012 are projected to be \$103.8 million. Revenues include the following significant components:

- FY2012 Operating Revenue for Caltrain is projected to be \$59.2 million.
 - Farebox Revenue is projected to be \$50.6 million, which reflects a \$0.25 base fare increase resulting in an additional \$2 million in projected farebox revenues.
 - Parking Revenue is projected to be \$2.8 million, which reflects a daily and monthly parking increase resulting in an additional \$500,000 in revenues.

- Total Contributed Revenue is projected to be \$44.6 million which includes the following:
 - Operating Grants are projected to be \$9.2 million consisting of \$5.0 million in funds from MTC for preventative maintenance, and \$4.2 million in State Transit Assistance formula funds.
 - JPB Member Agency contributions are projected to be \$25.3 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 - \$10,620,000
 - Santa Clara - \$10,206,572
 - San Francisco - \$4,510,684
 - Other Sources is projected to be \$9 million which is comprised of \$7.5 million from FY2011 savings and \$1.5 million from the Rail Operator Contract Transition roll-forward.

Fiscal Year 2012 Expense Projections

Grand Total Expenses for FY2012 are projected to be \$103.8 million and include the following significant components:

- Operating Expenses for Caltrain are projected at \$92.5 million.
 - Rail Operator Service is projected to be \$58.7 million. This amount is based on a preliminary projection until a new operating contract is finalized this Fall.
 - Operator Contract Transition Costs are estimated to be \$3.2 million. This projection is for mobilization costs that may result from the award of a new operating contract. \$1.5 million is being carried forward from FY2011 to offset a portion of the estimated \$3.2 million.
 - Fuel costs are projected to be \$14.7 million in FY2012 based on a projected fuel price of \$3 per gallon. Staff will monitor the fuel price during year and may recommend an amendment to the budget based on year-to-date actuals. Staff has implemented a fuel hedging program as a means of reducing volatility and uncertainty in the fuel budget.
- Administrative expenses are projected to be \$10.1 million of which \$6.3 million is for administrative wages and benefits which makes up 6.1% of the total operating budget.

The proposed FY2012 operating budget is balanced utilizing one-time sources. Going forward, Caltrain will continue discussions with MTC and the JPB partner agencies in an effort to identify funding sources to provide a balanced budget proposal for FY2013. This will be challenging. JPB's reserves are below reasonable levels and JPB partners continue to experience reductions in their own sources of revenues largely attributable to the ongoing global recession.

The lack of a dedicated source of funding for Caltrain requires a substantial percentage of operating costs to be funded out of general funds from each partner. Caltrain will continue to work with its partner agencies, MTC, as well as other stakeholders, including the Silicon Valley Leadership Group and Friends of Caltrain, in an attempt to identify and secure a permanent, dedicated funding source for future operations.

The JPB Budget Sub-committee will also 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
Christina Tang, Senior Budget Analyst

650.508.7755

650.508.6376

PENINSULA CORRIDOR JOINT POWERS BOARD
STATEMENT OF REVENUE AND EXPENSE
BUDGET PROPOSAL
FY2012

	FY2010 <u>ACTUAL</u> A	FY2011 <u>ADOPTED</u> B	FY2011 <u>REVISED</u> C	FY2012 <u>PROPOSED</u> D	INC(DEC) FY11 REVISED to FY12 PROPOSED E = D-C	% INC(DEC) FY11 REVISED to FY12 PROPOSED F = E/C		
REVENUE								
OPERATIONS:								
1	Farebox Revenue	42,732,343	43,353,719	44,594,719	49,644,719	6,050,000	13.6%	1
				50,644,719				
2	Parking Revenue	2,407,234	2,271,159	2,271,159	2,776,600	505,441	22.3%	2
3	Shuttles	1,044,510	1,505,578	1,505,578	1,148,579	(356,999)	-23.7%	3
4	Rental Income	1,729,433	1,696,200	1,696,200	1,737,240	41,040	2.4%	4
5	Other Income	2,848,784	2,435,440	2,435,440	2,913,060	477,620	19.6%	5
6	TOTAL OPERATING REVENUE	50,762,303	51,262,096	52,503,096	59,220,198	6,717,102	12.8%	6
7								7
CONTRIBUTIONS:								
9	AB434 Peninsula Feeder Shuttle	1,000,000	1,000,000	1,000,000	1,000,000	0	0.0%	9
10	Operating Grants	1,139,617	6,327,389	6,428,714	9,222,450	2,793,736	43.5%	10
11	JPB Member Agencies	39,416,585	35,090,130	35,090,130	25,337,256	(9,752,874)	-27.8%	11
12	Other Sources		6,200,000	7,190,000	9,000,000	1,810,000	25.2%	12
13	TOTAL CONTRIBUTED REVENUE	41,556,202	48,617,519	49,708,844	44,559,706	(5,149,138)	-10.4%	13
14								14
15	GRAND TOTAL REVENUE	92,318,505	99,879,615	102,211,940	103,779,904	1,567,964	1.5%	15
16								16
EXPENSE								
OPERATING EXPENSE:								
20	Rail Operator Service	54,218,789	58,661,660	57,791,339	58,661,660	870,321	1.5%	20
21	Security Services	3,589,865	3,473,676	3,473,676	4,060,113	586,437	16.9%	21
22	Rail Operator Extra Work	85,726	150,000	150,000	130,000	(20,000)	-13.3%	22
23	Contract Operating & Maintenance	57,894,380	62,285,336	61,415,015	62,851,773	1,436,758	2.3%	23
24	Operator Contract Transition Costs	0	2,000,000	2,000,000	3,200,000	1,200,000	60.0%	24
25	Shuttle Service	2,852,141	3,345,631	3,345,631	2,984,550	(361,081)	-10.8%	25
26	Fuel	10,307,029	14,146,389	13,963,956	13,918,194	696,424	5.0%	26
					14,660,380			
27	Timetables and Tickets	173,346	190,500	190,500	161,000	(29,500)	-15.5%	27
28	Insurance	5,035,000	4,870,000	5,860,000	4,870,000	(990,000)	-16.9%	28
29	Facilities and Equipment Maint	1,150,064	1,213,000	1,213,000	1,037,260	(175,740)	-14.5%	29
30	Utilities	1,177,521	1,642,800	1,642,800	1,596,835	(45,965)	-2.8%	30
31	Services	1,084,316	1,126,610	1,126,610	1,171,760	45,150	4.0%	31
32	TOTAL OPERATING EXPENSE	79,673,797	90,820,266	90,757,512	92,533,558	1,776,046	2.0%	32
33								33
ADMINISTRATIVE EXPENSE								
35	Wages & Benefits	5,926,855	6,521,825	6,521,825	6,097,376	(181,135)	-2.8%	35
					6,340,690			
36	Board of Directors	12,148	12,300	12,300	10,800	(1,500)	-12.2%	36
37	Professional Services	1,612,035	2,122,724	2,224,049	2,143,542	(80,507)	-3.6%	37
38	Communications and Marketing	157,568	227,840	227,840	156,500	(56,840)	-24.9%	38
					171,000			
39	Other Expenses and Services	1,231,243	1,365,539	1,365,539	1,477,439	111,900	8.2%	39
40	TOTAL ADMINISTRATIVE EXPENSE	8,939,849	10,250,228	10,351,553	10,143,471	(208,082)	-2.0%	40
41								41
42	Long-term Debt Expense	1,102,875	1,102,875	1,102,875	1,102,875	0	0.0%	42
43	Service Adjustment/Fare and Revenue Changes		(2,293,754)					43
44								44
45	GRAND TOTAL EXPENSE	89,716,521	99,879,615	102,211,940	103,779,904	1,567,964	1.5%	45
46								46
47	REVENUE OVER/UNDER	2,601,984	0	0	0			47

Changes made since May 5, 2011 meeting are shown in bold italics.

RESOLUTION NO. 2011 -

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

* * *

**ADOPTION OF FISCAL YEAR 2012 OPERATING BUDGET IN THE AMOUNT OF
\$103,779,904**

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 2012 (FY2012) in the amount of \$103,779,904 which sets forth the projected revenues and expenses associated with the Peninsula Commute Service; and

WHEREAS, following review and deliberation, the Staff Coordinating Council has recommended adoption of the FY2012 Operating Budget as presented by the Executive Director.

NOW THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board (JPB) approves the FY2012 Operating Budget for the JPB in the amount of \$103,779,904, and approves member agency apportionments for FY2012 that reduces members' operating contribution level by 28% as compared to Fiscal Year 2011; and

BE IT FURTHER RESOLVED that the Executive Director is requested to forward a copy of the FY2012 Operating Budget to JPB member agencies for approval at the earliest practicable date.

Regularly passed and adopted this 2nd day of June 2011, 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: PRELIMINARY FISCAL YEAR 2012 CAPITAL BUDGET

ACTION

This report is submitted for informational purposes only. Staff will continue to work with the JPB member agencies and will bring this item back to the Board at the July 7, 2011 meeting.

SIGNIFICANCE

At the May 5, 2011 JPB Board meeting, staff presented a preliminary Fiscal Year (FY) 2012 Capital Budget of \$64,624,584, consisting primarily of critical infrastructure and equipment state-of-good-repair, legally mandated, and safety enhancement projects. The FY2012 Capital Budget was proposed to be funded by a mixture of Federal, State, and regional grants. It also included a request of \$12,737,068 to the three JPB member agencies, or \$4,245,689 each, to fully fund the proposed program of capital projects in FY2012.

Since the May 5, 2011 meeting, VTA and San Francisco have indicated that they can contribute \$3.13 million and \$2.7 million respectively towards the FY2012 Capital Budget. San Mateo has included \$4.0 million in the preliminary FY2012 San Mateo County Transportation Authority Budget for Caltrain capital improvements. At this time, staff is continuing to work with the JPB member agencies to finalize their contributions for FY2012, and reviewing possible implications for the Capital Budget.

The 1996 Joint Powers Agreement provides that costs of capital projects not covered by outside funding are to be shared equally by the three JPB members.

- 1) If each member can provide \$4 million, or a total of \$12 million in member agency funds, only modest reductions would be needed to fund the program of projects outlined in the FY2012 Capital Budget, as presented to the Board at the May 5, 2011 meeting.
- 2) If each member can provide \$3.13 million, or a total of \$9.39 million in member agency funds, that would mean reducing the budget presented to the Board in May by \$3,347,068. In order to match the program of projects to the amount of funding available, staff proposes postponing the *Upgrade to PA & VMS Systems at 22nd Street and Sunnyvale Stations* project to future years, reducing the *Rolling Stock State of*

Good Repair (SOGR) project budget by \$1,898,068 and reducing the *Capital Project Development* project by \$250,000.

- 3) If each member can provide \$2.7 million, or a total of \$8.1 million, then the FY2012 Capital Budget would be reduced by \$4,637,068. In addition to the reductions outlined in (2) above, a reduction of another \$1,290,000 would come from the *Rolling Stock SOGR* project in order to fully balance the budget. As a historical note, due to fiscal constraint, this project was already subjected to over \$4 million in reductions in last year's Caltrain Capital Budget.

The FY2012 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, and projects to comply with legal mandates. The FY2012 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 FY2012 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:
 - * Complete the design and environmental review efforts for the Los Gatos Creek Railroad Bridge (Santa Clara County) replacement project;
 - * Full project funding for the San Francisco Roadway Bridges (San Francisco 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 Mandates and Safety Enhancements** – Provide funding to complete the design development plan for Caltrain's Communications Based Overlay Signal System (CBOSS)/Positive Train Control (PTC) project, as well as funding for additional cameras on cab cars and locomotives.
- **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.

BUDGET IMPACT

The total preliminary FY2012 Capital Budget is \$64,624,584. Total funding secured to finance the proposed FY2012 Capital Budget includes Federal, State, and other grant funding in the amount of \$51,887,516. Local match requirement to these sources is \$12,737,068, or \$4,245,689 per partner. As described above, the member agency contributions will be less than the required \$12,737,068, and therefore the preliminary FY2012 Capital Budget will need to be reduced to match the program of projects to the amount of funding available.

