



AGENDA

PENINSULA CORRIDOR JOINT POWERS BOARD

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

June 7, 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
Members of the public or Board may request that an item under the Consent Calendar be considered separately
 - a) Approval of Minutes of May 3, 2012
 - b) Authorize Execution of Contracts for Technology Related Products and Services to Vendors Under Cooperative Purchasing Programs for an Aggregate Not-to-Exceed Amount of \$300,000 for Fiscal Year 2013
 - c) Authorize Execution of Contracts of More than \$100,000 for Informational Technology License Renewals, Maintenance Services and Professional Services for an Aggregate Not-to-Exceed Amount of \$500,000 for Fiscal Year 2013
5. Chairperson’s Report
 - a) Appointment of Citizens Advisory Committee Member
Representing San Francisco County
Representing San Mateo County
Representing Santa Clara County
6. Report of the Citizens Advisory Committee
7. Report of the Executive Director
 - a) Proclamation Proclaiming June 21 as “Dump the Pump Day”
8. Acceptance of Statement of Revenues and Expenses for April 2012
9. Adoption of Fiscal Year 2013 Operating Budget in the Amount of \$111,368,706
10. Adoption of Fiscal Year 2013 Capital Budget in the Amount of \$39,093,085

RESOLUTIONS

MOTION

MOTION

MOTION

RESOLUTION

RESOLUTION

- | | |
|--|---------------|
| 11. Authorize Extension and Financial Agreement Between the San Mateo County Transit District and the Peninsula Corridor Joint Powers Board for San Mateo County Sheriff's Services for a Three-year Period | RESOLUTION |
| 12. Authorize Amendment to Extend the Contract with Wells Fargo Insurance Services, USA, Inc. for Insurance Broker Services on a Month-to-Month basis for up to One Additional Year in the Estimated Amount of \$100,000. | RESOLUTION |
| 13. Authorize Rejection of All Bids for Provision of Diesel Fuel | MOTION |
| 14. Legislative Update | INFORMATIONAL |
| 15. Quarterly Capital Progress Report | INFORMATIONAL |
| 16. Correspondence | |
| 17. Board Member Requests | |
| 18. Date/Time of Next Meeting: Thursday, August 2, 2012, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2 nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070 | |
| 19. General Counsel Report | |
| a. Closed Session: Conference with Legal Counsel – Existing Litigation – Pursuant to Government Code Section 54956.9(a): Robert Lightfoot v. Peninsula Corridor Joint Powers Board, City and County of San Francisco, et al. | |
| 20. Adjourn | |

INFORMATION FOR THE PUBLIC

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

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

Location, Date and Time of Regular Meetings

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

The JPB meets regularly on the first Thursday of the month at 10 a.m. The JPB Citizens Advisory Committee meets regularly on the third Wednesday of the month at 5:40 p.m. at the same location. Date, time and place may change as necessary.

Public Comment

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

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

Accessibility for Individuals with Disabilities

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

Availability of Public Records

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

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

Draft

**Minutes
May 3, 2012**

MEMBERS PRESENT: J. Cisneros, M. Cohen, J. Deal, A. Kalra, L. Kniss, A. Lloyd, T. Nolan, A. Tissier, K. Yeager

MEMBERS ABSENT: None

STAFF PRESENT: A. Chan, 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 10:06 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Doug DeLong, Mountain View, said there is a safety issue with the new configuration at the Santa Clara Station. He has noticed people walking through the south parking lot to go around the fence between the tracks to get to the island platform. He suggested additional signage be installed directing pedestrians to the access at the north end of the Santa Clara Train Depot building. He also recommended outreach to the cab dispatchers to inform their drivers to drop off passengers at the north end of the building.

Vaughn Wolffe, Pleasanton, said back in 2000 when the High Speed Rail (HSR) measure was being pushed in Santa Clara, the cost of the 16 miles to San Jose was \$4.7 billion. If this is extrapolated to 800 miles, it would be \$234 billion. He said let's hope the \$68 billion is for a real train instead of BART.

Shirley Johnson, San Francisco Bicycle Coalition, said Train 324 departing San Francisco bumps more bikes than any other train. Last month she asked that Train 324 be switched from a Bombardier consist to a Gallery Consist. Ms. Johnson said Caltrain's Bike and Dwell Time Study showed two important things: bicyclists do not cause dwell time delays and there is no difference in dwell time between Bombardier and Gallery trains.

Adina Levin, Menlo Park, said she boarded a southbound Giants train at Millbrae. The train was very rowdy and a fight broke out on the train. She doesn't know what can be done on the level of rowdiness on the Giants trains.

CONSENT CALENDAR

- 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 \$1,1400,000 to:
 - Corey, Canapary & Galanis
 - Dikita Enterprises, Inc.
 - EMC Research, Inc.

The Board approved the Consent Calendar (Nolan/Cisneros).

CHAIRPERSON'S REPORT

None

REPORT OF THE CAC

CAC Chair Paul Bendix said a presentation was given at the April 18 meeting on the annual passenger counts. Questions raised by the CAC included ridership from Gilroy and the possibility of increasing the service from Gilroy. The CAC members said the weekend service is good, but trains seem very slow and maybe staff could consider adding limited service.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Key Caltrain Performance Statistics
 - Monthly Performance Statistics – March 2012 compared to March 2011
 - Total Ridership was 1,176,392, an increase of 12.2 percent.
 - Average Weekday Ridership was 42,907, an increase of 14.4 percent.
 - Total Revenue was \$4,904,115, an increase of 18.6 percent.
 - On-time Performance was 92.6 percent, a decrease of 1 percent.
 - Caltrain Shuttle Ridership was 7,130, an increase of 24.2 percent.
 - Year-to-Date Performance Statistics – March 2012 compared to March 2011
 - Total Ridership was 10,274,294, an increase of 10.9 percent.
 - Average Weekday Ridership was 42,801, an increase of 9.7 percent.
 - Total Revenue was \$43,242,832, an increase of 23.4 percent.
 - On-time Performance was 93.5, a decrease of 0.4 percent.
 - Caltrain Shuttle Ridership was 7,016, an increase of 31.7 percent.
- The Bicycle Advisory Committee's next meeting is May 17.
- Bike to Work Day is May 10.
- The rail operator transition continues. A lot of engineers are staying, but some additional engineers are being brought in and being qualified at night on the corridor. The official transition date is May 26.
- Special service:
 - Sharks completed the season with 13,512 additional riders, an average of 307 additional riders per game and a 21 percent increase from last year. Ridership was up 53 percent from last year for the playoff games.
 - The Giants played 11 home games in April and an additional 74,000 riders were carried, an average of 6,725 extra riders per game. This is a 9 percent increase over last year.

- Roger Waters, formerly of Pink Floyd, will perform at AT&T Park and extra service will be provided.
- *I Love This City* music event is on Friday, May 25 and Saturday, May 26. Baseball type service will be provided for this event.
- A Saturday schedule will be operated with extra post-fireworks service on Sunday, May 27, the date of the Golden Gate Bridge 75th anniversary festival.
- A Sunday schedule and regular baseball service will operate on Memorial Day, Monday, May 28.
- There will be four extra northbound trains and three extra southbound trains for the Bay to Breakers. Passengers can pre-purchase their tickets for Bay to Breakers. A video on pre-purchasing tickets for the Bay Breakers produced in-house by Marketing Specialist James Namba and Information Specialist Robert Casumbal was shown.
- Pile driving has been completed for the San Bruno Grade Separation Project.
- Caltrain has a team participating in the *Out of the Darkness Suicide Prevention Walk* on June 9. The walk starts at dusk and the halfway point will be the 4th and King Caltrain Station.
- Zipcar has three cars at the Redwood City Sequoia Station.
- A Request for Statement of Qualifications was issued in February for a development at the Hayward Park Caltrain Station. On April 9 two proposals were received and staff is currently reviewing the proposals and working with the City of San Mateo.
- Thanked Director Malia Cohen for hosting the Bayview Community Transportation Open House on April 21. Staff reached out and discussed contracting and job opportunities.
- The reading file contains the Safety & Security Report and Take Ones for the transition to TransitAmerica (TASI), Sunset Weekend Celebration and Bay to Breakers advanced ticket sales.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR MARCH 2012

Deputy CEO Gigi Harrington said through March, revenues are \$3 million over budget and expenses are \$5.8 million better than budget. Year-to-date, fuel is \$3.16 per gallon and last week fuel was \$3.27 per gallon. Year-to-date, \$286,000 has been received from the bank.

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

AUTHORIZE ACCEPTANCE OF QUARTERLY INVESTMENT REPORT AND FIXED INCOME MARKET REVIEW AND OUTLOOK FOR THE QUARTER ENDED MARCH 31, 2012

Bill Osher, CSI Group of SunTrust Bank, said all the securities in the portfolio have matured. The best option now for the portfolio is the Local Agency Investment Fund (LAIF) and all the money has been rolled into there. LAIF provides a solid return for a stable net asset value fund or a fund whose price doesn't change. Mr. Osher said he is very pleased with the portfolio even though it was quite short and didn't have the opportunity to invest longer, but still able to beat a one-year rate by about three times.

Director Tom Nolan asked about the basis on the total amount of money in the portfolio. Ms. Harrington said there are various funding sources for the capital program where the cash is available ahead of time. In total there is just under \$5 million in reserves for operations and the remainder is funds for capital or operating projects.

A motion (Nolan/Lloyd) to accept the Quarterly Investment Report and Fixed Income Market Review and Outlook for the quarter ended March 31, 2012 was approved unanimously.

AUTHORIZE APPROVAL OF HIGH SPEED RAIL EARLY INVESTMENT STRATEGY FOR A BLENDED SYSTEM MEMORANDUM OF UNDERSTANDING

Director of Caltrain Modernization Program Marian Lee said this item was presented as an informational item at the April meeting. The Memorandum of Understanding (MOU) reflects regional and local consensus for a blended system in the corridor. The MOU has nine parties to the agreement and each of the parties has a planning, funding, construction or operations role. It is very clear in the MOU we are only considering a blended system meaning a system is primarily a two-track rail system, not a four-track rail system, and this system supports Caltrain, HSR, freight and other commuter tenants, including ACE and Capitol Corridor. In the MOU is a conceptual definition of the interrelated projects that are needed to make the blended system happen. These projects are electrification of the corridor, an advanced signal system, (known as Communications Based Overlay Signal System (CBOSS)/Positive Train Control (PTC)), the Downtown Extension Project, which connects the rail system to downtown San Francisco, HSR stations in downtown San Francisco, Millbrae and San Jose Diridon and core capacity projects to include at-grade crossing upgrades and potential passing tracks, which are key factors that have not yet been defined. Of the interrelated projects, the MOU identifies HSR early investments for two projects totaling \$1.5 billion. About half of the funds will come from Proposition 1A and the other half from locally secured funding from various sources which is identified in the MOU Funding Plan. The advanced signal system, which includes PTC, is mandated by the Federal Railroad Administration (FRA) to be installed by 2015. It gives Caltrain the technology to run more safely and efficiently. The electrification of Caltrain will allow us to realize immediate benefits to provide more, quieter and greener service to the region. Both projects have independent utility for local needs and are needed to support HSR service in the corridor.

