# AGENDA

## PENINSULA CORRIDOR JOINT POWERS BOARD

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

May 3, 2012 – 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 April 5, 2012
   b) Authorize the Executive Director to Undertake Property Exchanges with the City of San Bruno in Furtherance of the San Bruno Grade Separation Project
   c) Authorize Award of Three On-call, No Guarantee Contracts to Provide On-Call Market Research and Survey Services for an Aggregate Not-to-Exceed Amount of $1,140,000 to:
      - Corey, Canapary & Galanis
      - Dikita Enterprises, Inc.
      - EMC Research, Inc

5. Chairperson's Report

6. Report of the Citizens Advisory Committee

7. Report of the Executive Director

8. Acceptance of Statement of Revenues and Expenses for March 2012 — MOTION

9. Authorize Acceptance of Quarterly Investment Report and Fixed Income Market Review and Outlook for the Quarter Ended March 31, 2012 — MOTION

10. Authorize Approval of High Speed Rail Early Investment Strategy for a Blended System Memorandum of Understanding — RESOLUTION

11. Preliminary Fiscal Year 2013 Operating Budget — INFORMATIONAL

12. Preliminary Fiscal Year 2013 Capital Budget — INFORMATIONAL

13. Authorize Revision of the Fiscal Year 2013 Fuel Hedging Policy, Award of Contract to Orrick, Herrington & Sutcliffe, LLP to Serve as Special Counsel for Not-to-Exceed Fee of $125,000, Approve the Fiscal Year 2013 Fuel Hedging Program and Authorize Execution of Documents and Payment Premium for Commodity Price Cap for the Fiscal Year 2013 Fuel Hedging Programs — RESOLUTIONS

14. Authorize Amendment to Extend the Contract with Parking Company of America Management, LLC for Contracted Shuttle Bus Service for an Additional One-year Term in the Estimated Amount of $2,957,027 Effective October 1, 2012 — RESOLUTION

15. Authorize Award of Five On-call Contracts for Railroad Business and Operations Support Services for a Three-year Term for an Aggregate Not-to-Exceed Amount of $3,800,000 to: — RESOLUTION
    - LTK Engineering Services
    - Nancy Whelan Consulting
    - Parsons Brinckerhoff, Inc.
    - Systra Consulting
    - Transportation Resource Associates, Inc.

16. Legislative Update — INFORMATIONAL

17. Correspondence

18. Board Member Requests

19. Date/Time of Next Meeting: Thursday, June 7, 2012, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

20. General Counsel Report
    a) Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a): San Mateo County Transit District v. City and County of San Francisco and Artichoke Joes, San Mateo County Superior Court Case No. CIV494013 County Transit District

21. Adjourn

# INFORMATION FOR THE PUBLIC

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

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

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

**Minutes**
**April 5, 2012**

**MEMBERS PRESENT**: A. Kalra, L. Kniss, A. Lloyd, A. Tissier, K. Yeager

**MEMBERS ABSENT:** J. Cisneros, M. Cohen, J. Deal, T. Nolan

**STAFF PRESENT**: J. Cassman, G. Harrington, C. Harvey, R. Haskin, A. Hughes, M. Lee, M. Martinez, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon

Chair Adrienne Tissier called the meeting to order at 10:17 a.m. and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Nancy Shepherd, Palo Alto City Councilmember, said Palo Alto has the second largest ridership on the Caltrain system and feels Caltrain is a vital part of getting people to work in Palo Alto and Stanford. They have submitted a Letter of Interest describing what the City Council would like to see in the Memorandum of Understanding (MOU). The council supports the modernization of Caltrain but says the High Speed Rail (HSR) project should be terminated because it does not follow Proposition 1A. Should the State move forward with the blended system in the Peninsula segment, Caltrain should be the lead agency for any project on the corridor. Based on past experience, the MOU process should also include all Peninsula cities on the Caltrain corridor.

Shirley Johnson, San Francisco, thanked the Board for keeping Warm Planet Bike Facility open. One small thing to help cyclists is to change Train 324 from a Bombardier consist to a Gallery consist so it can carry 80 bikes instead of 48. Train 324 departs San Francisco at 8:14 a.m. and bumps more bikes than any train in the system. A simple equipment swap to a Gallery set would make the world of difference for customers.

Karl "Kash" Hass, Warm Planet Bike Facility operator, thanked the Board for an interim contract and subsidy funding last month. This funding has allowed him to convert retail space into bike parking to satisfy a recent surge in demand. He thanked Manager, Real Estate and Property Development, Brian Fitzpatrick for his work on getting this contract done. This contract guarantees uninterrupted service for bicyclists.

Irvin Dawid, Palo Alto, said yesterday he boarded in Redwood City and the problem was the Giants special train arrived before the normally scheduled train and there was a lot of confusion among the passengers. The visual messaging signs should indicate when the Giants special train is arriving.

Jeff Carter, Burlingame, said he has seen the same situation as mentioned by the previous speaker, especially on the weekends. There are concerns in the community of Palo Alto that are

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fueled by anti-rail propaganda. There needs to be accurate information in the community on HSR. He asked why grade separations being proposed in Palo Alto are twice as long as the one in Millbrae at Hillcrest.

Pat Giorni, Burlingame, said last month there were only 66 bumps. Golden Gate Ferry District is also dealing with Clipper tickets and they are putting the surcharge increase on Clipper and not on the paper ticket passenger.

Chair Tissier said to satisfy each of the transit agencies with Clipper, the Metropolitan Transportation Commission (MTC) decided to cater to each agencies' needs and therefore things are not the same in each and every area.

**CONSENT CALENDAR**

a. Approval of Minutes of March 1, 2012
b. Authorize the Filing of Applications for State Proposition 1B Transit Security Grant Program Funds
c. Authorize an 18-Month Pilot Program to Encourage Advance Group Sales by Providing a 10 percent Discount

The Board approved the Consent Calendar (Kniss/Lloyd).

**CHAIRPERSON'S REPORT**

Chair Tissier reported:

- The JPB Citizens Advisory Committee (CAC) recruitment has begun and closes April 30. The application is available on the Caltrain website.
- The MTC unanimously approved the MOU that will lead to Caltrain electrification and Positive Train Control. MTC gave $750 million to be matched by money from HSR.

**REPORT OF THE CAC**

CAC Chair Paul Bendix reported on their March 21 meeting:

- Seamus Murphy, Manager, Government Affairs gave an update on the Caltrain Modernization Program.
- Staff reported on ridership and revenue for February 2012.

**REPORT OF THE EXECUTIVE DIRECTOR**

Executive Director Michael Scanlon reported:

- The San Francisco Municipal Transportation Agency is celebrating its 100th birthday today. The three San Francisco representatives will be fully briefed on the presentations being given at today's meeting.
- Gillian Gillette, San Francisco Mayor Ed Lee's Director of Transportation Policy was introduced and will be joining Staff Coordinating Council.
- Key Caltrain Performance Statistics
  - Monthly Performance Statistics – February 2012 compared to February 2011
    - Total Ridership was 1,088,162, an increase of 19.9 percent.
    - Average Weekday Ridership was 42,959, an increase of 15.9 percent.
    - Total Revenue was $4,694,065, an increase of 24.4 percent.
    - On-time Performance was 94.6 percent, an increase of 0.7 percent.

        - Caltrain Shuttle Ridership was 7,871, an increase of 45.1 percent.
    - Year-to-Date Performance Statistics – February 2012 compared to February 2011
        - Total Ridership was 9,097,902, an increase of 10.7 percent.
        - Average Weekday Ridership was 42,788, an increase of 9.1 percent.
        - Total Revenue was $38,338,717, an increase of 23.6 percent.
        - On-time Performance was 93.6, a decrease of 0.4 percent.
        - Caltrain Shuttle Ridership was 7,002, an increase of 32.7 percent.
- Rail operator transition continues to go well. All union agreements have been signed and training and hiring is underway.
- The Bicycle Advisory Committee (BAC) met on March 15. Richard Coughlin, Associate Principal with ARUP, and Robert Beck, Senior Program Manager with the San Francisco Transbay Joint Power Authority (TJPA), presented the plans for bike facilities at the new Transbay Terminal. Interim Community Relations Manager Gina Simi updated the BAC on the Warm Planet Bike Facility and bike locker survey. Next meeting is Thursday May 17.
- Train 324 is a difficult situation. It is advantageous to non-bike riders to have the Bombardier cars. These cars have lower floors, two doors and helps with dwell time.
- The San Mateo County Transit District was awarded a grant from MTC for a pilot car share program in Redwood City. ZipCar was selected to place nine carshare vehicles in downtown Redwood City. This program will start in mid-May.
- Special service:
    - Sharks played 10 games in March and season to date, ridership is up 20 percent.
    - There was a doubleheader soccer match on March 17 and extra service was provided and carried 5,300 riders.
    - Giants season opens on Friday, April 13 at 1:35 p.m. and Caltrain will be providing extra service.
- Pile driving for the grade separation in San Bruno began in early February and should be completed in April.
- The Out of the Darkness walk is an 18-mile overnight walk that begins at dusk at Fort Mason. It is a bold statement that brings the issue of suicide out into the light. Caltrain is sponsoring a team and currently there are nine members.

Director of Caltrain Modernization Program Marian Lee said since the last Board meeting staff completed the blended operations analysis. The comments received from the public have been addressed and are included in the report which is available on the website. On April 2, the HSR released its revised Business Plan and staff is reviewing the document. It is very clear in the Plan HSR has embraced the blended system and there is an acknowledgement of the MOU on the early investment projects in the corridor to be done by 2020. There are some inconsistencies in the Plan and staff will be looking at relative information for the corridor. The CHSRA Board is scheduled take this Plan for adoption at its meeting on April 12. The Caltrain Modernization team is continuing to move forward with the planning studies. Good progress has been made on the grade crossing analysis as well as some of the service plan what-if scenarios. A lot of the work right now is on running models and data crunching, but staff hopes to have some preliminary findings to share within the next couple of months.

Mr. Scanlon continued:

- The reading file contains the CAC recruitment TakeOne, Safety & Security Report, Giants baseball brochure and the latest issue of *Track the Fun*.

**Annual Passenger Counts**
Deputy CEO Chuck Harvey reported:

- The annual ridership counts provide a measurement relative to previous years and are used to evaluate service changes, identify trends, validate revenue-based ridership estimates, and identify potential access issues.
- Headcounts are done on every weekday train averaged over five weekdays and on every weekend train for one weekend only.
- Average weekday ridership rose 12.1 percent over last year and since the reinvention of Baby Bullet service has increased 64 percent.

Director Liz Kniss asked what is causing the increase in ridership. Mr. Scanlon said it started with the reinvention of the service in 2004. Some of the current trends are not just the service, but compounded by the price of fuel and increased employment.

- Ridership for traditional peak (northbound) increased 12.1 percent and reverse peak (southbound) increased 12.4 percent. Peak ridership accounts for 82 percent of all passengers.
- There were increases in all stations, but two.
- The top 10 stations comprise of 79 percent of all Caltrain riders.
- Santa Clara County saw the largest increase in ridership by 14 percent.
- The Gilroy extension ridership has decreased 6.8 percent since 2006.
- There is robust growth on all service types.
- Maximum loads are on northbound Trains 329, 323, 369, 319 and 217 and southbound Trains 378, 324, 280, 372, 314.
- Midday ridership increased despite reduction of four midday trains.
- Average trip length has decreased slightly from 23.1 in 2011.
- Average weekday bike ridership increased 15.8 percent in 2012.
- On-board bike capacity was increased by 31 percent in June 2011.
- For the first time bike denials were counted and results are consistent with self-reporting and information shared in the Board reading file. Denials were found on Trains 324, 369 and 378, which also has standing non-bike passengers.
- Weekend service was down 2.1 percent, but counts were only done one weekend.
- Weekend pilot Baby Bullet service remains robust.
- Fiscal Year (FY) 2013 budget remains challenging with fuel prices increasing and relies heavily on one-time funding sources.
- Staff remains very concerned about the projected deficit for FY2014, which will require finding additional one-time funds absent any dedicated revenue source for Caltrain operations. FY2014 final budget is the subject of negotiations between the JPB partners.
- This data will be used to develop potential service scenarios that positively impact the greatest number of customers and balances fiscal constraints with continued growing demand for service.

Director Ash Kalra commended staff and the Board for the commitment for keeping the level of service during the fiscal downturn. He has heard people would like to have earlier Baby Bullet trains on the weekend. Mr. Harvey said the reason the time slots were selected was the ability to use crews.

Director Kalra asked if there is information available for how far a bike passenger travels. Mr. Harvey said no.

Director Kniss said the shuttle information is very helpful, and asked if parking is a problem at any of the stations. Mr. Harvey said the Baby Bullet stations parking lots are full and staff is working on overflow lots.

Public Comment
Jeff Carter, Millbrae, thanked staff for the excellent report. The counts are actually done by a contractor and he asked whether, with the change in operator, the counts will still take place in the same manner. The weekend counts were done on the day of a Forty-Niner playoff game which could askew the counts.

Pat Giorni, Burlingame, said the county-by-county comparison and the formula needs to be changed for what the partners pay. There needs to be more of a balance.

Shirley Johnson, San Francisco Bicycle Coalition, said it is important to note that there was a robust discussion on the Transbay Terminal bike parking at the last BAC meeting and there will only be capacity for 500 bikes. She thanked staff for counting the bikes this year. Bike capacity is inconsistent and can't count on 80 bike spaces. We need consistent bike capacity and should have three bike cars on Bombardier consists.

Irvin Dawid, Palo Alto, said there is a critical need for rail cars, not seats. Every train needs to have more than five cars, especially on the Baby Bullet and Giants trains. He suggested doing an origin and destination count.

Adina Levin, Menlo Park, said there are studies that show age trends and younger people don't like driving. It would be great to see connectivity trends to Caltrain.

Roland LeBrun, San Jose, said cars are coming from Morgan Hill, Gilroy and beyond and they are causing massive congestion around San Jose. He said most people board at Tamien because there is not enough service to Blossom Hill. He said staff should experiment turning trains around at Blossom Hill. He drives now to Diridon because having one train per hour to Tamien is not enough.

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**ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR FEBRUARY 2012**

Deputy CEO Gigi Harrington said operating revenue is $2.4 million over budget in farebox and there are $3.8 million in savings on the expense side. Fuel was $3.36 per gallon last week and year-to-date is $3.15 per gallon. The fuel hedge was tripped in March and the agency received a check from the bank for $65,000 and year-to-date has received $231,000.

A motion (Lloyd/Kniss) to accept the February 2012 statement was approved unanimously.

**CALTRAIN MODERNIZATION EARLY INVESTMENT MEMORANDUM OF UNDERSTANDING UPDATE**

Ms. Lee said last month staff presented projects for submission to MTC and the CHRSA for funding consideration. Since that time, MTC got the transportation agencies in the region together and was able to achieve an agreement on two key issues: the conceptual definition of what the blended system is and a prioritization of projects that would compete well for HSR money to make the blended system happen.

The MOU is an agreement by nine parties -- the CHSRA, MTC, JPB, transportation agencies from each of the three counties Caltrain represents, the TJPA and the cities of San Francisco and San Jose. These parties have in common a role in planning, funding, construction and/or operations in the corridor. The MOU defines the blended system as primarily a two-track system, not a four-track system, from San Jose to the northern terminus at the Transbay Transit Center in downtown San Francisco. It also says there are several interrelated projects necessary for the blended system, including the Caltrain enhanced signal system, electrification of the system, acquisition of electric multiple units (EMU), the Downtown Extension project, HSR stations at Diridon and Millbrae, as well as core capacity projects that include system upgrades to existing Caltrain stations, tunnels, bridges, tracks and crossings. The MOU has identified two projects as the early investment projects: the advanced signal system and electrification of the system. The MOU includes a $1.5 billion funding plan and there is a commitment to implement these projects by 2015 and 2019, respectively. There is an approximate 50/50 match to Proposition 1A funding.

Ms. Lee said the MOU includes a commitment to pursue a primarily two-track system. This is very important to our communities as they are opposed to a four-track system. This blended system would be used by Caltrain, HSR, freight and other existing rail tenants. As the design of the project is advanced, it will be planned and designed in a way that supports local land use policies and transit oriented development policies. There is a commitment by Caltrain to update and recirculate the Caltrain environmental electrification document.

Ms. Lee said there are some concerns or comments not addressed in the MOU and they include:

- Funding needs to be identified for the projects not identified for early investment projects and staff will continue to work with MTC and partner agencies in finding these other funding sources.
- Three key funding sources are leveraging San Mateo County local sales tax money for grade separations; supporting the TJPA on New Starts Money for the Downtown Extension Project; and getting Federal grants targeted for HSR corridors to fund the other projects.

- Staff also received comments related to local planning, and many of those didn't make it into the MOU. The JPB has committed to leading the project to implement the Caltrain Modernization Project and it may be more appropriate for our agency to address those local planning matters.
- The most common issues heard were related to issues on passing tracks -- if we need to have them and, if so, where they would go; how to upgrade at-grade crossings given the impact anticipated on gate down time and local traffic. There also is an issue related to HSR maintenance and storage facility -- if there needs be one in our segment and, if so, where and how big. These are all being addressed in the current planning efforts or will be addressed when the environmental document is updated and recirculated.
- The last set of stakeholder comments that did not get into the MOU relate to HSR policies and responsibilities – opposition to HSR's selected alignment and its decision to start in the Central Valley; a request to remove all four-track references from the previous HSR Business Plan and the current one too; a determination if the state attorney general concurs that the blended system meets the Proposition 1A requirements; and HSR needing to have discussions with Union Pacific. These are all relevant matters and staff has forwarded them to CHSRA.

Ms. Lee said MTC approved this MOU at its March 28 meeting. The eight remaining parties need to take this MOU to their boards. CHSRA is scheduled to approve the MOU on April 12 in San Francisco. The Santa Clara Valley Transportation Authority, the JPB and the San Mateo County Transportation Authority will take this item at their May meeting. The TJPA and the City of San Jose are taking this item at their June meeting.

Director Art Lloyd asked if we are requiring Union Pacific (UP) to keep operating its trains in the evening. Also Union Pacific inherited from Southern Pacific the rights to intercity passenger service and HSR will fall into that category. Legal Counsel David Miller said the project covered by the MOU is a Caltrain project. It is not an intercity project so UP consent to implement what is in the MOU is not required. HSR issues will be a separate issue. The MOU concerns the Caltrain electrification project and related items. The trackage rights agreement addresses UP's rights and as previously discussed passenger service has the priority on the rail line.

<u>Public Comment</u>
Jim Bigelow, Redwood City/San Mateo County/Menlo Park Chambers, said the chambers wrote to MTC in support of the MOU. The key thing is Caltrain needs to be the lead on the implementation of the blended system and its identification. Caltrain will do much better on outreach then CHSRA.

Adina Levin, Friends of Caltrain, said it was great seeing the people speaking in support of Caltrain electrification at the MTC meeting and she is glad to see Caltrain is playing the lead role with the communities along the corridor in the planning.

Andy Chow, Bay Rail Alliance, said they have been a long-term supporter of electrification and are very pleased with the MOU. Bay Rail Alliance believes HSR has been a very exciting project, but disappointed after the ballot measure was passed there was backlash because the CHSRA didn't know how to proceed.

Pat Giorni, Burlingame, said a few months ago at a JPB meeting, a sales tax was discussed as a way to raise money to finance operations, but today we hear about sales tax for grade separations in San Mateo County. Is staff looking at two sales taxes? Mr. Scanlon said the reference is to the existing Measure A sales tax for local match to build grade separations.

Chair Tissier said it is very clear Caltrain is going to be the lead agency. MTC plays a major role in the electrification of Caltrain to the tune of $700 million and they will be a major player. If it wasn't for MTC there would be no electrification.

Director Ken Yeager asked if the MOU could be voted on today especially since there is no opposition. Mr. Miller said this item is intended as an informational item, but the agenda does state any item listed as informational can be acted on. Chair Tissier said the MOU is one thing, but the JPB has to have a resolution to capture some of the issues the community has and how we will accomplish them. She thinks it would be best for the Board to take the action at the May meeting.

Director Yeager said there are several things he would like to see in the resolution. He would like to see who is in charge in the resolution and that Caltrain owns the right of way, Caltrain will manage the project's construction including what is built, how it is built and how the construction will be performed and that Caltrain will be the agency in charge of recirculating the EIR for electrification.

Director Kniss said she totally concurs with Director Yeager's comments and it would be reassuring to the many cities in the corridor.

Director Lloyd said presently the two freight trains terminate and originate in South San Francisco, but asked if staff will restrict the switching operations to night time too. Mr. Harvey said it would depend on how the train is utilized. If it is on the freight designated tracks only and not on the mainline corridor there are ways to work with UP.

**ASSESSMENT OF THE FISCAL YEAR 2012 FUEL HEDGING PROGRAM**

Ms. Harrington said staff will be back next month to set up the transaction for next fiscal year. Staff will be asking the Board to slightly revise the policy to allow for more flexibility if credit ratings drop, and authorize staff to move forward with the transaction and approve a contract with the hedge counsel.

**LEGISLATIVE UPDATE**

Government Affairs Manager Seamus Murphy said the State Legislature is on recess and bills will start being heard in policy committees next week. Congress approved a 90-day extension on the Surface Transportation Bill. The Senate has approved a two-year bill and the House said they are going to work on something that is closer to five years. Staff doesn't expect the next proposal to be any better than the previous ones with approximately 30-35 percent cuts to Surface Transportation Programs especially because the House just approved a non-binding budget resolution that cuts transportation programs by that amount.

**CORRESPONDENCE**

No discussion.

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**BOARD MEMBER REQUESTS**
None

**GENERAL COUNSEL REPORT**
No report.

**DATE/TIME/PLACE OF NEXT MEETING**
The next meeting will be Thursday, May 3, 2012, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

**ADJOURNED**
Director Lloyd requested the meeting be adjourned in memory of Bob Alexander, a former Burlington Northern-Santa Fe employee, who was very instrumental in the California State Operation Lifesaver Program.

Adjourned at 11:55 a.m.

**AGENDA ITEM # 4 (b)**
**MAY 3, 2012**

**PENINSULA CORRIDOR JOINT POWERS BOARD**
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Aidan Hughes
Interim Executive Officer
Planning & Development

SUBJECT: **AUTHORIZE THE EXECUTIVE DIRECTOR TO UNDERTAKE PROPERTY EXCHANGES WITH THE CITY OF SAN BRUNO IN FURTHERANCE OF THE SAN BRUNO GRADE SEPARATION PROJECT**

## ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director to undertake the exchange of property rights with the City of San Bruno associated with the San Bruno Grade Separation Project as consistent with the purpose of the project. Such transfers will be subject to the approval as to form of the property transfer documents by the General Counsel.

## SIGNIFICANCE

Pursuant to the terms of the Construction and Maintenance (C&M) Agreement entered into between the City of San Bruno and the Peninsula Corridor Joint Powers Board (JPB), the parties need to exchange certain property interests to reflect the ongoing maintenance responsibilities of each entity.

## BUDGET IMPACT

There is no impact to the budget.

## BACKGROUND

In 2010, the City of San Bruno and the JPB entered into a C&M Agreement that sets forth the roles and responsibilities of each party for the construction and ongoing maintenance of the Project. In general, the City of San Bruno is responsible for maintenance of Posey Park and its street and roadway system, while the JPB is responsible for the operation and maintenance of the railroad facilities. In order to implement the Project, the Board authorized a series of real estate acquisitions from adjacent property owners and the City and County of San Francisco.

The project design includes the construction of a cul-de-sac at the end of First Avenue and the modification of the intersection of First Avenue, San Bruno Avenue and San Mateo Avenue. In order to implement this feature, the JPB purchased certain property rights from an adjacent commercial property. Because these properties will be incorporated into the City of San Bruno's street and roadway system, they will need to be transferred to the City of San Bruno.

The project design also calls for the reconstruction of Huntington Avenue and the expansion of Posey Park.  To accomplish this work, the JPB purchased certain property from the City and County of San Francisco.  The portions of the property required for Posey Park will be transferred to the City of San Bruno, while JPB will retain the rights over the portion required for JPB facilities.