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

FY12 Proposed Caltrain Capital Budget

DRAFT

														Proposed Funding Plan								
														Federal		State		Other		JPB		
														Amount	Source	Amount	Source	Amount	Source	Amount	Source	FY2012 TOTAL
		PROJECT TITLE/DESCRIPTION	FY 12 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY PROGRAMMED	PROPOSED CAPITAL BUDGET FY12	FUTURE BUDGET REQUEST															
1.State of Good Repair																						
Station & Intermodal Access																						
1.1	Stations & Intermodal Access	FY12 Systemwide Station SOGR	Prel Eng / Constr	9,430,000	4,593,000	400,000	4,437,000							400,000	Members	400,000						
1.2	Stations & Intermodal Access	Upgrade PA & VMS Systems at 22nd Str & Sunnyvale Stations.	Prel Eng/Final	1,199,000	0	1,199,000	0							1,199,000	Members	1,199,000						
Right of Way/Signals																						
1.4	Right of Way / Signals	Systemwide Track Rehab Program	Constr	10,000,000	0	7,000,000	0	5,600,000	FTA			350,000	AB664	1,050,000	Members	7,000,000						
1.5	Right of Way / Signals	Los Gatos Creek Bridge Replacement	Fin Des / Constr	21,181,000	5,302,412	5,000,000	10,878,588	4,000,000	FTA					1,000,000	Members	5,000,000						
1.6	Right of Way / Signals	SF Roadway Bridges - 22nd & 23rd Streets	Fin Des / Constr	14,812,000	3,015,000	11,797,000	0	10,381,360	HBRRP			1,415,640	SF			11,797,000						
1.7	Right of Way / Signals	Predictive Arrival/Departure System (PADS)	Fin Des / Constr	4,237,585	2,428,134	1,809,450	1	1,447,560	FTA			361,890	Other			1,809,450						
1.8	Right of Way / Signals	Rail Operations Control System (ROCS)	Constr	11,197,817	10,275,951	921,866	0	737,493	FTA			184,373	Other			921,866						
1.9	Right of Way / Signals	North South Road Channel	Final Des/Constr	438,000	0	351,500	86,500	281,200	FTA					70,300	Members	351,500						
1.10	Right of Way / Signals	South Terminal Phase II & Phase III and Environmental Clearance	Prelim Eng	67,850,000	0	2,023,000	65,827,000			2,023,000	Prop 1B					2,023,000						
Rolling Stock																						
1.11	Rolling Stock	Locomotive SOGR	Constr	*	0	2,800,483	0	-		2,800,483	Prop 1B			-		2,800,483						
1.12	Rolling Stock	Gallery Car SOGR	Constr	*	0	3,231,884	0	-		199,517	Prop 1B			3,032,367	Members	3,231,884						
1.13	Rolling Stock	Bombardier Car SOGR	Constr	*	0	4,550,401	0	955,000	FTA			-		3,595,401	Members	4,550,401						
1.14	Rolling Stock	Technical and Engineering Support for Midlife Overhaul	Prelim Eng	165,000	0	165,000	0	165,000	FTA			-		-		165,000						
								23,567,613		5,023,000		2,311,903		10,347,068		41,249,584						
						41,249,584																

FY12 Proposed Caltrain Capital Budget

DRAFT

							Proposed Funding Plan								
							Federal		State		Other		JPB		
	PROJECT TITLE/DESCRIPTION	FY 12 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY PROGRAMMED	PROPOSED CAPITAL BUDGET FY12	FUTURE BUDGET REQUEST	Amount	Source	Amount	Source	Amount	Source	Amount	Source	FY2012 TOTAL
II. LEGAL MANDATES															
2.1	PRP-Caltrain PTC System Project 1818	Final Des	219,000,000	6,925,000	18,000,000	194,075,000	16,000,000	FRA	2,000,000	Prop 1B					18,000,000
					18,000,000		16,000,000		2,000,000		-		-		18,000,000
III. PENINSULA RAIL PROGRAM															
3.1	PRP - Program Implementation & Management	Support		16,221,600	1,600,000	TBD			1,450,000	CHSRA			150,000	Members	1,600,000
					1,600,000		-		1,450,000		-		150,000		1,600,000
IV. ENHANCEMENTS															
4.1	Cameras on Trains: Phase II	Constr	1,535,000	500,000	1,035,000	0			1,035,000	CTSGP					1,035,000
4.2	San Bruno Archway	Prelim Eng	500,000	0	500,000	0					500,000	City of SB / Measure A			500,000
					1,535,000		-		1,035,000		500,000		-		1,535,000
V. CALTRAIN SUPPORT PROGRAM and CAPITAL CONTINGENCY															
5.1	Capital Project Development	Support			750,000								750,000	Members	750,000
5.2	Capital Program Management		500,000		500,000								500,000	Members	500,000
5.3	Capital Contingency Funds (Engineering)				330,000								330,000	Members	330,000
5.4	Capital Contingency Funds (Rail)				660,000								660,000	Members	660,000
					2,240,000		-		-		-		2,240,000		2,240,000
					FY12 Capital Budget Request:	64,624,584		39,567,613		9,508,000		2,811,903		12,737,068	64,624,584
													4,245,689	FY2012 Per Member Request	
*The estimated cost of the Rolling Stock State of Good Repair program from FY11 through FY20 is \$81.8 million (in FY11 dollars).															

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **APPROVE BID DOCUMENTS AND AUTHORIZE EXECUTION OF
DOCUMENTS AND PAYMENT OF PREMIUM FOR COMMODITY
PRICE CAP FOR FUEL HEDGING PROGRAM**

ACTION

Staff Coordinating Council recommends that the Board:

1. Approve substantially final forms of documents on file for a diesel fuel hedge in the form of a commodity price cap in connection with the Peninsula Corridor Joint Powers Board's (JPB) fuel hedging program; and
2. Authorize the Executive Director or the Deputy CEO, Finance and Administration to execute an International Swaps and Derivatives Association, Inc. (ISDA) Master Agreement, a Schedule to the ISDA Master Agreement, a Credit Support Annex and related commodity price cap documents, including a Confirmation, with the winning bidder, to pay the premium for the commodity price cap, and to execute amendments with Deutsche Bank AG ("DB") and Barclays Bank PLC ("Barclays") to amend documents previously approved by the Board in connection with the FY 2010 fuel hedging transaction entered into with DB and the FY 2011 fuel hedging transaction entered into with Barclays.

SIGNIFICANCE

In accordance with the fuel hedging policy adopted by the Board on April 7, 2011 by Resolution No. 2011-09 (the "Fuel Hedging Policy"), staff has been working with the JPB's financial advisor to determine the interest of qualified counterparties in bidding on a commodity price cap, to develop a Request for Commodity Price Caps (the "Request") and to develop a bid package for the commodity price cap. The bid documents (the "Bid Documents") include the Request and the documents included in the bid package, comprised of an ISDA Master Agreement (Master Agreement), a Schedule to the Master Agreement (Schedule), and a Credit Support Annex (CSA). The Bid Documents have been reviewed by Orrick, Herrington & Sutcliffe, LLP, special counsel to the JPB and require Board approval prior to the bidding process and execution of the applicable Bid Documents by the Executive Director or Deputy CEO, Finance and Administration. In addition to the Bid Documents, a Confirmation setting forth the pricing and other economic terms will be drafted and executed after the winning bid is

selected. The amendment documents include an Amendment Agreement with DB (the “DB Schedule Amendment”) and a Schedule Amendment with Barclays (the “Barclays Schedule Amendment”).

The Master Agreement provides the terms and conditions governing the JPB’s relationship with the winning bidder. The Master Agreement is a form document of the International Swaps and Derivatives Association, Inc., and may apply to numerous types of hedging transactions, including commodity price caps, interest rate swaps and currency transactions. The Master Agreement documents the relationship between contracting parties and provides for greater legal certainty in the dealings of the parties. The Master Agreement contains provisions relating to the obligations of each party, representations, events of default and termination, early termination procedures and other matters. The Schedule modifies the Master Agreement to reflect the commercial understanding of the parties with respect to the contemplated transactions between them.

The CSA accompanies the Master Agreement and the Schedule. The CSA provides protection to the JPB while the commodity price cap remains in effect in the event that the rating of the winning bidder or its guarantor falls below A3/A-/A- by Moody’s, Standard & Poor’s or Fitch, as applicable. In the event of such a downgrade if the price cap has value to the JPB at the time, then the winning bidder (hereinafter sometimes referred to as the “counterparty”) must post collateral on a daily basis to secure its performance. As a condition for bidding, the counterparty or its guarantor must be rated in the “Aa” or “AA” category by at least one national rating agency at the time of bidding.

Based on preliminary discussions by the JPB’s financial advisor with bidders meeting the criteria specified in the Fuel Hedging Policy, four firms, DB, Barclays, Canadian Imperial Bank of Commerce (“CIBC”) and Wells Fargo Bank, N.A. (“Wells Fargo”), have expressed their interest in bidding on acceptable terms. DB was the winning bidder for the price cap through June 30, 2010. Documents entered into with DB (the “DB Documents”) were approved by the Board in 2009. DB has agreed to bid based on the DB Documents, with one change to enable DB to act through its offices in London in addition to its offices in New York. The DB Schedule Amendment on file provides for this change. Barclays was the winning bidder for the price cap which is in place through June 30, 2011. Documents entered into with Barclays (the “Barclays Documents”) were approved by the Board in 2010. Barclays has agreed to bid based on the Barclays Documents. However, the Barclays Documents only authorized the transaction entered into for the fiscal year ending June 30, 2011. One change to the Barclays Documents is needed in order to authorize additional transactions beyond June 30, 2011. The Barclays Schedule Amendment on file provides for this change. Proposed documents are on file for CIBC (the “CIBC Documents”) and Wells Fargo (the “Wells Fargo Documents”), each of which has agreed to bid using the documents on file. The DB Documents, Barclays Documents, CIBC Documents and Wells Fargo Documents utilize the same forms and contain the same basic business terms, consistent with the Fuel Hedging Policy.

The bid and settlement of the premium payable by the JPB for the commodity price cap are expected to occur prior to the beginning of the next fiscal year, with the price cap taking effect as of July 1, 2011. If staff is not satisfied with the results of the bid, including the required premium for a price cap, the JPB will elect not to proceed with a fuel hedging program at the time bids are received.

The primary goal for the fuel hedging program is to reduce volatility and uncertainty in the fuel budget for Fiscal Year 2012. Consistent with the Fuel Hedging Policy, Staff has proposed that the JPB hedge 2.1 million gallons, which currently represents approximately 50 percent of its expected annual fuel consumption. In order to maximize the hedging program's potential for economic efficiency, the JPB will partner with the San Mateo County Transit District, which is expected to hedge 0.9 million gallons, which currently represents approximately 50 percent of its expected annual fuel consumption.

Staff expects to return to the Board at the next meeting with a report on the results of the bid. Staff also expects to return to the Board next year with an assessment of the FY2012 fuel hedging program.

BUDGET IMPACT

Implementing the fuel hedging program will enable the JPB to purchase at least half of its fuel within a pre-determined price range, thus giving the JPB a measure of budgetary certainty and allowing for more effective utilization of budget resources. Staff is estimating a need to increase the fuel budget to reflect current fuel prices, when funding is available. The cost of the price cap is also anticipated to be higher than the previous year. The proposed FY2012 fuel budget will include the hedging program fees consisting of up to \$25,000 for financial advisor, up to \$87,500 for outside legal counsel, \$10,000 in miscellaneous costs and approximately \$0.5 million for the cost of a price cap.

BACKGROUND

The JPB currently purchases fuel from Pinnacle Petroleum based on the average weekly spot price for Oil Price Information Service (OPIS) index, exposing the JPB to market price fluctuation. During the past twelve month period from May 1, 2010 to April 30, 2011, the price of OPIS has ranged from a low of \$2.05 in the third week of May 2010 to a high of \$3.46 per gallon in the last week of April 2011.

In order to meet the primary goal of the fuel hedging program of reducing volatility and uncertainty in the fuel budget for FY2012, staff will purchase a commodity price cap consistent with the JPB's adopted Fuel Hedging Policy. The commodity price cap, like prior commodity price cap purchases, will be based on the Gulf Coast Ultra Low Sulfur Diesel (ULSD) index, which has a high historical correlation to the OPIS index. Recently, however, that correlation has changed and has become less predictable. Staff will monitor the correlation between the ULSD and OPIS indices and, if feasible in a future transaction, may recommend changing either the index for the commodity price cap and/or change the index upon which it purchases diesel.

Staff notes that the price cap will not include taxes on the fuel price, however the price commonly reported to the Board of Directors includes taxes. A price cap allows the JPB to limit its exposure if fuel prices rise, while continuing to receive the benefit if prices fall.

Prepared by: Christina Tang, Senior Budget Analyst

650.508.6376

RESOLUTION NO. 2011-

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

* * *

AUTHORIZING IMPLEMENTATION OF A FUEL HEDGING PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2012, AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO IMPLEMENT SUCH FUEL HEDGING PROGRAM, INCLUDING AN ISDA MASTER AGREEMENT, A SCHEDULE TO THE ISDA MASTER AGREEMENT, A CREDIT SUPPORT ANNEX AND A CONFIRMATION, AND AUTHORIZING THE TAKING OF ALL ACTION NECESSARY RELATING TO THE IMPLEMENTATION AND EXECUTION OF SAID FUEL HEDGING PROGRAM.