Ms. Lee said staff is asking the Board to approve the MOU and authorize the Executive Director to enter into the MOU on behalf of the JPB. The reading file contains correspondence staff recently received asking the Board to not approve the MOU. At the April Board meeting there were several letters and public testimony urging the Board to approve the MOU, but with assurances the blended system would be done with the right level of sensitivity to local interest. There was discussion among the Board on how to further address local concerns. Specifically, Directors Ken Yeager and Liz Kniss asked staff to clearly define JPB commitments to our constituents in the JPB resolution. Our resolution commits the JPB to make project investments that are limited to infrastructure necessary to support a blended system only. As the owner to protect the corridor for the benefits of the constituents, Caltrain is committed to be the lead agency in implementing the projects, to advance the projects in a way that respects our community partners and to update and recirculate the Caltrain Electrification Environmental Document. Ms. Lee said over the last few days staff has been hearing stakeholder concern that we are trying to circumvent or short-cut the environmental process. There is absolute

commitment in the MOU, as well as reflected in the staff report and resolution, that staff will be following all National Environmental Policy Act and California Environmental Quality Act regulations, including updating and recirculating the environmental document. Lastly, the request for the JPB to commit to continue seeking funds for all the interrelated projects for the blended system.

Ms. Lee said staff feels very confident the parameters and conditions outlined in the MOU and the JPB resolution protect the interests of our agency and our constituents as we move forward with realizing JPB's vision to modernize our corridor. It is anticipated the remaining parties will sign on to the MOU by June. Staff will be closely monitoring the State Legislature and the California Transportation Commission (CTC) actions regarding budgeting decisions for Proposition 1A funding.

Director Kniss asked how soon does staff think this project will start, how realistic is it the project will happen and what will it look like. Ms. Lee said a big milestone is the actions taken by the State Legislature and CTC. Both will be making decisions on the budget for HSR and those decisions will influence the reality of the MOU. We would need to get started right away. Staff has reviewed the dates and they are workable as long as we get started this year. When the electrification is in place, there are some things people will see and some things people will hear less. You will see poles, wires and some traction power facilities that will electrically power the system and you will hear less because of the quieter trains.

Chair Tissier said the Metropolitan Transportation Commission (MTC) was the first to approve this MOU followed by the California High Speed Rail Authority (CHRSA).

Public Comment

Jim Bigelow, Redwood City/San Mateo County Chamber of Commerce and Menlo Park Chamber of Commerce, said he appeared at the CHSRA board meeting last month and he was adamant they needed to be very clear that this phase of work under the MOU is the blended system. The CHSRA's Program Environmental Impact Report (EIR), the MOU for MTC and the Business Plan are clear to what the protections are and we own the corridor. Mr. Bigelow encouraged the Board to take action and enter into the MOU today.

Paul Jones, Atherton, said he urged the Board to use extreme caution before entering into the MOU with CHSRA. They have grossly overstated their passenger counts and have no intention of using a blended system. He cautioned the Board that any agreement made with the CHSRA legally recognizes Caltrain's sole control of the right of way.

Jeff Carter, Burlingame, said electrification is 25 years overdue and needs to be done as soon as possible. He has read if Caltrain moves ahead with PTC/CBOSS it may have to be torn out to accommodate HSR so we need to make sure everything is compatible.

Jerry Carlson, Atherton, said the approval of the MOU is premature. Even though the revised EIR talks about a blended system it also talks about a blended system as being the first phase on an alternate system. There should be a concrete guarantee in the EIR as to what the blended system will ultimately be and if someday in the future it needs to be expanded, a new EIR should

be developed. There should be a ruling from the attorney general's office before the MOU is approved.

Richard Hackman, City of Palo Alto, said the city feels the blended system MOU is a step in the right direction, but still have significant concerns with the document. The city has five requests related to the MOU:

1. The ability to give direct input to the MOU since Palo Alto has the second highest ridership on the line. When the blended system MOU was first proposed, Palo Alto was asked by Caltrain to support this proposal with the understanding Peninsula cities would have a voice in the implementation of the blended system.
2. The establishment of a structure where all impacted Peninsula cities can provide input into this MOU.
3. Identification in the body of the MOU that the JPB is the project's lead agent.
4. The removal of all references to a four-track system in the San Francisco to San Jose segment of the CHSRA program level EIR, other environmental documents and Business Plan.
5. Clarification about the relationship between the 2009 MOU with the CSHRA and the pending blended system MOU. The existing 2009 MOU contains a number of contradictions with the blended system MOU and these contradictions should be resolved before adopting anything else. The city feels Caltrain has an opportunity to rebuild trust in this project on the Peninsula that was lost by the CHSRA. Palo Alto understands the merits of Caltrain electrification, but doing so must not be at the expense of the Peninsula communities and their concerns.

Adina Levin, Friends of Caltrain, said they are in support of the MOU and glad to see the potential with moving ahead with electrification. She said Caltrain has been very active taking feedback from the community in defining what the blended system will look like. She is glad to see that the current Plan doesn't have answers to all the questions and they will be worked out with technical facts and working with the community.

Andy Chow, BayRail Alliance, said they have been a strong supporter of Caltrain and electrification and strongly support the MOU because it defines the improved relationship between the CHSRA and Caltrain. This is the first step in getting the funding for electrification and PTC on the Peninsula.

Doug DeLong, Mountain View, said he urged the Board to approve the MOU. Caltrain has leverage with the ownership of the real estate of the right of way and is not transferring ownership to CHSRA.

Director Cohen left at 10:59 a.m.

Bruce Jenkins, Rail Passenger Association of California, said they strongly endorse the adoption of the MOU.

Chair Tissier said there was a very bumpy road in the beginning and CHSRA has listened to make sure this train and electrification will go from San Jose to the Transbay Terminal. These are things staff worked very hard to accomplish. This is not everything but is the backbone and foundation for electrification and PTC and without this, we have nothing. This is a beginning of a cleaner train, faster train, more service and more stops.

Director Ash Kalra said we are at a much better place now than in 2009. Electrification is a system Caltrain needs. As part of the MOU the JPB remains the lead agency and maintains local control. He said kudos to Ms. Lee in assuring concerns are heard and that the system through the Caltrain corridor respects the local jurisdictions.

Director Yeager thanked staff for the inclusion of the language requested by the Board in the resolution. He asked what is planned for electrification from Tamien to Gilroy. Mr. Scanlon said currently there are no plans to electrify that portion of the tracks because the right of way is owned by Union Pacific (UP). The intent is to continue service to Gilroy with diesel trains and run them “under the wire.” A diesel train can run on an electrified system, the opposite can’t happen.

Director Yeager said then at this point, is it the responsibility of the Santa Clara Valley Transportation Authority (VTA) or CHSRA as high-speed rail comes up and meets at Tamien. Mr. Scanlon said this area is not in the funding plan, ridership is low and it is UP’s right of way.

Director Yeager said the blended system was discussed at the April VTA board meeting last month and there is 100 percent support from the VTA Board, which will be passing its MOU tonight.

Director Kniss said she is always concerned we are after “perfect” and often willing to forgo “good.” What we have now is something better than good. She said Caltrain is committed to a two-track system but one of the things still puzzling people is the need to have room for passing tracks. She asked if a city that does not wish the passing tracks will not have to have the passing tracks. Mr. Scanlon said nothing in the MOU addresses passing tracks except for the ones we already have.

Director Kniss said the commitment we have currently is within the MOU, within the CHSRA Business Plan, in the JPB resolution that goes with this MOU and in the vote the Board will cast today and VTA tonight. The JPB owns the right of way and that is what is so important for the public to remember. She said the old EIR still talks about the four-track system, but the commitment currently is we focus solely on the blended system, which is a two-track system. It is time we focus ahead on the document that is going to come. There has been a lot of concern about the past, but it is really important to focus on the next document. She said Palo Alto is very concerned that a four-track system will be built and would devastate Alma Street, but the blended system is not going to impact Alma Street. People worry San Francisco and San Jose will dominate or a regional agency will, but that is not the case. Caltrain will be the lead, we

own the right of way, are going to decide what is done in the right of way and who does it. She said this group has done the best they can to hear what the smaller cities have had to say and perhaps there is a time in the future for an advisory committee.

Director Jerry Deal said he will be supporting the MOU and thanked Chair Tissier for her leadership in getting the funding. As mayor of Burlingame, his city has had many problems with HSR and he always regarded staff with a little skepticism. He has had many meetings with Caltrain staff and they have been exceptional. He believes in the staff and was able to turn around the way Burlingame feels.

Director Art Lloyd said electrification is long overdue on the Peninsula and supports the MOU.

Director Nolan said he remembers when the right of way was purchased and is proud to be part of the electrification. He appreciates all the hard work and sensitivity to the various communities.

Legal Counsel David Miller said the acquisition of the right of way involved significant deliberation as to whether to buy the right of way or lease it. It was a fundamental issue and expense and cost was one of the issues. The vision was to stretch to do what it took to get the financing and fight the battle. The reason the Board made that decision was for control. Key ownership versus leasing or other form of interest was the cornerstone for acquisition of the right of way to enable this Board today to be able to do the type of action you are taking and building on the same record of the JPB owning and controlling it. There is nothing in the MOU that cedes control to anyone else.

A motion (Kalra/Kniss) to approve the HSR early investment strategy for a blended system MOU was approved unanimously.

PRELIMINARY FISCAL YEAR (FY) 2013 OPERATING BUDGET

Ms. Harrington reported:

- The preliminary budget reflects the balancing plan the Board approved in October for FY2013.
- There are no service cuts or fare increases.
- The FY2014 budget is not yet balanced and staff doesn't have a balancing plan for it yet.
- There are a few items that are not required in the FY2013 budget that staff is proposing to move over to FY2014.
 - The operating surplus from FY2013 will be moved to FY2014.
 - In FY2012 the MTC gave Caltrain \$5 million for FY2013 and staff is proposing moving that money to FY2014.
- Modernizing Caltrain does help solve the fiscal crisis.
- The FY2013 budget proposes adding six trains to the current 86-train schedule.
- Total projected revenue for FY2013 is \$111.4 million.
- Preliminary FY2013 expenses are \$111.4 million.

Mr. Miller said an expense in question is a contingency item for \$1.1 million which hopefully will go away. The JPB has filed a request with the Department of Industrial Relations for a

Special Wage Determination for the TASI workers who will be performing various maintenance on the right of way. The petition asks the Department of Industrial Relations to recognize those collectively bargained wage rates as the applicable prevailing wages for purposes of this work. They are less than what would be the published rate. Under the laws and regulations that govern special wage determinations there is a technical requirement which the JPB is requesting a waiver of that would normally require these petitions be filed before a new competitive procurement process starts. In this case because of the 13C labor protections it was clear from the outset it would be necessary for the successful proposer, ultimately TASI, to enter into new collective bargaining negotiations and as a result it was not possible to predetermine what the wage rates would be. This is a very significant issue staff is working on at a variety of levels, but for now Ms. Harrington has to cover this contingency of possibly not being successful in the FY2013 Operating Budget.

Ms. Harrington continued:

- Fuel is budgeted at \$17.2 million or \$3.38 per gallon.
- The San Mateo County Transit District (District) has engaged in discussions with member agencies, funding partners and the MTC on funding options. The District's contribution of \$14 million is made up of \$5.2 million from the San Mateo County Transportation Authority, \$6.7 million in funds received from repayment of its investment in the Caltrain right of way and \$2.1 million through a swap of capital funds for operating funds.
- Member contributions would be \$5.8 million for San Francisco, \$14 million for San Mateo and \$13.7 million for Santa Clara.