Finally, it was necessary to purchase property from the City and County of San Francisco to accomplish the expansion of Huntington Avenue south of Angus Avenue and for the realignment of Angus Avenue.  Because these properties will be incorporated into the City of San Bruno's street and roadway system, they will need to be transferred to the City of San Bruno.

Additionally, the project will realign three streets that currently cross the JPB's existing right of way: San Mateo Avenue, San Bruno Avenue and Angus Avenue.  After the project, these streets will cross the JPB right of way in slightly different locations.  Therefore, it is necessary for property rights to be exchanged between the City of San Bruno and JPB to accurately reflect the after-condition location of each street crossing of the JPB right of way.  To accomplish this goal, the City will vacate, in favor of JPB, any rights they have within the former roadway areas and JPB will grant the City new property rights within the new roadway areas.  Because JPB and the City will both be operating in the area of the road crossings (JPB on an elevated structure and the City at ground level), the JPB will retain fee title and the City's rights will be in the form of an easement.

Prepared by: Brian W. Fitzpatrick, Manager, Real Estate & Property Development  650.508.7781

**RESOLUTION NO. 2012-**

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

**STATE OF CALIFORNIA**

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**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE PROPERTY TRANSFERS WITH THE CITY OF SAN BRUNO IN CONJUNCTION WITH THE SAN BRUNO GRADE SEPARATION AND NEW STATION PROJECT**

**WHEREAS,** the Peninsula Corridor Joint Powers Board (JPB) is undertaking the San Bruno Grade Separation and New Station Project (Project) in San Bruno, California, which will include (1) three grade-separated street crossings; (2) three pedestrian under crossings; (3) a new San Bruno Station and parking lot; (4) relocation of station platforms to an elevated structure; and (5) related improvements; and

**WHEREAS**, the JPB has entered into a Railroad Construction and Maintenance Agreement with the City of San Bruno to coordinate each agency's responsibilities relative to the project; and

**WHEREAS**, the Project requires the realignment of several city streets and the relocation of a public park; and

**WHEREAS,** to accomplish these changes, the JPB needs to make certain transfers of property rights to the City and to accept certain transfers from the City; and

**WHEREAS**, staff recommends that the Board of Directors authorize the Executive Director to execute necessary property transfers to the City and to accept other transfers from the City, all as more specifically described in the staff report.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula Corridor Joint Powers Board authorizes the Executive Director, or his designee, to execute property transfers to the City of San Bruno and to accept other transfers from the City, all in a form acceptable to legal counsel and Real Estate Department staff, as more specifically described in the staff report;

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

Regularly passed and adopted this 3rd day of May 2012 by the following vote:

AYES:

NOES:

ABSENT:

______________________________________

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

______________________________

JPB Secretary

**AGENDA ITEM # 4 (c)**
**MAY 3, 2012**

**PENINSULA CORRIDOR JOINT POWERS BOARD**
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

Rita P. Haskin
Executive Officer, Customer Service & Marketing

SUBJECT: **AUTHORIZING AWARD OF CONTRACTS TO PROVIDE ON-CALL MARKET RESEARCH AND SURVEY SERVICES**

## ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award on-call, no guaranteed level-of-effort contracts for an aggregate not-to-exceed amount of $1,140,000, to provide on-call market research and survey services, at the hourly rates quoted in each proposal, to the following firms:
   - Corey, Canapary & Galanis
   - Dikita Enterprises, Inc.
   - EMC Research, Inc.

2. Authorize the Executive Director or his designee to execute a contract for a five-year term with each of the above firms in full conformity with the terms and conditions of the solicitation documents and negotiated agreements.

## SIGNIFICANCE

Award of these contracts will provide the Peninsula Corridor Joint Powers Board (JPB) with qualified on-call market research firms to conduct ridership research, counting projects, and passenger satisfaction surveys on a project-by-project basis. Potential projects may include origin/destination studies, focus groups, and run-time surveys.

## BUDGET IMPACT

Funding for these services will be available under approved and projected operating budgets.

## BACKGROUND

The existing contract was awarded to Corey, Canapary & Galanis in 2007 to meet the requirements of the Marketing and Rail Operations departments. During the term of this contract, Rail Operations' need for services increased and, during the preparation of the RFP, the Office of Public Affairs identified a need for on-call market research services. Therefore, the estimated value of the new five-year contract was increased to accommodate the anticipated requirements of these departments. Based upon the projected volume of projects, staff determined it is in the agency's best interests to award contracts to more than one firm.

A Request for Proposals (RFP) to provide market research and survey services was issued as a joint procurement detailing the scope of services for the JPB and the San Mateo County Transit District. The solicitation information was advertised in a newspaper of general circulation and on the JPB's procurement website. Solicitation notices also were sent to interested proposers, small business enterprises (SBEs) and disadvantaged business enterprises (DBEs). Four proposals were received.

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

- Approach to Scope of Services — 0-20 points
- Qualifications and Experience of Firm — 0-25 points
- Qualifications and Experience of Key Personnel — 0-30 points
- Cost Proposal — 0-25 points

After review, evaluation, and initial scoring of proposals, three firms were determined to be in the "competitive range" and were invited for interviews. As part of the evaluation process, staff contacted agencies where the firms in the competitive range are providing similar services and received positive references. Following interviews, the Committee completed the final evaluation and consensus ranking and determined that Corey, Canapary & Galanis, Dikita Enterprises, Inc. and EMC Research, Inc. are qualified to be selected for contract award. Negotiations were conducted successfully with these firms. The firms are listed below in order of their final consensus ranking:

- Corey, Canapary & Galanis (SBE firm), San Francisco
- Dikita Enterprises, Inc. (DBE firm), Dallas, TX
- EMC Research, Inc., Oakland
- The Modellers, LLC, Salt Lake City, UT

Each firm in the competitive range possesses the requisite depth of experience, has the required qualifications to successfully perform the scope of services defined in the solicitation documents, and is fully capable of providing the specified services at a fair and reasonable price. Staff therefore recommends award of a contract to each of these firms.

Corey, Canapary & Galanis currently provides market research and survey services to the JPB under a three-year base term contract with two, one-year option terms for an estimated cost of $525,000 for the five-year term.

| | | |
|---|---|---|
| Senior Contract Officer: | Julie Taylor | 650.508.7915 |
| Project Manager: | Christiane Kwok, Market Research Specialist | 650.508.7926 |

**RESOLUTION NO. 2012 -**
**PENINSULA CORRIDOR JOINT POWERS BOARD**
**STATE OF CALIFORNIA**

*** * ***

**AUTHORIZING AWARD OF CONTRACTS**
**FOR ON-CALL MARKET RESEARCH AND SURVEY SERVICES**
**FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF $1,140,000 FOR FIVE YEARS**

**WHEREAS**, the Peninsula Corridor Joint Powers Board (JPB) has solicited competitive proposals to provide on-call market research and survey services; and

**WHEREAS**, in response to the JPB's advertisement, four firms submitted proposals; and

**WHEREAS**, an Evaluation Committee (Committee) has reviewed proposals, conducted interviews and negotiations, and ranked all of the proposals according to the evaluation criteria set forth in the Request for Proposals (RFP); and

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

**WHEREAS,** the Committee has determined that Corey, Canapary & Galanis, Dikita Enterprises, Inc. and EMC Research, Inc. are the three highest consensus-ranked firms; and

**WHEREAS**, legal counsel has reviewed the Corey, Canapary & Galanis, Dikita Enterprises, Inc. and EMC Research, Inc. proposals and determined that they complied with the requirements of the solicitation documents; and

**WHEREAS**, the Executive Director recommends that on-call, no guaranteed level-of-effort contracts for market research and survey services be awarded to Corey, Canapary & Galanis, Dikita Enterprises, Inc. and EMC Research, Inc. for a five-year term for an aggregate not-to-exceed amount of $1,140,000, provided at the hourly rates quoted in each firm's proposal.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board hereby awards on-call, no guaranteed level-of-effort contracts for market research and survey services to Corey, Canapary & Galanis, of San Francisco, California; Dikita Enterprises, Inc. of Dallas, Texas; and EMC Research, Inc. of Oakland, California for a five-year term for an aggregate not-to-exceed amount of $1,140,000 in full conformity with all the terms and conditions of the RFP and negotiated agreements; and

**BE IT FURTHER RESOLVED** that the Board authorizes the Executive Director or his designee to execute contracts on behalf of the JPB with Corey, Canapary & Galanis, Dikita Enterprises, Inc. and EMC Research, Inc. in full conformity with all of the terms and conditions of the contract documents, and in a form approved by legal counsel.

Regularly passed and adopted this 3rd day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

___________________________________________

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

_____________________________

JPB Secretary

**AGENDA ITEM # 7**
**MAY 3, 2012**

**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 MARCH 2012**

March 2012 Caltrain average weekday ridership (AWR) was 42,907, which is an increase of 5,404 or 14.4 percent over March 2011 AWR of 37,503. The total number of passengers for March 2012 was 1,176,392, which is an increase of 12.2 percent over the March 2011 total of 1,048,134. Caltrain ridership has continued to grow for 20 consecutive months.

On-time performance was 92.6 percent, which is below the 95 percent Caltrain standard. This is a decrease from last month and March 2011. However, when trains arriving within 10 minutes of the scheduled arrival time are included, on-time performance rises to 96.3 percent. Two failures of the train dispatching system contributed significantly to the number of late trains. Mechanical issues caused significant delays, accounting for 905 minutes of delay.

Looking at customer service statistics, there were 9.5 complaints per 100,000 passengers. This metric has remained fairly stable from month to month. Not surprisingly one of the main concerns centered on on-time performance. Fare enforcement also was a frequent focus of rider comments in March. Fare enforcement has been steadily increasing with the highest numbers of fare checks ever occurring in March. This can be attributed to increased ridership and an increased emphasis on this matter with the conductors.

Average weekday shuttle ridership was 7,130, which is an increase of 1,387 or 24.2 percent over March 2011 AWR of 5,743. This high growth is largely influenced by Stanford's Marguerite shuttle, which constitutes nearly 50 percent of Caltrain shuttle ridership. Marguerite AWR is up 50 percent from a year ago and many of the employer shuttles also are up significantly. In fact, the Mary Moffett shuttle recently increased the size of the equipment used in order to accommodate increased ridership. For the station shuttles, the Millbrae-Broadway shuttle averaged 147 daily riders. The Belmont-Hillsdale shuttle averaged 63 daily riders. The weekend Tamien-San Jose shuttle averaged 39 riders per day.

## Caltrain Promotions – March 2012

**Soccer Doubleheader at AT&T Park –** The luck of the Irish was with Caltrain on March 17 as South Bay and Peninsula soccer fans headed to San Francisco for a doubleheader at AT&T Park. The San Jose Earthquakes played the Houston Dynamo and, in preparation for Olympic qualifying, Mexico took on Senegal. Caltrain added extra service and promoted it via social media, a news release and information on the Caltrain website. Close to 5,300 extra customers rode the train, a 190 percent increase above regular Saturday ridership.

**San Jose Sharks –** As the popularity of the Sharks increase so does the fans' reliability on Caltrain. For the 10 games in March, Caltrain carried 3,261 customers, a 23 percent increase compared to last season. Shark-heads learn about Caltrain via Facebook, Twitter, Google+, onboard adcards, pre-game radio spots on KFOX during Coach's Corner, a web button and page on Caltrain's site and link on the Sharks' site. Two popular publications – *Caltrain Connection* and *Track the Fun* – include information on service to the Shark Tank.

**Partnerships –** Caltrain Marketing staff works with a number of event organizers to co-promote events that generate train ridership and also provide added value for current Caltrain customers. The partnership in March included the San Francisco Flower & Garden Show. The show provided Caltrain customers a discount off the adult full price ticket. The events are generally promoted in the *Track the Fun* brochure, *Caltrain Connection* newsletter, Facebook, Twitter, Google+ and news releases. If the event sponsor offers a discount to Caltrain customers, the information is included on Caltrain's Track the Savings web page. Many of the promoters also include Caltrain in their promotional materials.

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

**March 2012**

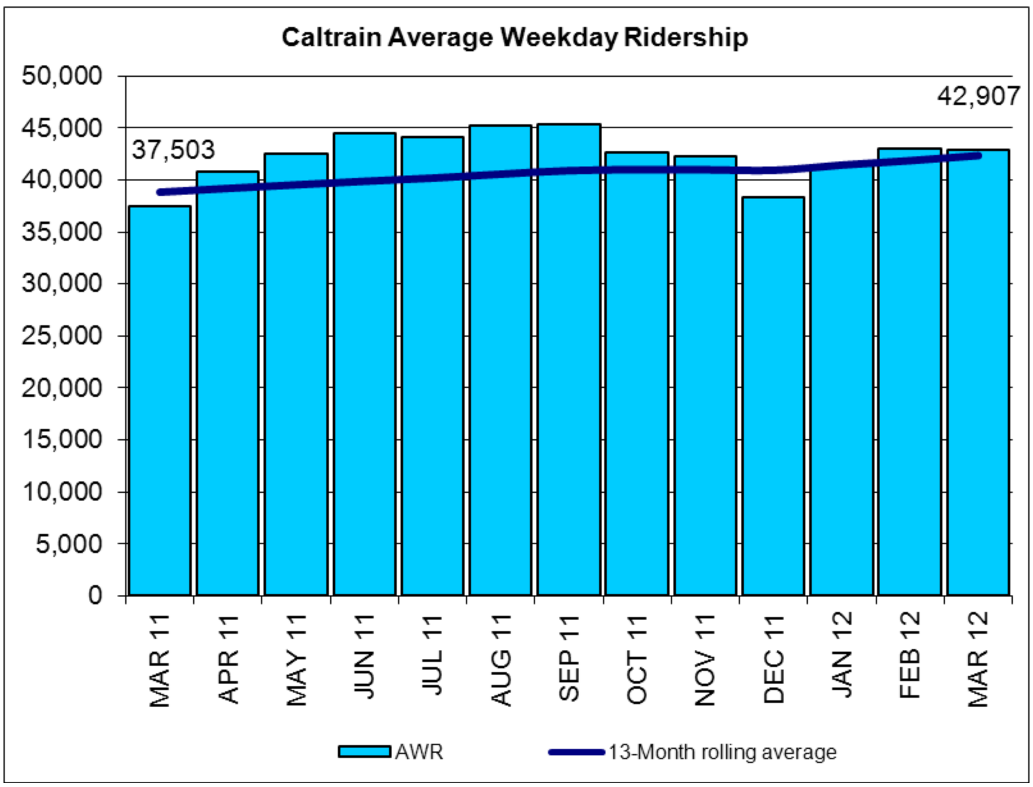
| | FY2011 | FY2012 | %Change |
|---|---|---|---|
| Total Ridership | 1,048,134 | 1,176,392 | 12.2% |
| Average Weekday Ridership | 37,503 | 42,907 | 14.4% |
| Total Farebox Revenue | $4,135,784 | $4,904,115 | 18.6% |
| On-time Performance | 93.6% | 92.6% | -1.0%* |
| Average Caltrain Shuttle Ridership | 5,743 | 7,130 | 24.2% |

**Year to Date**

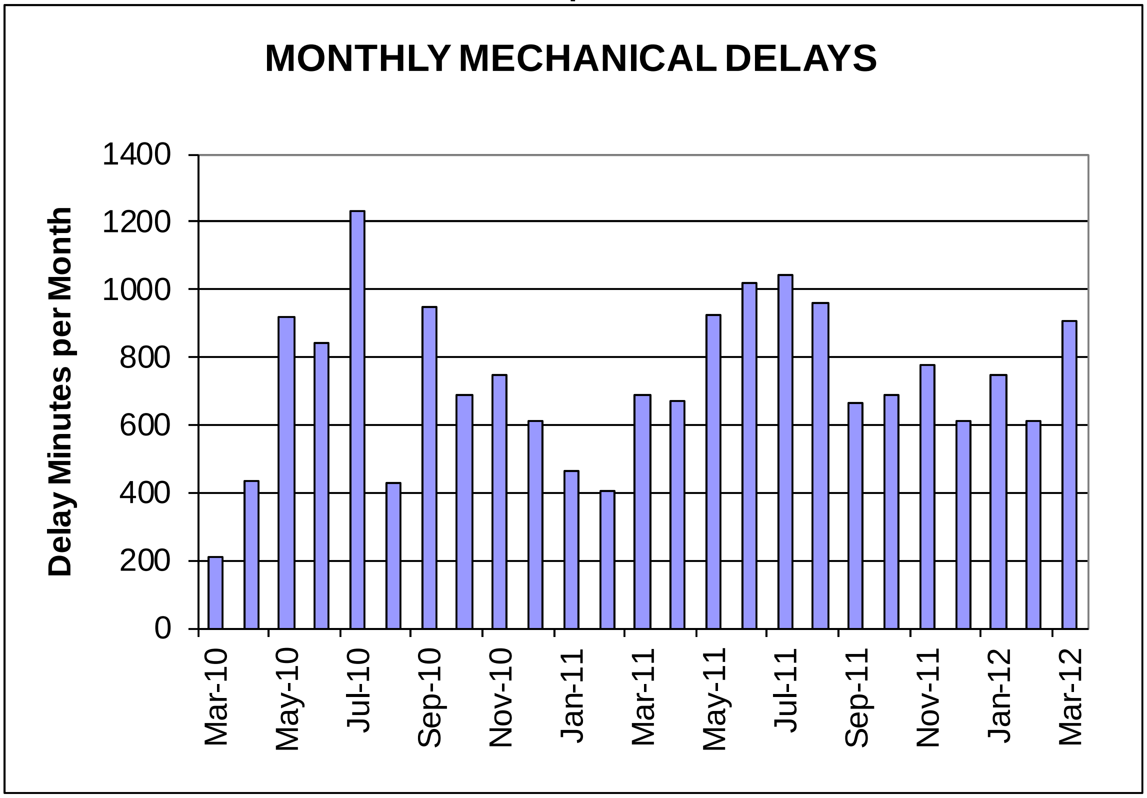
| | FY2011 | FY2012 | %Change |
|---|---|---|---|
| Total Ridership | 9,265,448 | 10,274,294 | 10.9% |
| Average Weekday Ridership | 39,022 | 42,801 | 9.7% |
| Total Farebox Revenue | $35,150,769 | $43,242,832 | 23.0% |
| On-time Performance | 93.9% | 93.5% | -0.4%* |
| Average Caltrain Shuttle Ridership | 5,329 | 7,016 | 31.7% |

* numeric difference of the percentages

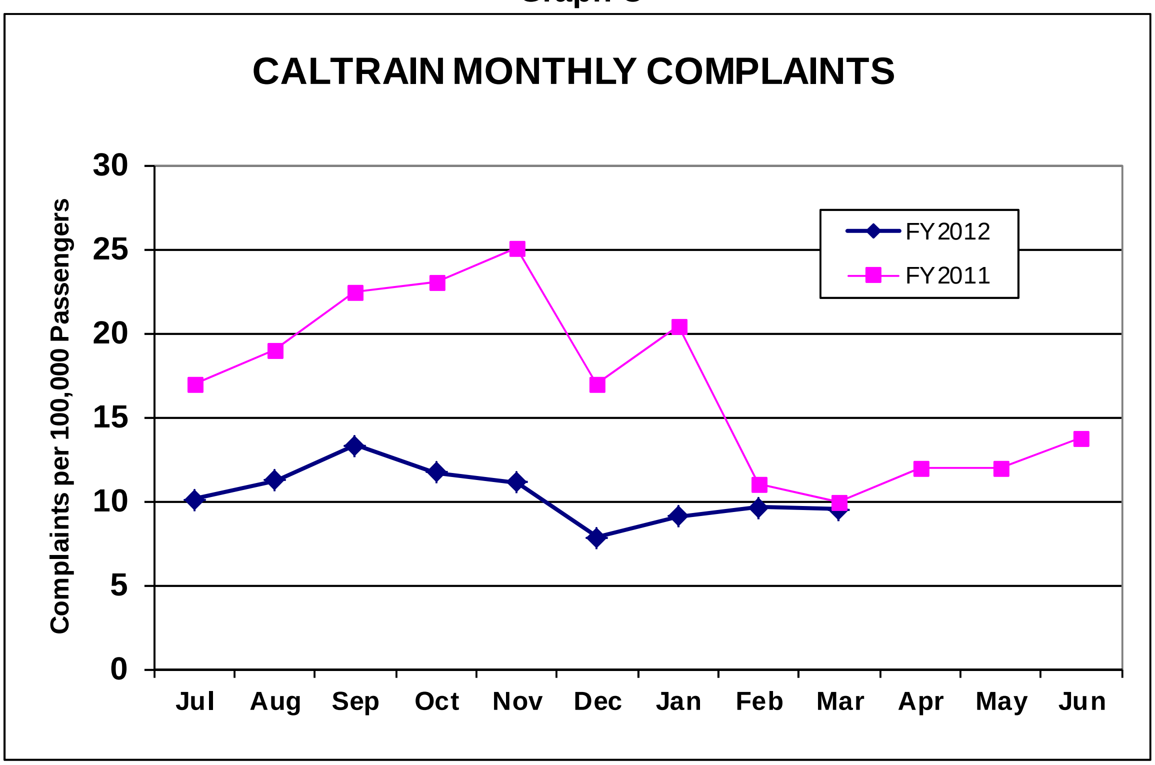
## Graph A



**Graph B**




**Graph C**



**AGENDA ITEM # 8**
**MAY 3, 2012**

**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 MARCH 31, 2012 AND SUPPLEMENTAL INFORMATION**

## ACTION

Staff proposes that the Board of Directors accept and enter into the record the Statement of Revenue and Expense for the month of March 2012 and supplemental information.

## SIGNIFICANCE

**Revenue:** For February of Fiscal Year 2012, *Total Operating Revenue* (line 7) is $3,059,093 or 6.5 percent ***better*** than budget. Within total operating revenue, *Farebox Revenue* (line 1), *Parking Revenue* (line 2), *Rental Income* (line 4) and *Other Income* (line 5) together are $3,199,786 or 7.0 percent ***better*** than budget. Compared to the prior year, *Total Operating Revenue* (line 7) is $8,845,093 or 21.6 percent ***higher*** driven mainly by *Farebox Revenue* (line 1) which is $8,099,191 or 23.0 percent ***higher***.

**Expense:** *Grand Total Expense* (line 46) is $5,875,372 or 7.4 percent ***better*** than budget. *Total Operating Expense* (line 33) is $4,856,996 or 6.9 percent ***better*** than budget. Within total operating expense, *Contract Operating & Maintenance* (line 23) and *Services* (line 31) together are $3,815,626 or 8.1 percent ***better*** than budget. *Total Administrative Expense* (line 42) is $1,018,375 or 12.0 percent ***better*** than budget.

Compared to prior year, *Grand Total Expense* (line 46) are $2,585,806 or 3.6 percent ***higher***. The increase in expense is mainly due to *Contract Operating & Maintenance* (line 23), *Fuel* (line 26) and *Administrative Expense* (line 42) which together are $1,461,111 or 2.4 percent ***higher*** and is offset by *Insurance* (line 28) which is $1,210,465 or 25.4 percent ***lower*** than budget.

**Budget Amendments**: At the March 1, 2012 Board meeting the board authorized a resolution to increase professional services by $50,000 for the monthly operating subsidy to Warm Planet Bikes and increase farebox revenues by $50,000 to recognize excess farebox revenue receipts.