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

WHEREAS, over the past several years, in connection with the operation of Caltrain, the JPB has consistently purchased over four million gallons of diesel fuel each year; and

WHEREAS, staff, in conjunction with PFM Asset Management LLC and Ross Financial, studied various options for reducing volatility in the price paid for diesel fuel and assisting in the process of budgeting for fuel costs; and

WHEREAS, as a result of such study, staff recommended adoption of a fuel hedging program for the fiscal year ending June 30, 2010 (hereinafter referred to the "2010 Fuel Hedging Program"), utilizing a fuel hedge in the form of a commodity price cap; and

WHEREAS, the 2010 Fuel Hedging Program was authorized and approved by the governing body of the JPB and implemented by staff; and

WHEREAS, pursuant to a competitive bidding process, Deutsche Bank AG (hereinafter referred to as "Deutsche Bank") was selected as provider of the commodity price cap for the 2010 Fuel Hedging Program; and

WHEREAS, in connection with the 2010 Fuel Hedging Program, the JPB entered into a 1992 International Swaps and Derivatives Association, Inc. ("ISDA") Master Agreement (the "Deutsche Bank ISDA Master Agreement"), a Schedule to the Deutsche Bank ISDA Master Agreement (the "Deutsche Bank ISDA Schedule"), and a 1994 ISDA Credit Support Annex (the "Deutsche Bank ISDA Credit Support Annex," and, together with the Deutsche Bank ISDA Master Agreement and the Deutsche Bank ISDA Schedule, hereinafter collectively referred to as the "Deutsche Bank Hedging Documents") with Deutsche Bank;

WHEREAS, forms of the Deutsche Bank Hedging Documents were made available to, and approved by, the JPB in connection with the authorization and approval of the 2010 Fuel Hedging Program; and

WHEREAS, based on an evaluation of the 2010 Fuel Hedging Program, staff recommended continuation of the fuel hedging program for the fiscal year ending June 30, 2011 (hereinafter referred to the "2011 Fuel Hedging Program"), utilizing a fuel hedge in the form of a commodity price cap; and

WHEREAS, the 2011 Fuel Hedging Program was authorized and approved by the governing body of the JPB and implemented by staff; and

WHEREAS, pursuant to a competitive bidding process, Barclays Bank PLC (hereinafter referred to as "Barclays Bank") was selected as provider of the commodity price cap for the 2011 Fuel Hedging Program; and

WHEREAS, in connection with the 2011 Fuel Hedging Program, the JPB entered into a 1992 ISDA Master Agreement (the "Barclays Bank ISDA Master Agreement"), a Schedule to the Barclays Bank ISDA Master Agreement (the "Barclays Bank ISDA Schedule"), and a 1994 ISDA Credit Support Annex (the "Barclays Bank ISDA Credit Support Annex," and, together with the Barclays Bank ISDA Master Agreement and the Barclays Bank ISDA Schedule, hereinafter collectively referred to as the "Barclays Bank Hedging Documents") with Barclays Bank;

WHEREAS, forms of the Barclays Bank Hedging Documents were made available to, and approved by, the JPB in connection with the authorization and approval of the 2011 Fuel Hedging Program; and

WHEREAS, based on an evaluation of the 2011 Fuel Hedging Program, staff recommended continuation of the fuel hedging program for the fiscal year ending June 30, 2012 (hereinafter referred to the "2012 Fuel Hedging Program"), utilizing a fuel hedge in the form of a commodity price cap; and

WHEREAS, implementation of the 2012 Fuel Hedging Program will involve soliciting bids from providers of commodity price caps meeting the credit rating criteria specified in the fuel hedging policy, which was adopted by the governing body of the JPB on April 7, 2011 (hereinafter referred to as the "Fuel Hedging Policy"), that are interested in bidding on the commodity price cap on substantially such terms as are set forth in the Request for Commodity Price Caps (the "Request") prepared by PFM Asset Management LLC and Ross Financial; and

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

WHEREAS, implementation of the 2012 Fuel Hedging Program will involve the selection of a provider of commodity price caps as a cap counterparty, such selection to be made pursuant to a competitive bidding process; and

WHEREAS, Deutsche Bank has expressed an interest in bidding on the commodity price cap for the 2012 Fuel Hedging Program and has requested that the JPB agree to amend the Deutsche Bank ISDA Schedule in order to enable Deutsche Bank to act through its offices in London in addition to its offices in New York; and

WHEREAS, a proposed form of amendment to the Deutsche Bank ISDA Schedule (hereinafter referred to as the "Deutsche Bank ISDA Schedule Amendment") has been made available to the JPB; and

WHEREAS, Barclays Bank has expressed an interest in bidding on the commodity price cap for the 2012 Fuel Hedging Program and has agreed to amend the Barclays Bank ISDA Schedule in order to authorize additional transactions to be entered into pursuant to the Barclays Bank ISDA Master Agreement; and

WHEREAS, a proposed form of amendment to the Barclays Bank ISDA Schedule (hereinafter referred to as the "Barclays Bank ISDA Schedule Amendment") has been made available to the JPB; and

WHEREAS, in the event a provider of commodity price caps other than Deutsche Bank or Barclays Bank is selected as a cap counterparty, implementation of the 2012 Fuel Hedging Program will also involve execution by the JPB of an additional 1992 ISDA Master Agreement (the "ISDA Master Agreement"), an additional Schedule to the ISDA Master Agreement (the "ISDA Schedule") and an additional 1994 ISDA Credit Support Annex (the "ISDA Credit

Support Annex"), each of such documents to be delivered to the cap counterparty selected for the 2012 Fuel Hedging Program; and

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

WHEREAS, implementation of the 2012 Fuel Hedging Program will also involve execution and delivery of a Confirmation (the "Confirmation"); and

WHEREAS, it is now necessary for the governing body of the JPB to approve the forms of the Request, the Deutsche Bank ISDA Schedule Amendment, the Barclays Bank ISDA Schedule Amendment, the ISDA Master Agreement, the ISDA Schedule and the ISDA Credit Support Annex, to authorize the execution and delivery of the Deutsche Bank ISDA Schedule Amendment and the Barclays Bank ISDA Schedule Amendment, to authorize the negotiation and execution and delivery of the ISDA Master Agreement, the ISDA Schedule, the ISDA Credit Support Annex and the Confirmation, to authorize the taking of such other actions as shall be necessary to consummate the 2012 Fuel Hedging Program and to authorize the taking of various actions necessary in connection therewith.

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

Section 1. **Findings.** The governing body of the JPB hereby finds and determines that the foregoing recitals are true and correct. The governing body of the JPB hereby further determines that it would be in the best interest of the JPB and in furtherance of the purposes of the JPB and the exercise of the powers of the JPB in connection with the operation of Caltrain to mitigate the risk of a rise in diesel fuel cost and to assist the JPB in its budgeting process by reducing the volatility and uncertainty in the effective cost to the JPB of diesel fuel by acquiring a commodity price cap through the implementation of the 2012 Fuel Hedging Program and the

execution and delivery of such documentation as shall be required to implement such 2012 Fuel Hedging Program, including the Confirmation, the Deutsche Bank ISDA Schedule Amendment and the Barclays Bank ISDA Schedule Amendment (hereinafter collectively referred to as the "Schedule Amendments"), and, as and to the extent applicable, the ISDA Master Agreement, the ISDA Schedule and the ISDA Credit Support Annex.

Section 2. **Approval of the 2012 Fuel Hedging Program.** Implementation of the 2012 Fuel Hedging Program in accordance with the Fuel Hedging Policy with a cap counterparty (the "Cap Counterparty") selected pursuant to a competitive bidding process and on such other terms as are acceptable to the Executive Director of the JPB (the "Executive Director") or the Deputy CEO of the JPB (the "Deputy CEO"), with the advice of PFM Asset Management LLC (the "Financial Advisor"), is hereby authorized and approved.

Section 3. **Approval of Documentation.** The proposed forms of ISDA Master Agreement, ISDA Schedule and ISDA Credit Support Annex presented to this meeting are hereby approved. The Executive Director or the Deputy CEO, each acting alone (each, an "Authorized Officer") is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver an ISDA Master Agreement, ISDA Schedule and ISDA Credit Support Annex, in substantially the form presented to this meeting, with such changes therein as the Authorized Officer executing the same, with the advice of the Financial Advisor, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Each Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver a Confirmation, such Confirmation to be in such form as shall be acceptable to the Authorized Officer executing the same, with the advice of the

Financial Advisor, such acceptability to be conclusively evidenced by the execution and delivery thereof.

Section 4. **Approval of Deutsche Bank ISDA Schedule Amendment.** The proposed form of Deutsche Bank ISDA Schedule Amendment presented to this meeting is hereby approved. Each Authorized Officer, acting alone, is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver the Deutsche Bank ISDA Schedule Amendment, in substantially the form presented to this meeting, with such changes therein as the Authorized Officer executing the same, with the advice of the Financial Advisor, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. **Approval of Barclays Bank ISDA Schedule Amendment.** The proposed form of Barclays Bank ISDA Schedule Amendment presented to this meeting is hereby approved. Each Authorized Officer, acting alone, is hereby authorized and directed, for and in the name and on behalf of the JPB, to execute and deliver the Barclays Bank ISDA Schedule Amendment, in substantially the form presented to this meeting, with such changes therein as the Authorized Officer executing the same, with the advice of the Financial Advisor, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. **Authorized Representative.** All approvals, consents, directions, notices, orders, requests and other actions permitted or required by the ISDA Master Agreement, the ISDA Schedule, the ISDA Credit Support Annex and the Confirmation (hereinafter referred to as the "2012 Hedging Documentation") entered into or to be entered into, as applicable, with the Cap Counterparty, or by any of the other documents authorized by this Resolution, including, without limitation, the Schedule Amendments, may be given or taken by either Authorized

Officer without further authorization or direction by the governing body of the JPB and each Authorized Officer is hereby authorized and directed to give any such approval, consent, direction, notice, order or request and to take any such action which such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 7. **Ratification of Deutsche Bank Hedging Documents.** All actions heretofore taken with respect to the authorization, approval, execution and delivery of the Deutsche Bank Hedging Documents are hereby ratified, confirmed, and approved.

Section 8. **Ratification of Barclays Bank Hedging Documents.** All actions heretofore taken with respect to the authorization, approval, execution and delivery of the Barclays Bank Hedging Documents are hereby ratified, confirmed, and approved.

Section 9. **Ratification of Actions Relating to 2012 Fuel Hedging Program.** All actions heretofore taken by the officers and agents of the JPB with respect to the 2012 Fuel Hedging Program are hereby ratified, confirmed, and approved.

Section 10. **Completion of 2012 Fuel Hedging Program.** Each Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the JPB, to do any and all things and to take any and all actions and to execute and deliver any and all agreements, certificates, documents and instruments and to do any and all things and take any and all actions which may be necessary or advisable to effectuate the actions which the governing body of the JPB has approved in this Resolution, including, without limitation, payment of the premium for the commodity price cap, and to carry out, consummate and perform the duties of the JPB set forth in the 2012 Hedging Documentation and all other documents executed in connection with the 2012 Fuel Hedging Program.

Section 11. **Severability of Invalid Provisions.** If any section, paragraph, clause or

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

Section 12. **Effective Date.** This Resolution shall take effect immediately upon its passage.

Regularly passed and adopted this 2nd day of June, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: AUTHORIZATION TO EXECUTE CONTRACTS OF MORE THAN \$100,000 FOR INFORMATION TECHNOLOGY LICENSE RENEWALS, MAINTENANCE SERVICES AND PROFESSIONAL SERVICES FOR FISCAL YEAR 2012 FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$500,000

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director or his designee to enter into contracts for more than \$100,000 with original equipment manufacturers, product licensors and their distributors or consultants, directly and without the utilization of cooperative purchasing agreements if not available or competitive solicitations if not applicable, to procure recurring maintenance services and license renewals necessary to permit continued effective use and upkeep of JPB-owned computer and telecommunications hardware and software used for the management and oversight of Caltrain. Further, this also shall include contracts for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services. Expenditures with manufacturers and vendors under this authority will not exceed the budgeted amount of \$500,000 throughout Fiscal Year (FY) 2012.

SIGNIFICANCE

Delegation of this contracting approval authority will allow the JPB to pay for recurring maintenance services, additional licenses, license renewal fees and professional services for proprietary software in excess of \$100,000 without bringing actions individually before the Board for approval. This delegation would not eliminate the requirement that other procurement policies and procedures be followed.

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

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

BUDGET IMPACT

Funds for these purchases are programmed in the proposed FY2012 Capital and Operating budgets.