Deputy CEO Chuck Harvey reported on service:

- The February passenger count data was used to develop potential service scenarios that positively impact the greatest numbers of customers, balances fiscal constraints with continued growing demand for service, and determines if peak service can be added where demand exists.
- The staff proposal is:
 - Increasing service from 86 to 92 weekday trains.
 - Restoration of four midday/shoulder peak trains.
 - The addition of two afternoon peak limited trains as capacity allows.
 - Potential for strategic additional stops to existing service to expand frequency and alleviate pressure on oversubscribed trains.
 - Addition of service will provide additional onboard bike capacity.
- Increase in train service will impact fuel budget by \$720,000 and is estimated to require an additional crew at approximately \$365,000.
- The proposed public outreach process includes:
 - Present proposal to CAC at their May 16 meeting.
 - Post the proposal on the Caltrain website around May 17.
 - Present the proposal at a public meeting in San Carlos on May 30.
 - Presentation of staff recommendation for Board approval at the June 7 meeting.
 - Implementation in fall 2012.

Director Kniss said it is a pleasure to hear about adding service and not cutting service.

Public Comment

Adina Levin, Friends of Caltrain, said she is glad to see additional service being added, but also concerned that, without a budget outlined for FY2014, it is a risk to approve a service increase. If we are planning on going to the voters in 2014 to raise money for stable operating funding, Caltrain credibility with the public is really important. People who do not pay close attention will react to a roller coaster of adding and cutting service. She would like to see more commitment from the partners, MTC and any other sources to have a balanced budget and stable service in FY2014 before adding service now.

Vaughn Wolffe, Pleasanton, said the idea of spending money that you don't have to increase service that may go away doesn't make a lot of sense. When Caltrain is electrified, it will be able to run the service to accommodate the riders.

Roland LeBrun, San Jose, said the way to balance the budget is to reduce expenses. He is concerned about the administrative costs and overhead. He supports a permanent funding source but only for a short period of time. Mr. LeBrun said north of Tamien there are 92 trains and south there are six trains and because there is no service, there is no ridership.

Shirley Johnson, San Francisco Bicycle Coalition, said she didn't see a line item for funding the bike parking facility at 4th and King. Currently the facility is operated by Warm Planet Bikes and she thanks Caltrain for providing funding to keep it open in 2012. She asked if there is an operating expense planned in the budget to keep the bike parking facility open in FY2013. Mr. Scanlon said yes.

Andy Chow, Bay Rail Alliance, said ridership is important to transit. Even though Caltrain does have a budget problem there is strong ridership support for the system. He said communities need to recognize Caltrain still has a budget problem that needs to be solved.

Jeff Carter, Millbrae, thanked staff for the report and the important thing is we are not out of the woods yet for the next fiscal year funding. This issue needs to be addressed and hopefully adding more service will not make the public think there is no problem. Some trains are very crowded and one way to correct the problem is to add cars to the consist.

Mr. Scanlon said the discussion from the public was very good and he had the same discussion at the staff level. Six trains are being added for about \$360,000 plus fuel costs. Staff was concerned about the optics. How does the public understand you can be broke one day and adding service the next day? Staff wanted to stay on message that Caltrain has a long-term financial problem, but 80 percent of the riders are at 10 stations and 82 percent ride during the peak hours and that is what the recommendation is. Meanwhile instead of having people get either passed up if they are with a bike or sitting in the vestibules, it was decided to add some marginal service at a reasonable cost, but keep the messaging out that this does not solve the structural program. Assemblyman Jerry Hill has agreed to introduce some legislation to try to find some more revenue.

Chair Tissier said last year this Board was faced with the possibility of cutting service in half. The Board decided not to cut service knowing a dedicated source of funding needed to be found

and we have seen an increase in ridership and revenue. This is a tough one because the bottom line is MTC has had to step-up and others have had to sacrifice things, but people have respected what has been done and are riding the service. The bottom line is our job is to serve the public to make the community mobile and right now it is becoming less mobile on the freeways and the hope is by adding these trains more traffic will be taken off the freeways and increase revenue with new riders. Chair Tissier said there is a group of mayors of the different cities as well as Friends of Caltrain who are discussing and looking for new funding.

Director Nolan asked about the assumptions that go into FY2014 budget and is the best hope for a ballot measure that would raise revenues specifically for the JPB. Executive Officer Public Affairs Mark Simon said we don't know and staff is doing some research and polling. Through Chair Tissier, a San Mateo County Transportation Task Force has been put together working closely with the Silicon Valley Leadership Group to take the time to find out what might be the most palatable. It would seem the easiest would be some type of sales tax measure, but in the current environment staff is not sure that is the right proposal so all options and ideas are being looked at.

Director Nolan said the range of possibilities to balance the 2014 budget would be asking the three member agencies for an increase contribution based on ridership. Mr. Simon said yes that is one idea. There has been some very preliminary polling done about a year ago on a three county ballot measure. While it showed a sales tax increase getting the necessary two-thirds it was a very narrow margin and that was a good reason for staff to wait and take the time to talk to the public and tell them what we do and the kinds of stewards we are with their money and make sure there is an understanding of what our needs are and why.

Director Nolan asked about Assemblyman Hill's legislation. Mr. Simon said the legislation was to authorize the JPB to put a sales tax increase on the ballot in all three counties. This legislation is currently on hold.

Director Nolan asked if a vehicle license fee is a possibility. Mr. Simon said there was an increase in vehicle license fees and the JPB is getting some revenue from it. He said the most logical thing is a gas tax, but it doesn't poll very well. Staff is also looking at public-private partnerships and even non-profit partnerships.

Mr. Scanlon left at 11:50 a.m.

Mr. Harvey said there was discussion with the partners about the Joint Powers Agreement and the methodology of how the member agency contributions are shared. All three general managers recognize a need to have this discussion about how costs are shared for Caltrain and it is part of the agreement to go forward during FY2014.

PRELIMINARY FISCAL YEAR 2013 CAPITAL BUDGET

Director Budgets and Grants April Chan said:

- Goals of the Capital Budget are to invest in infrastructure and equipment improvements to maintain the system in a state of good repair, invest in the rehabilitation and replacement components for the rail vehicles to ensure fleet availability, continue system

safety improvements and continue work to coordinate planning efforts with the CHSRA for a blended system in the Caltrain corridor.

- The FY2013 Capital Budget is \$40.1 million, of which 75 percent is for State of Good Repair.
- State of Good Repair Right of Way and Signal Program Projects include:
 - Complete necessary track and structures rehabilitation.
 - Replace three JPB-owned roadway bridges at 22nd and 23rd streets and Paul Avenue.
 - Complete design of the replacement of four San Mateo County railroad bridges at Poplar, Santa Inez, Monte Diablo and Tilton avenues.
 - Rehabilitate railroad signals and grade crossing warnings for safe and efficient operations.
 - Replace centralized voice communication system for train dispatchers.
- A total of \$7 million has been budgeted for rolling stock to continue to overhaul and rehabilitate the fleet. The total cost for the next 10 years of this program is about \$80 million. This is a program that has been deferring funding from prior years in order to balance the budget.
- Operational Improvements/Enhancement Projects include:
 - Install closed-circuit camera equipment at select stations to increase security.
 - Install fencing along the main rail corridor to reduce trespassing.
 - Install a substation at San Jose Diridon to provide power to trains to allow fleet servicing. Wayside power is environmentally preferred since it reduces fuel usage and noise level.
- Other capital projects include funding for ongoing program management and oversight, planning and design support efforts for Caltrain modernization and support for the overall capital program.
- Staff has identified \$19.3 million in Federal grants, \$6.6 million in State and Regional Grants, \$1.2 million of other funding and the \$4.3 million from each of the partners.
- Staff has been meeting with each of the partners in regards to their contributions. San Mateo County can come up with their share of \$4.3 million from the San Mateo County Sales Tax Measure A. The VTA has indicated they can provide \$3.1 million. Staff works with a number of various partners in San Francisco, including the mayor's office, the San Francisco Municipal Transportation Authority, San Francisco County Transportation Authority (SFCTA) and about \$2.5 million to \$4 million can come from the Proposition K half-cent sales tax. The SFCTA has indicated they can provide \$2.5 million. If the full \$4 million is required from the Proposition K sales tax it will reduce the amount of funding available from future funding availability from the sales tax measure.

Director Kniss left at 12:00 p.m.

- If all the partners are able to contribute the full \$4.3 million the Capital Budget can be fully funded. If only \$3.1 million per partner agency is contributed the Capital Budget it would be reduced by \$4 million and if the total contribution per partner agency is \$2.5 million the Capital Budget would be reduced by \$6 million.

- If the partner contributions are \$3.1 million the following projects would have to be deferred:
 - Painting of Bayshore Station.
 - Public address system upgrade.
 - RailSim software upgrade.
 - Dual mode communications.
 - Terminal departure monitors.
 - Station utilities and asset maps.
- If the partner contributions are \$2.5 million the following projects would have to be deferred:
 - All the above projects.
 - South Terminal wayside power.
 - Decrease rolling stock by an additional \$700,000.
- The risks associated with decreasing the rolling stock maintenance funding are:
 - Exposure for greater risk of reliability and availability issues with fleet.
 - Some deferred subsystem work may result in in-service failures and added operating expense.
 - Customers will experience cars with more cosmetic issues than they have seen in the past.
 - Deferred State of Good Repair work will accumulate and require greater levels of investment later, particularly if electrification/fleet replacement is delayed.
 - One-third of the fleet will reach the mid-life overhaul cycle at the same time the older fleet should be replaced.

Staff will continue discussions with the partners and bring a recommendation back to the Board for adoption at the June meeting.

Public Comment

Shirley Johnson, San Francisco Bicycle Coalition, said the bicycle parking facility at 4th and King needs to be expanded and this would be a capital expense, but don't see this item in the Capital Budget. Mr. Harvey said there is nothing in the budget for this.

Adina Levin, Menlo Park, asked if WiFi is included in the budget. Mr. Harvey said no.

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 PROGRAM

Ms. Harrington said the change in policy would allow staff to go to a single "A" rating if not able to get "AA" rating.

- This program began in FY2010.
- It was designed to reduce volatility and uncertainty in the budget for fuel expenses.
- Staff uses the form of a cap because it gives protection against price increases and allows the JPB to benefit from price decreases.

- JPB and the District together hedge approximately 50 percent of their total projected fuel usage.
- Parties associated with the transaction are Orrick, Herrington & Sutcliffe who are the special counsel and also the financial advisors.
- Next steps are to solicit bids from selected counterparties for FY2013 transaction, review bids and make a go or no-go decision.

Director Deal asked if the cost in cap includes all costs. Ms. Harrington said yes.

Director Deal asked if we lost money on the transaction in FY2010, but made money in FY2011. Ms. Harrington said yes.

Director Deal said it appears we are not doing that well in FY2012. Ms. Harrington said we do not know yet because we have only received payments through the end of April.

Director Deal said on the whole the bank is doing better than we are. Ms. Harrington said this program was brought forward to create budget certainty and not necessarily a tool to make money. She said in FY2010 the budget was lowered by \$2.5 million, FY2011 the budget was lowered by \$1.7 million and in FY2012 the budget is being lowered by \$800,000.

Director Deal said in FY2010 staff was able to decrease the budget because of this program. Ms. Harrington said yes. Staff took half the fuel portfolio and set at the cap price and the other half was left to float with the marketplace.

Mr. Harvey said the way money is saved is the fuel hedging cap contract staff enters so staff can budget a smaller amount in the total fuel budget in the Operating Budget otherwise if we did not have the cap staff would have to assess what the market conditions will be.

Director Deal said he would like to sit down with Mr. Miller and staff to review this program in more detail.