Prepared by: Sheila Tioyao, Manager, General Ledger 650.508.7752
Jeannie Chen, Senior Accountant 650.508.6259

# PENINSULA CORRIDOR JOINT POWERS BOARD
## STATEMENT OF REVENUE AND EXPENSE
## Fiscal Year 2012
## March 2012

**% OF YEAR ELAPSED** **75.0%**

| | MONTH | YEAR TO DATE | | | | ANNUAL | | |
|---|---|---|---|---|---|---|---|---|
| | CURRENT ACTUAL | PRIOR ACTUAL | CURRENT ACTUAL | REVISED BUDGET | % REV BUDGET | APPROVED BUDGET | REVISED BUDGET (AS PROJECTED) | % REV BUDGET |
| **REVENUE** | | | | | | | | |
| OPERATIONS: | | | | | | | | |
| Farebox Revenue | 4,904,115 | 35,150,768 | 43,249,959 | 40,227,533 | 107.5% | 50,644,719 | 54,069,757 | 80.0% |
| Parking Revenue | 221,456 | 1,818,902 | 2,354,617 | 2,188,074 | 107.6% | 2,776,600 | 2,987,854 | 78.8% |
| Shuttles | 98,851 | 835,157 | 720,715 | 861,408 | 83.7% | 1,148,579 | 1,148,579 | 62.7% |
| Rental Income | 145,711 | 1,302,191 | 1,328,924 | 1,302,930 | 102.0% | 1,737,240 | 1,737,240 | 76.5% |
| Other Income | 218,084 | 1,867,294 | 2,165,190 | 2,180,367 | 99.3% | 2,913,060 | 2,913,060 | 74.3% |
| TOTAL OPERATING REVENUE | 5,588,218 | 40,974,312 | 49,819,405 | 46,760,312 | 106.5% | 59,220,198 | 62,856,490 | 79.3% |
| CONTRIBUTIONS: | | | | | | | | |
| AB434 Peninsula Feeder Shuttle | 82,778 | 750,000 | 741,200 | 742,865 | 99.8% | 1,000,000 | 1,000,000 | 74.1% |
| Operating Grants | 1,250,000 | 6,354,321 | 3,490,710 | 6,035,634 | 57.8% | 9,222,450 | 9,271,706 [1] | 37.6% |
| JPB Member Agencies | 2,111,438 | 26,317,598 | 19,002,941 | 19,002,933 | 100.0% | 25,337,256 | 25,337,256 | 75.0% |
| Other Sources | (1,152,977) | - | 457,296 | 6,845,180 | 6.7% | 9,000,000 | 9,000,000 | 5.1% |
| TOTAL CONTRIBUTED REVENUE | 2,291,239 | 33,421,919 | 23,692,147 | 32,626,612 | 72.6% | 44,559,706 | 44,608,962 | 53.1% |
| **GRAND TOTAL REVENUE** | **7,879,457** | **74,396,232** | **73,511,552** | **79,386,924** | **92.6%** | **103,779,904** | **107,465,452** | **68.4%** |
| **EXPENSE** | | | | | | | | |
| OPERATING EXPENSE: | | | | | | | | |
| Contract Operating and Maintenance | 4,256,079 | 43,224,458 | 42,909,002 | 46,476,847 | 92.3% | 62,851,773 | 62,423,008 | 68.7% |
| Operator Contract Transition Costs | 463,912 | - | 1,959,000 | 2,619,421 | 74.8% | 3,200,000 | 4,700,000 | 41.7% |
| Shuttles (incl Peninsula Pass) | 260,566 | 2,509,156 | 2,142,893 | 2,257,270 | 94.9% | 2,984,550 | 2,984,550 | 71.8% |
| Fuel | 1,323,605 | 9,205,852 | 11,721,718 | 11,751,881 | 99.7% | 14,660,380 | 15,160,380 | 77.3% |
| Timetables and Tickets | 13,500 | 142,689 | 107,543 | 107,917 | 99.7% | 161,000 | 161,000 | 66.8% |
| Insurance | 405,506 | 4,768,278 | 3,557,813 | 3,652,470 | 97.4% | 4,870,000 | 4,870,000 | 73.1% |
| Facilities and Equipment Maint | 135,003 | 893,272 | 1,100,614 | 1,115,258 | 98.7% | 1,037,260 | 1,497,260 | 73.5% |
| Utilities | 124,202 | 1,231,864 | 1,071,014 | 1,197,750 | 89.4% | 1,596,835 | 1,596,835 | 67.1% |
| Services | (47,588) | 842,434 | 633,511 | 881,292 | 71.9% | 1,171,760 | 1,171,760 | 54.1% |
| TOTAL OPERATING EXPENSE | **6,934,786** | **62,818,003** | **65,203,109** | **70,060,105** | 93.1% | **92,533,558** | **94,564,793** | **69.0%** |
| ADMINISTRATIVE EXPENSE | | | | | | | | |
| Wages and Benefits | 551,403 | 4,489,696 | 4,168,546 | 4,798,306 | 86.9% | 6,340,690 | 6,336,359 | 65.8% |
| Board of Directors | 700 | 8,787 | 7,333 | 8,100 | 90.5% | 10,800 | 10,800 | 67.9% |
| Professional Services | 256,039 | 1,627,556 | 2,077,943 | 1,992,101 | 104.3% | 2,143,542 | 2,313,861 | 89.8% |
| Communications and Marketing | 1,777 | 172,604 | 38,543 | 114,820 | 33.6% | 171,000 | 171,000 | 22.5% |
| Office Expense and Other | 42,846 | 981,944 | 1,188,921 | 1,586,335 | 74.9% | 1,477,439 | 1,904,601 | 62.4% |
| TOTAL ADMINISTRATIVE EXPENS | **852,764** | **7,280,586** | **7,481,287** | **8,499,662** | 88.0% | **10,143,471** | **10,736,621** | **69.7%** |
| Long Term Debt Expense | 91,906 | 827,156 | 827,156 | 827,157 | 100.0% | 1,102,875 | 1,102,875 | **75.0%** |
| **GRAND TOTAL EXPENSE** | **7,879,457** | **70,925,746** | **73,511,552** | **79,386,924** | 92.6% | **103,779,904** | **106,404,289** | **69.1%** |

"% 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.

[1] Includes $5M Preventive Maintenance funding from MTC

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**PENINSULA CORRIDOR JOINT POWERS BOARD**

**INVESTMENT PORTFOLIO**

**AS OF MARCH 31, 2012**

| TYPE OF SECURITY | MATURITY DATE | INTEREST RATE | PURCHASE PRICE | MARKET RATE |
|---|---|---|---|---|
| Local Agency Investment Fund (Restricted) | Liquid Cash | 0.383% | $ 2,000,000 | $ 2,000,000 |
| Local Agency Investment Fund (Unrestricted) | Liquid Cash | 0.383% | 31,584,566 | 31,584,566 |
| Investment Portfolio (Unrestricted) | Liquid Cash | 0.000% | 0 | 0 |
| Other (Unrestricted) | Liquid Cash | 0.010% | 3,697,861 | 3,697,861 |
| | | | $ 37,282,427 | $ 37,282,427 |

Accrued Earnings for March, 2012 $11,810.35
Cumulative Earnings FY2012 $139,965.29

** 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.

**AGENDA ITEM # 9**
**MAY 3, 2012**

**PENINSULA CORRIDOR JOINT POWERS BOARD**
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director / CEO

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **QUARTERLY INVESTMENT REPORT AND FIXED INCOME MARKET REVIEW AND OUTLOOK**

## ACTION

Staff Coordinating Council (SCC) recommends that the Board accept and enter into the record the Quarterly Investment Report and Fixed Income Market Review and Outlook for the quarter ended March 31, 2012.

## SIGNIFICANCE

The Joint Powers Board's (JPB) Investment Policy contains a requirement for a quarterly report to be transmitted to the Board within 30 days of the end of the quarter. This staff report was forwarded to the Board of Directors under separate cover on April 25, 2012 in order to meet the 30 day requirement.

## BUDGET IMPACT

As this reports on the Quarterly Market Review and Outlook, there is no budget impact.

## BACKGROUND

The JPB is required by state law to submit quarterly reports within 30 days of the end of the quarter covered by the report. The report is required to include the following information:

1. Type of investment, issuer, date of maturity, par and dollar amount invested in all securities, investments and money held by the local agency;
2. Description of any of the local agency's funds, investments or programs that are under the management of contracted parties, including lending programs;
3. For all securities held by the local agency or under management by any outside party that is not a local agency or the State of California Local Agency Investment Fund (LAIF), a current market value as of the date of the report and the source of this information;
4. Statement that the portfolio complies with the Investment Policy or the manner in which the portfolio is not in compliance; and,

5. Statement that the local agency has the ability to meet its pool's expenditure requirements (cash flow) for the next six months or provide an explanation as to why sufficient money shall or may not be available.

A schedule, which addresses the requirements of 1, 2, and 3 above, is included in this report on page 6. The schedule separates the investments into three groups: The Investment Portfolio which is managed by SunTrust Banks, doing business as CSI Capital a SunTrust Group (CSI). Liquidity funds which are managed by JPB staff; and Trust funds which are managed by a third party trustee. The Investment Policy governs the management and reporting of the Investment Portfolio and Liquidity funds while the bond covenants govern the management and reporting of the Trust funds.

CSI provides the JPB a current market valuation of all the assets under its management for each quarter. The valuation is provided by FT Interactive Data, the major operating division of Interactive Data Corporation, (IDC). IDC is a leading provider of global securities data. They offer one of the largest information databases with current and historical prices on securities traded in all major markets including daily evaluations for more than 2.5 million fixed income securities.

Due to the nature of securities which are bought and sold in a principal market, such as fixed income securities, multiple market values may exist for a given security at any given time. CSI has chosen IDC as an unbiased estimator of these prices based on their leading role as a provider of end of the day pricing, an evaluation of their methodology and the experience of their evaluation staff. Unfortunately, given the recent volatility in the markets not every security is currently supported or accurately reflected by IDC. Therefore at the end of the quarter, CSI surveyed a number of Wall Street firms to get an accurate market value of the securities held in JPB's portfolio. These surveys reflect the levels at which someone is actually willing to purchase the securities held by JPB. In the case of money market instruments, which are not supported by IDC, CSI uses adjusted cost.

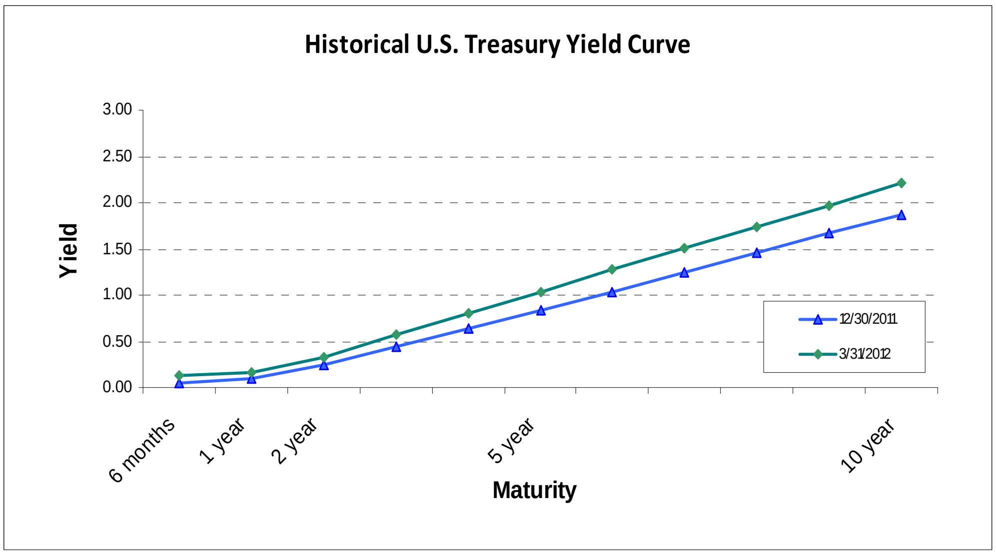
The Liquidity funds managed by JPB staff are considered to be cash equivalents and therefore market value is considered to be equal to book value, (i.e. cost). The shares of beneficial interest generally establish a nominal value per share. Because the Net Asset Value is fixed at a nominal value per share, book and market value are equal and rate of income is recalculated on a daily basis.

The portfolio and this Quarterly Investment Report comply with the Investment Policy and the provisions of SB 564 (1995). The JPB has the ability to meet its expenditure requirements for the next six months.

## DISCUSSION

### Market Review and Outlook

Interest rates climbed modestly during the first quarter of the year as a combination of solid economic growth and progress on the debt crisis in Europe gave investors' confidence to shift some funds back towards riskier assets such as the equity markets. Although interest rates have rebounded off their recent record lows, they remain well below what the current pace of economic growth would suggest. In this regard, the future level of interest rates will remain highly dependent on US monetary policy since the Federal Reserve is able to set the short term interest rates at will, moving the Federal Funds overnight rate higher or lower to enforce both monetary and fiscal policy changes.




Data Source: Bloomberg

Recent statements from the Federal Reserve's Open Market Committee (FOMC, the body responsible for setting the level and direction of the Fed Funds rate) have signaled their intention to keep interest rates low through late 2014. This policy was recently reinforced by Federal Reserve Chairman Ben Bernanke in a lecture given to students at George Washington University's School of Business. In the lecture Chairman Bernanke highlighted his belief that the 1930's Federal Reserve made a serious error by raising interest rates too soon after the onset of the Great Depression. Given the historical context and the current state of our economy, the market anticipates the Federal Reserve will keep short-term interest rates at their current levels for at least the next several quarters.

This suggests the near term outlook for interest rates appear to be fairly lack luster and range bound, where rates will remain at low to very low levels at the bottom of the yield curve. As to exactly when rates might eventually climb back to more comfortable levels, there are no indicators to cite at this time.

### Strategy

Due to the very short term nature of the portfolio and the need to maintain a high degree of liquidity, all of the portfolio assets have been allowed to roll off into the Local Agency Investment Fund (LAIF). As of the end of the Quarter, there were no securities remaining in the

JPB's portfolio managed by CSI.

**Budget Impact**

The portfolio's performance is reported on a total economic return basis. This method includes the coupon interest, amortization of discounts and premiums, capital gains and losses and price changes (i.e., unrealized gains and losses). For the quarter ending March 31, the portfolio returned 0.10 percent. This compares to the benchmark return of -0.04 percent. The Performance graph in Exhibit 3 shows the relative performance of the JPB's portfolio for the past 24 months. The Growth of a Thousand Dollars graph in Exhibit 4 shows the cumulative performance over this same time frame for the portfolio.

Prepared by: Lori Snow, Manager, Finance Treasury 650.508.6425

**EXHIBIT 1**

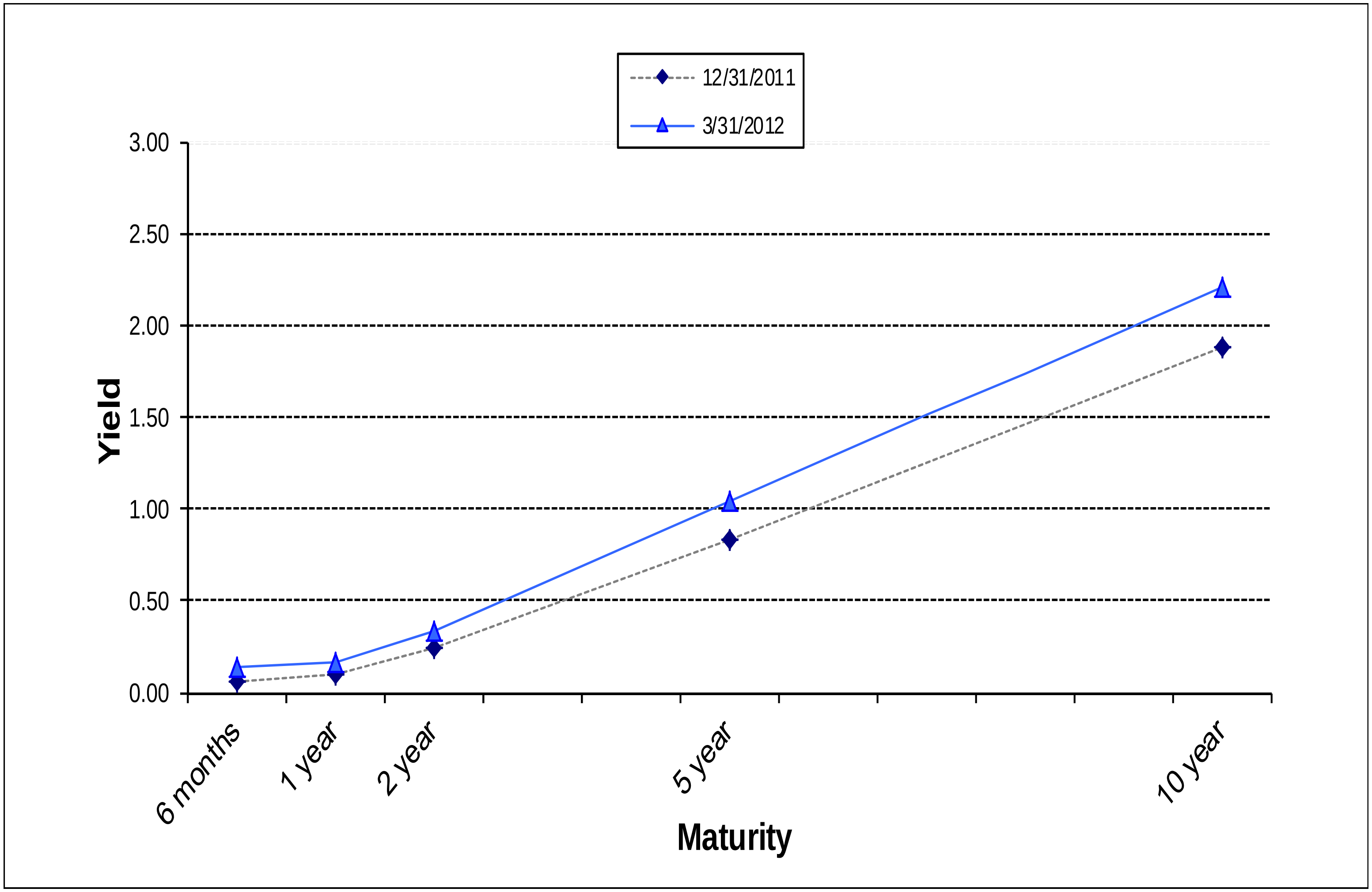
# PENINSULA CORRIDOR JOINT POWERS BOARD
## REPORT OF INVESTMENTS
## FOR QUARTER ENDED MARCH 31, 2012

| TYPE | DATE OF MATURITY | PAR VALUE | CARRYING AMOUNT | MARKET VALUE | ACCRUED INTEREST | MARKET VALUE +ACCR. INT. |
|---|---|---|---|---|---|---|
| **FUNDS MANAGED BY SUNTRUST BANKS/CSI CAPITAL A SUNTRUST GROUP:** | | | | | | |
| **INVESTMENT PORTFOLIO*:** | | | | | | |
| **TOTAL FUNDS MANAGED BY SUNTRUST BANKS/CSI CAPITAL A SUNTRUST GROUP:** | | **0** | **0** | **0** | **0** | **0** |
| **LIQUIDITY FUNDS MANAGED BY DISTRICT STAFF:** | | | | | | |
| **BANK OF AMERICA CHECKING** | | | 2,507,228 | 2,507,228 | 0 | 2,507,228 |
| **LAIF** | | | 31,539,164 | 31,539,164 | 38,186 | 31,577,350 |
| **TOTAL FUNDS MANAGED BY DISTRICT STAFF** | | | 34,046,392 | 34,046,392 | 38,186 | 34,084,578 |
| **TRUST FUNDS MANAGED BY THIRD PARTY TRUSTEE:** | | | | | | |
| Cash | | | 91,906 | 91,906 | 0 | 91,906 |
| First American Treas. Oblig. Cl D Corp Tr | | | 459,531 | 459,531 | 0 | 459,531 |
| **TOTAL FUNDS MANAGED BY THIRD PARTY TRUSTEE** | | | 551,438 | 551,438 | 0 | 551,438 |
| **TOTAL AS OF MARCH 31, 2012** | | **0** | **34,597,829** | **34,597,829** | **38,186** | **34,636,015** |

* - At the end of 2QFY12 two securities remained. One was called and the other matured. Based on current market conditions and forecasts, CSI believes it is in the best interest of the JPB to leave the matured funds in the LAIF account.

**EXHIBIT 2**

Peninsula Corridor Joint Powers Board
Historical Yield Curve




Data Source: Bloomberg

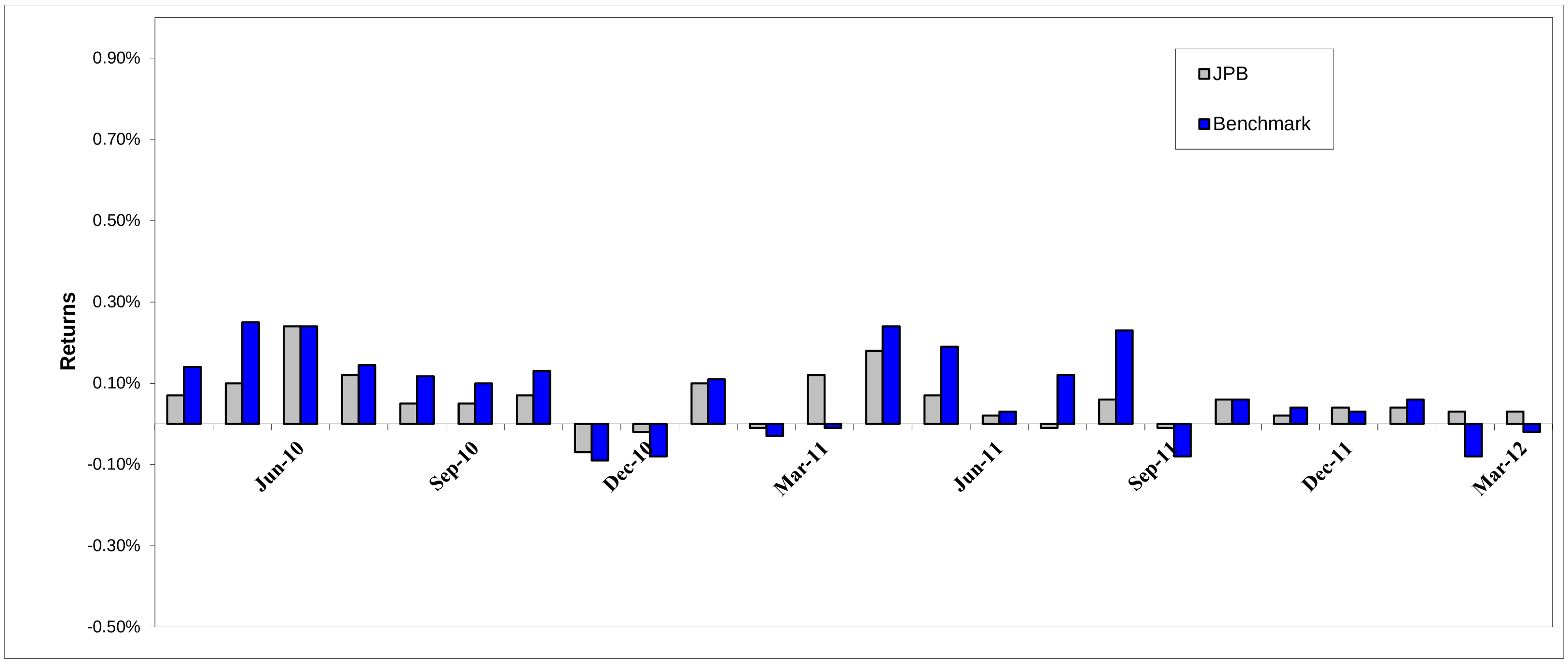
*CSI Capital Management, Inc.*

**EXHIBIT 3**

# Peninsula Corridor Joint Powers Board

## Monthly Review – Account vs. Benchmark

*Rolling 24 Months*

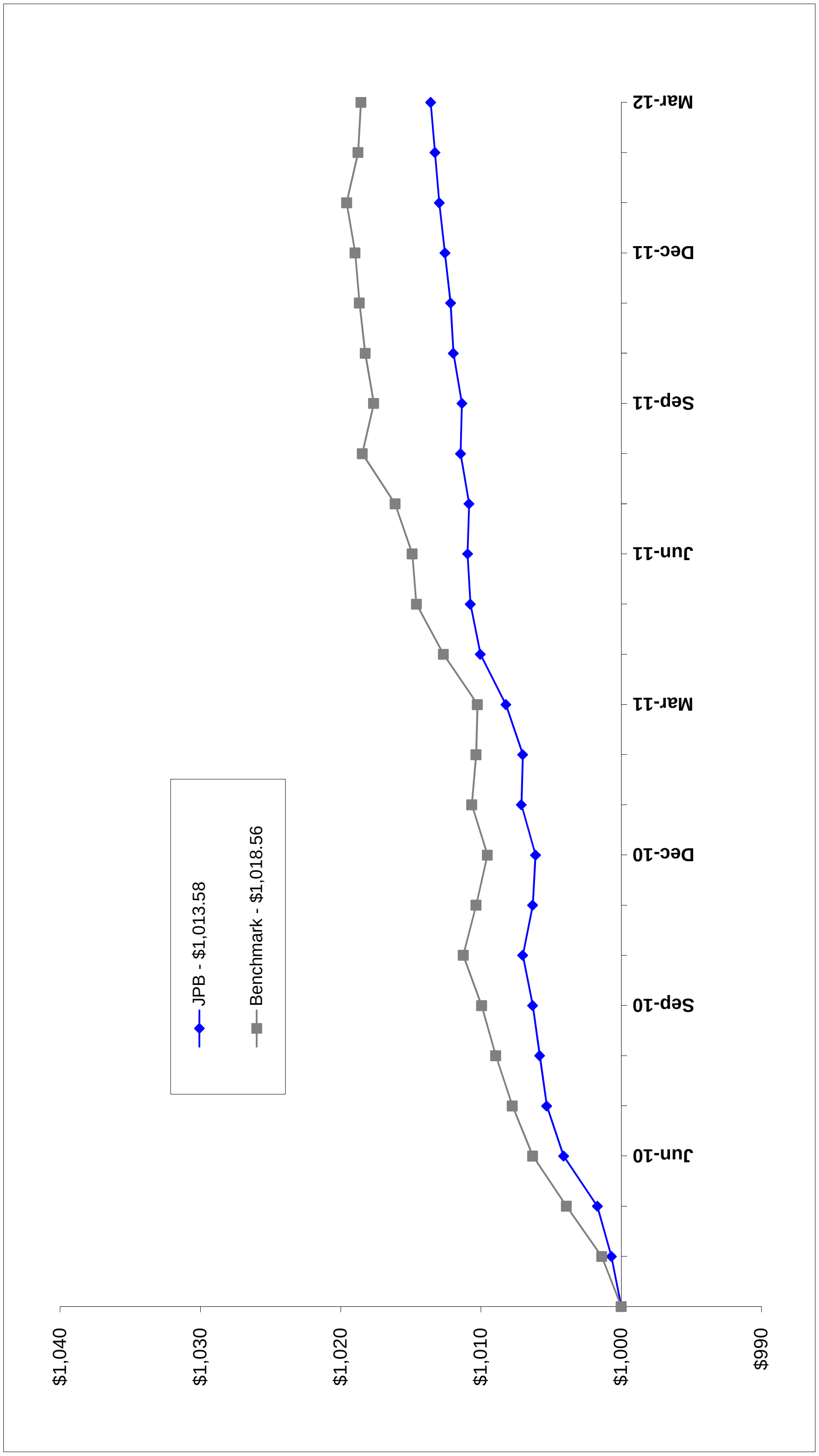



| Trailing 12 Months | Apr-11 | May-11 | Jun-11 | Jul-11 | Aug-11 | Sep-11 | Oct-11 | Nov-11 | Dec-11 | Jan-12 | Feb-12 | Feb-12 | Trailing 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MONTHLY PERFORMANCE DATA | | | | | | | | | | | | | |
| JPB | 0.18% | 0.07% | 0.02% | -0.01% | 0.06% | -0.01% | 0.06% | 0.02% | 0.04% | 0.04% | 0.03% | 0.03% | 0.54% |
| Benchmark | 0.24% | 0.19% | 0.03% | 0.12% | 0.23% | -0.08% | 0.06% | 0.04% | 0.03% | 0.06% | -0.08% | -0.02% | 0.82% |