BACKGROUND

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

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

JPB assets requiring payment of recurring annual or multi-year maintenance support and license fees in excess of \$100,000 that may need to be accommodated in FY2012 outside of cooperative purchase agreements or other pre-existing contracts include, but are not necessarily limited to:

- Arinc (replacement rail traffic control system)
- Digital Concepts Inc. Digicon (rail traffic control system)

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

Project Manager: David Verderosa, Director, Information Technology

650.508.7954

RESOLUTION NO. 2011 -

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

**AUTHORIZATION TO EXECUTE CONTRACTS FOR INFORMATION
TECHNOLOGY LICENSES, MAINTENANCE SERVICES AND PROFESSIONAL
SERVICES FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$500,000 FOR
FISCAL YEAR 2012**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require continuing product support and licenses for computer and telecommunications hardware and software throughout Fiscal Year (FY) 2012, to permit the continued effective use and upkeep of information technology assets owned by the JPB; and

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

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

WHEAREAS, the Staff Coordinating Council recommends that the Executive Director or his designee be authorized to execute contracts that exceed \$100,000 with original equipment manufacturers, product licensors, and their authorized distributors and consultants to meet the technology operational requirements for FY2012, pursuant to the JPB's statutory procurement authority and policy, up to an aggregate not to exceed amount of \$500,000.

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

1. Authorizes the procurement of product support, additional license purchases and renewal agreements for information technology assets owned by the JPB for FY2012,

pursuant to the JPB's statutory procurement authority and policy, in an aggregate not to exceed amount of \$500,000 for FY2012; and

2. Authorizes the Executive Director or his designee to enter into contracts exceeding \$100,000 with original equipment manufacturers, product licensors, or their authorized distributors for recurring product support and license renewals necessary to permit continued effective use and upkeep of JPB owned computer and telecommunications hardware and software; and

3. Authorizes the Executive Director or his designee to enter into contracts exceeding \$100,000 with original equipment manufacturers, product licensors, or their authorized consultants for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services; and

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

Regularly passed and adopted this 2nd day of June 2011, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZE EXECUTION OF CONTRACTS FOR TECHNOLOGY
RELATED PRODUCTS AND SERVICES TO VENDORS UNDER
COOPERATIVE PURCHASING PROGRAMS FOR AN AGGREGATE
NOT-TO-EXCEED AMOUNT OF \$500,000 FOR FISCAL YEAR 2012**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the purchase, lease and/or rental of computer and telecommunications equipment and related services, digital reprographic equipment, hardware, software, licensing, installation and configuration of telecommunications equipment, maintenance agreements, and computer peripherals to vendors under approved cooperative intergovernmental purchasing programs available to the JPB such as the California Multiple Award Schedule (CMAS), the State of California Strategic Sourcing Initiative (CSSI), the Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2), General Service Administration (GSA) Schedules (also referred to as Multiple Award Schedules and Federal Supply Schedules), and other cooperative programs, as the JPB needs are identified. This action includes delegation of authority to the Executive Director to enter into contracts over \$100,000 with vendors under approved cooperative purchasing programs. Expenditures with vendors under these programs will not exceed the budgeted amount of \$500,000 throughout Fiscal Year (FY) 2012.

SIGNIFICANCE

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

BUDGET IMPACT

Funds for these purchases are programmed in the proposed FY2012 Capital and Operating budgets.

BACKGROUND

Given the rapidly changing technology of information system hardware, software and related services, the State of California, among other state agencies nationwide, has established agreements with vendors under various cooperative purchasing programs such as CMAS, CSSI, GSA, WSCA and CALNET 2 for providing these goods and services. Special districts, cities, counties and joint powers authorities are given statutory permission to procure competitively priced goods and services arising out of these vendor agreements. By utilizing such cooperative purchasing programs, the JPB saves considerable time and expense associated with independent procurements which would be unlikely to yield more favorable pricing or service.

All vendors selected will hold valid agreements under the corresponding cooperative purchasing program. Contracts will be executed only with vendors whose contracts were awarded under a cooperative buying agreement on a basis that complies with the JPB's statutory procurement authority and policy and will include the JPB's terms and conditions, as appropriate. Other cooperative purchasing consortia may be added to this program and utilized for acquisition of technology items during FY2012 but only to the extent each fully complies with the JPB's statutory procurement authority and policy.

Project Manager: David Verderosa, Director, Information Technology

650.508.7954

RESOLUTION NO. 2011 -

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

**AUTHORIZING EXECUTION OF CONTRACTS FOR TECHNOLOGY RELATED
PRODUCTS AND SERVICES TO VENDORS UNDER COOPERATIVE PURCHASING
PROGRAMS FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$500,000 FOR
FISCAL YEAR 2012**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require new personal computers, computer and telecommunications equipment and related services, digital reprographic equipment, software, hardware, licensing and maintenance agreements, and computer peripherals throughout Fiscal Year (FY) 2012, to fulfill new technology requirements, to support the JPB's standardization policy and to replace technology equipment that has reached the end of its useful life; and

WHEAREAS, in light of the need to standardize, update and purchase the latest technology in personal computers, telecommunications equipment, and other related equipment and services in the most cost-effective manner, the JPB has determined that an independent JPB-initiated solicitation process for the procurements described above is unlikely to be in the JPB's best interests; and

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

WHEAREAS, the Staff Coordinating Council (SCC) recommends that the JPB participate in the above-mentioned programs, to the extent such programs fully comply with the JPB's statutory procurement authority and policy, and that the JPB may add other cooperative purchasing programs to this authorization for FY2012 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

WHEAREAS, the SCC also recommends that the Executive Director or his designee be authorized to enter into contracts that exceed \$100,000 with vendors under JPB-approved cooperative purchasing programs to meet its personal computer, telecommunications equipment, and other related technology equipment and services requirements for FY2012, pursuant to the terms and conditions of each programs' vendor agreements, up to an aggregate not-to-exceed amount of \$500,000.

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

1. Determines that an independent JPB initiated solicitation process for each purchase, lease and/or rental of new personal computers, computer and telecommunications equipment and services, digital reprographic equipment, hardware, software, licensing and maintenance agreements, and computer peripherals is unlikely to be in the JPB's best interests; and

2. Authorizes the procurement of technology systems equipment and related services through JPB-approved cooperative purchasing programs, including CMAS, CSSI, WSCA, CALNET 2 and GSA vendors to meet its technology equipment and services requirements for FY2012 pursuant to the terms and conditions of each vendor agreement and to

the extent that each vendor agreement fully complies with JPB's statutory procurement authority and policy; and

3. Authorizes the Executive Director to utilize additional cooperative purchasing programs for FY2012 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

4. Authorizes the Executive Director or his designee to enter into contracts exceeding \$100,000 with vendors under the JPB-approved cooperative purchasing programs up to an aggregate, not-to-exceed, amount of \$500,000 for FY2012; and

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

Regularly passed and adopted this 2nd day of June 2011 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 in accordance with the approved Legislative Program.

STATE ISSUES

High Speed Rail

On May 10th the Legislative Analyst's Office (LAO) released a report recommending that the Legislature take certain actions related to the State's high-speed rail project including:

- Substantially reducing the California High Speed Rail Authority's Fiscal Year (FY) 2012 budget allocation
- Request an extension of federal deadlines attached to the project's American Recovery and Reinvestment Act funding
- Revisit the selection of the Central Valley as the project's starting point
- Explore alternative administrative and governance structures including the possibility of shifting the day-to-day responsibility for administering the project to Caltrans

Staff will be monitoring the Legislature to see if any of the LAO's recommendations are carried out.

Budget

The governor's May Revision to the FY2012 budget was released on May 16. The report leaves the provisions of the renegotiated gas tax swap intact, preserves State Transit Assistance (STA) funding levels included in Public Transportation Account. STA funding is projected to increase to \$416 million from an estimated \$330 million due to an increase in the consumption and the cost of diesel fuel. Caltrain's share of STA funding would increase by more than \$1 million to \$5.3 million.

FEDERAL ISSUES

Nothing to report.

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>AB 16 Perea D</p> <p>High-Speed Rail Authority.</p>	<p>ASSEMBLY THIRD READING 5/9/2011 - Read second time. Ordered to third reading.</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. The federal American Recovery and Reinvestment Act of 2009 (ARRA) provides funding for allocation nationally to high-speed rail projects.</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.</p>	
<p>AB 31 Beall D</p> <p>Land use: high-speed rail: local master plan.</p>	<p>ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/25/2011)</p>	<p>The California High-Speed Rail Act establishes the High-Speed Rail Authority to develop and implement an intercity high-speed rail system in the state, exclusively grants to the authority the responsibility for planning, construction, and operation of that system, and confers upon the authority specified powers and duties relating to that system.</p> <p>This bill would establish the High-Speed Rail Local Master Plan Pilot Program, applicable to specified cities and counties, and would authorize each of those jurisdictions to prepare and adopt, by ordinance, a master plan for development in the areas surrounding the high-speed rail system in each jurisdiction. The bill would authorize the high-speed rail master plan to include incentives for encouraging investment and coherent growth in the areas surrounding the high-speed rail system in each participating jurisdiction. The bill would also authorize the participating jurisdictions to collaborate with the State Air Resources Board to develop incentives to encourage development while concurrently reducing greenhouse gas emissions, consistent with or pursuant to the California Global Warming Solutions Act of 2006 or another specified provision of law requiring the board to provide greenhouse gas emission reduction targets for the preparation of regional sustainable communities strategies. The bill would authorize the master plan to exceed the requirements of the jurisdiction's general plan or the applicable regional sustainable communities strategy with respect to fostering sustainable communities around the high-speed rail system.</p> <p>Last Amended on 3/24/2011</p>	
<p>AB 41 Hill D</p> <p>Conflicts of interest: disqualification.</p>	<p>SENATE E. & C.A. 5/12/2011 - Referred to Com. on E. & C.A.</p>	<p>Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.</p> <p>This bill would add members of the High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>AB 57 Beall D</p> <p>Metropolitan Transportation Commission.</p>	<p>ASSEMBLY THIRD READING 5/19/2011 - Read third time and amended. Ordered to third reading.</p>	<p>The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county San Francisco Bay Area with comprehensive regional transportation planning and other related responsibilities. Existing law requires the commission to consist of 19 members, including 2 members each from the Counties of Alameda and Santa Clara, and establishes a 4-year term of office for members of the commission.</p> <p>This bill would, instead, require the commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would, effective with the commission term commencing February 2015, prohibit more than 3 members of the commission from being residents of the same county, as specified. By imposing new requirements on a local agency, this bill would impose a state-mandated local program.</p> <p>Last Amended on 5/19/2011</p>	
<p>AB 58 Galgiani D</p> <p>High-speed rail.</p>	<p>ASSEMBLY TRANS. 5/2/2011 - In committee: Set, second hearing. Hearing canceled at the request of author.</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. Existing law provides for appointment of an executive director by the authority, who is exempt from civil service and serves at the pleasure of the authority.</p> <p>This bill, for purposes of managing and administering the ongoing work of the authority in implementing the high-speed train project, would authorize the Governor, upon the recommendation of the executive director, to appoint up to 6 additional authority officers, exempt from civil service, who would serve in specified positions at the pleasure of the executive director. The bill would require a salary survey to be conducted to determine the compensation for the executive director and additional exempt officers, and would require the salaries to be established by the authority and approved by the Department of Personnel Administration. Last Amended on 3/16/2011</p>	
<p>AB 76 Harkey R</p> <p>High-speed rail.</p>	<p>ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/11/2011)</p>	<p>Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.</p> <p>This bill would reduce the amount of general obligation debt authorized pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2012.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>AB 105 Committee on Budget Transportation.</p>	<p>ASSEMBLY CHAPTERED 3/24/2011 - Chaptered by the Secretary of State, Chapter Number 6, Statutes of 2011</p>	<p>Existing law provides for payment of current general obligation bond debt service for specified voter-approved transportation bonds from gasoline excise tax revenue in the Highway Users Tax Account and revenue in the Public Transportation Account, and requires the Controller to make specified transfers of revenues in that regard to the Transportation Debt Service Fund. Existing law, pursuant to the Budget Act of 2010, provides for a loan of \$761,639,000 from gasoline excise tax revenue in the Highway Users Tax Account to the General Fund, to be repaid with interest by June 30, 2013.</p> <p>This bill, in fiscal years 2010-11 and 2011-12, would require the Controller to transfer specified amounts of revenues deposited in the State Highway Account from vehicle weight fees to the Transportation Debt Service Fund to be used for reimbursement of the General Fund for payment of current general obligation bond debt service for specified voter-approved transportation bonds, in lieu of the previously authorized gasoline excise tax revenues and Public Transportation Account revenues. In subsequent years, the bill would require all vehicle weight fee revenues to be transferred for this purpose. The bill would make appropriations in this regard. The bill would require the Department of Finance to notify the Controller of the amount of debt service relating to expenditures for eligible mass transit guideway projects that may be paid from revenues restricted by Article XIX of the California Constitution. Last Amended on 3/16/2011</p>	
<p>AB 145 Galgiani D High-speed rail.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.</p> <p>This bill would revise and recast these provisions by repealing and reenacting the California High-Speed Train Act. The bill would continue the High-Speed Rail Authority in existence to make policy decisions relative to implementation of high-speed rail consistent with Proposition 1A. The bill would create the Department of High-Speed Trains within the Business, Transportation and Housing Agency, which would implement those policies. The bill would transfer certain of the existing powers and responsibilities of the authority to the department and would specify additional powers and duties of the authority and department relative to implementation of the high-speed rail project, including the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature. The director of the department would be appointed by the Governor, who would serve at the pleasure of the authority, and the Governor would be authorized to appoint up to 10 officers 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. Last Amended on 3/16/2011</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
AB 147 Dickinson D Subdivisions.	SENATE G. & F. 5/19/2011 - Referred to Com. on GOV. & F.	<p>The Subdivision Map Act authorizes a local agency to require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares if specified conditions are met. The Mitigation Fee Act authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined.</p> <p>This bill would authorize a local ordinance to require payment of a fee subject to the Mitigation Fee Act, as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing transportation facilities, as defined. Last Amended on 5/2/2011</p>	Support
AB 277 Galgiani D High-speed rail: power supply.	ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.	<p>Existing law 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. Various federal laws provide funding for allocation nationally to high-speed rail and other related projects.</p> <p>This bill would require the California Research Bureau, by May 1, 2012, to develop an energy consumption profile that includes a forecast of the power needs of the high-speed rail system and an analysis of any recommendations for identifying a carbon-free baseline power supply for the system. The bureau's work would be done in consultation with the High-Speed Rail Authority, the Federal Railroad Administration, the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, the United States Department of Energy, and the Legislative Analyst's Office. The bill would require the bureau to submit its report to the authority, the authority's independent peer review group, and specified committees of the Legislature. Last Amended on 4/7/2011</p>	
AB 296 Skinner D Building standards: cool pavement.	ASSEMBLY APPR SUSPENSE FILE 5/18/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.	<p>Existing law requires the Department of Transportation to adopt a balanced, multimodal research and development program, including the research and development of new technologies.</p> <p>This bill would establish the Cool Pavements Research and Implementation Act and would require the department, in consultation with specified state agencies, to implement the act. The bill would require the department to adopt a strategy, through a public process, to implement the act and, by January 1, 2015, to adopt by regulation a Cool Pavements Handbook to detail testing protocols, standards, and best practices. Last Amended on 4/25/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 333 Grove R</p> <p>California Global Warming Solutions Act of 2006: cap-and-trade program.</p>	<p>ASSEMBLY NAT. RES. 5/12/2011 - Re-referred to Com. on NAT. RES.</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board, in furtherance of achieving the statewide greenhouse gas emissions limit by January 1, 2011, to adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions, applicable from January 1, 2012, to December 31, 2020, inclusive, that the state board determines will achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources. The act also authorizes the state board to include in its regulations the use of market-based compliance mechanisms to comply with the regulations, subject to prescribed requirements.</p> <p>This bill would require the state board to make findings and submit a status report to the Legislature no later than July 31, 2011, on the readiness of a proposed cap-and-trade program to begin January 1, 2012. The bill would authorize the board, if it makes a specified finding in the status report, to commence the cap-and-trade program after January 1, 2012, but no later than January 1, 2013. The bill would require the board to provide an annual cap-and-trade status report to the Legislature.</p> <p>Last Amended on 5/11/2011</p>	
<p>AB 381 Alejo D</p> <p>Department of Transportation.</p>	<p>ASSEMBLY 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/14/2011)</p>	<p>Existing law creates the Department of Transportation, within the Business, Transportation and Housing Agency, under the administration of the Director of Transportation, who is required to organize the department, as specified, with the approval of the Governor and the Secretary of the Business, Transportation and Housing Agency.</p> <p>This bill would make a non-substantive, grammatical change to that provision.</p>	