A motion (Cisneros/Nolan) to authorize revision of the FY2013 fuel hedging policy, award of contract to Orrick, Herrington & Sutcliffe, approve the FY2013 fuel hedging program and payment premium for commodity price cap for the FY2013 fuel hedging program was approved unanimously.

Director Cisneros left at 12:19 p.m.

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

A motion (Yeager/Lloyd) to authorize amendment to extend the contract with Parking Company of America Management for an additional one-year term effective October 1, 2012 was approved unanimously.

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: LTK ENGINEERING SERVICES, NANCY WHELAN CONSULTING, PARSONS BRINCKERHOFF, INC. SYSTRA CONSULTING AND TRANSPORTATION RESOURCE ASSOCIATES, INC.

A motion (Yeager/Lloyd) to 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 was approved unanimously.

LEGISLATIVE UPDATE

Director, Government and Community Affairs Seamus Murphy said the staff report includes information on the Legislature's appropriation of the Proposition 1A funding that would help support the HSR MOU just approved.

Public Comment

Vaughn Wolffe, Pleasanton, said recently there has been legislation to get a State-owned bank. This should be something staff should track.

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

None

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be 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.

GENERAL COUNSEL REPORT

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

Legal Counsel Miller said for the record the Board is convening in closed session to discuss a matter of pending litigation involving the San Bruno Grade Separation Project.

Adjourned to closed session at 12:23 p.m.

Reconvened to open session at 12:30 p.m.

Mr. Miller said the Board met in closed session to consider final resolution of an imminent domain action presented to the Board in December and approved at that time. This item has to do with real estate required for the JPB's San Bruno Grade Separation Project. The resolution

before the Board is to authorize the Executive Director to execute transfers of real estate in conjunction with the settlement agreement with the City and County of San Francisco, the District, and Artichoke Joe's Casino related to that project. What is involved is approximately 2,500 square feet of real estate that will be transferred from the JPB to Artichoke Joe's to perfect the transaction.

A motion (Nolan/Yeager) to authorize transfer to the property was approved unanimously.

Adjourned at 12:35 p.m.

PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZING EXECUTION OF CONTRACTS FOR TECHNOLOGY
RELATED PRODUCTS AND SERVICES TO VENDORS UNDER
COOPERATIVE PURCHASING PROGRAMS FOR AN AGGREGATE
NOT-TO-EXCEED AMOUNT OF \$300,000 FOR FISCAL YEAR 2013**

ACTION

Staff Coordinating Council (SCC) recommends that the Board authorize the purchase, lease and/or rental of computer and telecommunications equipment and related services, digital reprographic equipment, hardware, software, licensing, installation and configuration of telecommunications equipment, maintenance agreements, and computer peripherals to vendors under approved cooperative intergovernmental purchasing programs available to the JPB such as the California Multiple Award Schedule (CMAS), the National Inter-governmental Purchasing Alliance Company (National IPA), the State of California Strategic Sourcing Initiative (CSSI), the Western States Contracting Alliance (WSCA), the California Integrated Information Network 2 (CALNET 2), General Service Administration (GSA) Schedules (also referred to as Multiple Award Schedules and Federal Supply Schedules), and other cooperative programs, as the JPB needs are identified.

This action includes delegation of authority to the Executive Director to enter into contracts over \$100,000 with vendors under approved cooperative purchasing programs. Expenditures with vendors under these programs will not exceed the budgeted amount of \$300,000 throughout Fiscal Year (FY) 2013.

SIGNIFICANCE

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

BUDGET IMPACT

Funds for these purchases are programmed in the proposed FY2013 Capital and Operating budgets.

BACKGROUND

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

All vendors selected will hold valid agreements under the corresponding cooperative purchasing program. Contracts will be executed only with vendors whose contracts were awarded under a cooperative buying agreement on a basis that complies with the JPB's statutory procurement authority and policy and will include the JPB's terms and conditions, as appropriate. Other cooperative purchasing consortia may be added to this program and utilized for acquisition of technology items during FY2013 but only to the extent each fully complies with the JPB's statutory procurement authority and policy.

Prepared by: David Verderosa, Director, Information Technology
& Telecommunications

650.508.7954

RESOLUTION NO. 2012 -

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

**AUTHORIZING EXECUTION OF CONTRACTS FOR TECHNOLOGY RELATED
PRODUCTS AND SERVICES TO VENDORS UNDER COOPERATIVE PURCHASING
PROGRAMS FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF
\$300,000 FOR FISCAL YEAR 2013**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require new personal computers, computer and telecommunications equipment and related services, digital reprographic equipment, software, hardware, licensing and maintenance agreements, and computer peripherals throughout Fiscal Year (FY) 2013, to fulfill new technology requirements, to support the JPB's standardization policy and to replace technology equipment that has reached the end of its useful life; and

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

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

WHEAREAS, the Staff Coordinating Council (SCC) recommends that the JPB participate in the above-mentioned programs, to the extent such programs fully comply with the JPB's statutory procurement authority and policy, and that the JPB may add other cooperative purchasing programs to this authorization for FY2013 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

WHEAREAS, the SCC also recommends that the Executive Director or his designee be authorized to enter into contracts that exceed \$100,000 with vendors under JPB-approved cooperative purchasing programs to meet its personal computer, telecommunications equipment, and other related technology equipment and services requirements for FY2013, pursuant to the terms and conditions of each programs' vendor agreements, up to an aggregate not-to-exceed amount of \$300,000.

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

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

2. Authorizes the procurement of technology systems equipment and related services through JPB-approved cooperative purchasing programs, including CMAS, CSSI, WSCA, CALNET 2 and GSA vendors to meet its technology equipment and services requirements for FY2013 pursuant to the terms and conditions of each vendor agreement and to

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

3. Authorizes the Executive Director to utilize additional cooperative purchasing programs for FY2013 to the extent that each additional program fully complies with the JPB's statutory procurement authority and policy; and

4. Authorizes the Executive Director or his designee to enter into contracts exceeding \$100,000 with vendors under the JPB-approved cooperative purchasing programs up to an aggregate, not-to-exceed, amount of \$300,000 for FY2013; and

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

Regularly passed and adopted this 7th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA COORIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **AUTHORIZING EXECUTION OF CONTRACTS OF MORE THAN \$100,000 FOR INFORMATION TECHNOLOGY LICENSE RENEWALS, MAINTENANCE SERVICES AND PROFESSIONAL SERVICES FOR FISCAL YEAR 2013 FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$500,000**

ACTION

Staff Coordinating Council (SCC) proposes that the Board authorize the Executive Director or his designee to enter into contracts for more than \$100,000 with original equipment manufacturers, product licensors and their distributors or consultants, directly and without the utilization of cooperative purchasing agreements if not available or competitive solicitations if not applicable, to procure recurring maintenance services and license renewals necessary to permit continued effective use and upkeep of JPB-owned computer and telecommunications hardware and software used for the management and oversight of Caltrain. Further, this also shall include contracts for the provision of sole source professional services necessary to expand or modify previously competitively procured proprietary software when an original provider is the only source of such services. Expenditures with manufacturers and vendors under this authority will not exceed the budgeted amount of \$500,000 throughout Fiscal Year (FY) 2013.

SIGNIFICANCE

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

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

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

BUDGET IMPACT

Funds for these purchases are programmed in the proposed FY2013 Capital and Operating budgets.

BACKGROUND

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

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

JPB assets requiring payment of recurring annual or multi-year maintenance support and license fees in excess of \$100,000 that may need to be accommodated in FY2013 outside of cooperative purchase agreements or other pre-existing contracts include, but are not necessarily limited to:

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

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

Prepared by: David Verderosa, Director, Information Technology
& Telecommunications

650.508.7954

RESOLUTION NO. 2012 -

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

**AUTHORIZING EXECUTION OF CONTRACTS FOR INFORMATION
TECHNOLOGY LICENSES, MAINTENANCE SERVICES AND PROFESSIONAL
SERVICES FOR AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$500,000 FOR
FISCAL YEAR 2013**

WHEAREAS, the Peninsula Corridor Joint Powers Board (JPB) will require continuing product support and licenses for computer and telecommunications hardware and software throughout Fiscal Year (FY) 2013, to permit the continued effective use and upkeep of information technology assets owned by the JPB; and

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

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

WHEAREAS, the Staff Coordinating Council recommends that the Executive Director or his designee be authorized to execute contracts that exceed \$100,000 with original equipment manufacturers, product licensors, and their authorized distributors and consultants to meet the technology operational requirements for FY2013, pursuant to the JPB's statutory procurement authority and policy, up to an aggregate not to exceed amount of \$500,000.

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

1. Authorizes the procurement of product support, additional license purchases and renewal agreements for information technology assets owned by the JPB for FY2013,

pursuant to the JPB's statutory procurement authority and policy, in an aggregate not to exceed amount of \$500,000 for FY2013; and

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

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

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

Regularly passed and adopted this 7th day of June 2012, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: KEY CALTRAIN PERFORMANCE STATISTICS APRIL 2012

April 2012 Caltrain average weekday ridership (AWR) was 45,928, which is an increase of 5,172 or 12.7 percent over April 2011 AWR of 40,756. This AWR is exceeded only by the record of 46,169 in July 2008. The total number of passengers for April 2012 was 1,206,519, which is 12.1 percent more than April 2011. Total ridership is the highest it has ever been during a non-summer month. Caltrain ridership has continued to grow for 21 consecutive months.

On-time performance was 93.7 percent, which is below the 95 percent Caltrain standard. This is an increase from last month and April 2011. When trains arriving within 10 minutes of the scheduled arrival time are included, on-time performance rises to 96.2 percent. Three days in the month of April account for nearly half of the delays over the course of the month. Many of those delays can be attributed to trespasser incidents or vehicles on the tracks. Mechanical issues caused fewer minutes of delay than any month in the last two years, accounting for only 287 minutes of delay.

Looking at customer service statistics, there were 8.6 complaints per 100,000 passengers. This metric is slightly lower than previous months. Conductor complaints were one of the top categories and likely related to increased efforts at fare enforcement.

Average weekday shuttle ridership was 8,022, which is an increase of 1,075 or 15.5 percent over April 2011 AWR of 6,947. This high growth continues to be largely influenced by Stanford's Marguerite shuttle, which constitutes nearly 50 percent of Caltrain shuttle ridership. Marguerite AWR is up 25 percent from a year ago and many of the employer shuttles also are up significantly. For the station shuttles, the Millbrae-Broadway shuttle averaged 151 daily riders. The Belmont-Hillsdale shuttle averaged 68 daily riders. The weekend Tamien-San Jose shuttle averaged 44 riders per day.

Caltrain Promotions – April 2012

San Francisco Giants – Baseball returned to AT&T Park and fans flocked to Caltrain to get them to the games. The service has become so well established that we have foregone paid advertising so far this year. Instead, the service has been promoted via the Caltrain website (button on home page and dedicated page), through news releases, social media (Facebook, Google+, Twitter), station flyer, station electronic message signs, conductor announcements, *Caltrain Connection* and *Track the Fun*. Caltrain also received permission to use the Giants logo, schedule and photo of fan favorite pitcher Tim Lincecum for its printed brochure. In April, nearly 74,000 fans rode Caltrain to the 11 games, including two pre-season, an increase of 9 percent compared to last year.

San Jose Sharks – The Sharks wrapped up their season in April, truncating their quest for the Stanley Cup. Caltrain turned out to be a winner as 13,512 rode it for the games during the season, a 21 percent increase over last year. During the season, the service was promoted via social media (Facebook, Google+, Twitter), onboard adcards, pre-game radio spots on KFOX during *Coach's Corner*, a web button and page on Caltrain's site, a link on the Sharks' site and printed and online publications: *Caltrain Connection* and *Track the Fun*.