*CSI Capital Management, Inc.*

# EXHIBIT 4

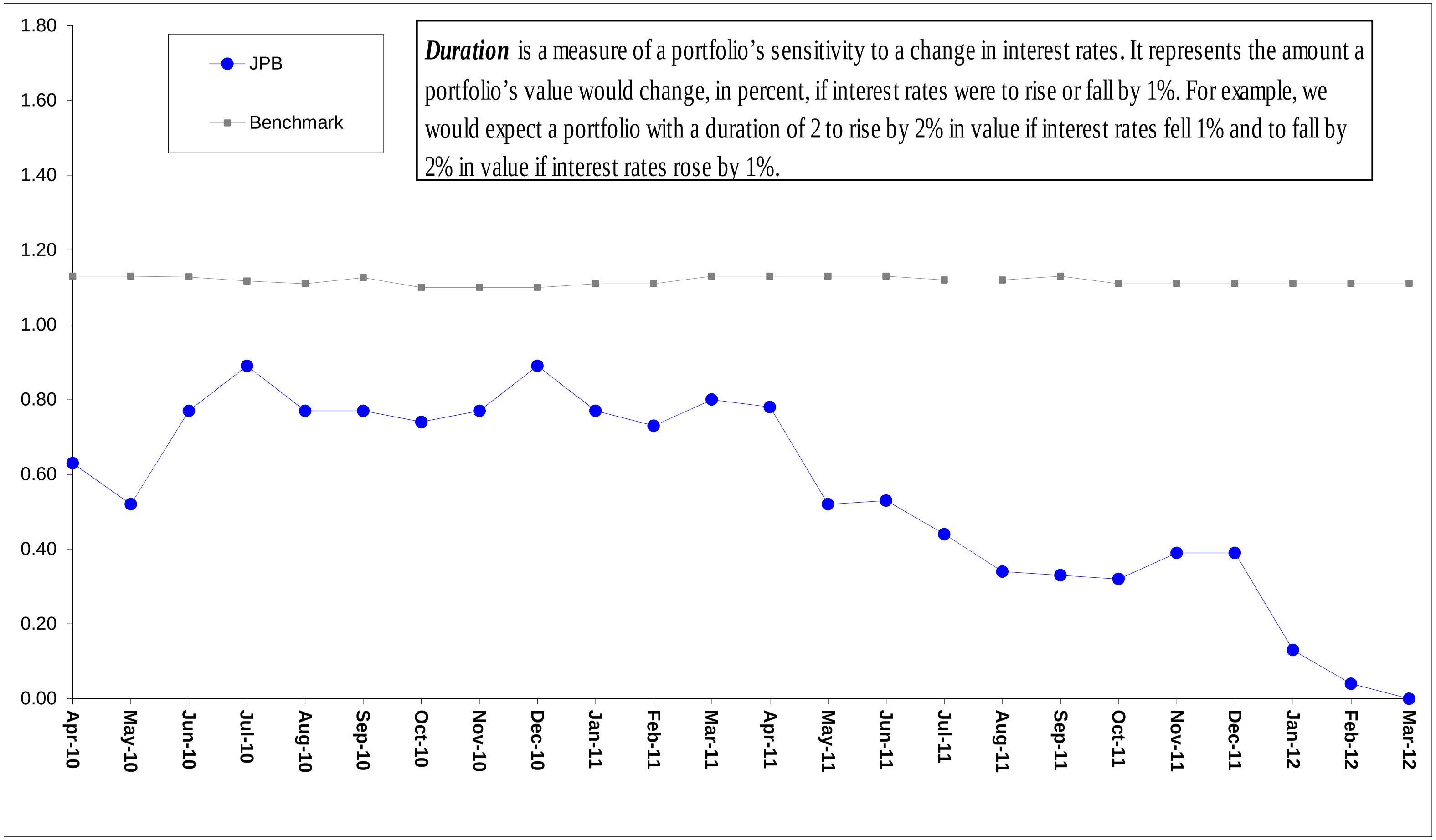
Peninsula Corridor Joint Powers Board
Growth of One Thousand Dollars
*Rolling 24 months*




*CSI Capital Management, Inc.*

**EXHIBIT 5**

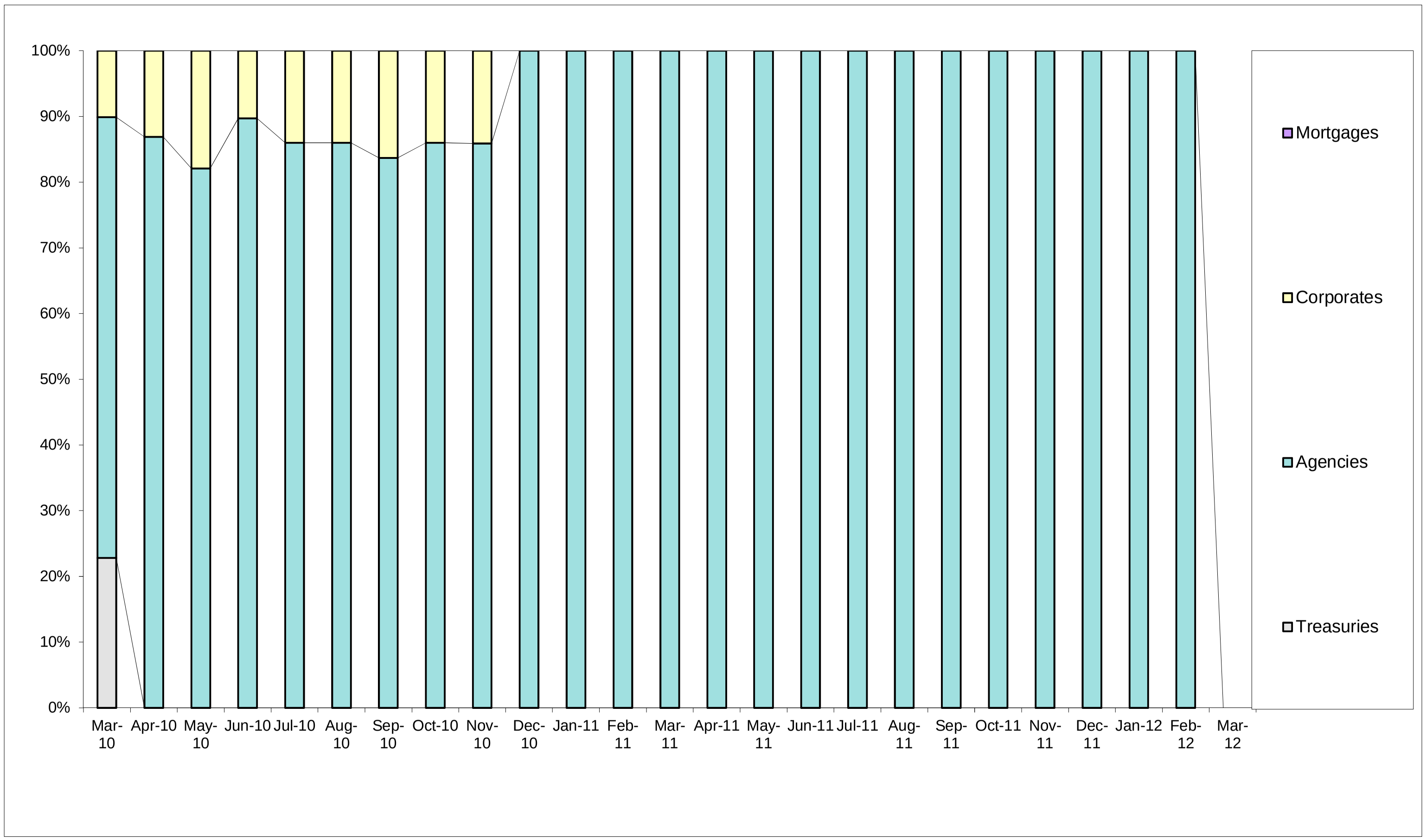
# Peninsula Corridor Joint Powers Board
# Duration vs. Benchmark




*CSI Capital Management, Inc.*

**EXHIBIT 6**

# Peninsula Corridor Joint Powers Board
## Percent of Assets Held by Type




*CSI Capital Management, Inc.*

**AGENDA ITEM # 10**
**MAY 3, 2012**

**PENINSULA CORRIDOR JOINT POWERS BOARD**
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Marian Lee
Director, Caltrain Modernization Program

SUBJECT: **HIGH-SPEED RAIL EARLY INVESTMENT STRATEGY FOR A BLENDED SYSTEM MEMORANDUM OF UNDERSTANDING (MOU)**

## ACTION

The Staff Coordinating Council recommends the Board approve the following:

- Approval of the *High-Speed Rail Early Investment Strategy for a Blended System in the San Francisco to San Jose Segment known as the Peninsula Corridor of the Statewide High-Speed Rail System MOU* (attachment "A");

- Authorization for the Executive Director to enter into the MOU on behalf of the JPB.

## SIGNIFICANCE

Based on the California High-Speed Rail Authority (CHSRA) Business Plan (April 2012), the Metropolitan Transportation Commission has developed a MOU reflecting regional agreement on leveraging high-speed rail Prop 1A funding with local, state and federal funding to implement the Caltrain's advanced signal system and electrification projects.

This is the first time that a realistic funding strategy has been defined for modernizing the Caltrain system reflected in the Caltrain 1999 and 2004 strategic plans.

## BUDGET IMPACT

Budget to implement the MOU will be included in the FY2013 budget subject to MOU approval by the signatories and CHSRA budget approval by the state legislature. Prop 1A funding will be amended into the budget as it is made available by the State.

## BACKGROUND

The overall intent of the MOU is to jointly support and pursue the implementation of a statewide high-speed rail system that utilizes a blended system and operational model on the peninsula corridor to support a one-seat ride between the Transbay Transit Center in San Francisco and Los Angeles.

The MOU is specific to project investments that upgrade existing rail service and prepare for a future high-speed train project that is limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by both Caltrain and high-speed rail as well as other passenger and freight services.

The blended system is comprised of several interrelated capital projects. The early investment projects are the Caltrain Electrification Infrastructure and Advanced Signal System projects. The remaining inter-related capital projects are Downtown Extension (DTX) project, San Jose Diridon Station, Millbrae BART/Caltrain Station and Core Capacity upgrades to stations, tunnels, bridges, passing tracks (to be determined) and other track modifications and rail crossing improvements including grade separations (to be determined).

The funding plan included in the MOU is for the Caltrain Electrification Infrastructure and Advanced Signal System projects only.

All projects will be environmentally analyzed and cleared according to CEQA and NEPA regulations, including updating and recirculation of the Caltrain Electrification EA/FEIR completed in 2009. Caltrain, as the owner of the rail right-of-way and project implementer will plan, design and construct the projects in a way that respects the communities through which Caltrain operates to the maximum extent feasible.

Prepared By: Marian Lee 650.622.7843
Director, Caltrain Modernization Program

**RESOLUTION NO. 2012-**

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

*** * ***

**AUTHORIZING APPROVAL OF THE HIGH-SPEED RAIL EARLY INVESTMENT STRATEGY FOR A BLENDED SYSTEM MEMORANDUM OF UNDERSTANDING**

**WHEREAS,** the Peninsula Corridor Joint Powers Board owns the Caltrain right of way and is charged with oversight and management of that right of way in such a manner that it assures that the Peninsula commuter rail service survives and thrives and does so to the extent possible in harmony with the communities in which it operates; and

**WHEREAS**, the Peninsula Corridor Joint Powers Board has been provided with such an opportunity in the proposal that it enter into a Memorandum of Understanding (MOU) with various state, regional and local transportation agencies that, among other purposes, enunciates support for a state high-speed rail system that utilizes a blended system and facilitates an early investment funding plan for a Caltrain and high-speed rail blended system in the Peninsula corridor; and

**WHEREAS**, more particularly, the Metropolitan Transportation Commission (MTC) has prepared an MOU titled *High Speed Rail Early Investment Strategy for a Blended System in the San Francisco to San Jose Segment known as the Peninsula Corridor of the Statewide High-Speed Rail System* specifically concerning investments that upgrade existing rail service and prepare for a future high-speed train project, limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by Caltrain, high-speed rail and other passenger and freight services; and

**WHEREAS**, the MOU reflects regional consensus on combining Proposition 1A funding with local, state and federal funding to implement two early investment projects - the Caltrain Electrification Infrastructure Project and the Advanced Signal System Project; and

**WHEREAS,** the MOU is to be signed by agencies, including the Peninsula Corridor Joint Powers Board (JPB), directly involved in the planning, funding, construction and/or operations related to the blended system; and

**WHEREAS**, the MOU has been approved by the CHSRA and MTC; and

**WHEREAS**, the other MOU parties consisting of the Peninsula Corridor Joint Powers Board (JPB), San Francisco County Transportation Authority (SFCTA), San Mateo County Transportation Authority (SMCTA), Santa Clara Valley Transportation Authority (VTA), City of San Jose, City and County of San Francisco, and Transbay Joint Powers Authority (TJPA) are committed to seeking approvals by their respective Boards.

**WHEREAS**, the Staff Coordinating Council has recommended approval of the MOU attached to this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the JPB approves the *High Speed Rail Early Investment Strategy for a Blended System in the San Francisco to San Jose Segment known as the Peninsula Corridor of the Statewide High-Speed Rail System* MOU and authorizes the Executive Director, or his designee, to execute the MOU in a form approved by General Counsel, coupled with the authority to approve non-substantive minor changes that may be proposed by other parties, subject to the following understandings and conditions:

- The MOU is specific to project investments that upgrade existing rail service and prepare for a future high-speed train project that is limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by both Caltrain and high-speed rail and will be designed to continue to support existing passenger and freight rail tenants.
- The JPB, as owner of the Peninsula rail corridor right-of-way and operator of the Caltrain system, will exercise its authority to preserve and protect the integrity of the rail corridor for the benefit of its constituents.
- The JPB, as the owner of the Peninsula rail corridor right-of-way and operator of the Caltrain system will be the lead agency to plan, environmentally study, and oversee the design and construction of the early investment project.
- The projects will be planned, designed and constructed in a manner that respects community partners and stakeholders and actively seeks participation by affected parties and interests.

- In parallel with implementing the early investment projects, additional funding will be sought to advance all of the interrelated capital projects ultimately needed for introduction of a blended system.
- In order to address outstanding questions and issues that remain relative to the early investment projects the JPB will continue with its planning process and update/ recirculate the Caltrain Electrification EA/FEIR completed in 2004.

Regularly passed and adopted this 3rd day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

__________________________________________
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

______________________________
JPB Secretary

**MEMORANDUM OF UNDERSTANDING**

HIGH SPEED RAIL EARLY INVESTMENT STRATEGY FOR A BLENDED SYSTEM IN THE SAN FRANCISCO TO SAN JOSE SEGMENT KNOWN AS THE PENINSULA CORRIDOR OF THE STATEWIDE HIGH-SPEED RAIL SYSTEM

BY AND AMONG THE FOLLOWING PARTIES (PARTIES)

CALIFORNIA HIGH SPEED RAIL AUTHORITY (AUTHORITY)
METROPOLITAN TRANSPORTATION COMMISSION (MTC)
PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY (SFCTA)
SAN MATEO COUNTY TRANSPORTATION AUTHORITY (SMCTA)
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
CITY OF SAN JOSE
CITY AND COUNTY OF SAN FRANCISCO
TRANSBAY JOINT POWERS AUTHORITY (TJPA)

**Recitals**

**Whereas,** the California High-Speed Rail AUTHORITY (AUTHORITY) is responsible for planning, building and maintaining an 800-mile statewide high-speed rail system and improved mobility through the development of safe, clean, reliable rail technology; and

**Whereas**, the AUTHORITY, in partnership with the Federal Railroad Administration is advancing a California High-Speed Train (HST) network that links the major metropolitan areas of the State of California utilizing corridors into and through Southern, Central and Northern California; and

**Whereas,** the AUTHORITY has responsibility for planning, construction and operation of high-speed passenger train service in California and is exclusively charged with accepting grants, fees and allocations from the state, from political subdivisions of the state and from the federal government, foreign governments, and private sources; and

**Whereas,** the AUTHORITY's 2012 Business Plan proposes to incrementally develop the HST system utilizing a blended system approach that will coordinate the development and operations of HST with existing passenger rail systems, improving, enhancing and expanding the integration of high-speed and regional/local passenger rail systems; and

**Whereas,** this blended approach requires a series of incremental investments in the Peninsula corridor to prepare for integrated service and operations and the AUTHORITY recognizes the need for a collaborative effort with regional and local agencies to identify early investment projects along existing rail corridors that improve service, safety and efficiency, and create linkages between HST and local passenger rail service; and

**Whereas**, a blended system will remain substantially within the existing Caltrain right-of-way and will accommodate future high-speed rail and modernized Caltrain service along the Peninsula corridor by primarily utilizing the existing track configuration on the Peninsula; and

**Whereas,** this MOU is specific to project investments that upgrade existing rail service and prepare for a future high-speed train project that is limited to infrastructure necessary to support a blended system, which will primarily be a two-track system shared by both Caltrain and high-speed rail and will be designed to continue to support existing passenger and freight rail tenants; and

**Whereas,** local transportation improvement projects are required to be included in a Regional Transportation Plan (Plan), and the Metropolitan Transportation Commission, working closely with local agencies is charged with developing the Plan every four years to provide guidance for transportation investments within the San Francisco Bay Area and with development of regional transportation strategies to address the needs of the Bay Area; and

**Whereas**, on December 19, 2001, MTC adopted the Regional Transit Expansion Program of Projects (Resolution 3434) which includes the Transbay Transit Center Phase 2 Downtown Extension and Caltrain Electrification projects as regional priorities for transit expansion; and

**Whereas**, the Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg, Statutes of 2008) requires the Plan to include a Sustainable Communities Strategy (SCS), showing evidence of integrated planning, goals that establish and strengthen the crucial linkages between the economy, land use development and the regional transportation system to improve access to jobs, education, healthcare, and other amenities in ways that improve the overall quality of life in the Bay Area, and the blended system on the Peninsula corridor in the California High-Speed Rail program is consistent with achieving SB 375 goals to reduce greenhouse gas emissions; and

**Whereas,** all PARTIES are involved in the planning, funding, construction and/or operation of heavy and light rail transit, buses, and/or commuter train services in the Peninsula corridor and are considering intermodal service integration, including linkages to the proposed HST service; and

**Whereas,** it is the intent and purpose of this MOU to strengthen the working relationship between the PARTIES to facilitate the development and implementation of projects that will improve local passenger rail service and operations while preparing designated HST corridors for eventual HST operation to achieve region-wide systems integration of rail service in Northern California; and

**Whereas,** local transportation improvement projects are required to be environmentally evaluated according to CEQA and NEPA regulations and where necessary, existing environmental approval covering incremental improvements to the Peninsula corridor will be updated to reflect evolving local and regional conditions and concerns; and

**Whereas**, incremental improvements and the blended system project will be planned, designed and constructed in a way that supports local land use and Transit Oriented Development policies along the Peninsula corridor; and

Now, THEREFORE, it is mutually understood and agreed to by the PARTIES as follows:

To jointly support and pursue the implementation of a statewide high-speed rail system that utilizes a blended system and operational model on the Peninsula corridor and that has its northern terminus at the Transbay Transit Center in San Francisco as specified in law, and its southern limit at Mile Post 51.4 at the Tamien Station in San Jose. The blended system will support and benefit operation of both Caltrain and future high-speed train service.

To jointly recognize a defined set of Inter-related Program of Projects that is consistent with the AUTHORITY's phased implementation plan and with a blended system operation of the corridor and achieves objectives that include but are not limited to system capacity and connectivity for Caltrain, HST and freight; public safety; operational efficiency; effectiveness and connectivity.

To generally describe, identify and work to fully fund an Inter-related Program of Projects known as the Corridor Electrification Infrastructure Project, Advanced Signal System (also known as Positive Train Control), the Downtown Extension to the Transbay Transit Center, which is the Proposition 1A designated northern terminus of high-speed rail, new high-speed stations at San Jose Diridon Station and a Millbrae BART/Caltrain Station with a connection to San Francisco International Airport, and a Core Capacity project of needed upgrades to stations, tunnels, bridges, potential passing tracks and other track modifications and rail crossing improvements including improvements and selected grade separations required to accommodate the mixed traffic capacity requirements of high-speed rail service and commuter services.

To recognize that of the set of Inter-related Program of Projects, the most substantial and tangible early-investment benefits will be realized when two essential projects are identified for an Initial Investment Strategy to secure, at the earliest possible date, the benefits of the blended system for the traveling public and an Initial Investment Strategy is needed to provide the groundwork upon which future construction can more readily progress.

To recognize that the two Inter-related projects for Initial Investment Strategy are the Corridor Electrification Infrastructure Project that includes the needed rolling stock to operate revenue service; and the Advanced Signal System project and to adopt as part of this MOU, the funding plans needed to move as expeditiously as possible toward construction of these two essential projects.