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Bill ID/Topic	Location	Summary	Position
AB 385 Harkey R High-speed rail.	ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 5/3/2011)	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. 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 requires the authority to approve and submit to the Director of Finance, a specified peer review group, the transportation policy committees and fiscal committees of the Legislature, a detailed funding plan for that corridor or a usable segment thereof of the high-speed train system. Existing law requires the funding plan to include certain information and meet specified requirements. This bill would require the authority to approve an investment grade analysis, to be prepared by the State Auditor, and to submit that investment grade analysis to those same entities. The bill would require that investment grade analysis to include certain information and meet specified requirements. Last Amended on 4/25/2011	
AB 426 Lowenthal, Bonnie D Transit fare evasion.	SENATE T. & H. 5/16/2011 - 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.	Existing law authorizes certain transit operators 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 otherwise applicable, 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. This bill would authorize the Southern California Regional Rail Authority and the North County Transit District to adopt and enforce such an ordinance. The bill would provide that a person cited under these ordinances adopted by transit operators shall be afforded an opportunity to complete the administrative process under the circumstances set forth in the ordinance. Last Amended on 5/16/2011	

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Bill ID/Topic	Location	Summary	Position
<p>AB 427 John A. Pérez D</p> <p>Transportation bond funds: transit system safety.</p>	<p>SENATE RLS. 5/12/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</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 specified purposes. Existing law requires the deposit of \$1 billion of the bond proceeds in the Transit System Safety, Security, and Disaster Response Account to be used, upon appropriation, for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment in the aftermath of a disaster impairing that movement. Existing law designates the California Emergency Management Agency as the administrative agency for this account and requires the allocation of 60% of the funds in the account for capital expenditures to transportation planning agencies, county transportation commissions, and certain other transit-related agencies, as specified, and 15% of the funds for capital expenditures to specified intercity passenger rail systems and commuter rail systems. Existing law provides that operators that receive those funds for intercity passenger rail systems and commuter rail systems are not eligible for those funds designated for capital expenditures of transportation planning agencies, county transportation commissions, and other specified transit-related agencies.</p> <p>This bill would instead authorize operators that receive funds from the account for intercity passenger rail systems and commuter rail systems to also be eligible for funds designated for capital expenditures of transportation planning agencies, county transportation commissions, and other specified transit-related agencies. The bill would require an entity eligible to receive allocations of any of those funds to submit a document within a specified time to the California Emergency Management Agency that indicates the intent to use the funds and would, if the document is not submitted, authorize the California Emergency Management Agency to reallocate the funds. The bill would require the California Emergency Management Agency to notify a transportation planning agency if funds allocated to an entity within the region of the transportation planning agency are being reallocated and, if the transportation planning agency provides a document to the California Emergency Management Agency indicating its intent to distribute the funds to transit operators or rail operators, would require the funds to be allocated to the transportation planning agency. The bill would authorize the California Emergency Management Agency to allocate the funds on a competitive basis to an eligible entity in a different region of the state if the transportation planning agency does not receive an allocation to distribute funds to transit operators and rail operators, as specified. Last Amended on 3/29/2011</p>	
<p>AB 471 Lowenthal, Bonnie D</p> <p>High-speed rail: inspector general.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/11/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</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, 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 create an independent inspector general to oversee the activities of the authority, and conduct investigations and audits in that regard. The inspector general would be appointed for a 6-year term by the Governor, subject to confirmation by the Senate. The bill would require the inspector general to report quarterly to the authority and annually to the Governor and the Legislature. Last Amended on 4/25/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p><u>AB 485</u> <u>Ma D</u></p> <p>Infrastructure financing.</p>	<p>SENATE RLS. 5/16/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>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 that addresses specified characteristics. Existing law authorizes the legislative body of the city or county to adopt an infrastructure financing plan, create an infrastructure financing district, and issue bonds for which only the district is liable, to finance specified public facilities, upon voter approval.</p> <p>This bill would eliminate the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit village development district. The bill would require a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing; to require that those housing units remain available and occupied by moderate-, low-, very low, and extremely low income households for at least 55 years for rental units and 45 years for owner-occupied units; and to rehabilitate, develop, or construct for rental or sale to persons and families of low or moderate income an equal number of replacement dwellings to those removed or destroyed from the low- and moderate-income segment of the housing market as a result of the development of the district, as specified. The bill would set forth the findings and declarations of the Legislature, and the intent of the Legislature that the development of transit village development districts be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. Last Amended on 5/5/2011</p>	<p>Support</p>
<p><u>AB 492</u> <u>Galgiani D</u></p> <p>High-Speed Rail Authority.</p>	<p>ASSEMBLY THIRD READING 5/9/2011 - Read second time. Ordered to third reading.</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes.</p> <p>This bill would authorize the authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts or purchasing high-speed trains, as specified.</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 508 Swanson D</p> <p>Displaced public transit, solid waste handling, and recycling services employees.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. Further, the existing contractor, when required by the awarding authority, must provide employment information relating to wage rates, benefits, dates of hire, and job classifications of employees under the existing service contract to the awarding authority or a successor contractor.</p> <p>This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. By requiring local agencies to give a bidding preference to such contractors and subcontractors, this bill would impose a state-mandated local program.</p>	
<p>AB 516 V. Manuel Pérez D</p> <p>Safe routes to school.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Existing law requires the Department of Transportation, in consultation with the California Highway Patrol, to establish and administer a "Safe Routes to School" program for construction of bicycle and pedestrian safety and traffic calming projects, and to award grants to local agencies in that regard from available federal and state funds, based on the results of a statewide competition. Existing law requires the department to rate proposals submitted by applicants using specified factors. One of the factors relates to consultation of and support for projects by school-based organizations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders.</p> <p>This bill would delete that factor and instead substitute a factor relating to use of a specified public participation process, with involvement by the public, schools, parents, teachers, local agencies, the business community, key professionals, and others, which process identifies community priorities and ensures those priorities are reflected in the proposal, and secures support for the proposal by relevant community stakeholders. The bill would add another factor relating to benefit of a proposal to a low-income school, as defined, and would make other related changes. Last Amended on 4/13/2011</p>	
<p>AB 522 Bonilla D</p> <p>Vacation of public streets, highways, and public service easements.</p>	<p>ASSEMBLY 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/15/2011)</p>	<p>Existing law establishes the processes and procedures necessary for vacation of public streets, highways, and public service easements, and defines "vacation" for these purposes to mean the complete or partial abandonment or termination of the public right to use a public street, highway, or public service easement. Under these provisions, proof of publication of a required notice is made by affidavit.</p> <p>This bill would make a non-substantive change to these provisions.</p>	

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Bill ID/Topic	Location	Summary	Position
<p><u>AB 535</u> <u>Morrell</u> R</p> <p>Regulations: 5-year review and report.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/18/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. This bill would additionally require a state agency to review and report on regulations that it adopts or amends on and after January 1, 2012, 5 years after adoption, as specified.</p> <p>The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within the immediately preceding 5 years and the estimated economic, small business, and consumer impact of the regulation. The bill would require the Office of Administrative Law to make the review and report available on the office's Internet Web site.</p>	
<p><u>AB 551</u> <u>Campos</u> D</p> <p>Public contracts: prevailing wage requirements: violations.</p>	<p>SENATE RLS. 5/19/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>Existing law generally requires that not less than the general prevailing rate of per diem wages, as specified, be paid to workers employed on a public work, as defined. Existing law requires a contractor or subcontractor to submit, to the state or political subdivision on whose behalf a public work is being performed, a penalty of not more than \$50 per calendar day, and not less than \$10 per calendar day, as provided and determined by the Labor Commissioner, for violations of these prevailing wage provisions.</p> <p>This bill would increase that maximum penalty to \$100 for each calendar day and would increase the minimum penalty to no less than \$40 for each calendar day. The bill would also increase the penalty assessed to contractors and subcontractors with prior violations from \$20 to \$80, and from \$30 to \$120 for willful violations.</p>	
<p><u>AB 567</u> <u>Valadao</u> R</p> <p>Transportation funds: capital improvement projects.</p>	<p>ASSEMBLY 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2011)</p>	<p>Existing law requires specified funds made available for transportation capital improvement projects to be programmed and expended for interregional and regional improvements, as specified.</p> <p>This bill would make non-substantive changes to these provisions.</p>	
<p><u>AB 570</u> <u>Smyth</u> R</p> <p>Emissions of greenhouse gases: California Global Warming Solutions Act of 2006.</p>	<p>ASSEMBLY 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2011)</p>	<p>The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board, on or before January 1, 2011, to adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in emissions of greenhouse gases, in furtherance of achieving the statewide greenhouse gas emissions limit, with the regulations to become operative beginning January 1, 2012.</p> <p>This bill would make technical and non-substantive changes to the above requirements.</p>	