Bay to Breakers – Promotions were created for the annual Bay to Breakers footrace to let customers know that Caltrain will operate extra service and pre-sell tickets for the first time. Promotional elements include station flyer, inclusion in *Track the Fun* and *Caltrain Connection*, web button and page, video, social media, onboard take ones, and information in the Bay to Breakers newsletter and on its website.

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 April included the Asian Art Museum and its Maharaja art exhibit. The museum provided Caltrain customers a \$3 discount off the general admission price. The events are generally promoted in the *Track the Fun* brochure, *Caltrain Connection* newsletter, through social media and news releases and 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

April 2012

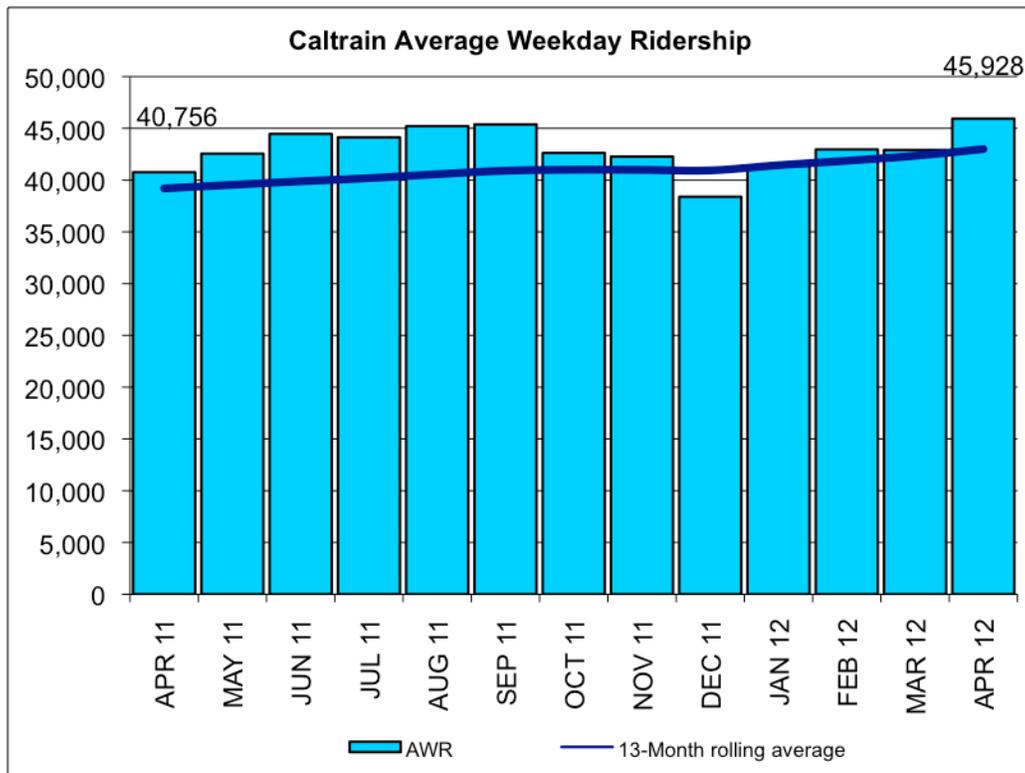
	FY2011	FY2012	% Change
Total Ridership	1,075,960	1,206,519	12.1%
Average Weekday Ridership	40,756	45,928	12.7%
Total Farebox Revenue	\$4,374,574	\$5,173,588	18.3%
On-time Performance	89.8%	93.7% ▲	3.9%*
Average Caltrain Shuttle Ridership	6,947	8,022	15.5%

Year to Date

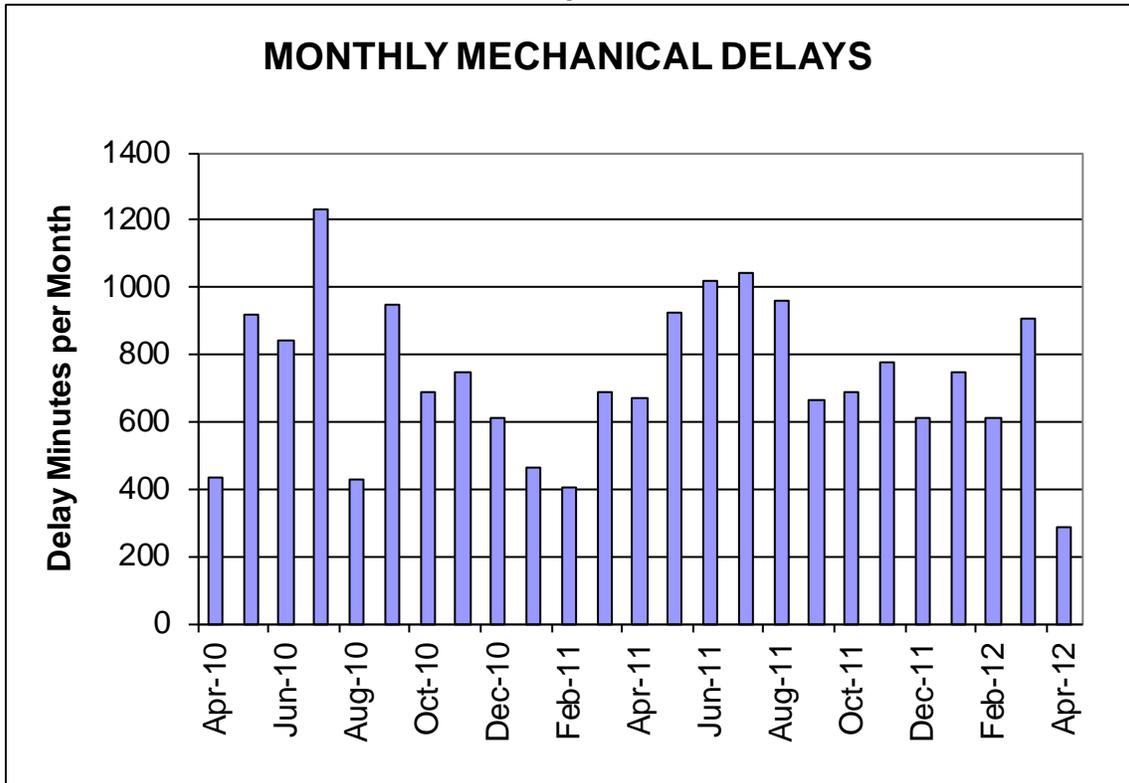
	FY2011	FY2012	% Change
Total Ridership	10,341,408	11,480,812	11.0%
Average Weekday Ridership	39,195	43,114	10.0%
Total Farebox Revenue	\$39,525,343	\$48,416,420	22.5%
On-time Performance	93.5%	93.5% ▲	0.0%*
Average Caltrain Shuttle Ridership	5,491	7,117	29.6%

* numeric difference of the percentages

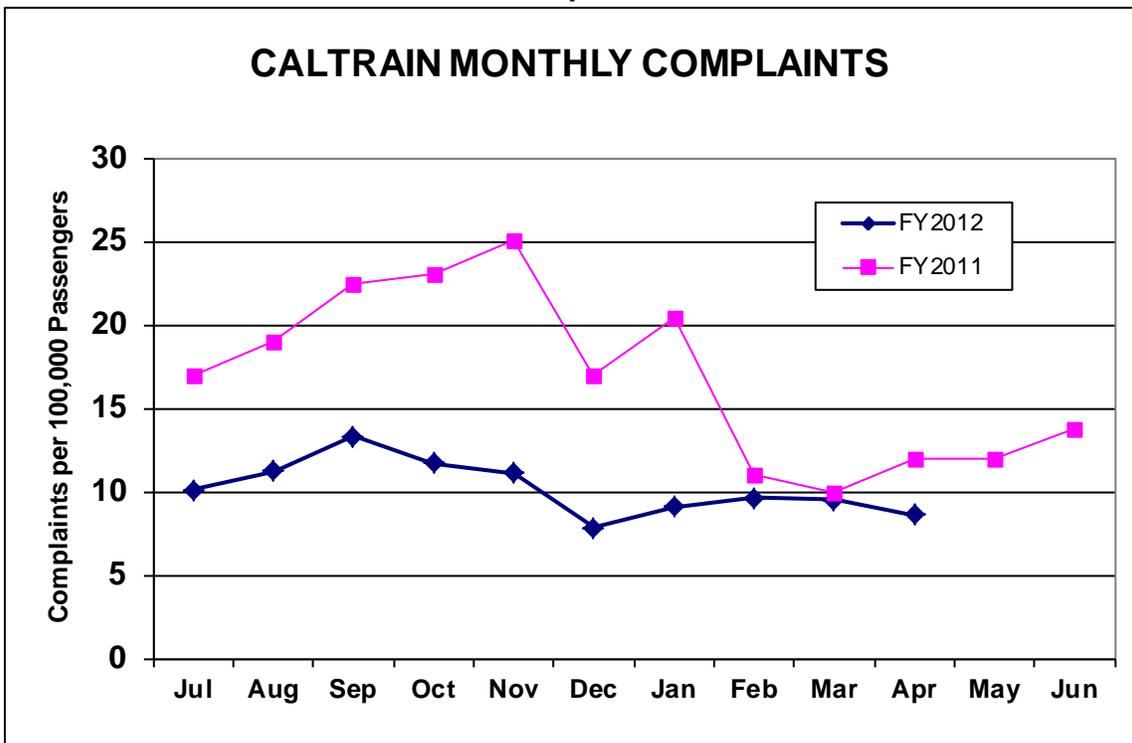
Graph A



Graph B



Graph C



PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Mark Simon
Executive Officer for Public Affairs

SUBJECT: Proclamation Declaring June 21, 2012 as “National Dump the Pump Day”

ACTION

Staff Coordinating Council recommends the Board adopt the proclamation designating June 21, 2012 as “National Dump the Pump Day.”

SIGNIFICANCE

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

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

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

In the last year, Caltrain has taken a number of steps to make taking transit easier:

- Offered the public free rides on New Year’s Eve evening
- Added Live Twitter updates to Caltrain website
- Completed the renovation of the Santa Clara station, which includes a pedestrian tunnel and a new boarding platform
- Sold pre-paid tickets for Bay to Breakers

Prepared by: Christine Dunn, Public Information Officer 650.508.6238

Proclamation

IN HONOR OF NATIONAL DUMP THE PUMP DAY

WHEREAS, June 21, 2012 marks the American Public Transportation Association's 7th Annual National Dump the Pump Day; and

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

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

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

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

WHEREAS, public transportation use in 439 urban areas in the United States saved 796 million hours annually in travel time and 303 million gallons of fuel; and without public transportation, annual congestion costs would have risen by nearly \$17 billion from \$101 to \$118 billion; and

NOW, THEREFORE BE IT RESOLVED that on this 7th day of June 2012, the Peninsula Corridor Joint Powers Board, in support of APTA's efforts, encourage citizens to get out of their vehicles and onto public transportation, and do hereby proclaim Thursday, June 21, 2012 as *NATIONAL DUMP THE PUMP DAY*.

Chair, Peninsula Corridor Joint Powers Board



**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **STATEMENT OF REVENUE AND EXPENSE FOR THE PERIOD
ENDING APRIL 30, 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 April 2012 and supplemental information.