To work toward the implementation of the Initial Investment Strategy to the maximum extent feasible and that the PARTIES shall endeavor to incorporate the Electrification Infrastructure and Advanced Signal System projects into their respective plans and that the AUTHORITY shall reflect this MOU in its Business Plan by December 31, 2012.

That the aforementioned projects will need to be environmentally analyzed and cleared according to CEQA and NEPA guidelines as appropriate, including updating and recirculation of the Caltrain Electrification EA/FEIR completed in 2009.

That the AUTHORITY will endeavor in good faith to secure approval and release of $600 million of Proposition 1A funds and $106 million of Proposition 1A "connectivity" funds consistent with the funding plans contained in this MOU as required to complete at the earliest possible date, the Corridor Electrification Infrastructure and Advanced Signal System projects.

That the AUTHORITY will endeavor in good faith to secure approval of Proposition 1A “connectivity” funds for Bay Area project sponsors consistent with and in accordance with the schedule and project expenditure plan approved and as amended by the California Transportation Commission.

That the AUTHORITY will work with funding partners to assist in seeking and releasing the funds necessary to implement the Electrification Infrastructure Project and Advanced Signal System project. Local agencies may provide local funds, real property, or in-kind resources as matching funds where matching funds are required to qualify for grant funds. PARTIES agree to work together to identify the appropriate amounts and types of local resources that may be used to support the completion of the Electrification Infrastructure Project and the Advanced Signal System Project.

That the AUTHORITY and appropriate PARTIES will coordinate to obtain funding using a mutually agreed-upon strategy. In the event that funding for the program is constrained by statute, recession of existing law, change in funding requirements or eligibility, reduction in funding level or availability, the AUTHORITY and the PARTIES shall takes steps to notify each other as needed in a timely manner.

## FUNDING PLAN

# Program Costs and Proposed Funding
# for
# Peninsula Corridor Projects:
# Electrification and Advance Signal System

| **Program Costs**<br>*(in $ millions, year of expenditure)* | |
|---|---|
| Advance Signal System / Positive Train Control (PTC) | $231 |
| Electrification and Electric Multiple Units (EMUs) | $1,225 |
| **Total** | **$1,456** |

| **Program Funding**<br>*(in $ millions)* | |
|---|---|
| **Source** | **Amount** |
| JPB Contributions | $180 |
| JPB Local - Currently Available | $11 |
| Caltrain PTC | $4 |
| ***Subtotal Local*** | ***$195*** |
| Prop 1A Connectivity | $106 |
| Prop 1A High Speed Rail Authority | $600 |
| Prop 1B Caltrain | $24 |
| ***Subtotal State*** | ***$730*** |
| Federal RR Admin. for PTC | $17 |
| Federal Transit Admin prior/current obligations | $43 |
| Federal Transit Admin future obligations | $440 |
| ***Subtotal Federal*** | ***$500*** |
| MTC Bridge Tolls | $11 |
| BAAQMD Carl Moyer | $20 |
| ***Subtotal Regional*** | ***$31*** |
| **Total** | **$1,456** |

See Next Page for Notes.

Funding Plan Notes:

1. Caltrain Joint Powers Board (JPB) Local Contribution is $60 million from San Mateo sales tax, $60 million from VTA sales tax, and $60 million from San Francisco ($23 million from sales tax, $37 million from Regional Transportation Improvement Program (RTIP)/local/other). Each agency's contribution, including Proposition 1A Connectivity funds as outlined in Note 2, is contingent upon the $60 million each from the other two JPB partners.
2. Prop 1A Connectivity is $42 million from Caltrain, $26 million from VTA, and $38 million from BART (2nd priority for BART after receipt of $150 million for railcars).
3. Prop 1B Caltrain is $20 million Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), $4 million State-Local Partnership Program (SLPP).
4. FTA Prior/Current Obligations is $16 million for electrification in prior years, $27 million for EMUs in FY12.
5. FTA Future Obligations is $315 million for electric multiple units (EMUs), $125 million from fixed guideway caps. Funds will be programmed in accordance with MTC Transit Capital Priorities process between approximately FY2012-2013 and FY2022-2023.
6. Bridge Tolls is from Regional Measure 1 (RM1) West Bay Rail Reserve.
7. Bay Area Air Quality Management District (BAAQMD) funds to be confirmed.
8. Assumes that all local sources, Prop 1B PTMISEA, all federal sources, and bridge tolls can be used as match to Prop 1A funds, totaling $726 million in matching funds for $706 million in Prop 1A funds.
9. Other potential future funding sources could be substituted if secured, including federal Transportation Investment Generating Economic Recovery (TIGER) funds (such as current Caltrain application for $44 million), State Interregional Transportation Improvement Program (ITIP) funds, and private financing.

**REVISED**
**5/1/2012**

**AGENDA ITEM # 11**
**MAY 3, 2012**

**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 2013 OPERATING BUDGET**

**ACTION**
This report is submitted for informational purposes only. No policy action is requested at this time.

**SIGNIFICANCE**
The preliminary FY2013 Peninsula Corridor Joint Powers Board (JPB) Operating Budget is ~~almost, but not yet~~ fully balanced. Attachment A shows an operating budget of $~~111.0~~ **111.4** million, an increase of $~~4.6~~ **5.0** million, or ~~4.3~~ **4.7** percent, over the FY2012 revised budget. ~~Expenditures exceed revenues by approximately $848,000.~~

**Fiscal Year 2013 Revenue Projections**
Total revenues for FY2013 are projected to be $~~110.1~~ **111.4** million. Revenues include the following significant components:

FY2013 Operating Revenue for Caltrain is projected to be $69.4 million.

- Farebox Revenue is projected to be $60.3 million,
- Parking Revenue is projected to be $3.3 million, which reflects a daily and monthly parking increase resulting in an additional $312,000 in revenues.

➢ Total Contributed Revenue is projected to be $~~40.8~~ **42.0** million which includes the following:

- **AB434 & TA Shuttle Funding is projected to $2.2 million which includes the San Mateo County Transportation Authority (TA) shuttle funding of $1.2 million.**

- Operating Grants are projected to be $6.3 million consisting of $ 5.3 million in State Transit Assistance formula funds and $1.0 million in preventative maintenance funding.

- JPB Member Agency contributions are projected to be $33.5 million and is consistent with agreed upon framework between the partner agencies. The total projected contributions for each member agency are as follows:
    - San Mateo - $14.0 million
    - Santa Clara - $13.7 million
    - San Francisco - $5.8 million

**Fiscal Year 2013 Expense Projections**
Grand Total Expense for FY2013 is projected to be $~~111.~~0 **111.4** million and include the following significant components:

- Operating Expenses for Caltrain are projected at $~~95.9~~ **96.3** million.

    - Rail Operator Service is projected to be $59.5 million.

    - Possible Additional Service/Other includes a preliminary projection of $375,000 for an additional 6 trains effective September 1, 2012 and $1,150,000 for possible labor compliance matters specifically to cover the contingency of the JPB not receiving a favorable special wage determination ruling by the Department of Industrial Relations applicable to hourly wage rates paid to TASI maintenance of way workers.

    - Security Services costs are projected to be $3.8 million, primarily due to a contracted increase for the Sheriff's Transit Police.

    - Shuttle Service costs are projected to be $4.4 million. For FY2013 the JPB and TA shuttles are combined under the JPB budget. The projected increase of $1.4 million is due to the inclusion of the TA's share and the rate increases charged by the JPB's private contractors of the shuttle services.

    - Fuel costs are projected to be $~~16.~~8 **17.2** million in FY2013 based on a projected fuel price of $3.38 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 is investigating the renewal of the fuel hedging program implemented during the past two years. The fuel hedge program assists with reducing volatility and uncertainty in the fuel budget.

- Administrative expenses are projected to be $13.9 million, of which $5.6 million is for administrative wages and benefits and $3.5 million is for the San Mateo County Transit District Managing Agency Administrative Overhead costs. The partner agencies agreed in 2011 to include the revised share of the SamTrans' administrative overhead costs in the

FY2013 operating budget based on recommendations included in the Indirect Cost Allocation Plan (ICAP) study that was conducted by Maximus.

Going forward, JPB staff will continue discussions with MTC and the JPB partner agencies in an effort to identify funding sources to provide a balanced budget proposal for FY2014. This will be challenging. JPB's reserves are below reasonable levels and JPB partners continue to experience reductions in their own sources of revenues.

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. JPB 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 650.508.7755

**REVISED**
**5/1/2012**

PENINSULA CORRIDOR JOINT POWERS BOARD
STATEMENT OF REVENUE AND EXPENSE
BUDGET PROPOSAL
FY2013

| | | FY2011 ACTUAL A | FY2012 ADOPTED B | FY2012 REVISED C | FY2013 PROPOSED D | INC(DEC) FY12 REVISED to FY13PROPOSED E = D-C | % INC(DEC) FY12 REVISED to FY13 PROPOSED F = E/C | |
|---|---|---|---|---|---|---|---|---|
| | REVENUE | | | | | | | |
| | OPERATIONS: | | | | | | | |
| 1 | Farebox Revenue | 49,025,572 | 50,644,719 | 54,019,757 | 60,293,443 | 6,273,686 | 11.6% | 1 |
| 2 | Parking Revenue | 2,501,190 | 2,776,600 | 2,987,854 | 3,299,590 | 311,736 | 10.4% | 2 |
| 3 | Shuttles | 1,075,016 | 1,148,579 | 1,148,579 | 1,384,230 | 235,651 | 20.5% | 3 |
| 4 | Rental Income | 1,733,170 | 1,737,240 | 1,737,240 | 1,868,760 | 131,520 | 7.6% | 4 |
| 5 | Other Income | 2,814,080 | 2,913,060 | 2,913,060 | 2,527,430 | (385,630) | -13.2% | 5 |
| 6 | TOTAL OPERATING REVENUE | 57,149,028 | 59,220,198 | 62,806,490 | 69,373,453 | 6,566,963 | 10.5% | 6 |
| 7 | | | | | | | | 7 |
| 8 | CONTRIBUTIONS: | | | | | | | 8 |
| 9 | AB434 & TA Shuttle Funding | 1,000,000 | 1,000,000 | 1,000,000 | 2,184,271 | 1,184,271 | 118.4% | 9 |
| 10 | Operating Grants | 7,314,877 | 9,222,450 | 9,271,706 | 6,310,982 | (2,960,724) | -31.9% | 10 |
| 11 | JPB Member Agencies | 35,090,130 | 25,337,256 | 25,337,256 | 33,500,000 | 8,162,744 | 32.2% | 11 |
| 12 | Other Sources | | 9,000,000 | 9,000,000 | 0 | (9,000,000) | -100.0% | 12 |
| 13 | TOTAL CONTRIBUTED REVENUE | 43,405,007 | 44,559,706 | 44,608,962 | 41,995,253 | (2,613,709) | -5.9% | 13 |
| 14 | | | | | | | | 14 |
| 15 | GRAND TOTAL REVENUE | 100,554,035 | 103,779,904 | 107,415,452 | 111,368,706 | 3,953,254 | 3.7% | 15 |
| 16 | | | | | | | | 16 |
| 17 | EXPENSE | | | | | | | 17 |
| 18 | | | | | | | | 18 |
| 19 | OPERATING EXPENSE: | | | | | | | 19 |
| 20 | Rail Operator Service | 55,102,497 | 58,661,660 | 58,661,660 | 59,497,650 | 835,990 | 1.4% | 20 |
| 21 | Possible Additional Service/Other | | | | 1,525,000 | 1,525,000 | 100.0% | 21 |
| 22 | Security Services | 3,628,623 | 4,060,113 | 4,177,411 | 3,837,534 | (339,877) | -8.1% | 22 |
| 23 | Rail Operator Extra Work | 133,204 | 130,000 | 130,000 | 110,000 | (20,000) | -15.4% | 23 |
| 24 | Contract Operating & Maintenance | 58,864,324 | 62,851,773 | 62,969,071 | 64,970,184 | 2,001,113 | 3.2% | 24 |
| 25 | Operator Contract Transition Costs | 80,027 | 3,200,000 | 4,700,000 | 0 | (4,700,000) | -100.0% | 25 |
| 26 | Shuttle Service | 2,885,841 | 2,984,550 | 2,984,550 | 4,410,504 | 1,425,954 | 47.8% | 26 |
| 27 | Fuel | 12,931,549 | 14,660,380 | 15,160,380 | 17,198,522 | 2,038,142 | 13.4% | 27 |
| 28 | Timetables and Tickets | 181,605 | 161,000 | 161,000 | 147,200 | (13,800) | -8.6% | 28 |
| 29 | Insurance | 7,310,271 | 4,870,000 | 4,870,000 | 5,100,500 | 230,500 | 4.7% | 29 |
| 30 | Facilities and Equipment Maint | 1,201,921 | 1,037,260 | 1,037,260 | 1,534,560 | 497,300 | 47.9% | 30 |
| 31 | Utilities | 1,496,075 | 1,596,835 | 1,596,835 | 1,696,870 | 100,035 | 6.3% | 31 |
| 32 | Maint & Services-Bldg & Other | 1,114,011 | 1,171,760 | 1,171,760 | 1,286,880 | 115,120 | 9.8% | 32 |
| 33 | TOTAL OPERATING EXPENSE | 86,065,625 | 92,533,558 | 94,650,856 | 96,345,220 | 1,694,364 | 1.8% | 33 |
| 34 | | | | | | | | 34 |
| 35 | ADMINISTRATIVE EXPENSE | | | | | | | 35 |
| 36 | Wages & Benefits | 5,071,480 | 5,218,497 | 5,218,497 | 5,623,527 | 405,030 | 7.8% | 36 |
| 37 | Managing Agency Admin OH Cost | 954,521 | 1,122,193 | 1,122,193 | 3,540,298 | 2,418,105 | 215.5% | 37 |
| 38 | Board of Directors | 12,289 | 10,800 | 10,800 | 12,800 | 2,000 | 18.5% | 38 |
| 39 | Professional Services | 2,082,086 | 2,143,542 | 2,192,798 | 2,673,479 | 480,681 | 21.9% | 39 |
| 40 | Communications and Marketing | 147,157 | 171,000 | 171,000 | 138,000 | (33,000) | -19.3% | 40 |
| 41 | Other Expenses and Services | 1,274,068 | 1,477,439 | 1,885,270 | 1,932,507 | 47,237 | 2.5% | 41 |
| 42 | TOTAL ADMINISTRATIVE EXPENSE | 9,541,601 | 10,143,471 | 10,600,558 | 13,920,611 | 3,320,053 | 31.3% | 42 |
| 43 | | | | | | | | 43 |
| 45 | Long-term Debt Expense | 1,102,875 | 1,102,875 | 1,102,875 | 1,102,875 | 0 | 0.0% | 45 |
| 46 | | | | | | | | 46 |
| 47 | GRAND TOTAL EXPENSE | 96,710,101 | 103,779,904 | 106,354,289 | 111,368,706 | 5,014,417 | 4.7% | 47 |
| 48 | | | | | | | | 48 |
| 49 | REVENUE OVER/UNDER | 3,843,933 | 0 | 1,061,163 | 0 | | | 49 |

5/1/12 2:50 PM

**AGENDA ITEM # 12**
**MAY 3, 2012**

**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 2013 CAPITAL BUDGET**

The Preliminary Fiscal Year 2013 Peninsula Corridor Joint Powers Board Capital Budget will be presented to the Board on May 3, 2012 as an informational item, and will be available for distribution at the meeting.

**AGENDA ITEM # 13**
**MAY 3, 2012**

# PENINSULA CORRIDOR JOINT POWERS BOARD
# STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **APPROVE REVISION OF THE FUEL HEDGING POLICY, AUTHORIZE AWARD OF CONTRACT TO ORRICK, HERRINGTON & SUTCLIFFE LLP, APPROVE THE FY2013 FUEL HEDGING PROGRAM AND AUTHORIZE EXECUTION OF DOCUMENTS AND PAYMENT OF PREMIUM FOR COMMODITY PRICE CAP FOR THE FY2013 FUEL HEDGING PROGRAM**

## ACTION
Staff Coordinating Council recommends that the Board:

1. Adopt the attached revised Fuel Hedging Policy; and

2. Authorize appointment of Orrick, Herrington & Sutcliffe LLP ("Orrick") to serve as special counsel to the Peninsula Corridor Joint Powers Board (the "JPB") in connection with the Fiscal Year (FY) 2013 fuel hedging program, fees for special counsel not to exceed $125,000, and to be allocated to the San Mateo County Transit District and the JPB based upon proportional shares; and

3. Approve the Request for Bids and authorize the Executive Director or the Deputy CEO, Finance and Administration, to select the winning bidder, to execute a Confirmation and such other commodity price cap documents as shall be required, with the winning bidder, and to pay the premium for the commodity price cap.

## SIGNIFICANCE
Since the inception of the fuel hedging program, pursuant to the Fuel Hedging Policy adopted by the Board in March 2010 and revised in April 2011, each bidder or its guarantor (herein referred to as a "counterparty") has been required to be rated at least "Aa3" or "AA-" by at least one nationally recognized rating agency at the time of submission of bids. As a result of ongoing review and revision of rating criteria by each of the rating agencies, the pool of potential counterparties assigned ratings of at least "Aa3" or "AA-" has decreased and is expected to continue to decrease. To ensure maximum competition among creditworthy counterparties, it is recommended that the Fuel Hedging Policy be revised to authorize submission of bids by counterparties assigned a rating of at least "A" by each nationally recognized rating agency then rating the counterparty at the time bids are submitted. Revision of the threshold rating criteria will permit expansion of the pool of creditworthy potential counterparties while maintaining the

ability of staff to select a counterparty rated in the preferred rating category, assuming counterparties assigned such ratings submit bids. As has been the case since the inception of the fuel hedging program, the risk that a counterparty will fail to make required payments or otherwise comply with the terms of its agreement with the JPB will be mitigated by requiring collateral upon counterparty downgrade, limiting the term of the agreement to one fiscal year and monthly monitoring of the rating or ratings assigned to the counterparty selected. The attached revised Fuel Hedging Policy reflects the revision in the ratings threshold.

As staff and the JPB's financial advisor move through the process of selecting a potential counterparty, special counsel is necessary to ensure proper review and execution of the necessary documents. Orrick served as counsel on the fuel hedge transaction entered into for the past three fiscal years as well as bond counsel on the JPB's 2007 financing for Bombardier rail cars and brings a strong understanding of the JPB's history and requirements.

In accordance with 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 verify that each counterparty expressing interest is prepared to bid based upon the agreed upon form of commodity price cap documents and, as applicable, amendments (such documents and amendments, being herein referred to as the "Bid Documents") previously approved by the JPB, which are comprised of an ISDA Master Agreement, a Schedule to the Master Agreement, and a Credit Support Annex. The Request and the Bid Documents have been reviewed by Orrick and the JPB's financial advisor. In addition to the Bid Documents, a Confirmation (the "Confirmation") setting forth the pricing and other economic terms will be drafted and executed after the winning bid is selected.

Based on discussions between staff and the JPB's financial advisor, it has been determined that there are four likely bidders for the FY2013 fuel hedging program: Deutsche Bank AG ("DB"), Barclays Bank PLC ("Barclays"), Canadian Imperial Bank of Commerce ("CIBC") and Wells Fargo Bank, N.A. ("Wells Fargo"), all of whom have previously bid and have agreed to bid based on the Bid Documents previously approved by, and on file with, the Board. DB was the winning bidder for the price cap for Fiscal Years ending June 30, 2010 and June 30, 2012. Barclays was the winning bidder for the price cap for the Fiscal Year ending June 30, 2011.

Board authorization is required to approve the Request and to authorize the Executive Director or Deputy CEO, Finance and Administration, to select the counterparty for the FY2013 fuel hedging program based on the bids submitted, to execute the Confirmation and such other Bid Documents as shall be required to be entered into with the winning counterparty, and to pay the premium for the commodity price cap. 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, 2012. 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 FY 2013 fuel hedging program is to reduce volatility and uncertainty in the fuel budget for Fiscal Year 2013. 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 FY2013 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 FY2013 fuel budget will include the hedging program fees consisting of up to $25,000 for financial advisor, up to $125,000 for outside legal counsel (70% of the total legal fees are the JPB's responsibility), $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. Since the beginning of FY2012, the price of OPIS has ranged from a high of $3.45 per gallon in the second week of March 2012 to a low of $2.86 in the third week of December 2011.

In order to meet the primary goal of the fuel hedging program of reducing volatility and uncertainty in the fuel budget for FY2013, 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.

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

Prepared by:  Éva Goode, Manager, Budgets 650.508.7914

**RESOLUTION NO. 2012-**

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

*** * ***

**REVISING THE FUEL HEDGING POLICY**

**WHEREAS,** the Peninsula Corridor Joint Powers Board (JPB) adopted a Fuel Hedging Policy in March 2010, which was revised in April 2011, which provides guidelines on fuel hedging transactions to ensure budget reliability and allows the JPB to limit its exposure when fuel prices rise, while continuing to receive the benefit when prices fall; and

**WHEREAS**, in order to maintain a competitive bidding process in the future, staff recommends revising the Fuel Hedging Policy to authorize submission of bids by counterparties assigned (or having a guarantor assigned) a rating of at least "A" by each nationally recognized rating agency then rating the counterparty (or guarantor) at the time bids are submitted.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby approves and adopts the attached revised Fuel Hedging Policy.

Regularly passed and adopted this 3rd day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

______________________________________

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

__________________________

JPB Secretary

**Peninsula Corridor Joint Powers Board**
**Fuel Hedging Policy**

**Revised: May 3, 2012**

**Goal:** The primary goal for the JPB's fuel hedging program is to reduce volatility in the fuel budget.

**Mechanism:** There are several mechanisms available to hedge fuel in the market today including commodity price caps, futures contracts, commodity swaps and physical hedging. This policy authorizes a commodity price cap with a counterparty authorized to conduct business in the United States.

**Index:** The price that the JPB pays for fuel is based on the Oil Price Information Service (OPIS) index. With respect to the commodity price cap, the JPB will use an index that has a high historical positive correlation to the OPIS index. In addition, prior to entering into a transaction, staff will examine data from the prior five (5) years to measure the ongoing correlation. The index to be utilized in the commodity price cap is the Platt's Gulf Coast Ultra Low Sulfur Diesel (ULSD) index. Between 2006 and 2010, the ULSD index had a high correlation of 0.975 with the OPIS index.

**Duration:** Each transaction will be implemented for no more than 12 months at a time and will not extend beyond one fiscal year.

**Transaction Amount:** Each transaction will be implemented for no more than 75 percent of JPB's projected fuel usage for a fiscal year.

**Counterparty Credit Criteria:** As a condition for bidding, a counterparty or its guarantor (hereinafter referred to as a "counterparty") must be rated at least "A" by each of the nationally recognized statistical rating organizations (each, a "Rating Agency") then assigning a rating to the counterparty. If the counterparty is downgraded to or below "A3" from Moody's, to or below "A-" from S&P, or to or below "A-" from Fitch after submission and acceptance of its bid by the JPB, the counterparty must post collateral to secure its performance in an amount and under terms and conditions acceptable to the JPB. In the event that the counterparty has been assigned a rating by more than one Rating Agency, the counterparty shall not be required to post collateral so long as the counterparty is rated at least "A" by at least one Rating Agency. In addition, the JPB retains the right to terminate the contract with the counterparty if its ratings are downgraded below "Baa1" in the case of Moody's, if its ratings are downgraded below "BBB+" in the case of S&P, or if its ratings are downgraded below "BBB+" in the case of Fitch.

**Guaranty Requirements:** Any guaranty shall be irrevocable and unconditional and shall be in form and substance satisfactory to the JPB.

**Counterparty Selection Criteria:** It is the intent that a counterparty be rated at least "Aa3" or "AA-" by at least one Rating Agency as a condition for bidding. Notwithstanding the foregoing, in the event that JPB staff, with the advice of its fuel hedge program advisors, determines that it is necessary in order to maintain a competitive bidding process, expressions of interest and bids may be solicited from counterparties meeting the rating requirements specified above under “Counterparty Credit Criteria” and a counterparty rated at least “A” by each Rating Agency then assigning a rating to the counterparty may be selected.