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Bill ID/Topic	Location	Summary	Position
<p><u>AB 598</u> <u>Grove R</u></p> <p>Environmental quality: CEQA: standing.</p>	<p>ASSEMBLY NAT. RES. 5/9/2011 - In committee: Set, first hearing. Hearing canceled at the request of author.</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.</p> <p>This bill would limit the standing to file and maintain the above action or proceeding to the Attorney General. Last Amended on 3/31/2011</p>	
<p><u>AB 605</u> <u>Dickinson D</u></p> <p>Environmental quality: California Environmental Quality Act: transportation impacts.</p>	<p>ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/3/2011)</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.</p> <p>This bill would require the Office of Planning and Research, in consultation with specified entities, to prepare and adopt guidelines that would, among other things, establish the percentage reduction in the projected trip generation and vehicle miles traveled for a project as compared to the average for trip generation and vehicle miles traveled for that project type that would assist a region in meeting the greenhouse gas emission reduction targets established by the State Air Resources Board for the automobile and light truck sector for that region, and develop a list of mitigation measures that a project may incorporate to reduce the project's projected trip generation and vehicle miles traveled. The bill would provide that a project meeting or exceeding the percentage reduction in trip generation and vehicle miles traveled or a project that incorporates the listed mitigation measures sufficient to allow the project to meet the percentage reduction would not need to consider the transportation-related impact of the project in environmental documents prepared pursuant to CEQA. Because a lead agency would be required to determine whether a project would meet the percentage reduction established by the guidelines, this bill would impose a state-mandated local program.</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 615 Lowenthal, Bonnie D</p> <p>High-speed rail.</p>	<p>ASSEMBLY THIRD READING 5/9/2011 - Read second time. Ordered to third reading.</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system, including the acquisition of rights-of-way through purchase and eminent domain. 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 for high-speed train capital projects and other associated purposes.</p> <p>This bill would enact similar exceptions, authorizations, and exemptions relative to real property obtained for high-speed rail purposes by the High-Speed Rail Authority. The bill would make various additional conforming changes. The bill would also enact new provisions governing acquisition or disposal of right-of-way property by the authority, and would require the authority to provide a record of real property parcels it owns to the Department of General Services by July 1, 2014, and annually thereafter. The bill would require payments for leases or other conveyances of property controlled by the authority to be deposited with the authority for use in development, improvement, and maintenance of the high-speed rail system.</p> <p>Last Amended on 4/28/2011</p>	
<p>AB 650 Blumenfield D</p> <p>Blue Ribbon Task Force on Public Transportation for the 21st Century.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Existing law establishes various boards and commissions within state government. Existing law establishes various transit districts and other local entities for development of public transit on a regional basis and makes various state revenues available to those entities for those purposes. Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of statewide concern. The Public Transportation Account is designated as a trust fund and funds in the account shall be available to the Department of Transportation only for specified transportation planning and mass transportation purposes.</p> <p>This bill would establish the Blue Ribbon Task Force on Public Transportation for the 21st Century. The bill would require the task force to be comprised of 12 specified members and would require the Senate Committee on Rules and the Speaker of the Assembly to jointly appoint these members, including a chair, by March 31, 2012. The bill would require the task force to issue a written report that contains specified findings and recommendations relating to, among other things, the current state of California's transit system, the estimated cost of creating the needed system over various terms, and potential sources of funding to sustain the transit system's needs, and to submit the report by March 31, 2013, to the Governor, the Legislature, the Joint Legislative Budget Committee, the Senate Committee on Rules, the Speaker of the Assembly, and the transportation committees of the Legislature. The bill would require the task force , for purposes of collecting information for the written report, to consult with appropriate state agencies and departments and would require the task force to contract with consultants for preparation of the report. The bill would require the department to provide administrative staffing to the task force. The bill would appropriate \$750,000 from the Public Transportation Account to the department, as specified, to accomplish the purposes of these provisions. Last Amended on 3/31/2011</p>	<p>Support</p>

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Bill ID/Topic	Location	Summary	Position
<p>AB 676 Torres D</p> <p>Transportation funds.</p>	<p>ASSEMBLY 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was TRANS. on 3/3/2011)</p>	<p>Existing law establishes a policy for expenditure of certain state and federal funds available to the state for transportation purposes. Under this policy, the Department of Transportation and the California Transportation Commission develop a fund estimate of available funds for purposes of adopting the state transportation improvement program, which is a listing of capital improvement projects. After deducting expenditures for administration, operation, maintenance, local assistance, safety, rehabilitation, and certain environmental enhancement and mitigation expenditures, the remaining funds are available for capital improvement projects.</p> <p>This bill would provide that the remaining funds are available for the study of, and development and implementation of, capital improvement projects.</p>	
<p>AB 710 Skinner D</p> <p>Local planning: infill and transit-oriented development.</p>	<p>ASSEMBLY THIRD READING 5/19/2011 - Read second time. Ordered to third reading.</p>	<p>The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.</p> <p>This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development. Last Amended on 4/25/2011</p>	
<p>AB 845 Ma D</p> <p>Transportation: bond funds.</p>	<p>ASSEMBLY THIRD READING 5/19/2011 - Read second time. Ordered to third reading.</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, including \$950 million to be allocated by the California Transportation Commission to eligible recipients for capital improvements to intercity and commuter rail lines and urban rail transit systems in connection with or otherwise related to the high-speed train system. Of this amount, 80% is to be allocated to eligible commuter and urban rail recipients based on track miles, vehicle miles, and passenger trips pursuant to guidelines to be adopted by the commission. A dollar-for-dollar match is to be provided by a commuter and urban rail recipient for bond funds received.</p> <p>This bill would require the guidelines adopted by the commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration. The bill would require the commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds provided by the recipient to be from nonstate funds. The bill would define "nonstate matching funds" for purposes of these bond fund allocations to mean local, federal, and private funds, as well as state funds available to an eligible recipient that are not subject to allocation by the commission. Last Amended on 5/10/2011</p>	<p>Support</p>

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Bill ID/Topic	Location	Summary	Position
<p>AB 892 Carter D</p> <p>Department of Transportation: environmental review process: federal pilot program.</p>	<p>SENATE RLS. 5/16/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>Existing law gives the Department of Transportation full possession and control of the state highway system. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law requires the department to submit a report to the Legislature regarding state and federal environmental review. Existing law requires the report to be submitted no later than January 1, 2009, and again, no later than January 1, 2011.</p> <p>This bill would, instead, require the report to be submitted no later than January 1, 2015, and again, no later than January 1, 2018.</p> <p>Last Amended on 5/10/2011</p>	<p>Support</p>
<p>AB 912 Gordon D</p> <p>Local government: organization.</p>	<p>ASSEMBLY THIRD READING 5/16/2011 - Read second time. Ordered to third reading.</p>	<p>The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission, where the commission is considering a change of organization that consists of a dissolution, disincorporation, incorporation, establishment of a subsidiary district, consolidation, or merger, to either order a change of organization subject to confirmation of the voters, as specified, or order the change of organization without an election if the change of organization meets certain requirements.</p> <p>This bill would authorize the commission, where the commission is considering a change of organization that consists of the dissolution of a district recommended for dissolution by a prior action of the commission , to immediately order the dissolution if the dissolution was initiated by the district board, or to, within 60 days following the application being deemed complete by the commission, hold at least one noticed public hearing on the proposal, and order the dissolution without an election, unless a majority protest exists, as specified.</p> <p>Last Amended on 5/2/2011</p>	
<p>AB 952 Jones R</p> <p>High-speed rail.</p>	<p>ASSEMBLY THIRD READING 5/11/2011 - Read second time. Ordered to third reading.</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor. Members of the authority are subject to the Political Reform Act of 1974.</p> <p>This bill would prohibit a member, employee, or consultant of the authority from being the recipient of any gift, as defined, in a specified provision of the act. The bill would prohibit a construction company, engineering firm, consultant, legal firm, or any other company, vendor, or business entity with a contract or seeking a contract with the authority, or subcontractor of any of the foregoing, or owner, employee, or any member of their immediate families of any of these companies, firms, vendors, entities, or subcontractors, from making any gift to a member, employee, or consultant of the authority, or to any member of their immediate families. The bill would authorize the authority itself to receive gifts, and to transfer those gifts as specified, with the written approval of the Department of Finance. Last Amended on 5/10/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 953 Jones R</p> <p>High-speed rail.</p>	<p>ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2011)</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. Under federal law, funding is made available for allocation nationally to high-speed rail and other related projects.</p> <p>This bill would provide that no funds from Proposition 1A shall be available to the High-Speed Rail Authority for construction of the high-speed train system until adequate environmental studies are completed based on a new ridership study that uses an acceptable ridership evaluation methodology. The bill would require the authority to contract with the Institute of Transportation Studies at the University of California at Berkeley to complete a revised ridership study, using the ridership methodology of the institute. The bill would require the authority to use that ridership study as the basis for subsequent environmental studies. The bill would also require the authority to reconsider its adoption of the optimal high-speed rail route based both on the new ridership study and the ridership methodology.</p>	
<p>AB 957 Committee on Transportation</p> <p>Transportation omnibus bill.</p>	<p>SENATE RLS. 5/12/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>Existing law, the Sacramento Regional Transit District Act, creates the Sacramento Regional Transit District, with specified powers and duties relative to providing transit services in the Sacramento region. Existing law provides that the district is comprised of specified cities and unincorporated territories in the Counties of Sacramento and Yolo. Existing law sets forth provisions for transition from the Sacramento Transit Authority to the district and also sets forth provisions applicable to the establishment of the first board of the district.</p> <p>This bill would provide that the district includes the Cities of Citrus Heights, Elk Grove, Rancho Cordova, and West Sacramento. The bill would delete obsolete provisions relating to the transition from the authority to the district and establishment of the district's first board. Last Amended on 4/13/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 988 Grove R</p> <p>Prevailing wages.</p>	<p>ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. & E. on 3/10/2011)</p>	<p>Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Existing law further requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations as specified, be paid to workers employed on public works projects, and imposes misdemeanor penalties for certain violations of this requirement.</p> <p>This bill would revise the manner in which the director determines the rate of general prevailing wages, including deleting the requirement that he or she consider the applicable wage rates established by collective bargaining agreements and the rates that may have been predetermined for federal public works, and deleting the requirement that the director consider further data from labor organizations and employers or employer associations and concerns where the rates do not constitute the rates actually paid in the locality. The bill would also revise the methodology that the director is required to use in determining the general prevailing rate of per diem wages in the locality in which the public work is to be performed, including deleting certain requirement, and requiring the director to conduct a survey of the wages paid for work performed in each locality in which the public work is to be performed.</p>	
<p>AB 1092 Lowenthal, Bonnie D</p> <p>High-speed rail.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</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 report biannually to the Legislature beginning March 1, 2012, on the status of the project, including overall progress, the project budget, expenditures to date, a comparison of the current and project work schedule and the baseline schedule contained in the 2009 business plan, project milestones, and other related issues.</p>	
<p>AB 1097 Skinner D</p> <p>Transit projects: domestic content.</p>	<p>SENATE RLS. 5/19/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>Existing law creates the Business, Transportation and Housing Agency with various departments of state government that report to the agency secretary. Existing law provides various sources of funding for transit projects.</p> <p>This bill would require the Secretary of Business, Transportation and Housing to specifically authorize a state or local agency receiving federal funds for transit purposes to provide a bidding preference to a bidder if the bidder meets or exceeds Buy America requirements applicable to federally funded transit projects. Last Amended on 4/25/2011</p>	<p>Support</p>