SIGNIFICANCE

Revenue: For YTD through April of Fiscal Year 2012, *Total Operating Revenue* (line 7) is \$3,946,907 or 7.6 percent **better** than revised budget. Within total operating revenue, *Farebox Revenue* (line 1), *Parking Revenue* (line 2), *Rental Income* (line 4) and *Other Income* (line 5) together are \$4,106,728 or 8.1 percent **better** than budget. Within *Other Income* \$79,100 were recovery payout from Lehman Brothers bankruptcy and subsequent loss recorded in fiscal year 2009. This is the first and largest of six disbursements expected over a three year period. Compared to the prior year, *Total Operating Revenue* (line 7) is \$9,857,958 or 21.4 percent **higher** driven mainly by *Farebox Revenue* (line 1) which is \$8,898,205 or 22.5 percent **higher**.

Expense: *Grand Total Expense* (line 46) is \$6,109,868 or 6.9 percent **better** than budget. *Total Operating Expense* (line 33) is \$5,261,660 or 6.8 percent **better** than budget. Within total operating expense, *Contract Operating & Maintenance* (line 23) and *Services* (line 31) together are \$4,361,402 or 8.3 percent **better** than budget. *Total Administrative Expense* (line 42) is \$848,207 or 9.2 percent **better** than budget.

Compared to prior year, *Grand Total Expense* (line 46) are \$2,915,917 or 3.7 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 \$2,065,800 or 3.1 percent **higher** and is offset by *Insurance* (line 28) which is \$1,373,364 or 25.7 percent **lower** than budget.

Budget Amendments: There are no budget revisions for the month of April 2012.

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

650.508.7752
650.508.6259

PENINSULA CORRIDOR JOINT POWERS BOARD

STATEMENT OF REVENUE AND EXPENSE

Fiscal Year 2012

April 2012

% OF YEAR ELAPSED

83.3%

	MONTH		YEAR TO DATE			ANNUAL		
	CURRENT ACTUAL	PRIOR ACTUAL	CURRENT ACTUAL	REVISED BUDGET	% REV BUDGET	APPROVED BUDGET	REVISED BUDGET	% REV BUDGET
(AS PROJECTED)								
REVENUE								
OPERATIONS:								
1 Farebox Revenue	5,173,588	39,525,342	48,423,547	44,622,280	108.5%	50,644,719	54,069,757	89.6%
2 Parking Revenue	330,846	2,055,210	2,685,463	2,454,666	109.4%	2,776,600	2,987,854	89.9%
3 Shuttles	76,583	915,200	797,298	957,120	83.3%	1,148,579	1,148,579	69.4%
4 Rental Income	148,297	1,444,069	1,477,220	1,447,700	102.0%	1,737,240	1,737,240	85.0%
5 Other Income	304,544	2,055,485	2,469,734	2,424,590	101.9%	2,913,060	2,913,060	84.8%
6								
7 TOTAL OPERATING REVENUE	6,033,858	45,995,305	55,853,263	51,906,356	107.6%	59,220,198	62,856,490	88.9%
8								
CONTRIBUTIONS:								
10 AB434 Peninsula Feeder Shuttle	82,778	833,333	823,978	826,198	99.7%	1,000,000	1,000,000	82.4%
11 Operating Grants	1,250,000	6,354,321	4,740,710	6,929,138	68.4%	9,222,450	9,271,706 [1]	51.1%
12 JPB Member Agencies	2,111,438	29,241,775	21,114,379	21,114,370	100.0%	25,337,256	25,337,256	83.3%
13 Other Sources	(457,296)	-	-	7,227,580	0.0%	9,000,000	9,000,000	0.0%
14								
15 TOTAL CONTRIBUTED REVENUE	2,986,920	36,429,430	26,679,067	36,097,286	73.9%	44,559,706	44,608,962	59.8%
16								
17 GRAND TOTAL REVENUE	9,020,778	82,424,736	82,532,330	88,003,642	93.8%	103,779,904	107,465,452	76.8%
18								
19								
EXPENSE								
OPERATING EXPENSE:								
23 Contract Operating and Maintenance	4,700,247	48,468,948	47,609,249	51,820,779	91.9%	62,851,773	62,423,008	76.3%
24 Operator Contract Transition Costs	331,835	-	2,290,835	2,795,927	81.9%	3,200,000	4,700,000	48.7%
25 Shuttles (incl Peninsula Pass)	255,168	2,529,158	2,398,061	2,505,982	95.7%	2,984,550	2,984,550	80.3%
26 Fuel	1,206,615	10,410,028	12,928,333	12,973,578	99.7%	14,660,380	15,160,380	85.3%
27 Timetables and Tickets	13,000	142,689	120,543	121,333	99.3%	161,000	161,000	74.9%
28 Insurance	416,883	5,348,060	3,974,696	4,058,300	97.9%	4,870,000	4,870,000	81.6%
29 Facilities and Equipment Maint	133,295	998,984	1,233,909	1,242,868	99.3%	1,037,260	1,498,200	82.4%
30 Utilities	111,173	1,332,230	1,182,188	1,330,833	88.8%	1,596,835	1,596,835	74.0%
31 Services	212,730	845,235	846,241	996,113	85.0%	1,171,760	1,189,760	71.1%
32								
33 TOTAL OPERATING EXPENSE	7,380,946	70,075,332	72,584,055	77,845,715	93.2%	92,533,558	94,583,733	76.7%
34								
ADMINISTRATIVE EXPENSE								
36 Wages and Benefits	514,660	4,963,249	4,683,206	5,310,960	88.2%	6,340,690	6,336,359	73.9%
37 Board of Directors	525	10,588	7,858	9,000	87.3%	10,800	10,800	72.8%
38 Professional Services	292,888	1,762,705	2,370,830	2,118,644	111.9%	2,143,542	2,312,921	102.5%
39 Communications and Marketing	1,706	172,607	40,249	129,068	31.2%	171,000	171,000	23.5%
40 Office Expense and Other	99,592	1,074,314	1,288,514	1,671,193	77.1%	1,477,439	1,886,601	68.3%
41								
42 TOTAL ADMINISTRATIVE EXPENSES	909,370	7,983,463	8,390,657	9,238,864	90.8%	10,143,471	10,717,681	78.3%
43								
44 Long Term Debt Expense	91,906	919,063	919,063	919,063	100.0%	1,102,875	1,102,875	83.3%
45								
46 GRAND TOTAL EXPENSE	8,382,222	78,977,857	81,893,774	88,003,642	93.1%	103,779,904	106,404,289	77.0%

"% 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



PENINSULA CORRIDOR JOINT POWERS BOARD

INVESTMENT PORTFOLIO

AS OF APRIL 30, 2012

TYPE OF SECURITY	MATURITY DATE	INTEREST RATE	PURCHASE PRICE	MARKET RATE
Local Agency Investment Fund (Restricted)	Liquid Cash	0.367%	\$ 2,000,000	\$ 2,000,000
Local Agency Investment Fund (Unrestricted)	Liquid Cash	0.367%	29,821,396	29,821,396
Investment Portfolio (Unrestricted)	Liquid Cash	0.000%	0	0
Other (Unrestricted)	Liquid Cash	0.010%	1,125,833	1,125,833
			\$ 32,947,229	\$ 32,947,229

Accrued Earnings for April, 2012	\$9,909.95
Cumulative Earnings FY2012	\$149,875.24

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

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **PROPOSED FISCAL YEAR 2013 OPERATING BUDGET**

ACTION

The Staff Coordinating Council recommends that the Joint Powers Board approve a Fiscal Year (FY) 2013 Operating Budget of \$111,368,706.

SIGNIFICANCE

At the May 3 Board meeting, staff presented a preliminary FY2013 Operating Budget that was balanced. No changes have been made since then. The proposed FY2013 Operating Budget of \$111.4 million is an increase of \$5.0 million, or 4.7 percent, over the FY2012 revised budget. See Attachment A.

Fiscal Year 2013 Revenue Projections

Total revenues for FY2013 are projected to be \$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 \$42.0 million which includes the following:
 - AB434 & San Mateo County Transportation Authority (TA) Shuttle Funding is projected to \$2.2 million which includes the 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 \$111.4 million and include the following significant components:

- Operating Expenses for Caltrain are projected at \$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 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 \$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, Caltrain will continue discussions with the Metropolitan Transportation Commission (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. Caltrain will continue to work with its partner agencies, MTC, as well as other stakeholders, including the Silicon Valley Leadership Group and Friends of Caltrain, in an attempt to identify and secure a permanent, dedicated funding source for future operations.

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

Prepared by: Ladi Bhuller, Manager, Budgets

650.508.7755

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

	FY2011 <u>ACTUAL</u> A	FY2012 <u>ADOPTED</u> B	FY2012 <u>REVISED</u> C	FY2013 <u>PROPOSED</u> 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

RESOLUTION NO. 2012 -

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

* * *

**ADOPTION OF FISCAL YEAR 2013 OPERATING BUDGET IN THE AMOUNT OF
\$111,368,706**

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

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

WHEREAS, the Executive Director has prepared and presented an Operating Budget for Fiscal Year (FY) 2013 in the amount of \$111,368,706 which sets forth the projected revenues and expenses associated with the Peninsula Commute Service; and

WHEREAS, following review and deliberation, the Staff Coordinating Council has recommended adoption of the FY2013 Operating Budget as presented by the Executive Director.

NOW THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board (JPB) approves the FY2013 Operating Budget for the JPB in the amount of \$111,368,706, and approves member agency apportionments for FY2013 that increases members' operating contribution level by 32% as compared to FY2012; and

BE IT FURTHER RESOLVED that the Executive Director is requested to forward a copy of the FY2013 Operating Budget to JPB member agencies for approval at the earliest practicable date.

Regularly passed and adopted this 7th day of June 2012, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZE ADOPTION OF PROPOSED FISCAL YEAR 2013
CAPITAL BUDGET**

ACTION

Staff Coordinating Council recommends that the Board adopt a Capital Budget of \$39,093,085 for Fiscal Year (FY) 2013 (See Attachment A).

SIGNIFICANCE

At the May 3, 2012 JPB Board meeting, staff presented a preliminary FY2013 Capital Budget of \$40,078,085, consisting primarily of critical infrastructure and equipment state-of-good-repair, legally mandated, and safety enhancement projects. The FY2013 Capital Budget was proposed to be funded by a mixture of Federal, State, and regional grants. It also included a request of \$13,041,169 to the three JPB member agencies, or \$4,347,056 each, to fully fund the proposed program of capital projects in FY2013.

During the May 3, 2012 JPB Board meeting, staff reported that the three JPB member agencies, San Francisco, San Mateo, and Santa Clara Valley Transportation Authority (VTA), were in discussion with each other as to the amount each can contribute towards the FY2013 Capital Budget. The amount of contribution proposed by the member agencies ranged from \$2.5 million to \$4.3 million. Since the 1996 Joint Powers Agreement provides that costs of capital projects not covered by outside funding are to be shared equally by the three JPB members, staff discussed with the Board the projects that would need to be reduced and/or deferred if each member cannot contribute the \$4,347,056 requested.

Since the May 3, 2012 meeting, funding for the FY2013 Capital Budget has been adjusted to include \$212,000 in programming from MTC's Bridge Toll proceeds to match to Federal funds. As a result of this additional funding, the total amount of local funds required from the three JPB members has now been reduced to \$12,829,169, or \$4,276,390 each.