**Monitoring:** Monthly monitoring of the Gulf Coast ULSD average price must be calculated by, or under the direction of, JPB staff to ensure payments are received from the counterparty if and when due. Hedging practices should also be monitored by JPB staff to ensure this policy remains up to date with current best practices.

**Board Approval:** Staff shall return to the Board annually to obtain approval on the award of a financial contract for fuel hedging services and the authorization of the Executive Director or designee to execute such a contract for the current fiscal year.

**Reporting:** Annual reports will be presented to the Board in the form of an informational staff report, which will provide details concerning the terms of the fuel hedge and provide an assessment of the current year’s program.

**Risks:** Some of the risks associated with a commodity price cap include:

> **Counterparty Risk –** The risk that the counterparty fails to make required payments or otherwise comply with the terms of the agreement. This risk is mitigated by requiring the counterparty or its guarantor to have at least an “A” rating from each Rating Agency then assigning a rating to a counterparty or its guarantor as a condition for bidding, requiring collateral upon bidder downgrade as described above under “Counterparty Credit Criteria,” limiting the term of the agreement to one fiscal year and monthly monitoring of counterparty rating.
>
> **Termination Risk –** The risk that there will be a mandatory early termination of the transaction. This risk is mitigated in part by requiring the posting of collateral by the counterparty should the counterparty’s or its guarantor’s credit rating fall to or below “A3” in the case of Moody’s or “A-” in the case of S&P or Fitch subsequent to the execution of the commodity price cap.
>
> **Basis Risk –** The risk that there is a mismatch between the commodity price cap rate and the amount actually paid for fuel. This risk is mitigated by selecting the Gulf Coast ULSD index which is highly correlated to the rates the JPB pays for fuel.

**RESOLUTION NO. 2012-**

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

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**AUTHORIZING AWARD OF CONTRACT TO ORRICK, HERRINGTON & SUTCLIFFE LLP TO SERVE AS SPECIAL COUNSEL IN CONNECTION WITH THE FISCAL YEAR 2013 FUEL HEDGING PROGRAM**

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

**WHEREAS,** consistent with the fuel hedging policy adopted by the Board in March 2010,revised in April 2011 and on the date hereof (the Policy), the JPB will shortly begin the process of selecting a counterparty meeting the requirements specified in the Policy for the FY2013 fuel hedging program; and

**WHEREAS,** the JPB requires the services of special counsel to assist it in the process of implementing a fuel hedge for the FY2013 fuel hedging program; and

**WHEREAS,** Orrick, Herrington & Sutcliffe, LLP, has served as the JPB's special counsel in prior years, including advising on FY2010's, FY2011's and FY2012's fuel hedging program, and has substantial experience with public transit financial transactions.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director to execute a contract in an amount not to exceed $125,000 with Orrick, Herrington & Sutcliffe, LLP, to serve as special counsel to the JPB in connection with the proposed fuel hedge for FY2013, with the understanding that the not to exceed amount includes services to be provided under a separate contract with the San Mateo County Transit District, which is expected to pay 30 percent of the total cost of the special counsel services.

Regularly passed and adopted this 3rd day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

____________________________________
Chair, Peninsula Corridor Joint Powers Board

ATTEST:

______________________
JPB Secretary

**RESOLUTION NO. 2012 -**

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

**AUTHORIZING IMPLEMENTATION OF A FUEL HEDGING PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2013, AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO IMPLEMENT SUCH FUEL HEDGING PROGRAM, INCLUDING, AS APPLICABLE, AN ISDA MASTER AGREEMENT, A SCHEDULE TO THE ISDA MASTER AGREEMENT, A CREDIT SUPPORT ANNEX AND/OR 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 (the 2010 Fuel Hedging Program), utilizing a fuel hedge in the form of a commodity price cap; and

**WHEREAS**, Barclays Bank PLC (Barclays Bank) and Deutsche Bank AG (Deutsche Bank) expressed an interest in bidding on the commodity price cap for the 2010 Fuel Hedging Program; and

**WHEREAS,** in connection with the authorization and approval of the 2010 Fuel Hedging Program by the JPB, a form of 1992 International Swaps and Derivatives Association, Inc. (ISDA) Master Agreement (the Deutsche Bank ISDA Master Agreement), a form of Schedule to the Deutsche Bank ISDA Master Agreement (the Deutsche Bank ISDA Schedule), and a form of 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) were made available to, and approved by, the JPB; and

**WHEREAS,** in connection with the authorization and approval of the 2010 Fuel Hedging Program by the JPB, a form of 1992 ISDA Master Agreement (the Barclays Bank ISDA Master Agreement), a form of Schedule to the Barclays Bank ISDA Master Agreement (the Barclays Bank ISDA Schedule), and a form of 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) were made available to, and approved by, the JPB; and

**WHEREAS,** pursuant to a competitive bidding process, 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 the Deutsche Bank Hedging Documents with Deutsche Bank; 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 (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 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 the Barclays Bank Hedging Documents with Barclays Bank; 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 (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 involved soliciting bids from Deutsche Bank, Barclays Bank, Canadian Imperial Bank of Commerce (CIBC) and Wells Fargo Bank, N.A. (Wells Fargo), each of which expressed an interest in bidding on the commodity price cap for the 2012 Fuel Hedging Program; and

**WHEREAS**, in connection with the authorization and approval of the 2012 Fuel Hedging Program by the JPB, a form of 1992 ISDA Master Agreement (the CIBC ISDA Master Agreement), a form of Schedule to the ISDA Master Agreement (the CIBC ISDA Schedule) and a form of 1994 ISDA Credit Support Annex (the CIBC ISDA Credit Support Annex, and, together with the CIBC ISDA Master Agreement and the CIBC ISDA Schedule, hereinafter collectively referred to as the CIBC Hedging Documents), were made available to, and approved by, the JPB; and

**WHEREAS**, in connection with the authorization and approval of the 2012 Fuel Hedging Program by the JPB, a form of 1992 ISDA Master Agreement (the Wells Fargo ISDA Master Agreement), a form of Schedule to the ISDA Master Agreement (the Wells Fargo ISDA Schedule) and a form of 1994 ISDA Credit Support Annex (the Wells Fargo ISDA Credit Support Annex, and, together with the Wells Fargo ISDA Master Agreement and the Wells Fargo ISDA Schedule, hereinafter collectively referred to as the Wells Fargo Hedging Documents), were made available to, and approved by, the JPB; and

**WHEREAS,** also in connection with the authorization and approval of the 2012 Fuel Hedging Program by the JPB, a proposed form of amendment to the Deutsche Bank ISDA Schedule (the Deutsche Bank Schedule Amendment) was made available to, and approved by, the JPB; and

**WHEREAS,** Barclays Bank expressed an interest in bidding on the commodity price cap for the 2012 Fuel Hedging Program and 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 (the Barclays Bank Schedule Amendment) was made available to, and approved by, the JPB in connection with the authorization and approval of the 2012 Fuel Hedging Program; and

**WHEREAS,** pursuant to a competitive bidding process, Deutsche Bank was selected as provider of the commodity price cap for the 2012 Fuel Hedging Program; and

**WHEREAS,** based on an evaluation of the 2012 Fuel Hedging Program, staff recommended continuation of the fuel hedging program for the fiscal year ending June 30, 2013 (the 2013 Fuel Hedging Program), utilizing a fuel hedge in the form of a commodity price cap; and

**WHEREAS,** implementation of the 2013 Fuel Hedging Program will involve soliciting bids from providers of commodity price caps meeting the credit rating criteria specified in the fuel hedging policy, adopted by the governing body of the JPB on April 7, 2011, as amended and restated by the fuel hedging policy adopted by the governing body of the JPB on the date hereof (hereinafter referred to as the Fuel Hedging Policy), which have expressed an interest in bidding on the commodity price cap on substantially such terms as are set forth in the Request for Commodity Price Caps (the 2013 Program Request) prepared by PFM Asset Management LLC and Ross Financial in connection with the 2013 Fuel Hedging Program; and

**WHEREAS,** implementation of the 2013 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,** implementation of the 2013 Fuel Hedging Program will also involve execution and delivery of a Confirmation (the Confirmation) with the cap counterparty selected pursuant to such competitive bidding process; and

**WHEREAS,** it is now necessary for the governing body of the JPB to approve the form of the 2013 Program Request, to authorize the negotiation and execution and delivery of the CIBC Hedging Documents with CIBC if CIBC is the cap counterparty selected, to authorize the negotiation and execution and delivery of the Wells Fargo Hedging Documents with Wells Fargo if Wells Fargo is the cap counterparty selected, to authorize the negotiation and execution and delivery of the Confirmation, to authorize the taking of such other actions as shall be necessary to consummate the 2013 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 2013 Fuel Hedging Program and the execution and delivery of such documentation as shall be required to implement such 2013 Fuel Hedging Program, including a Confirmation and, as and to the extent, applicable, the Barclays Bank Schedule Amendment if Barclays Bank is the cap counterparty selected, the CIBC Hedging Documents if CIBC is the cap counterparty selected, and/or the Wells Fargo Hedging Documents if Wells Fargo is the cap counterparty selected.

Section 2. **Approval of the 2013 Fuel Hedging Program**. Implementation of the 2013 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. **Authorization of Execution and Delivery of 2013 Fuel Hedge Program Documentation**. 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: (i) to execute and deliver the Barclays Bank Schedule Amendment to Barclays Bank if Barclays Bank is the Cap Counterparty, such Barclays Bank Schedule Amendment to be in substantially the form approved in connection with the 2012 Hedging Program, 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; and (ii) to execute and deliver the CIBC Hedging Documents to CIBC if CIBC is the Cap Counterparty, such CIBC Hedging Documents to be in substantially the form approved in connection with the 2012 Hedging Program, 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; or (iii) to execute and deliver the Wells Fargo Hedging Documents to Wells Fargo if Wells Fargo is the Cap Counterparty, such Wells Fargo Hedging Documents to be in substantially the form approved in connection with the 2012 Hedging Program, 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 to the Cap Counterparty, 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. **Authorized Representative.** All approvals, consents, directions, notices, orders, requests and other actions permitted or required by the Confirmation or by any of the other documents authorized by this Resolution (the 2013 Hedging Documentation) entered into or to be entered into, as applicable, with the Cap Counterparty may be given or taken by either Authorized Officer without further authorization or direction by the governing body of the JPB and each Authorized Officer is hereby authorized and directed to give any such approval, consent, direction, notice, order or request and to take any such action which such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 5. **Ratification of Deutsche Bank Hedging Documents.** All actions heretofore taken with respect to the authorization, approval, execution and delivery of the Deutsche Bank Hedging Documents and the Deutsche Bank Schedule Amendment are hereby ratified, confirmed, and approved.

Section 6. **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 and the authorization and approval of the Barclays Bank Schedule Amendment are hereby ratified, confirmed, and approved.

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

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

Section 9. **Ratification of Actions Relating to 2013 Fuel Hedging Program.** All actions heretofore taken by the officers and agents of the JPB with respect to the 2013 Fuel Hedging Program are hereby ratified, confirmed, and approved.

Section 10. **Completion of 2013 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 2013 Hedging Documentation and all other documents executed in connection with the 2013 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 3rd day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

________________________________________

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

__________________________________

JPB Secretary

**AGENDA ITEM # 14**
**MAY 3, 2012**

# PENINSULA CORRIDOR JOINT POWERS BOARD
# STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

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

## ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the Executive Director or designee to execute an amendment to the contract for the provision of shuttle bus service with Parking Company of America Management, LLC (PCAM), to extend the Agreement for an additional one-year term in the estimated amount of $2,957,027, effective October 1, 2012.

## SIGNIFICANCE

The Board's approval of this action will provide staff with the opportunity to partner with the Peninsula Traffic Congestion Relief Alliance (Alliance) to develop a joint Request for Proposals for contracted shuttle bus service while PCAM continues to provide shuttle bus service for approximately 6,000 passengers per day between major Caltrain stations, residential areas and workplaces in San Mateo and Santa Clara counties. Without approval of the above action, PCAM's provision of shuttle bus service will end on September 30, 2012.

## BUDGET IMPACT

Funds for this service will be available under the projected Fiscal Year (FY) 2013 and FY2014 operating budgets.

## BACKGROUND

Pursuant to Resolution 2005-40, the Board awarded a three-year contract, with two one-year option terms to PCAM to provide shuttle bus service to the Peninsula Corridor Joint Powers Board (JPB). The contract was extended pursuant to Resolution 2010-36, which authorized up to two additional one-year terms through September 30, 2012.

The Alliance has a shuttle bus service contract with PCAM that is set to expire on September 30, 2013; therefore, extending the JPB's contract with PCAM for an additional year will make it coterminous with the Alliance contract. This will provide the opportunity for the two agencies to collaborate and issue a joint and consolidated procurement that would bring the benefits of economies of scale, pooled staff expertise and shared administrative costs.  Staff anticipates issuing a joint Request for Proposals with the Alliance for shuttle bus service later this year.

Staff successfully negotiated a modest 1.6 percent average rate increase over the current rates with PCAM for the extension period.  The estimated annual cost is lower than in previous years due to service reductions made in FY2012.

Contract Officer: Adwoa Oni 650.508.6411
Project Manager: Mike Stevenson, Associate Operations Contract Administrator (Shuttles) 650.508.7979

**RESOLUTION NO. 2012 -**

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

* * *

**AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH PARKING COMPANY OF AMERICA MANAGEMENT, LLC FOR CONTRACTED SHUTTLE BUS SERVICE TO EXTEND THE AGREEMENT FOR ONE YEAR AND INCREASE THE ESTIMATED CONTRACT AMOUNT BY $2,957,027**

**WHEREAS**, pursuant to Resolution 2005-40 the Peninsula Corridor Joint Powers Board (JPB) awarded a contract to provide contracted shuttle bus service to Parking Company of America Management, LLC (PCAM) for a three-year base term, with two one-year option terms; and

**WHEREAS**, prior to the expiration of the contract, the Board, pursuant to Resolution 2010-36, extended the term of the contract for two additional one-year terms at an estimated cost of $3,218,717 per year, exercisable at the JPB's sole discretion; and

**WHEREAS**, the JPB has exercised the two one-year option terms and the contract is scheduled to expire on September 30, 2012; and

**WHEREAS**, the Peninsula Traffic Congestion Relief Alliance (Alliance) has a contracted shuttle bus service contract with PCAM that is scheduled to expire on September 30, 2013; and

**WHEREAS**, the JPB has determined that a joint and consolidated procurement partnership with the Alliance would provide many benefits to the JPB, including economies of scale, pooled staff expertise, and shared administrative costs; and

**WHEREAS**, the JPB desires to pursue a joint request for proposals process with

Alliance, and therefore is recommending that the Board authorize a one-year contract extension of the JPB's PCAM contract to render its duration to be coterminous with the Alliance's PCAM contract; and

**WHEREAS**, the JPB and PCAM have mutually agreed to extend the contract for a one-year term to September 30, 2013 subject to a 1.6 percent average rate increase request by PCAM; and

**WHEREAS**, the Executive Director recommends that the Board authorize the amendment to the contract with PCAM to extend the contract for a one-year term at an estimated cost of $2,957,027.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board authorizes the Executive Director or designee to execute an amendment to the contract with PCAM, in a form approved by Legal Counsel, to extend the contract for a one-year term at an estimated cost of $2,957,027, effective October 1, 2012.

Regularly passed and adopted this 3rd day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary

**AGENDA ITEM # 15**
**MAY 3, 2012**

**PENINSULA CORRIDOR JOINT POWERS BOARD**
**STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: **AUTHORIZING AWARD OF CONTRACTS FOR ON-CALL RAILROAD BUSINESS AND OPERATIONS SUPPORT SERVICES**

## ACTION

Staff Coordinating Council (SCC) recommends that the Board:

1. Award five on-call, no guaranteed level-of-effort, contracts for railroad business and operations support services, each for a three-year term, in an aggregate not-to-exceed amount of $3,800,000, to the following firms:
   - LTK Engineering Services, Ambler, PA
   - Nancy Whelan Consulting, San Francisco
   - Parsons Brinckerhoff, Inc., San Francisco
   - Systra Consulting, New York, NY
   - Transportation Resource Associates, Inc., Philadelphia, PA

2. Authorize the Executive Director, or his designee, to execute a contract with the five firms listed above in full conformity with the terms and conditions of the solicitation documents and negotiated agreements.

3. Authorize the Executive Director, or his designee, to exercise up to two additional one-year option terms, with an aggregate not-to-exceed amount of $1,250,000, for each year, if it is in the best interest of the JPB.

## SIGNIFICANCE

Award of these contracts will provide continuing railroad business and operations support services on an on-call basis. Approval of the above actions will benefit the JPB by making available the most qualified firms to provide railroad business and operations services to the JPB for operations planning and business planning activities. Award of these contracts will not obligate the JPB to purchase any level of service from any of the firms, as work directives will be issued on a project-by-project basis.

**BUDGET IMPACT**

Work Directives issued under these contracts will contain a defined scope of services, and a separate schedule and budget. Funds will come from approved capital and/or operating budgets.

**BACKGROUND**

A Request for Proposals (RFP) for railroad business and operations support services was issued and advertised in a local newspaper and on the JPB's procurement website. Solicitation notices also were sent to small business enterprises (SBEs) and disadvantaged business enterprises (DBEs) in the railroad services fields. The JPB received five proposals. An Evaluation Committee (Committee) composed of qualified staff reviewed and scored the proposals in accordance with the following weighted criteria:

- Responsiveness to the Solicitation 10%
- Approach to Scope of Services 25%
- Qualifications and Experience of Firm, Key Personnel 50%
- Labor Rates 15%

All five proposals were responsive to the RFP and found to be in the competitive range by the committee. Upon completion of checking of references, financial review, and final scoring of proposals, the committee determined that each firm possesses different strengths to support the rail operations department. All five firms possess the requisite depth of experience and have the required qualifications to successfully perform the contracts. The combination of the services the five firms can provide will provide the JPB with adequate support. The Committee reached consensus and recommends award of contracts to all five firms.

The JPB has completed negotiations on price, as well as on contractual terms and conditions, with each of the firms.

The DBE officer reviewed the proposals from all five firms and determined that the firms meet the requirements of the JPB's DBE Program. Nancy Whelan Consulting is a certified DBE and the remaining four firms have included DBE subconsultants in their consulting teams. The use of DBEs by the five firms in future work directives will support the JPB's DBE program objectives.

Contract Officer: Alicia Fraumeni 650.508.6442
Project Manager: Jerry Willard 650.508.7975

**RESOLUTION NO. 2012 -**

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

* * *

**AUTHORIZING AWARD OF FIVE ON-CALL CONTRACTS FOR RAILROAD BUSINESS AND OPERATIONS SUPPORT SERVICES FOR A THREE-YEAR BASE TERM AT AN AGGREGATE NOT-TO-EXCEED AMOUNT OF $3,800,000**

**WHEREAS**, the Peninsula Corridor Joint Powers Board (JPB) issued a Request for Proposals (RFP) to provide on-call railroad business and operations support services; and

**WHEREAS**, in response to the JPB's RFP, five firms submitted proposals; and

**WHEREAS**, an Evaluation Committee (Committee) composed of qualified JPB staff reviewed and evaluated proposals in accordance with the criteria set forth in the RFP; and

**WHEREAS**, upon completion of the initial evaluation and scoring process, all five firms were found to be in the competitive range; and

**WHEREAS**, upon completion of checking of references, and final scoring of proposals**,** it was determined that all five firms have the requisite depth of experience and required qualifications to successfully perform the desired services and will perform such services at fair and reasonable prices; and

**WHEREAS**, staff and Legal Counsel have reviewed the proposals and determined that all proposals complied with the requirements of the solicitation documents; and

**WHEREAS**, Staff recommends award of contracts to the following five firms:

1. LTK Engineering Services, Ambler, PA
2. Nancy Whelan Consulting, San Francisco, CA
3. Parsons Brinckerhoff, Inc., San Francisco, CA
4. Systra Consulting, New York, NY
5. Transportation Resource Associates, Inc., Philadelphia, PA; and

**WHEREAS**, the Executive Director recommends that contracts be awarded to each of the five firms identified above, whose proposals meet all of the RFP requirements for furnishing on-call railroad business and operations support services.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors (Board) of the JPB hereby awards five on-call, no guaranteed level-of-effort contracts for railroad business and operations support services for a three-year base term at an aggregate not-to-exceed amount of $3,800,000 and up to two additional, one-year option terms with the five firms identified above for an aggregate not-to-exceed amount of $1,250,000 for each year, with the understanding that the JPB is under no obligation to purchase any level of service from any of the firms and that individual work directives will be issued on a project-by-project basis, considering factors such as work priorities, specialized expertise, cost and availability of funding; and

**BE IT FURTHER RESOLVED** that the Executive Director, or his designee, is authorized to execute contracts on behalf of the JPB with the five firms identified above in full conformity with the terms and conditions of the solicitation documents and negotiated agreements and to exercise up to two one-year option terms if it is in the best interest of the JPB, subject to the compensation limits set forth above.

Regularly passed and adopted this 3rd day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary



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**AGENDA ITEM # 16**
**MAY 3, 2012**

**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 April 12, the California High Speed Rail Authority (CHSRA) approved its Business Plan that calls for early investment in the electrification and modernization of the Caltrain corridor and eventual improvements that support blended Caltrain and high-speed rail operations on the Peninsula. The Plan reflects the recent Memorandum of Understanding (MOU) being considered by several Bay Area public agencies including the Peninsula Corridor Joint Powers Board.

The plan also allows the Legislature to move forward with the consideration of the Governor's budget request for a $5.9 billion appropriation to start construction of the project in the Central Valley. It is unclear whether funds would also be appropriated in Fiscal Year (FY) 2013 to start work on the Caltrain corridor, but the Governor is recommending full appropriation of the remaining funds in the $950 million Proposition 1A connectivity pot. The Bay Area MOU identifies $106 million from the connectivity pot for Caltrain electrification and modernization.

On April 18 the Assembly and Senate transportation budget sub-committees met to review the CHSRA Business Plan and discuss the Governor's budget request, but did not take action on any of the recommended appropriations.

## FEDERAL ISSUES

Authorization

Following approval of a 90-day extension of current surface transportation funding levels, Congress continues to work toward a longer-term reauthorization compromise. The Senate-approved two-year proposal (S. 1813) will be considered in conference committee along with H.R. 4348, which extends the program by another 90 days and also includes the approval of the Keystone XL oil pipeline. The approval of the pipeline will likely be a primary topic of debate during conference and the White House has stated that it will veto a bill that includes the pipeline.

Senate conferees include Sens. Barbara Boxer (D-Calif.) Max Baucus (D-Mont.), Dick Durbin (D-Ill.), Tim Johnson (D-S.D.), Bill Nelson (D-Fla.), Charles Schumer (D-N.Y.), Robert Menendez (D-N.J.), James Inhofe (R-Okla.), David Vitter (R-La.), Orrin Hatch (R-Utah), Richard Shelby (R-Ala.), Kay Bailey Hutchison (R-Texas), Jay Rockefeller (D-W.Va.) and John Hoeven (R-N.D.). House conferees have not been named.

Appropriations

The Senate appropriations subcommittee passed the FY2013 Transportation, Housing and Urban Development appropriations bill, which maintains highway and transit program funding levels. The bill also provides funding for discretionary programs including:

- $500 million (equal to the FY2012 funding level) for Significant Transportation Projects (the “TIGER” program) to support projects in a wide variety of modes, including highways and bridges, public transportation, passenger and freight railroads, and port infrastructure;

- $39.1 billion (equal to the FY 2012 funding level) for the annual Federal-aid Highway program to support essential investments in roads and bridges in every State across the country.

- $1.75 billion for rail infrastructure, including $100 million for the High Performance Intercity Passenger Rail grant program to assist states with the improvement of existing intercity services, congestion mitigation and multi-state planning initiatives and $1.45 billion for Amtrak;

- $50 million within HUD’s Community Development Fund for the Sustainable Communities Initiative to promote integrated housing and transportation planning.

House appropriators are working on a bill that will provide lower discretionary spending levels consistent with the House-passed 2013 budget resolution.