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Bill ID/Topic	Location	Summary	Position
<p>AB 1105 Gordon D</p> <p>High-occupancy toll lanes: roadway markings.</p>	<p>SENATE RLS. 5/12/2011 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>Existing law authorizes the Santa Clara Valley Transportation Authority (VTA) to conduct, administer, and operate a value pricing high-occupancy toll (HOT) lane program on 2 corridors included in the high-occupancy vehicle lane system in Santa Clara County.</p> <p>This bill would provide that such a HOT lane established on State Highway Route 101 may extend into San Mateo County as far as the high-occupancy vehicle lane in that county existed as of January 1, 2011, subject to agreement of the City/County Association of Governments of San Mateo County. This bill contains other related provisions and other existing laws.</p> <p>Last Amended on 4/13/2011</p>	<p>Support</p>
<p>AB 1126 Calderon, Charles D</p> <p>Sales and use taxes.</p>	<p>ASSEMBLY 2 YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)</p>	<p>The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The State Board of Equalization administers the collection of taxes as imposed under those laws. Existing law requires every seller, certain retailers, and every person storing, using, or otherwise consuming in this state tangible personal property purchased from a retailer to keep any records, receipts, invoices, and other pertinent papers in any form as the board may require.</p> <p>This bill would make various technical, non-substantive changes to this requirement.</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 1134 Bonilla D</p> <p>Department of Transportation: project study reports.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Existing law requires the Department of Transportation, in consultation with transportation planning agencies, county transportation commissions, counties, and cities, to carry out long-term state highway planning. Existing law authorizes the department, to the extent that it does not jeopardize the delivery of projects in the adopted state transportation improvement program, to prepare a project studies report for capacity-increasing state highway projects. Existing law requires the department to review project studies reports performed by an entity other than the department. Existing law authorizes a local entity to request the department to prepare a project studies report for a capacity-increasing state highway project that is being proposed for inclusion in a future state transportation improvement program. If the department determines that it cannot complete the report in a timely fashion, existing law authorizes the requesting entity to prepare the report. Existing law makes specified guidelines adopted by the California Transportation Commission applicable to project studies reports commenced after October 1, 1991.</p> <p>This bill would instead authorize the department to prepare project study reports for any project on the state highway system. The bill would require project study reports to include specified project-related factors, including, among other things, cost estimates, schedule, and other information deemed necessary to form a sound basis for commitment of future state funding and project delivery. The bill would require an entity performing a project study report to reimburse the department for the cost of reviewing and approving a report for projects that are not in an adopted regional transportation plan, a voter-approved county sales tax measure expenditure plan, or another voter-approved transportation program. The bill would authorize a local entity to request the department to prepare a project study report for a state highway project that is being proposed for inclusion in a future state transportation improvement program or for funding from a regional or local funding source and would authorize the local entity to prepare the report at its own expense if the department determines that it cannot complete the report. The bill would require open and continuous communication between the department, a local entity requesting a project study report, and the regional transportation planning agency or county transportation commission. The bill would require the department, in consultation with representatives of cities, counties, regional transportation planning agencies, and county congestion management agencies, to prepare draft revised guidelines for the preparation of project study reports, as specified, and would require the department to submit the draft revised guidelines to the California Transportation Commission by July 1, 2012. The bill would require the California Transportation Commission to adopt final guidelines by October 1, 2012, and would make the guidelines applicable to project study reports upon adoption of the guidelines. Last Amended on 3/21/2011</p>	
<p>AB 1164 Gordon D</p> <p>High-Speed Rail Authority: appointees: Senate confirmation.</p>	<p>ASSEMBLY THIRD READING 4/27/2011 - Read second time. Ordered to third reading.</p>	<p>Existing law creates the High-Speed Rail Authority within the state government with various powers and duties relative to development and implementation of a high-speed passenger train system. Existing law provides that 5 of the 9 members comprising the authority shall be appointed by the Governor.</p> <p>This bill would require that those gubernatorial appointments be made with the advice and consent of the Senate. Last Amended on 4/7/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p>AB 1206 Galgiani D</p> <p>High-speed rail: contracts: small businesses.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</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. Under federal law, funding is made available for allocation nationally to high-speed rail and other related projects.</p> <p>This bill would require the authority to identify essential components of, and adopt, a small business enterprise program as part of contracts to be awarded by the authority relative to development and construction of the high-speed rail system and to adopt an oversight and accountability program for the small business enterprise program. The bill would require the authority to report annually to the Department of General Services and Legislature in that regard and post the report on its Internet Web site. Last Amended on 3/30/2011</p>	
<p>AB 1229 Feuer D</p> <p>Transportation: financing: federal highway grant anticipation notes.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/18/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Existing law continuously appropriates the amounts specified in the annual Budget Act as having been deposited in the State Highway Account from federal transportation funds, and pledged by the California Transportation Commission, to the Treasurer for the purposes of issuing federal highway grant anticipation notes, commonly known as GARVEE bonds, to fund transportation projects selected by the commission. Existing law prohibits the Treasurer from authorizing the issuance of the notes if the annual repayment obligations of all outstanding notes in any fiscal year would exceed 15% of the total amount of federal transportation funds deposited in the account for any consecutive 12-month period within the preceding 24 months.</p> <p>This bill would authorize a transportation planning agency, for purposes of funding transportation projects from notes secured by federal transportation funds, to commit up to 50% of its share of apportionments of specified federal transportation funds that are apportioned to transportation planning agencies. A transportation planning agency electing to commit these federal funds to debt service on the notes would be required to inform the Department of Transportation, the commission, and the Treasurer .</p> <p>Last Amended on 5/4/2011</p>	
<p>AB 1287 Buchanan D</p> <p>Local government: audits.</p>	<p>ASSEMBLY 2 YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/21/2011)</p>	<p>Existing law requires school districts to comply with General Accounting Office standards for financial and compliance audits, as specified, and prohibits an independent auditor from engaging in financial compliance audits unless, within 3 years of commencing the first of the audits, and every 3 years thereafter, the auditor completes a quality control review in accordance with General Accounting Office standards.</p> <p>This bill would require local agencies, defined to include cities, counties, a city and county, special districts, authorities, or public agencies, to comply with General Accounting Office standards for financial and compliance audits and would prohibit an independent auditor from engaging in financial compliance audits unless, within 3 years of commencing the first of the audits, and every 3 years thereafter, the auditor completes a quality control review in accordance with General Accounting Office standards.</p>	

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Bill ID/Topic	Location	Summary	Position
<p><u>AB 1308</u> <u>Miller R</u></p> <p>Highway Users Tax Account: appropriation of funds.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/4/2011 - In committee: Set, first hearing. Referred to APPR. suspense file.</p>	<p>Article XIX of the California Constitution requires revenues from state excise taxes on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the cost of collection and any refunds authorized by law, to be used for various street and highway purposes and for certain mass transit guideway purposes. Existing law requires state excise fuel tax revenues to be deposited in various accounts and to be allocated, in part, for various purposes, including the cost of collection and authorized refunds. Existing law requires the balance of these funds remaining after authorized deductions to be transferred to and deposited monthly in the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for formula apportionment of specified revenues in the Highway Users Tax Account to cities and counties for the transportation purposes authorized by Article XIX of the California Constitution, and requires other portions of those revenues to be transferred to and deposited in the State Highway Account in the State Transportation Fund. Existing law provides that the money in the Highway Users Tax Account is appropriated for the above-described transportation purposes, but also generally provides that the money in the State Highway Account may not be expended until appropriated by the Legislature.</p> <p>This bill, in any year in which the Budget Act has not been enacted by July 1, would provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund, except as specified, are continuously appropriated and may be encumbered for certain purposes until the Budget Act is enacted. The bill would thereby make an appropriation. The bill would authorize the Controller to make estimates in order to implement these provisions.</p>	
<p><u>AB 1332</u> <u>Donnelly R</u></p> <p>State Air Resources Board: abolishment.</p>	<p>ASSEMBLY 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/26/2011)</p>	<p>Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution, including greenhouse gas emissions. Existing law creates the state board within the California Environmental Protection Agency with prescribed membership.</p> <p>This bill would abolish the State Air Resources Board and transfer its authority, duties, powers, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency.</p>	
<p><u>AB 1335</u> <u>Lara D</u></p> <p>Local government: officials: salary increases.</p>	<p>ASSEMBLY 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)</p>	<p>Existing law makes certain findings and declarations relating to the prohibition against the availability of state surplus or state loan funds, in the 1978-79 fiscal year, to any local public agency that provides an increase in salary in that fiscal year to any elected or appointed official, and cost-of-living increase for other individuals.</p> <p>This bill would make technical, non-substantive changes to these findings and declarations.</p>	

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Bill ID/Topic	Location	Summary	Position
AB 1388 Wieckowski D Earnings withholding orders.	SENATE JUD. 5/19/2011 - Referred to Com. on JUD.	<p>Existing law requires an employer to withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the employee that ends during the withholding period. Under existing law, the portion of the judgment debtor's earnings that the judgment debtor proves is necessary for the support of the judgment debtor or the judgment debtor's family supported in whole or in part by the judgment debtor is exempt from the levy of an earnings withholding order. This exemption is not available if the debt was incurred for the common necessities of life furnished to the judgment debtor or the family of the judgment debtor.</p> <p>This bill would provide that "common necessities of life" does not include hospital services or medical care for purposes of that exception to the exemption from the levy of an earnings withholding order. Last Amended on 4/26/2011</p>	
ABX1 8 Ma D Transportation bond funds.	ASSEMBLY PRINT 12/7/2010 - From printer.	<p>Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of general obligation bonds for various transportation purposes. Existing law requires that \$1,000,000,000 of those funds be deposited in the Transit System Safety, Security, and Disaster Response Account, administered by the California Emergency Management Agency (Cal EMA), for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, as specified. Existing law requires 25% of the available funds to be allocated to certain regional public waterborne transit agencies. Existing law requires entities receiving funds from the account to expend those funds within 3 fiscal years of the fiscal year in which the funds were allocated and requires that funds remaining unexpended after those 3 years revert to Cal EMA for reallocation in subsequent fiscal years.</p> <p>This bill would declare that it is to take effect immediately as an urgency statute.</p>	
AJR 5 Lowenthal, Bonnie D Transportation revenues.	SENATE THIRD READING 5/11/2011	<p>This measure would request the President and the Congress of the United States to consider and enact legislation to conduct a study regarding the feasibility of the collection process for a transportation revenue source based on vehicle miles traveled, in order to facilitate the creation of a reliable and steady transportation funding mechanism for the maintenance and improvement of surface transportation infrastructure.</p> <p>Last Amended on 3/29/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p>SB 22 La Malfa R</p> <p>High-speed rail.</p>	<p>SENATE 2 YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was T. & H. on 3/31/2011)</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, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.</p> <p>This bill would reduce the amount of general obligation debt authorized pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2012.</p> <p>Last Amended on 3/24/2011</p>	
<p>SB 46 Correa D</p> <p>Public officials: compensation disclosure.</p>	<p>SENATE APPR. SUSPENSE FILE 5/9/2011 - Placed on APPR. suspense file.</p>	<p>Existing provisions of the Political Reform Act of 1974 require certain persons employed by agencies to file annually a written statement of the economic interests they possess during specified periods. The act requires that state agencies promulgate a conflict of interest code that must contain, among other topics, provisions that require designated employees to file statements disclosing reportable investments, business positions, interests in real property, and income. The act requires that every report and statement filed pursuant to the act is a public record and is open to public inspection.</p> <p>This bill would, until January 1, 2019, require every person , except a candidate for public office, who is required to file a statement of economic interests to include, as a part of that filing, a compensation disclosure form that provides compensation information for the preceding calendar year, as specified. This bill would, until January 1, 2019, require each designated employee who is required to file statements under a conflict of interest code to include, as a part of that filing, a compensation disclosure form that provides compensation information for the preceding calendar year.</p> <p>Last Amended on 4/6/2011</p>	
<p>SB 50 Correa D</p> <p>Conflicts of interest: disqualification.</p>	<p>ASSEMBLY DESK 5/12/2011 - In Assembly. Read first time. Held at Desk.</p>	<p>Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.</p> <p>This bill would add members of the High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.</p>	

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Bill ID/Topic	Location	Summary	Position
<p>SB 126 Steinberg D</p> <p>California Transportation Commission: guidelines.</p>	<p>SENATE CONSENT CALENDAR 5/18/2011 - Ordered to special consent calendar.</p>	<p>Existing law generally provides for programming and allocation of state and federal funds available for transportation capital improvement projects by the California Transportation Commission, pursuant to various requirements. Existing law authorizes the commission, in certain cases, to adopt guidelines relative to its programming and allocation policies and procedures.</p> <p>This bill would establish specified procedures that the commission would be required to utilize when it adopts guidelines, except as specified, and would exempt the adoption of those guidelines from the requirements of the Administrative Procedure Act.</p>	
<p>SB 241 Cannella R</p> <p>Environment: California Environmental Quality Act (CEQA).</p>	<p>SENATE 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 2/17/2011)</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for the judicial review of a lead agency's decision to certify an EIR.</p> <p>The bill would enact the CEQA Litigation Protection Pilot Program of 2011 and would require the Business, Transportation and Housing Agency to select projects that meet specified requirements from specified regions for each calendar year between 2012 and 2016. The bill would exempt from judicial review, pursuant to CEQA, a lead agency's decision to certify the EIR of, or to adopt a mitigated negative declaration based on an initial study for, the selected projects, a lead agency's and responsible agency's approval of the selected project, and the Business, Transportation and Housing Agency's selection of the projects. The bill would require the Business, Transportation and Housing Agency, by December 31 of each year, to submit an annual report to the Governor and to the Legislature summarizing the designation of projects, and the job creation and investment attributable to the designated projects.</p>	
<p>SB 310 Hancock D</p> <p>Local development.</p>	<p>ASSEMBLY DESK 5/19/2011 - In Assembly. Read first time. Held at Desk.</p>	<p>Existing law authorizes the legislative body of a city or county to adopt an infrastructure financing plan, which is required to contain specified information, for the purpose of financing certain infrastructure facilities, if specified procedural requirements are met, and requires the legislative body, if it adopts the plan, to submit the proposal to the voters. Existing law authorizes the legislative body to create an infrastructure financing district, by ordinance, if 2/3 of the qualified electors of the proposed district vote in favor of adoption of the plan, and also authorizes the legislative body to initiate proceedings to issue bonds to finance the infrastructure facilities if 2/3 of those electors vote in favor of the issuance. Existing law authorizes infrastructure finance districts to finance specified projects, including financing certain infrastructure facilities.</p> <p>This bill would eliminate the requirement of voter approval and authorize the legislative body to create the district, adopt the plan, and issue the bonds by resolutions. Last Amended on 4/25/2011</p>	