Staff at the respective agencies have worked together since the May 3, 2012 meeting, and the partners have determined they each can contribute \$3.878 million. However, the increased contribution from San Francisco County Transportation Authority (SFCTA)'s Proposition K county sales tax funds is a result of advancing future sales tax to the current year to fulfill this year's critical capital needs. In order to match the program of projects to the amount of funding available, staff proposes postponing the *Painting of Bayshore Station* and *Train Departure Monitors at Terminal Stations* projects at this time.

The FY2013 Capital Budget now also includes the *San Francisco Bike Station Study and Tenant Improvement* Project for which the JPB has secured funding from the SFCTA. The project will provide funding to make tenant improvements as part of the operating contract that is anticipated to start at the end of this calendar year, and to complete a study that will recommend investment scenarios to comprehensively address longer term bicycle access demand.

The FY2013 Capital Budget is broken down into the following major categories:

- **Infrastructure and Equipment State of Good Repair.** Some of the highlights in this category include:
 - * Replace existing train dispatcher voice communication system;
 - * Full project funding for the San Francisco Roadway Bridges replacement project;
 - * Maintain the current infrastructure in a state of good repair by completing necessary track and structures rehabilitation and replacement;
 - * Replace and upgrade signal and communication equipment;
 - * Continue the procurement and installation of a new state-of-the-art train control and network traffic management system;
 - * Continue to rehabilitate components of the current fleet of passenger cars and locomotives to ensure vehicles will operate reliably up to the end of their duty cycles.
- **Legal Mandates** – Provide funding to furnish additional wheelchair spaces in the Gallery and Bombardier passenger car fleet in order to comply with the Americans with Disabilities Act requirements. Funding to complete the design development plan for Caltrain’s Communications Based Overlay Signal System (CBOSS)/Positive Train Control (PTC) project has been requested through the High Speed Rail Early Investment Strategy, and will be amended into the FY2013 Capital Budget once the funds are approved by the State.
- **Caltrain Modernization** – Provide funding for overall program management and planning coordination efforts with California High Speed Rail Authority to define the program for high-speed rail development in the Caltrain corridor, as well as to establish project priorities and construction sequence to ensure Caltrain operational needs are met.

BUDGET IMPACT

The total proposed FY2013 Capital Budget is \$39,093,085. Total funding secured to finance the proposed FY2013 Capital Budget includes Federal, State, and other grant funding in the amount of \$27,458,916. Local match requirement to these sources is \$11,634,169, or \$3,878,056 per member.

BACKGROUND

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

Prepared by: April Chan, Director, Budgets and Grants

650.508.6228

ATTACHMENT A: FY13 CALTRAIN CAPITAL BUDGET

Version: June 7, 2012

Proposed Funding Plan

Item #	PROJECT TITLE/DESCRIPTION	FY 13 PROJECT PHASE	EST. TOTAL COST	PREVIOUSLY PROGRAMMED	PROPOSED CAPITAL BUDGET FY13	FUTURE NEEDS
State of Good Repair						
Station & Intermodal Access						
1.1	Systemwide Station Rehabilitation - SOGR FY13	Pre.Eng., Final Des. Constr	9,430,000	4,993,000	500,000	3,937,000
1.2	4th & King Bike Stn Study & Tenant Improvements	Pre.Eng., Final Des., Constr	210,000	0	210,000	0
			710,000	3,937,000		
Right of Way / Signal & Communications						
1.3	Caltrain Rail Operations Control System (ROCS)	Fin Des, Constr.	14,197,816	11,197,816	3,000,000	0
1.4	Caltrain Predictive Arrival/Departure System (PADS)	Fin Des, Constr.	4,567,232	4,237,585	329,647	0
1.5	Train Dispatcher Voice Communication System Upgrade	Des / Constr	1,831,500	0	1,728,000	103,500
1.6	FY13 Voice Radio System Rehab	Final Des, Constr	550,000	0	550,000	0
1.7	FY13 Systemwide Track Rehab	Fin Des / Constr	7,000,000	0	7,000,000	0
1.8	San Mateo Bridges Replacement - Design	Pre Eng -Final Des	1,200,000	0	1,200,000	0
1.9	Signal System Rehab FY13	Final Des / Constr	12,000,000	6,100,000	1,800,000	4,100,000
1.10	San Francisco Roadway Bridges-22nd, 23rd, and Paul Avenue	Construction	20,471,787	14,846,927	5,624,860	0
1.11	Railroad Communication System SOGR	Final Des / Constr	1,127,500	0	1,021,500	106,000
1.12	Upgrade Public Address at 22nd St, SSF, Snyvl and Diridon	Construction	1,638,000	0	800,000	838,000
			23,054,007	5,147,500		
Rolling Stock						
1.13	Locomotive O/H - SOGR	Construction	*		3,882,610	0
1.14	Passenger Car SOGR Program	Construction	*		3,117,390	0
			7,000,000	0		
LEGAL MANDATES						
2.1	CBOSS PTC Project	Des / Constr	231,000,000	25,035,591	TBD	TBD
2.2	ADA on Caltrain - Increase Capacity	Fin. Des. & Constr	299,240	0	299,240	0
			299,240	0		
OPERATIONAL IMPROVEMENTS/ENHANCEMENTS						
3.1	CCTV Improvements at Stations	Pre Eng, Final Des	500,000	0	469,623	0
3.2	ROW Safety Fencing	Construction	7,838,520	5,519,128	703,794	1,615,598
3.3	South Terminal - Wayside Power	Construction	2,300,000	1,000,000	1,300,000	0
3.4	Railsim Modeling Software Upgrade	Fina Des / Procurement	300,000	0	300,000	0
3.5	Dual Mode Communications	Final Des/ Constr	242,000	0	242,000	0
3.6	Station Utilities and Asset Maps	Prelim Eng / Fin Des	1,192,021	0	992,421	199,600
			4,007,838	1,815,198		
CALTRAIN MODERNIZATION						
4.1	Program Implementation and Management	Pre Eng	3,422,000	1,390,000	2,032,000	0
			2,032,000	0		
CALTRAIN SUPPORT PROGRAM AND CONTINGENCY						
5.1	Capital Project Development	Support			500,000	
5.2	Capital Program Management	Support			500,000	
5.3	Capital Contingency Funds (Engineering)	Support			330,000	
5.4	Capital Contingency Funds (Rail)	Support			660,000	
			1,990,000	0		
FY13 Proposed Capital Budget					39,093,085	

Federal		State		Other		JPB		
Amount	Source	Amount	Source	Amount	Source	Amount	Source	FY2013 TOTAL
						500,000		500,000
				210,000	SF			210,000
				0				0
0		0		210,000		500,000		710,000
2,400,000	FTA			600,000	Other			3,000,000
263,718	FTA			65,929	Other			329,647
1,382,400	FTA					345,600		1,728,000
440,000	FTA					110,000		550,000
5,600,000	FTA	812,000	AB664			588,000		7,000,000
960,000	FTA					240,000		1,200,000
1,260,000	FTA					540,000		1,800,000
5,130,153	FHWA			494,707	SF			5,624,860
817,200	FTA					204,300		1,021,500
						800,000		800,000
18,253,471		812,000		1,160,636		2,827,900		23,054,007
0		1,277,354	Prop 1B	0		2,605,256		3,882,610
805,608	FTA	1,917,038	Prop 1B	0		394,744		3,117,390
805,608		3,194,392		0		3,000,000		7,000,000
								0
239,392	FTA					59,848		299,240
239,392		0		0		59,848		299,240
		469,623	Prop 1B					469,623
		703,794	Prop 1B					703,794
						1,300,000		1,300,000
						300,000		300,000
						242,000		242,000
						992,421		992,421
0		1,173,417		0		2,834,421		4,007,838
		1,610,000	CHSRA			422,000		2,032,000
0		1,610,000		0		422,000		2,032,000
						500,000		500,000
						500,000		500,000
						330,000		330,000
						660,000		660,000
0		0		0		1,990,000		1,990,000
19,298,471		6,789,809		1,370,636		11,634,169		39,093,085

*The estimated cost of the Rolling Stock State of Good Repair program from FY13 through FY22 is approximately \$80 million (in FY13 dollars) which includes \$7.3 million deferred from FY11 and FY12.

RESOLUTION NO. 2012 –

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

* * *

**AUTHORIZING ADOPTION OF THE FISCAL YEAR 2013 CAPITAL BUDGET
IN THE AMOUNT OF \$39,093,085**

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

WHEREAS, the Executive Director and the Staff Coordinating Council recommend that the Board of Directors (Board) adopt the Capital Budget for Fiscal Year (FY) 2013 in the amount of \$39,093,085, as more particularly set forth in Attachment A; and

WHEREAS, the local match funding requirement for the proposed Capital Budget is \$11,634,169, requiring a contribution of \$3,878,056 from each of the three member agencies to fully satisfy their local funding requirement; and

WHEREAS, San Francisco will provide \$3,878,056 of its FY2013 local match from Proposition K funds through the San Francisco County Transportation Authority; and

WHEREAS, San Mateo will provide \$3,878,056 of its FY2013 local match through the San Mateo County Transportation Authority; and

WHEREAS, Santa Clara will provide \$3,878,056 of its FY2013 local match through the Santa Clara Valley Transportation Authority.

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Corridor Joint Powers Board adopts the Fiscal Year 2013 Capital Budget in the amount of \$39,093,085, as set forth in

Attachment A, with the understanding that, as to the local match funding requirement, the three member agencies will each contribute \$3,878,056; and

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

Regularly passed and adopted this 7th day of June 2012, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

SUBJECT: **SUPPORTING EXTENSION OF AGREEMENT FOR LAW
ENFORCEMENT AND POLICE COMMUNICATIONS SERVICES
AND EXECUTION OF A FINANCIAL AGREEMENT WITH THE
SAN MATEO COUNTY TRANSIT DISTRICT**

ACTION

Staff Coordinating Council (SCC) recommends the Board support the San Mateo County Transit District's (District) action to extend its agreement with the County of San Mateo for law enforcement and police communications services (Contract) provided to the District and the Peninsula Corridor Joint Powers Board (JPB) and authorize the Executive Director to execute a financial agreement (Agreement) between the District and the JPB by which the JPB underwrites a portion of the law enforcement and police communications services that are procured pursuant the Contract. The Contract will be at a total not-to-exceed cost of \$12,346,064, over a three-year term, of which the District's share will not exceed \$2,716,135. The balance of the costs will be borne by the JPB for its share of the Contract services, which amount will not exceed \$9,629,929.

SIGNIFICANCE

JPB action will provide authority for the continuation of contracted law enforcement and police communications services for Caltrain through the existing Contract between the District and the County. The Contract law enforcement and police communications services will extend through December 31, 2014.

BUDGET IMPACT

Funding is contained in the JPB operating budget for Fiscal Year 2013 for the full year of law enforcement and police communications services based on the existing Contract. In subsequent years, contract increases will be based upon the cost of services to the County and are currently estimated at 3.7 percent annually.

BACKGROUND

The District, on its own behalf and on behalf of the JPB, entered into an initial three year agreement for law enforcement and police communication services with the County in

January 2002. On December 14, 2004, the District entered into the existing Contract for a term of three and a half years to coincide with the JPB's fiscal year budgeting. In March 2008, the District and JPB Boards approved an extension to the Contract through June 30, 2011.

The Contract for all police services provided to the District and the JPB by the County results in efficiency and ease of administration. The JPB pays its share of the cost of the services provided in support of the Caltrain service through a financing arrangement with the District. This financing arrangement will be memorialized by the execution of the Agreement between the District and the JPB. Currently, the JPB requirements for law enforcement services equates to approximately 78 percent of the total cost of services. The JPB's share is higher than the District's share because of the highly specialized nature of the rail response services, requiring significantly more of the County's law enforcement services than the bus operations, some of which are handled by local law enforcement, as well as the broader geographical area the County covers for Caltrain.