Prepared By: Seamus Murphy, Government and Community Affairs Director 650.508.6388

# Peninsula Corridor Joint Powers Board
## State Legislative Matrix as of 4-24-12

| Bill ID/Topic | Location | Summary | Position |
|---|---|---|---|
| **AB 41**<br>**Hill D**<br><br>High-Speed Rail Authority: conflicts of interest: disqualification. | SENATE THIRD READING<br>4/9/2012 - Read second time. Ordered to third reading. | 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 levels 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.<br><br>This bill would add members of the High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.<br>**Last Amended on 3/29/2012** | |
| **AB 57**<br>**Beall D**<br><br>Metropolitan Transportation Commission. | SENATE T. & H.<br>3/5/2012 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H. | The 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 one member appointed by the San Francisco Bay Conservation and Development Commission, and establishes a 4-year term of office for members of the commission.<br><br>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 prohibit more than 3 members of the commission from being residents of the same county, as specified. The bill would require the member from the San Francisco Bay Conservation and Development Commission to be a member of that commission, a resident of San Francisco, and to be approved by the Mayor of San Francisco. By imposing new requirements on a local agency, this bill would impose a state-mandated local program. **Last Amended on 3/5/2012** | |
| **AB 441**<br>**Monning D**<br><br>State planning. | SENATE T. & H.<br>2/16/2012 - Referred to Com. on T. & H. | Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with regional agencies, to prescribe study areas for analysis and evaluation and guidelines for the preparation of a regional transportation plan.<br><br>This bill would require that the commission, by no later than 2014, include voluntary health and health equity factors, strategies, goals, and objectives in the guidelines promulgated by the commission for the preparation of regional transportation plans.<br>**Last Amended on 1/23/2012** | |

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| **AB 492**<br>**Galgiani** **D**<br><br>High-Speed Rail Authority. | SENATE RLS.<br>6/27/2011 - From committee chair, with author's amendments: Amend, and re-refer to committee. | 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.<br><br>This bill would require the authority to consider, to the extent permitted by federal and state law, the creation of jobs and participation by small business enterprises in California when awarding major contracts or purchasing high-speed trains. The bill would require the authority to appoint a small business enterprise advisory committee. **Last Amended on 6/27/2011** | |
| **AB 1126**<br>**Calderon, Charles** **D**<br><br>Transaction and use tax: rate. | SENATE G. & F.<br>2/2/2012 - Referred to Com. on GOV. & F. | The Transaction and Use Tax Law authorizes a district to impose a transactions tax for the privilege of selling tangible personal property at retail upon every retailer in the district at a rate of 1/4 of 1%, or a multiple thereof, of the gross receipts of the retailer from the sale of all tangible personal property sold by that person at retail in the district. That law also requires that a use tax portion of a transaction and use tax ordinance be adopted to impose a complementary tax upon the storage, use, or other consumption in the district of tangible personal property purchased from any retailer for storage, use, or other consumption in the district at a rate of 1/4 of 1%, or a multiple thereof, of the sales price of the property whose storage, use, or other consumption is subject to the tax, as prescribed.<br><br>This bill would decrease those rates to 1/8 of 1%. **Last Amended on 1/4/2012** | |
| **AB 1191**<br>**Huber** **D**<br><br>Local government finance. | SENATE G. & F.<br>2/16/2012 - Referred to Com. on GOV. & F. | Existing law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992-93 and 1993-94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. Existing law requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.<br><br>This bill would, for the 2012-13 fiscal year and for each fiscal year thereafter, if there is not enough ad valorem property tax revenue that is otherwise required to be allocated to a county Educational Revenue Augmentation Fund for the county auditor to complete the decreases required during the fiscal adjustment period, require the county auditor to calculate an amount, as specified, and to submit a claim to the Controller for that amount. This bill would require the Controller, upon appropriation by the Legislature, to deposit the amount of the claim into the Sales and Use Tax Compensation Fund, and would require the county auditor to allocate that amount among the county and to each city in the county. **Last Amended on 1/23/2012** | |

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| **AB 1444**<br>**Feuer D**<br><br>Environmental quality: record of proceedings. | ASSEMBLY APPR.<br>4/23/2012 - Action From NAT. RES.: Do pass as amended. To APPR. | 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 establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.<br><br>This bill would require the lead agency, at the request of a project applicant and the agreement of the project applicant to bear the costs incurred by the lead agency, to, among other things, prepare a record of proceedings concurrently with the preparation, and adoption or certification, of an environmental document. Because the bill would require a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. In an action or proceeding filed challenging the lead agency's action pursuant to CEQA, the bill would require the court to schedule a hearing within 30 days of the filing of the statement of issues regarding the record of proceedings.<br>**Last Amended on 3/29/2012** | |
| **AB 1455**<br>**Harkey R**<br><br>High-speed rail. | ASSEMBLY TRANS.<br>4/23/2012 - Action From TRANS.: Failed passage. | 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 billion in general obligation bonds for high-speed rail purposes and $950 million for other related rail 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.<br><br>This bill would reduce the amount of general obligation debt authorized for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2013. **Last Amended on 2/9/2012** | Oppose |

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| **AB 1523**<br>**Perea D**<br><br>Career technical education: transportation for the 21st century partnership academies. | ASSEMBLY ED.<br>4/18/2012 - Re-referred to Com. on ED. | Existing law provides for the establishment of partnership academies by participating school districts and establishes criteria qualifying pupils in grades 10, 11, and 12 for enrollment in the academies. Existing law establishes the parameters for the Superintendent of Public Instruction to issue grants to school districts maintaining high schools that meet the partnership academy eligibility requirements.<br><br>This bill would establish one new category of partnership academies, the transportation for the 21st century partnership academy. Commencing with the 2012-13 school year, when funds become available for additional partnership academies, as specified, the Superintendent would be required to issue grants for the establishment of partnership academies in each geographical area of the California High-Speed Rail Project's planned 10 project sections, and would be required to give priority to partnership academies dedicated to educating pupils in transportation for the 21st century. The selection of school districts to establish the new partnership academies and the planning and development of the new partnership academies would be required to be conducted pursuant to the procedures and requirements established for all partnership academies under existing law. The bill would provide that the funding priorities it creates may be satisfied when the specified number of transportation for the 21st century partnership academies are funded, as specified. **Last Amended on 4/17/2012** | |
| **AB 1532**<br>**John A. Pérez D**<br><br>California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account. | ASSEMBLY APPR.<br>4/23/2012 - Action From NAT. RES.: Do pass as amended. To APPR. | 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 emissions reductions. The act authorizes the state board to include use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee schedule be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for the purposes of carrying out the act.<br><br>This bill would create the Greenhouse Gas Reduction Account within the Air Pollution Control Fund. The bill would require moneys, as specified, collected pursuant to a market-based compliance mechanism be deposited in this account. The bill also would require those moneys, upon appropriation by the Legislature, be used for specified purposes. The bill would require the state board any other s tate agencies to award those moneys to measures and programs that meet specified criteria. The bill would require the state board to develop and adopt every 3 years, as specified, an investment plan that identifies the anticipated expenditures of moneys appropriated from the account to the budget committees of each house of the Legislature, as specified. The bill would require the state board to annually submit a report no later than December of each year to the appropriate committees of the Legislature on the status of projects and their outcomes and any changes the state board recommends need to be made to the investment plan. **Last Amended on 4/17/2012** | |

# Peninsula Corridor Joint Powers Board
# State Legislative Matrix as of 4-24-12

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| **AB 1535**<br>**Halderman R**<br><br>Vehicles: high-occupancy vehicle lanes. | ASSEMBLY APPR.<br>3/20/2012 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: to consent calendar. | Existing law directs the Department of Transportation and certain local authorities to erect and maintain signage along state and county highways that designate certain traffic lanes as high-occupancy vehicle (HOV) lanes and specify conditions for their use.<br><br>This bill would require the department or a local authority, when replacing signs designating HOV lane use in an area that permits motorcycles to use those lanes, to include language on the new sign stating that motorcycles are permitted in the HOV lanes. **Last Amended on 3/14/2012** | |
| **AB 1549**<br>**Gatto D**<br><br>Development: expedited permit review. | ASSEMBLY APPR.<br>4/17/2012 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (April 16). Re-referred to Com. on APPR. | The Permit Streamlining Act requires each state agency and local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project, and requires a public agency that is the lead agency for a development project, or a public agency which is a responsible agency for a development project that has been approved by the lead agency, to approve or disapprove the project within applicable periods of time. The act also requires any state agency which is the lead agency for a development project to inform the applicant that the Office of Permit Assistance has been created to assist, and provide information to, developers relating to the permit approval process.<br><br>This bill would require the office to provide information to developers explaining the permit approval process at the state and local levels, or assisting them in meeting statutory environmental quality requirements, as specified, and would prohibit the office or the state from incurring any liability as a result of the provision of this assistance. The bill would require the office to assist state and local agencies in streamlining the permit approval process, and an applicant in identifying any permit required by a state agency for the proposed project. The bill would authorize the office to call a conference of parties at the state level to resolve questions or mediate disputes arising from a permit application for a development project. The bill would require that the office be located exclusively in Sacramento, and to consist of no more than 4 personnel through 2013. **Last Amended on 3/26/2012** | |
| **AB 1570**<br>**Perea D**<br><br>Environmental quality: California Environmental Quality Act: record of proceedings. | ASSEMBLY APPR.<br>4/17/2012 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 16). Re-referred to Com. on APPR. | 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 establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.<br><br>This bill would require, until January 1, 2016, the lead agency, at the request of a project applicant, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects . Because the bill would require a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. **Last Amended on 4/10/2012** | |

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| **AB 1572**<br>**Fletcher I**<br><br>Service authorities for freeway emergencies: San Diego County. | ASSEMBLY APPR.<br>4/23/2012 - Read second time and amended. | Existing law authorizes a service authority for freeway emergencies to be established in any county for the purpose of funding the installation of call boxes along freeways and expressways to enable motorists in need of aid to obtain assistance. Existing law provides that a service authority may impose an annual fee of $1 on vehicles registered in the county for this and other related purposes, which fee is collected by the Department of Motor Vehicles (DMV).<br><br>This bill, with respect to the service authority created in the County of San Diego, would provide for the authority to be dissolved and for the San Diego Association of Governments (SANDAG) to become the successor authority and to assume the remaining responsibility for maintaining call boxes. The bill would limit the reserves that SANDAG, as the successor to the authority, may hold at the time this bill becomes operative to $4,000,000, and would require SANDAG to distribute , by January 1, 2013, any reserves in excess of that amount to cities in the County of San Diego, and to the county with respect to the unincorporated area of the county, in proportion to fees paid for purposes of the service authority in the 2010-11 fiscal year by residents of each city and the unincorporated area. The bill would require the recipient jurisdictions to use these revenues for the purposes for which the fees were collected . The bill would also require SANDAG to post its detailed budget relative to the revenues from the collection of the fee, and the expenditure of these funds, on its Internet Web site, as specified. **Last Amended on 4/23/2012** | |
| **AB 1574**<br>**Galgiani D**<br><br>High-speed rail. | ASSEMBLY TRANS.<br>2/9/2012 - Referred to Com. on TRANS. | Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority with 9 members to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, pursuant to that act, specifies the powers and duties of the authority, which include entering into contracts with private and public entities for the design, construction, and operation of high-speed trains, the acquisition of rights-of-way through purchase or eminent domain, and the relocation of highways and utilities, among other things. Existing law requires the authority to adopt and submit to the Legislature, every 2 years, a business plan. Existing law authorizes the authority to appoint an executive director, and authorizes the Governor to appoint up to 6 additional persons exempt from civil service. Existing law provides for the authority to establish an independent peer review group. 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.<br><br>This bill would repeal all of the provisions of the California High-Speed Rail Act. The bill would enact a new California High-Speed Rail Act. The bill would continue the High-Speed Rail Authority in existence with limited responsibilities and would place the authority within the Business, Transportation and Housing Agency. The 5 members of the authority appointed by the Governor would be subject to Senate confirmation, but existing members could continue to serve the remainder of their terms. The bill would authorize the authority to appoint an executive director, and would provide for the Governor to appoint up to 6 additional individuals exempt from civil service as authority staff. The bill would require the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, establish a peer review group, select alignments for the routes of the high-speed train system established by law, adopt criteria for the award of franchises, and set fares or establish guidelines for the setting of fares. | |

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| **AB 1606**<br>**Perea** **D**<br><br>Local public employee organizations: impasse procedures. | SENATE RLS.<br>4/23/2012 - In Senate. Read first time. To Com. on RLS. for assignment. | The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees and delegates, jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.<br><br>This bill would instead authorize the employee organization, if the parties are unable to effect settlement of the controversy within 30 days after the appointment of a mediator, or if the dispute was not submitted to mediation within 30 days after the date that either party provided the other with written notice of a declaration of impasse, to request that the parties' differences be submitted to a factfinding panel. The bill would also specify that its provisions are intended to be technical and clarifying of existing law. | |
| **AB 1618**<br>**Galgiani** **D**<br><br>High-speed rail. | ASSEMBLY APPR.<br>4/23/2012 - Action From TRANS.: Do pass as amended. To APPR. | Existing law creates the High-Speed Rail Authority, with various powers and duties relative to the development and implementation of a high-speed rail system.<br><br>This bill would require the authority to consult with the University of California, the California State University, and the California Community Colleges to determine how the state can best meet the educational needs for the future high-speed rail operations and maintenance workforce, including, but not limited to, the use of extension programs, contract education, and new or revised academic programs. The bill would require the authority to seek federal funding in this regard and to report to the Legislature and the Governor by July 1, 2014. **Last Amended on 4/10/2012** | |
| **AB 1627**<br>**Dickinson** **D**<br><br>Energy: vehicle miles traveled. | ASSEMBLY B., P. & C.P.<br>4/17/2012 - In committee: Set, first hearing. Hearing canceled at the request of author. | 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.<br><br>This bill would require the office, not later than January 1, 2014, to prepare and make available a manual containing specified information designed to be used by local governments, local agencies, and project developers to evaluate and incorporate measures and strategies to reduce vehicle miles traveled (VMT) in new residential and commercial building projects. The bill would require the office, not later than January 1, 2014, to make recommendations to the Legislature and local policymakers of measures to improve the reduction of VMT related to residential and commercial building projects. **Last Amended on 4/10/2012** | |

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| **AB 1665 Galgiani D**<br><br>California Environmental Quality Act: exemption: railroad crossings. | ASSEMBLY APPR. 4/23/2012 - Action From NAT. RES.: Do pass as amended. To APPR. | 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.<br><br>This bill would exempt from CEQA the closure of a railroad grade crossing by order of the PUC under the above authority if the PUC finds the crossi ng to present a threat to public safety. **Last Amended on 4/18/2012** | |
| **AB 1671 Huffman D**<br><br>Department of Transportation: retention proceeds. | ASSEMBLY APPR. 4/11/2012 - From committee: Do pass and re-refer to Com. on APPR. | Existing law prohibits the Department of Transportation, until January 1, 2014, from withholding retention proceeds when making progress payments for work performed by a contractor.<br><br>This bill would make these provisions operative until January 1, 2020. The bill would also make a statement of legislative findings. | |
| **AB 1770 Lowenthal, Bonnie D**<br><br>California Transportation Financing Authority. | ASSEMBLY THIRD READING 4/19/2012 - Read second time. Ordered to third reading. | Existing law creates the California Transportation Financing Authority, with specified powers and duties relative to 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 under certain conditions, in order to increase the construction of new capacity or improvements for the state transportation system consistent with specified goals. Existing law defines "project" for these purposes to include, among other things, a rail project.<br><br>This bill would provide that a rail project may consist of, or include, rolling stock. This bill contains other related provisions and other existing laws. | |

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| **AB 1778**<br>**Williams** **D**<br><br>Local transportation funds. | ASSEMBLY TRANS.<br>4/23/2012 - Action From TRANS.: Do pass. | Existing law requires that revenues from 1/4% of the local sales and use tax rate be transferred to the local transportation fund of each county for allocation, as directed by the transportation planning agency, to various transportation purposes, under what is commonly known as the Transportation Development Act. Existing law specifies the allowable uses for local transportation funds, and generally requires, after certain deductions, that the funds attributed to the area of apportionment of each transit operator be used solely for transit purposes in counties with a population of 500,000 or more as of the 1970 census. However, in counties with a population under 500,000 as of the 1970 census and in certain other counties, these funds may also be used for local streets and roads, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet, and for other specified purposes. Existing law, effective July 1, 2014, generally requires a county with a population under 500,000 as of the 1970 census that has a population of 500,000 or more as of the 2000 census or a future census to use funds attributable to the urbanized area of the county solely for transit purposes, except that a city with a population of 100,000 or fewer in an urbanized area in that county would not be so restricted. Existing law provides that the July 1, 2014, requirements and exemptions do not apply to Ventura County, and instead generally requires all local transportation funds in that county to be used for transit purposes as of that date unless a specified report is submitted by the Ventura County Transportation Commission to the transportation committees of the Legislature by December 31, 2011, and a recommended legislative proposal in that report relative to reorganization of transit services and expenditure of these funds is enacted by the end of the 2011-12 legislative session.<br><br>This bill would provide that local transportation funds in Ventura County shall be available solely for transit purposes beginning July 1, 2014, as specified. The bill would also provide that any of those funds that remain unencumbered for more than one year, or unexpended for more than 2 years, be returned to the Ventura County Transportation Commission for reapportionment to other transit operators or transit service in proportional amounts based on population, contingent upon specified criteria. **Last Amended on 4/17/2012** | |
| **AB 1779**<br>**Galgiani** **D**<br><br>Intercity rail agreements. | ASSEMBLY L. GOV.<br>4/23/2012 - Re-referred to Com. on L. GOV. | Existing law authorizes the Department of Transportation to contract with Amtrak for intercity rail passenger services and provides funding for these services from the Public Transportation Account. Existing law, until December 31, 1996, authorized the department, subject to approval of the Secretary of Business, Transportation and Housing, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor. Existing law, with respect to a transferred corridor, requires the board to demonstrate the ability to meet performance standards established by the secretary.<br><br>This bill would authorize the department, with the approval of the secretary, to enter into an additional interagency transfer agreement with respect to the San Joaquin Corridor, as defined, if a joint powers authority and governing board are created and organized. In that regard, the bill would provide for the creation of the San Joaquin Corridor Joint Powers Authority, to be governed by a board of not more than 11 members. The bill would provide that the board shall be organized when at least 6 of the 11 agencies elect to appoint members. The bill would provide for the authority to be created when the member agencies enter into a joint powers agreement, as specified. The bill would provide for future appointments of additional members if the service boundaries of the San Joaquin Corridor are expanded. **Last Amended on 4/19/2012** | |

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| **AB 1780**<br>**Bonilla D**<br><br>Department of Transportation: project studies reports. | ASSEMBLY APPR.<br>4/23/2012 - Action From TRANS.: Do pass. To APPR. | 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 and approve 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.<br><br>This bill would revise these provisions to authorize the department to prepare project study reports or equivalent planning documents for any projects on the state highway system, limited by the resources available to the department. The bill would require the department to pay for the costs of its review and approval of project study reports or equivalent planning documents that are prepared by other entities for projects that are in an adopted regional transportation plan, a voter-approved county sales tax measure expenditure plan, or other voter-approved transportation program. In other cases, the bill would require the cost of the department's review and approval to be paid by the entity preparing the project study report or equivalent planning document. The bill would delete the provisions relating to the guidelines adopted by the California Transportation Commission and would instead require open and continuous communications between the parties during the development of project study reports or equivalent planning documents. **Last Amended on 3/29/2012** | |
| **AB 1804**<br>**Valadao R**<br><br>Public contracts: public entities: project labor agreements. | ASSEMBLY L. GOV.<br>4/11/2012 - In committee: Set, final hearing. Failed passage. | Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities and authorizes a public entity to use, enter into, or require contractors to enter into, a project labor agreement for a construction project, if the agreement includes specified taxpayer protection provisions. Existing law also provides that if a charter provision, initiative, or ordinance of a charter city prohibits the governing board's consideration of a project labor agreement for a project to be awarded by the city, or prohibits the governing board from considering whether to allocate funds to a city-funded project covered by such an agreement, then state funding or financial assistance may not be used to support that project, as specified.<br><br>This bill would repeal the above-described provisions relating to charter cities and the use of project labor agreements. This bill contains other related provisions. | |
| **AB 1915**<br>**Alejo D**<br><br>Safe routes to school. | ASSEMBLY APPR.<br>4/23/2012 - Action From TRANS.: Do pass. To APPR. | 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 sets forth various factors to be used to rate proposals submitted by applicants for these funds.<br><br>This bill would provide that up to 10% of program funds may be used to assist eligible recipients in making infrastructure improvements, other than school bus shelters, that create safe routes to bus stops located outside of the vicinity of schools. **Last Amended on 3/26/2012** | |

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| **AB 1960 Dickinson D**<br><br>State contracts: reports: lesbian, gay, bisexual, and transgender businesses. | ASSEMBLY APPR. 4/11/2012 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 2.) (April 10). Re-referred to Com. on APPR. | Existing law requires the Department of General Services to make available a report on contracting activity containing specified information, including the level of participation of business enterprises, by race, ethnicity, and gender of owner, in specified contracts.<br><br>This bill would require the Department of General Services to include in the report on contracting activity information regarding the level of participation of lesbian, gay, bisexual, or transgender owned businesses in specified contracts, as provided. **Last Amended on 3/27/2012** | |
| **AB 2147 Cedillo D**<br><br>Vehicles: automated rail enforcement systems: fixed guideway crossings. | ASSEMBLY TRANS. 4/9/2012 - Re-referred to Com. on TRANS. | Existing law authorizes railroad and rail transit grade crossings to be equipped with an automated rail crossing enforcement system if the system is identified by signs clearly indicating the system's presence and visible to traffic approaching from each direction. Existing law requires that only a governmental agency, in cooperation with a law enforcement agency, may operate an automated rail crossing enforcement system.<br><br>This bill would revise and recast these provisions to apply to railroad and fixed guideway crossings. The bill would add specific procedures for the processing of a notice of violation based upon evidence from an automated rail or fixed guideway enforcement system in lieu of the existing procedures for the issuance of a notice to appear. The bill would also add specific requirements for a driver or pedestrian when making a stop at a railroad or fixed guideway crossing. By expanding the definition of an existing crime, the bill would impose a state-mandated local program. **Last Amended on 3/29/2012** | |
| **AB 2173 Skinner D**<br><br>Metropolitan Transportation Commission: regional gasoline tax. | ASSEMBLY TRANS. 4/16/2012 - In committee: Set, first hearing. Hearing canceled at the request of author. | Existing law creates the Metropolitan Transportation Commission with specified powers and duties relative to transportation planning and programing for the 9-county Bay Area region comprising the commission's jurisdiction. Existing law authorizes the commission to impose a regional tax on gasoline used by motor vehicles not to exceed $0.10 per gallon for up to 20 years within the region, subject to 2/3 voter approval.<br><br>This bill would modify these provisions by providing for the commission to submit the proposed ballot measure to voters of one or more counties within the 9-county region rather than to all counties. The bill would delete the requirement for an independent audit of the State Board of Equalization relative to reimbursement of the board for its actual administrative costs associated with the regional gasoline tax, and would make various other changes. | |
| **AB 2200 Ma D**<br><br>Vehicles: high-occupancy vehicle lanes. | ASSEMBLY APPR. 4/23/2012 - Action From TRANS.: Do pass as amended.To APPR.. | Existing law authorizes the Department of Transportation and local agencies, with respect to highways under their respective jurisdictions, to designate certain lanes for preferential or exclusive use by high-occupancy vehicles.<br><br>This bill would, consistent with the state implementation plan for the San Francisco Bay area adopted pursuant to the federal Clean Air Act and other federal requirements, suspend the hours of operation for highway lanes designated for high-occupancy vehicles, in the Interstate 80 corridor within the Metropolitan Transportation Commission's jurisdiction, in the reverse commute direction . Because the commission would be required to post signage of the above requirements along the Interstate 80 corridor, the bill would impose a state-mandated local program. **Last Amended on 4/18/2012** | |