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Bill ID/Topic	Location	Summary	Position
<p><u>SB 316</u> <u>Emmerson R</u></p> <p>Meal periods: exemption: transportation industry.</p>	<p>SENATE 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. & I.R. on 2/24/2011)</p>	<p>Existing law prohibits, subject to certain exceptions, an employer from requiring an employee to work more than 5 hours per day without providing a meal period and, notwithstanding that provision, authorizes the Industrial Welfare Commission to adopt a working condition order permitting a meal period to commence after 6 hours of work if the order is consistent with the health and welfare of affected employees.</p> <p>This bill would add employees employed in the transportation industry, as defined, to the list of employees exempt from the above provisions.</p>	
<p><u>SB 392</u> <u>Gaines R</u></p> <p>Transportation: California Transportation Commission.</p>	<p>SENATE 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/24/2011)</p>	<p>Existing law establishes the California Transportation Commission and authorizes the commission to alter or change the location of any state highway if, in the opinion of the commission, the alteration is for the best interest of the state.</p> <p>This bill would make a non-substantive change to these provisions.</p>	
<p><u>SB 468</u> <u>Kehoe D</u></p> <p>Department of Transportation: north coast corridor project: high- occupancy toll lanes.</p>	<p>SENATE APPR. 5/17/2011 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.</p>	<p>Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law imposes various requirements for the development and implementation of transportation projects.</p> <p>This bill would impose additional requirements on the department with respect to specified highway projects on State Highway Route 5 in southern California, known collectively as the north coast corridor project, that are located entirely or partially in the coastal zone, including requiring the department to collaborate with local agencies, the California Coastal Commission, and other affected local, state, and federal agencies to ensure that multimodal transportation options are evaluated and included in the public works plan for the projects. The bill would make these requirements applicable to the San Diego Association of Governments (SANDAG) and would also require SANDAG, for these projects, to establish a safe routes to transit program that integrates the adopted regional bike plan with transit services and, pursuant to SANDAG's agreement, as specified, to commit to dedicate for regional habitat acquisition, management, and monitoring activities a portion of specified taxes approved by the voters in San Diego County. The bill would, for these projects, require the department to suspend a notice of determination relating to environmental impact, issued between January 1, 2011, and January 1, 2012, until it is determined that environmental documents for the projects satisfy the requirements of the bill. Last Amended on 5/17/2011</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>SB 475 Wright D</p> <p>Infrastructure financing.</p>	<p>ASSEMBLY L. GOV. 5/19/2011 - Referred to Com. on L. GOV.</p>	<p>Existing law authorizes a governmental agency, as defined, to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and lease to, private entities, for specified types of fee-producing infrastructure projects. Existing law permits these agreements to provide for infrastructure facilities owned by a governmental entity, but constructed by a private entity, to be leased to or owned by that private entity for a period of up to 35 years , after which time the project would revert to the governmental agency .</p> <p>This bill would authorize a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects. The bill would require an agreement entered into under these provisions to include adequate financial resources to perform the agreement, and would additionally permit the agreements to lease or license to, or provide other permitted uses by, the private entity. Last Amended on 5/3/2011</p>	
<p>SB 517 Lowenthal D</p> <p>High-Speed Rail Authority.</p>	<p>SENATE APPR. SUSPENSE FILE 5/17/2011 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.</p>	<p>Existing law creates the High-Speed Rail Authority in state government with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor.</p> <p>This bill would place the High-Speed Rail Authority within the Business, Transportation and Housing Agency. The bill would provide for the Secretary of Business, Transportation and Housing to serve on the authority as a nonvoting, ex officio member. The bill would require the secretary to propose an annual budget for the authority upon consultation with the authority. The bill would require the members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. The bill would provide for the members that are appointed to have specified background or experience, as specified. Last Amended on 5/17/2011</p>	
<p>SB 522 Walters R</p> <p>Public employees' retirement: additional service credit.</p>	<p>SENATE 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was P.E. & R. on 3/22/2011)</p>	<p>Existing law authorizes certain members of the Public Employees' Retirement System, the State Teachers' Retirement System, and county, city, and district retirement systems that have adopted specified provisions, to make additional contributions to the retirement system and receive up to 5 years of additional retirement service credit for time that does not qualify for public service, as specified.</p> <p>The bill would repeal the provisions that authorize these additional contributions and service credit, and would make related technical changes. Last Amended on 3/22/2011</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>SB 523 Walters R</p> <p>Public employees' retirement: elected local officials.</p>	<p>SENATE 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was P.E. & R. on 3/22/2011)</p>	<p>Existing law authorizes the creation of retirement systems for public employees by counties, cities, and districts. Existing law creates the Public Employees' Retirement System and the State Teachers' Retirement System, which provide a defined benefit to their members based on age at retirement, service credit, and final compensation. Existing law establishes the criteria for membership in the various public employee retirement systems and may exclude certain employment classifications from membership. The California Constitution provides for the division of the state into counties and requires that a county have an elected sheriff, elected district attorney, elected assessor, and elected governing body. Existing law provides for the incorporation of cities in various forms and requires that certain city offices be filled pursuant to elections, as prescribed. Existing law provides for the creation of districts, the governing bodies of which may be elected.</p> <p>This bill would prohibit a person who is publicly elected to a local office of any kind, on and after January 1, 2012, from becoming a member of a retirement system by virtue of that service or from acquiring any retirement right or benefit for serving in that elective local office. The bill would also apply these prohibitions to a person who is appointed to fill the term of a person so elected, but would not apply them to a person who obtained membership by virtue of holding an elective local office prior to January 1, 2012, for so long as he or she holds that office or is reelected to that office. Last Amended on 3/22/2011</p>	
<p>SB 524 Walters R</p> <p>Public employees' retirement: retroactive benefits.</p>	<p>SENATE 2-YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was P.E. & R. on 3/22/2011)</p>	<p>The Meyers-Milias-Brown Act, the Ralph C. Dills Act, provisions commonly referred to as the Educational Employment Relations Act, the Higher Education Employer-Employee Relations Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act each provide for the representation of state or local public employees by recognized employee organizations, and provide that the scope of this representation includes negotiations concerning wages, hours, and other terms and conditions of employment between the state or local public employer and representatives of those employee organizations.</p> <p>This bill would exclude matters relating to the retroactive effect of pension benefit increases from the scope of representation of public employees by recognized employee organizations, and would thereby prohibit these employee organizations from negotiating for a retroactive effect of pension benefit increases with public employers. Last Amended on 3/22/2011</p>	
<p>SB 545 Anderson R</p> <p>Transportation.</p>	<p>SENATE 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/3/2011)</p>	<p>Existing law creates various transportation programs to develop and implement improvements to transportation systems.</p> <p>This bill would state the intent of the Legislature to enact legislation enabling the state to examine efficiency in administering solutions to California's transportation needs.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p><u>SB 582</u> <u>Emmerson R</u></p> <p>Commute benefit policies.</p>	<p>SENATE THIRD READING 5/17/2011 - Read second time and amended. Ordered to third reading.</p>	<p>Existing law requires transportation planning agencies to undertake various transportation planning activities, including preparation of a regional transportation plan. Existing law requires transportation planning agencies that are designated under federal law as metropolitan planning organizations to include a sustainable communities strategy as part of the regional transportation plan for their region. Existing law creates air quality management districts and air pollution control districts with various responsibilities relative to reduction of air pollution.</p> <p>This bill, beginning on January 1, 2013, subject to certain exceptions, would authorize a metropolitan planning organization jointly with the local air quality management district or air pollution control district to adopt a commute benefit ordinance that requires covered employers operating within the common area of the organization and district with a specified number of covered employees to offer those employees certain commute benefits. The bill would require that the ordinance specify certain matters, including any consequences for noncompliance, and would impose a specified reporting requirement. The bill would impose a requirement for all metropolitan planning organizations within the region served by a specified air district to jointly elect to adopt the ordinance together with the district. The bill would exclude from its provisions an air district with a trip reduction regulation initially adopted prior to the 1990 Federal Clean Air Act Amendments as long as it continues to have a regulation that allows trip reduction as a method of compliance. The bill would make its provisions inoperative on January 1, 2017.</p> <p>Last Amended on 5/17/2011</p>	<p>Support</p>
<p><u>SB 624</u> <u>Harman R</u></p> <p>Emissions of greenhouse gases: California Global Warming Solutions Act of 2006.</p>	<p>SENATE 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/3/2011)</p>	<p>The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board, on or before January 1, 2011, to adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in emissions of greenhouse gases, in furtherance of achieving the statewide greenhouse gas emissions limit, with the regulations to become operative beginning January 1, 2012.</p> <p>This bill would make technical, non-substantive changes to the above requirements.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>SB 683 Correa D</p> <p>Environment: California Environmental Quality Act: noncompliance allegations: public comment.</p>	<p>SENATE 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was E.Q. on 3/3/2011)</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 unless the person objected to the approval of the project orally or in writing, during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the issuance of the notice of determination.</p> <p>This bill instead would prohibit these actions or proceedings unless the oral or written presentation or objection occurs during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the filing, rather than issuance, of the notice of determination.</p>	
<p>SB 693 Dutton R</p> <p>Public contracts: local agencies.</p>	<p>SENATE T. & H. 5/2/2011 - Set, second hearing. Hearing canceled at the request of author.</p>	<p>Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law authorizes the Department of Transportation and regional transportation agencies to enter into public-private partnerships for transportation projects under certain conditions. Existing law authorizes the department to delegate to any city or county any part of its powers and jurisdiction, except the power of approval, with respect to any portion of any state highway within the city or county, and to withdraw the delegation.</p> <p>This bill would specify that the delegation authority includes the authority to utilize private-public partnership agreements for transportation projects. Last Amended on 4/13/2011</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-23-11**

Bill ID/Topic	Location	Summary	Position
<p>SB 733 Price D</p> <p>High-speed rail: business plan: contracts: small business participation.</p>	<p>SENATE APPR. 5/13/2011 - Set for hearing May 23.</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. Under federal law, funding is made available for allocation nationally to high-speed rail and other related projects. Existing law requires the authority to prepare, publish, adopt, and submit to the Legislature a business plan containing specified elements beginning January 1, 2012, and every 2 years thereafter.</p> <p>This bill would require the authority, in awarding contracts for the construction of the high-speed rail system with state or federal funds, to develop a strategy in conjunction with the Employment Development Department to ensure that at least 25% of the project workforce used at each authority worksite is from the local workforce, and to report on that strategy in the business plan to be submitted on January 1, 2012, or as an addendum to that plan to be submitted on March 1, 2012. Last Amended on 5/11/2011</p>	
<p>SB 749 Steinberg D</p> <p>High-speed rail.</p>	<p>SENATE 2-YEAR 5/13/2011 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was T. & H. on 3/3/2011)</p>	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor.</p> <p>This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate.</p>	
<p>SB 867 Padilla D</p> <p>Build California Bonds.</p>	<p>SENATE 2 YEAR 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was T. & H. on 4/7/2011)</p>	<p>Existing law creates the California Transportation Financing Authority with specified powers and duties relative to the issuance of bonds to fund transportation projects to be backed, in whole or in part, by various revenue streams of transportation funds and toll revenues in order to increase the construction of new capacity or improvements for the state transportation system.</p> <p>This bill would, in addition, provide for the authority to issue Build California Bonds, the proceeds of which would be used for specified transportation capital improvements. Bondholders would be entitled to nonrefundable tax credits against their personal income tax or corporate tax liability. The bonds would not be a debt or liability of the state or a political subdivision of the state, except for the authority. The bill would provide for the authority to enter into financing agreements with participating local transportation authorities for the purpose of financing or refinancing transportation projects. Each series of bonds issued by the authority would be secured by a financing agreement between the authority and the local transportation authority. The bill would limit the principal amount of bonds to be issued by the authority under these provisions to \$5 billion over a 5-year period commencing January 1, 2012.</p>	<p>Support</p>

**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: **CAPITAL PROJECTS QUARTERLY STATUS REPORT –
3RD QUARTER FISCAL YEAR 2011**

ACTION

No action required. The attached Capital Projects Quarterly Status Report is submitted to the Board for information only.

SIGNIFICANCE

The Capital Projects Quarterly Status Report is submitted to keep the Board advised as to the scope, budget and progress of current ongoing capital projects.

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

Staff prepares the Capital Projects Quarterly Status Report for the Board on a quarterly basis. The report is a summary of the scope, budget and progress of capital projects. It is being presented to the Board for informational purposes and is intended to better inform the Board of the capital project status.

The report can be viewed at the following link:

http://www.caltrain.com/Assets/_Finance/Quarterly+Capital+Program+Status+Report/Quarter+3+of+FY+2011.pdf