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| **AB 2247**<br>**Lowenthal, Bonnie** **D**<br><br>Public transportation: offenses. | ASSEMBLY APPR.<br>4/23/2012 - Action From TRANS.: Do pass. To APPR. | Under existing law it is an infraction to sell or peddle any goods, merchandise, property, or services on any property, facility, or vehicle owned by the San Francisco Bay Area Rapid Transit District or the Southern California Rapid Transit District without the express written consent of the governing board of those respective entities.<br><br>This bill would repeal those provisions. **Last Amended on 4/18/2012** | |
| **AB 2298**<br>**Ma** **D**<br><br>Junk dealers and recyclers. | ASSEMBLY B.,P. & C.P.<br>4/9/2012 - Re-referred to Com. on B., P. & C.P. | Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law requires a junk dealer or recycler to allow for periodic inspection by specified persons, including persons authorized by the county sheriff or the head of a city police department, of any premises maintained for purposes of determining compliance with the recordkeeping requirements, and, upon inspection, requires the junk dealer or recycler to produce sales and purchase records.<br><br>This bill would, in addition, authorize persons appointed by the head of a county agricultural commission to carry out the periodic inspection of the premises of junk dealers and recyclers. **Last Amended on 3/29/2012** | |
| **AB 2375**<br>**Knight** **R**<br><br>Vehicles: public transit buses: illuminated signs. | ASSEMBLY CONSENT CALENDAR<br>4/23/2012 - Action From TRANS.: Do pass.To CONSENT CALENDAR. | Existing law authorizes a bus operated by a publicly owned transit system on regularly scheduled service to be equipped with illuminated signs that display information directly related to public service and include, among other things, destination signs, route-number signs, run-number signs, public service announcement signs, or a combination of those signs, visible from any direction of the vehicle, that emit any light color, other than the color red emitted from forward-facing signs, pursuant to specified conditions.<br><br>This bill would authorize, until January 1, 2018, a pilot program that would allow up to 25 buses operated by the Antelope Valley Transit Authority's publicly owned transit system for the first 2 years of the pilot program, and up to 30 buses thereafter, to be equipped with illuminated signs that display advertising subject to certain conditions, including a display area of not greater than 4,464 square inches. The bill would require the authority to submit a specified report to the Legislature and the Department of the California Highway Patrol by July 1, 2017, on the incidence of adverse impacts, if any. | |

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| **AB 2382**<br>**Gordon** **D**<br><br>Department of Transportation: Innovation District Demonstration Project. | ASSEMBLY APPR.<br>4/23/2012 - Action From TRANS.: Do pass.To APPR.. | Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law creates the Santa Clara Valley Transportation Authority with various transportation responsibilities in the County of Santa Clara.<br><br>This bill would, by July 1, 2014, require the department, working in partnership with the Santa Clara Valley Transportation Authority, to establish the Innovation District Demonstration Project, designed to provide a new and innovative business model delivering transportation projects and services in the County of Santa Clara in a more responsive, cost-effective, and efficient manner and to serve as a mechanism for trying out new approaches for project delivery, local assistance, and transportation operations through streamlined processes, improved management techniques, and advanced technologies, with the goal of expediting project delivery and increasing the efficiency of the department. The bill would require the department and the authority to evaluate the effectiveness of the demonstration project and to report to the Legislature by January 1, 2018, on specified matters. By requiring the authority to participate in this demonstration project, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. | |
| **AB 2405**<br>**Blumenfield** **D**<br><br>Vehicles: high-occupancy toll lanes. | ASSEMBLY THIRD READING<br>4/23/2012 - Read third time and amended. Ordered to third reading. | Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOV), which lanes may also be used, until January 1, 2015, by certain eligible low-emission and hybrid vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lanes if the vehicle displays a valid identifier issued by the Department of Motor Vehicles. Existing law provides that a vehicle, eligible under these provisions to use HOV lanes, that meets the California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard is not exempt from toll charges imposed on single-occupant vehicles in lanes designated for tolls pursuant to a federally supported value-pricing and transit development program involving high-occupancy toll lanes conducted by the Los Angeles County Metropolitan Transportation Authority.<br><br>This bill would instead exempt, with specified exceptions, all of the low emission and hybrid vehicles eligible to use HOV lanes under these provisions, including vehicles that meet the enhanced AT PZEV standards, from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law. The bill would exclude a toll imposed for passage on a toll road, toll highway, or toll bridge from this exemption. The bill would provide that these changes shall be known as the Choose Clean Cars Act of 2012. **Last Amended on 4/23/2012** | |
| **AB 2498**<br>**Gordon** **D**<br><br>Department of Transportation: Construction Manager/General Contractor project method. | ASSEMBLY APPR.<br>4/23/2012 - Action From TRANS.: Do pass.To APPR.. | Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by state agencies for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement.<br><br>This bill would authorize the Department of Transportation to engage in a Construction Manager/General Contractor project delivery method, as specified, for projects for the construction of a highway, bridge, or tunnel. This bill contains other related provisions and other existing laws. | |

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| **AB 2581**<br>**Conway R**<br><br>Vehicles: high-occupancy vehicle lanes. | ASSEMBLY PRINT 2/27/2012 - Read first time. | Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOV), which lanes may also be used, until January 1, 2015, by certain low-emission and hybrid vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane. The Department of Motor Vehicles is required to make available for issuance distinctive decals, labels, and other identifiers that clearly distinguish those vehicles.<br><br>This bill would make technical non-substantive changes to those provisions. | |
| **AB 2679**<br>**Committee on Transportation**<br><br>Transportation: omnibus bill. | ASSEMBLY CONSENT CALENDAR 4/23/2012 - | Existing law authorizes the Department of Transportation (department) to pay claims or damages up to a maximum of $5,000 without the approval of the California Victim Compensation and Government Claims Board.<br><br>This bill would adjust the claim limit that may be paid by the department under these provisions to equal the maximum amount of a claim that can be brought in small claims court. **Last Amended on 3/27/2012** | |
| **ACA 23**<br>**Perea D**<br><br>Local government transportation projects: special taxes: voter approval. | ASSEMBLY PRINT 2/24/2012 - From printer. May be heard in committee March 25. | The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities.<br><br>This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes. | Support |
| **SB 46**<br>**Correa D**<br><br>Public officials: compensation disclosure. | ASSEMBLY DESK 8/22/2011 - In Assembly. Read first time. Held at Desk. | 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.<br><br>This bill would, commencing on January 1, 2013, and continuing until January 1, 2019, require every designated employee and other 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. **Last Amended on 6/2/2011** | |
| **SB 50**<br>**Correa D**<br><br>Vehicles: driving under the influence: controlled substances. | ASSEMBLY RLS. 4/16/2012 - From committee with author's amendments. | Existing law makes it a crime for a person who is under the influence of alcohol or any drug, or under the combined influence of alcohol and any drug, to drive a vehicle. Existing law also makes it a crime for a person to drive a vehicle with 0.08% or more, by weight, of alcohol in his or her blood.<br><br>This bill would, in addition, make it a crime for a person to have a controlled substance in his or her blood while driving a vehicle. **Last Amended on 4/16/2012** | |

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| **SB 749**<br>**Steinberg D**<br><br>California Transportation Commission: guidelines. | ASSEMBLY DESK 1/23/2012 - In Assembly. Read first time. Held at Desk. | 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.<br><br>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. **Last Amended on 1/4/2012** | |
| **SB 829**<br>**Rubio D**<br><br>Public contracts: public entities: project labor agreements. | SENATE ENROLLMENT 4/19/2012 - Assembly amendments concurred in. (Ayes 25. Noes 13. Page 3218.) Ordered to engrossing and enrolling. | Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities and authorizes a public entity to use, enter into, or require contractors to enter into, a project labor agreement for a construction project if the agreement includes specified taxpayer protection provisions. Existing law also provides that if a charter provision, initiative, or ordinance of a charter city prohibits the governing board's consideration of a project labor agreement for a project to be awarded by the city, or prohibits the governing board from considering whether to allocate funds to a city-funded project covered by such an agreement, state funding or financial assistance may not be used to support that project, as specified.<br><br>This bill would additionally provide that if a charter provision, initiative, or ordinance of a charter city prohibits, limits, or constrains in any way the governing board's authority or discretion to adopt, require, or utilize a project labor agreement that includes specified taxpayer protection provisions for some or all of the construction projects to be awarded by the city, state funding or financial assistance may not be used to support any construction projects awarded by the city, as specified. **Last Amended on 4/9/2012** | |
| **SB 878**<br>**DeSaulnier D**<br><br>Regional planning: Bay Area. | ASSEMBLY DESK 1/26/2012 - In Assembly. Read first time. Held at Desk. | The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county Bay Area with comprehensive regional transportation planning and other related responsibilities, including development of a regional transportation plan with a sustainable communities strategy. Existing law requires a joint policy committee of the commission, the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission to coordinate the development and drafting of major planning documents prepared by the 4 agencies.<br><br>This bill would require the joint policy committee to submit a report to the Legislature by January 31, 2013, on, among other things, methods and strategies for developing and implementing a multiagency set of policies and guidelines relative to the Bay Area region's sustainable communities strategy, including recommendations on organizational reforms for the regional agencies. The bill would require preparation of a work plan for a regional economic development strategy to be submitted to the Legislature on that date. The bill would also require the member agencies to report on public outreach efforts that they individually or jointly perform. The bill would require public meetings in each of the region's 9 counties and creation of advisory committees, as specified. By imposing new duties on local agen cies, the bill would impose a state-mandated local program. **Last Amended on 6/9/2011** | |

# Peninsula Corridor Joint Powers Board
## State Legislative Matrix as of 4-24-12

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| **SB 985**<br>**La Malfa R**<br><br>Transportation bonds. | SENATE T. & H.<br>4/17/2012 - Set, second hearing. Testimony taken. Further hearing to be set. | Article XVI of the California Constitution requires a general obligation bond act to specify the single object or work to be funded by the bonds, and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and by a majority of the voters. Article XVI authorizes the Legislature, at any time after the approval of a general obligation bond act by the voters, 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. 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, statewide general election, provides for the issuance of $9.95 billion in general obligation bonds for high-speed rail and related rail purposes. Existing law creates the High-Speed Rail Authority with specified powers and duties related to the development and implementation of a high-speed train system.<br><br>This bill would provide that no further bonds shall be sold for high-speed rail and related rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. The bill would amend the bond act to authorize redirection of the net proceeds received from outstanding bonds issued and sold prior to the effective date of this act, upon appropriation by the Legislature, from those high-speed rail purposes to retiring the debt incurred from the issuance and sale of those outstanding bonds. This bill contains other related provisions. | Oppose |
| **SB 997**<br>**Strickland R**<br><br>Environmental quality: environmental leadership development project. | SENATE RLS.<br>2/16/2012 - Referred to Com. on RLS. | 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.<br><br>This bill would make technical, nonsubstantive changes to that provision. | |
| **SB 1102**<br>**DeSaulnier D**<br><br>State transportation improvement program. | SENATE APPR.<br>4/20/2012 - Set for hearing April 30. | Existing law establishes the state transportation improvement program process, pursuant to which the California Transportation Commission generally programs and allocates available funds for transportation capital improvement projects over a multiyear period. Existing law provides that the Department of Transportation is responsible for the state highway system. Existing law requires the department to annually prepare a project delivery report that identifies milestone dates for state highway projects costing $1,000,000 or more for which the department is the responsible agency for project development work.<br><br>This bill would require the department, as part of the annual project delivery report, to report on the difference between the original allocation made by the commission and the actual construction capital and support costs at project close for all state transportation improvement program projects completed during the previous fiscal year. This bill contains other related provisions and other existing laws. | |

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| **SB 1117** **DeSaulnier D**<br><br>Statewide passenger rail transportation plan. | SENATE T. & H. 4/10/2012 - Set for hearing April 24. | Existing law creates the California Transportation Commission, with various powers and duties relating to the programming and allocation of certain funds available for transportation capital improvement projects and various other transportation policy matters. Existing law creates the Department of Transportation with various powers and duties relating to the state highway system and other transportation modes, including the authority to contract for conventional rail passenger service. Existing law requires the department to prepare a 10-year State Rail Plan on a biennial basis. 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, including preparation of a business plan on a biennial basis. 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.<br><br>This bill would require the California Transportation Commission to prepare a statewide passenger rail transportation plan relative to conventional and high-speed intercity passenger rail, commuter rail, and urban rail transit containing various elements. The bill would require the commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. The bill would require the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the department, the authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. The bill would require regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the commission by December 31, 2013. **Last Amended on 3/29/2012** | |
| **SB 1160** **Padilla D**<br><br>Communications: service interruptions. | SENATE JUD. 4/17/2012 - From committee: Do pass and re-refer to Com. on JUD. (Ayes 13. Noes 0. Page 3205.) (April 17). Re-referred to Com. on JUD. | Existing law provides that an agent, operator, or employee of a telegraph or telephone office who willfully refuses or neglects to send a message received by the office is guilty of a misdemeanor. Existing law provides that these requirements are not applicable when payment for charges for transmittal or delivery of the message has not been paid or tendered, for messages counseling, aiding, abetting, or encouraging treason or resistance to lawful authority, to a message calculated to further any fraudulent plan or purpose, to a message instigating or encouraging the perpetration of any unlawful act, or to a message facilitating the escape of any criminal or person accused of crime.<br><br>This bill would retain the provision that the above-described requirements are not applicable when payment for charges for transmittal or delivery of the message has not been paid or tendered, but would delete the other enumerated exceptions. **Last Amended on 4/9/2012** | |
| **SB 1189** **Hancock D**<br><br>The Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century: project funding. | SENATE APPR. 4/20/2012 - Set for hearing April 30. | 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 train capital projects and other associated purposes. Existing law makes $950 million of the proceeds of those bonds available for capital improvements to intercity and commuter rail lines and urban rail systems that provide direct connectivity to the high-speed train system and its facilities, or that are part of the construction of the high-speed train system, as specified, or that provide capacity enhancements and safety improvements. Existing law requires the California Transportation Commission to allocate those funds to eligible recipients, as defined, and to develop guidelines to implement those provisions.<br><br>This bill would appropriate $523,400,000 from the High-Speed Passenger Train Bond Fund to the Department of Transportation for allocation by the California Transportation Commission as provided for in specified guidelines adopted by the commission. | Support |

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| | | **Last Amended on 3/26/2012** | |
| **SB 1214 Cannella R**<br><br>Environmental quality: California Environmental Quality Act: judicial review. | SENATE E.Q. 4/16/2012 - Set, first hearing. Failed passage in committee. (Ayes 0. Noes 5. Page 3189.) Reconsideration granted. | 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.<br><br>This bill would require a judicial proceeding challenging a project, except for a high-speed rail project, located in a distressed county, as defined, to be filed with the Court of Appeal with geographic jurisdiction over the project. This bill contains other existing laws. | |
| **SB 1225 Padilla D**<br><br>Intercity rail agreements. | SENATE T. & H. 4/18/2012 - Hearing postponed by committee. (Refers to 4/17/2012 hearing) | Existing law authorizes the Department of Transportation to contract with Amtrak for intercity rail passenger services and provides funding for these services from the Public Transportation Account. Existing law, until December 31, 1996, authorized the department, subject to approval of the Secretary of the Business, Transportation and Housing Agency, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor. Existing law, with respect to a transferred corridor, requires the board to demonstrate the ability to meet performance standards established by the secretary.<br><br>This bill would authorize the department, with the approval of the secretary, to enter into an additional interagency transfer agreement with respect to the LOSSAN Corridor, defined to mean the intercity passenger rail corridor between San Diego, Los Angeles, and San Luis Obispo, if the LOSSAN Agency, an existing joint powers agency, is reconstituted through an amended joint powers agreement approved by the governing boards of its members to enable that agency to enter into an interagency transfer agreement with the secretary relative to the LOSSAN Corridor. **Last Amended on 4/9/2012** | |
| **SB 1252 Rubio D**<br><br>State Infrastructure Projects Fund. | SENATE G. & F. 4/13/2012 - Set for hearing April 25. | The Personal Income Tax Law and the Corporation Tax Law impose taxes upon income, including income generated from any gain from the sale or exchange of a capital asset. This bill would require the Department of Finance, in consultation with the Franchise Tax Board and the Employment Development Department, on specified dates, to estimate the amount of revenues derived from income taxes imposed on income generated as a result of capital gains related to the Facebook, Inc. initial public offering, as provided, and would direct the Controller to transfer an amount equal to the total estimated amount from the General Fund to the State Infrastructure Projects Fund, a fund that would be created by the bill.<br><br>This bill would allocate the moneys in the State Infrastructure Projects Fund, upon appropriation by the Legislature, for various infrastructure projects, as provided. **Last Amended on 4/9/2012** | |

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| **SB 1339**<br>**Yee D**<br><br>Commute benefit policies. | SENATE E.Q.<br>4/17/2012 - Set for hearing April 30. | Existing law creates the Metropolitan Transportation Commission, with various transportation planning and programming responsibilities in the 9-county San Francisco Bay Area. Existing law creates the Bay Area Air Quality Management District, with various responsibilities relative to the reduction of air pollution in the area of its jurisdiction, which incorporates a specified portion of the jurisdiction of the Metropolitan Transportation Commission.<br><br>This bill would authorize the Metropolitan Transportation Commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies 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 make its provisions inoperative on January 1, 2017. | |
| **SB 1380**<br>**Rubio D**<br><br>Environmental quality: California Environmental Quality Act: bicycle transportation plan. | SENATE E.Q.<br>4/11/2012 - Set for hearing April 30. | 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 requires the lead agencies to make specified findings in an EIR.<br><br>This bill would enact the California Public Health and Environmental Standards Act and would require documentation prepared pursuant to CEQA for the bicycle transportation plan to disclose applicable environmental laws, as specified. The bill would prohibit a cause of action from being brought in a judicial proceeding alleging noncompliance with CEQA related to those applicable environmental laws. **Last Amended on 4/10/2012** | |
| **SB 1396**<br>**Dutton R**<br><br>Sales and use taxes: excise taxes: fuel. | SENATE GOV & FINANCE | 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 a tax, measured by the sales price, on the storage, use, or other consumption of tangible personal property in this state." That law defines the terms "gross receipts" and "sales price."<br><br>This bill would exclude from the terms "gross receipts" and "sales price" the amount charged at retail for gasoline and diesel fuels in excess of $3.88 or $3.52 per gallon, respectively, as provided. Existing law imposes a sales and use tax and an excise tax on gasoline and diesel fuels and requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the taxes imposed on gasoline and diesel fuels, as described above, are revenue neutral. This bill would require the State Board of Equalization to reduce, but not increase, certain excise tax rates on gasoline and diesel fuels to maintain revenue neutrality. This bill would declare that it is to take effect immediately as an urgency statute. | Oppose |

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| **SB 1417**<br>**Hancock D**<br><br>Local government: infrastructure financing districts. | SENATE G. & F.<br>4/23/2012 - Set, first hearing. Hearing canceled at the request of author. | Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, subject to specified procedures and voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area.<br><br>This bill instead would specify that the date a district shall cease to exist may not be more than 45 years from the date on which the ordinance forming the district is adopted or not more than 45 years from the date on which bonds have been issued, whichever is later. The bill would delete the prohibition on a district including any portion of a redevelopment project area. The bill would make technical changes to a provision on bond issuance.<br>**Last Amended on 4/9/2012** | |
| **SB 1499**<br>**Anderson R**<br><br>California Transportation Commission: review of expenditures. | SENATE T. & H.<br>4/17/2012 - Set, first hearing. Hearing canceled at the request of author. | Existing law establishes the state transportation improvement program process, pursuant to which the California Transportation Commission generally programs and allocates available funds for transportation capital improvement projects over a multiyear period. Existing law provides that the Department of Transportation is responsible for the state highway system. Existing law requires the department to annually prepare a project delivery report that identifies milestone dates for state highway projects costing $1,000,000 or more for which the department is the responsible agency for project development work.<br><br>This bill would require the commission to allocate funds for construction support costs for a project in the state transportation improvement program at the time of allocation of funds for construction capital costs. The bill would require a supplemental project allocation request to be made for all state transportation improvement program projects that experience construction support costs equal to or more than 120% of the amount originally allocated. The bill would also require the department, as part of the annual project delivery report, to report on the difference between the original allocation made by the commission and the actual construction support costs at project close for each state transportation improvement program project completed during the previous fiscal year. | |
| **SB 1545**<br>**DeSaulnier D**<br><br>Bay Area toll bridges. | SENATE APPR.<br>4/20/2012 - Set for hearing April 30. | Existing law designates the Metropolitan Transportation Commission as the regional transportation planning agency for the 9-county San Francisco Bay Area. Existing law creates the Bay Area Toll Authority with specified powers and duties relative to administration of certain toll revenues from state-owned toll bridges within the geographic jurisdiction of the Metropolitan Transportation Commission.<br><br>This bill would prohibit public money from being used on the development or improvement of an office building at 390 Main Street, San Francisco, until after the State Auditor has completed a specified audit relating to the move of the headquarters of the Metropolitan Transportation Commission. Upon completion of the audit, the bill would require the issues raised in the audit to be addressed and a report in that regard to be submitted to the Legislature prior to future expenditure of public money on the headquarters project. These provisions would apply to the Bay Area Toll Authority, the Metropolitan Transportation Commission, and the Bay Area Headquarters Authority. The bill would thereby impose a state-mandated local program. | |

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| **SB 1549**<br>**Vargas D**<br><br>Transportation projects: construction Manager/General Contractor project method. | SENATE APPR.<br>4/18/2012 - Do pass as amended, and re-refer to the Committee on Appropriations | Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by state agencies for projects, as specified, and for local agencies for public works contracts, as specified.<br><br>This bill would, upon authorization by the California Transportation Commission, allow a consolidated San Diego regional transportation entity, as specified, or the Department of Transportation to engage in a Construction Manager/General Contractor project delivery method, as specified, for up to 20 total projects for either local street or road, bridge, tunnel, or public transit projects within the jurisdiction of the local transportation entity or state highway, bridge, or tunnel projects by the Department of Transportation. The bill would require a transportation entity, as defined, to pay fees related to prevailing wage monitoring and enforcement into the State Public Works Enforcement Fund, a continuously appropriated fund, except as specified, and, thus, would make an appropriation. The bill would also require a progress report to be submitted by the transportation agency to the commission every year following the award of a contract under these provisions, and would require the commission to submit an annual report to the Legislature that includes the information in the report submitted by the transportation agency, as specified. This bill would require specified information to be verified under oath, thus imposing a state-mandated local program by expanding the scope of an existing crime. The bill would provide that its provisions are severable. | |
| **SB 1566**<br>**Negrete McLeod D**<br><br>Vehicle license fees: allocation. | SENATE T. & H.<br>4/20/2012 - Set for hearing April 24. | Existing law requires that a specified amount of motor vehicle license fees deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund be allocated by the Controller, as specified, to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties.<br><br>This bill would instead require, on and after July 1, 2012, that those revenues be distributed first to each city that was incorporated from an unincorporated territory after August 5, 2004, in an amount determined pursuant to a specified formula , second to each city that was incorporated before August 5, 2004, in an amount determined pursuant to a specified formula , and third to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties . By authorizing within the Motor Vehicle License Fee Account in the Transportation Tax Fund, a continuously appropriated fund, to be used for a new purpose, the bill would make an appropriation. **Last Amended on 4/10/2012** | |

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| **SB 1572**<br>**Pavley D**<br><br>California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account. | SENATE APPR.<br>4/23/2012 - Do pass as amended, and re-refer to the Committee on Appropriations | The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee schedule be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for the purposes of carrying out the act.<br><br>This bill would create the Greenhouse Gas Reduction Account within the Air Pollution Control Fund. The bill would require moneys, as specified, collected pursuant to a market-based compliance mechanism be deposited in this account. The bill also would require those moneys, upon appropriation by the Legislature, be used for purposes of carrying out the California Global Warming Solutions Act of 2006. The bill would declare the intent of the Legislature to enact legislation that would establish criteria for the development and implementation of an expenditure plan, as specified, for moneys appropriated from the Greenhouse Gas Reduction Account. | |
| **SCA 7**<br>**Yee D**<br><br>Public bodies: meetings. | ASSEMBLY APPR. SUSPENSE FILE<br>8/25/2011 - Set, second hearing. Held in committee and under submission. | The California Constitution requires meetings of public bodies to be open to public scrutiny.<br><br>This measure would also include in the California Constitution the requirement that each public body provide public notice of its meetings and disclose any action taken. **Last Amended on 4/13/2011** | |