The extension of the Contract proposes to continue law enforcement and police communications services for three years in support of both the District's bus operations and JPB rail operations. Under the existing format, which is overseen by the Chief of Protective Services, the County of San Mateo coordinates all requests for police service, collision investigations, police reports and similar functions. Benefits to the JPB include explosive-detecting K-9 units, crime scene investigation and criminal forensics, coroner's services, and backup personnel as required. Emergency calls and dispatch services will be provided through the San Mateo County Dispatch Center. Local police agencies and citizens alike continue to praise the JPB for the quick and professional responses to incidents, made possible by the structure of the current arrangement.

The Contract amendment provides that the County will continue to dedicate a total of 11 positions to provide law enforcement and police communications services in support of SamTrans bus operations and JPB rail operations as follows: one Lieutenant; one Detective; two Sergeants; five Deputies; one Code Enforcement Officer; and one Legal Office Specialist.

Prepared By: Gigi Harrington, Deputy CEO

650.508.7950

RESOLUTION 2012-

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

**SUPPORTING EXTENSION OF AGREEMENT FOR LAW ENFORCEMENT AND
POLICE COMMUNICATIONS SERVICES BETWEEN THE SAN MATEO COUNTY
TRANSIT DISTRICT AND THE COUNTY OF SAN MATEO AND
EXECUTION OF A FINANCIAL AGREEMENT WITH THE SAN MATEO COUNTY
TRANSIT DISTRICT TO PAY FOR SERVICES PROVIDED TO CALTRAIN
PURSUANT TO SAID AGREEMENT**

WHEREAS, in January 2002, the San Mateo County Transit District (District), on its behalf and on behalf of the Peninsula Corridor Joint Powers Board (JPB), entered into an agreement (Contract) with the County of San Mateo (County) for law enforcement services and police communications services for both bus operations and rail operations (collectively “Services”); and

WHEREAS, the JPB and the District each provides proportionate funding for the Services provided to its respective agency under the Contract; and

WHEREAS, in order to maintain the existing level of Services while the District and the County negotiate a new contract, the JPB, District, and County desire to extend the term of the current Contract for an additional three years through December 31, 2014; and

WHEREAS, the Executive Director recommends that the Board support the District's action to extend the Contract with the County for an additional three years and authorize the Executive Director to execute a financial agreement between the District and the JPB pursuant to which each agency will provide its share of funding to cover the Services provided to that agency; and

WHEREAS, the total not-to-exceed cost will be \$12,346,064, over the three-year term, of which the JPB's share will not exceed \$9,629,929, with the balance of the costs borne by the District for its share of the Services.

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

1. Supports the District's action to extend the Contract with the County for an additional three years, with the understanding that the JPB's share of the total costs will be based on the percentage allocation set forth in the Contract for a total not-to-exceed cost to the JPB of \$9,629,929.

2. Authorizes the Executive Director or his designee to execute a financial agreement between the District and the JPB pursuant to which each agency will provide its share of funding to cover the Services provided to that agency.

3. Authorizes the Executive Director or his designee to take such further actions as may be required to give effect to this Resolution.

Regularly passed and adopted this 7th day of June, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Power Board

ATTEST:

JPB Secretary

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

FROM: Gigi Harrington
Deputy CEO

**SUBJECT: AUTHORIZE AMENDMENT TO EXTEND THE CONTRACT WITH
WELLS FARGO INSURANCE SERVICES, USA, INC. FOR INSURANCE
BROKER SERVICES**

ACTION

Staff Coordinating Council (SCC) recommends the Board authorize the Executive Director or designee to execute an amendment to the contract for the provision of insurance broker services with Wells Fargo Insurance Services, USA, Inc. (Wells Fargo Insurance), to extend the Agreement on a month-to-month basis for up to one additional year at a cost of up to \$100,000, effective July 1, 2012.

SIGNIFICANCE

Approval of the above action will provide staff time to conclude preparation of a new scope of services and issue a Request for Proposals (RFP) for insurance broker services while Wells Fargo Insurance continues to provide the JPB with these services.

BUDGET IMPACT

Funds for this service will be available under the proposed Fiscal Year 2013 Operating Budget.

BACKGROUND

Pursuant to Resolution 2006-05, the Board awarded a three-year contract with two one-year option terms to Technology Insurance Services, Inc. (TIS) to provide insurance broker services to the JPB. The contract was amended to assign and transfer the agreement from TIS to ABD Insurance and Financial Services, Inc. (ABD) when ABD acquired TIS, and again to memorialize ABD's name change to Wells Fargo Insurance Services, USA, Inc. The JPB has also exercised both available options terms.

The re-solicitation of insurance broker services has been delayed due to staff re-organizations; therefore, additional time is required to complete the development of the scope of services for the RFP. Staff initiated the re-solicitation process for insurance broker services in May 2012.

Contract Officer: Adwoa Oni 650.508.6411
Project Manager: Dave Triolo, Director, Risk Management 650.508.6237

RESOLUTION NO. 2012 -

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

* * *

**AUTHORIZING AMENDMENT TO THE CONTRACT WITH WELLS FARGO
INSURANCE, USA, INC. FOR INSURANCE BROKER SERVICES TO EXTEND THE
AGREEMENT ON A MONTH-TO-MONTH BASIS FOR UP TO ONE YEAR AT A
COST OF UP TO \$100,000**

WHEREAS, pursuant to Resolution 2006-05, the Peninsula Corridor Joint Powers Board (JPB) awarded a contract to provide insurance broker services to Technology Insurance Services, Inc. (TIS) for a three-year base term, with two one-year option terms (Agreement); and

WHEREAS, the Agreement was amended to transfer and assign the Agreement to ABD Insurance and Financial Services, Inc. (ABD) when ABD acquired TIS; and

WHEREAS, the Agreement was further amended to memorialize ABD's name change to Wells Fargo Insurance Services, USA, Inc. (Wells Fargo Insurance) of San Carlos, California; and

WHEREAS, the JPB has previously exercised each of the available one-year options terms under the Agreement; and

WHEREAS, staff proposes to amend the Agreement to extend it for up to one additional year to allow the JPB time to complete the development of a new scope of services and to issue the Request for Proposals for re-solicitation of insurance broker services; and

WHEREAS, the Executive Director recommends that the Board of Directors authorize the amendment to the Agreement with Wells Fargo Insurance to extend the contract term on a month-to-month basis up to June 30, 2013 at a cost of up to \$100,000.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Peninsula Corridor Joint Powers Board authorizes the Executive Director or designee to execute an amendment to the Agreement with Wells Fargo Insurance, in a form approved by Legal Counsel, to extend the contract term on a month-to-month basis for up to a one year at cost of up to \$100,000, effective July 1, 2012.

Regularly passed and adopted this 7th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Peninsula Corridor Joint Powers Board

ATTEST:

JPB Secretary

<i>Project Manager's Estimate</i>		<i>\$40,276,948</i>
1.	Mansfield Oil Co., Gainesville, GA	\$44,087,735
2.	Pinnacle Petroleum, Huntington Beach, CA	\$44,272,526
3.	Golden Gate Petroleum, Martinez, CA	\$44,601,026
4.	Hunt & Sons, Sacramento, CA	\$44,719,180
5.	SC Fuels, Orange, CA	\$45,015,790

The submitted bids contained irregularities including the use of incorrect OPIS indices, math errors, and exceptions to the IFB terms and conditions. Written exceptions submitted with bids are not allowed under sealed bid procedures and JPB procurement policy.

In order to satisfy the JPB's fuel requirements, the JPB will continue to use Pinnacle Petroleum, its incumbent contractor; the current pricing is comparable to the pricing offered by bidders in response to the IFB. The project manager is satisfied with Pinnacle's performance to date and staff anticipates that in December 2012 the JPB will exercise the first of two remaining one-year option terms.

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

**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

State Budget

The Governor released his May Revision to the 2012-13 State Budget on May 14 and announced that the state's budget deficit has grown by \$6.5 billion due to lower than expected revenues and a federal court decision preventing the state from charging co-payments for Medi-Cal services.

The 2012-13 budget deficit now stands at \$15.7 billion. In addition to the income and sales tax measures that will appear on the November ballot, the Governor has proposed to address the additional shortfall through a combination of cuts to health and human services programs, loan repayment deferrals and increased fees. If the tax measures are not passed by voters, an additional \$6.1 billion in cuts will be triggered and will primarily affect public education funding.

The budget does not include any substantive impacts on public transportation programs or State Transit Assistance funding.

Caltrain Modernization/High-speed Rail

The Governor's budget request for the state's high-speed rail project includes nearly \$3.5 billion to match federal grant awards and begin construction of the project in the Central Valley. It also includes full appropriation of the remaining \$816 million in Proposition 1A connectivity funding. According to the Memorandum of Understanding (MOU) negotiated among Bay Area transportation agencies, \$106 million of these funds will be directed toward Caltrain

modernization to improve commuter rail service on the Peninsula and help prepare the Caltrain corridor to receive and accommodate high-speed rail.

The Governor's budget language requires the California Transportation Commission (CTC) to develop a new list of projects that will receive Proposition 1A connectivity funding and gives authority to the Department of Finance to oversee the appropriate distribution of these funds. It also requires that Proposition 1A funds requested for the Central Valley be allocated prior to the allocation of connectivity funds.

Caltrain staff worked with the Metropolitan Transportation Commission to submit requests to the CTC for the reprogramming of the Bay Area's connectivity funds in accordance with the MOU. Staff also met with CTC, Department of Finance and the California High Speed Rail Authority to ensure that the early investments called for in the Bay Area High Speed Rail MOU will be reflected in the CTC's new list of projects.

FEDERAL ISSUES

Authorization

The Conference Committee charged with negotiating the reauthorization of surface transportation funding has been meeting consistently since mid-May and there are reports of progress. Both Democratic and Republican conferees have reported that it's possible they may agree to a longer-term bill than the two-year proposal passed by the Senate, although it remains unclear how a longer-term bill would be funded.

The inclusion of approval of the Keystone XL oil pipeline in the House reauthorization proposal continues to be a key point of disagreement. On May 16, U.S. Transportation Secretary Ray LaHood sent a letter to the Committee reiterating that the Administration would veto any bill that includes approval of the pipeline and outlining the Administration's priorities for transportation reauthorization generally.

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

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p><u>AB 41</u> <u>Hill D</u></p> <p>High-Speed Rail Authority: conflicts of interest: disqualification.</p>	<p>SENATE THIRD READING 5/1/2012 - Read second time. Ordered to third reading.</p>	<p>Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local 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.</p> <p>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.</p> <p>Last Amended on 4/30/2012</p>	
<p><u>AB 57</u> <u>Beall D</u></p> <p>Metropolitan Transportation Commission.</p>	<p>SENATE T. & H. 3/5/2012 - From committee chair, with author's amendments: Amend, and re- refer to committee.</p>	<p>The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county San Francisco Bay Area with comprehensive regional transportation planning and other related responsibilities. Existing law requires the commission to consist of 19 members, including 2 members each from the Counties of Alameda and Santa Clara, and 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.</p> <p>This bill would, instead, require the commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would 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. This bill contains other related provisions and other existing laws. Last Amended on 3/5/2012</p>	
<p><u>AB 441</u> <u>Monning D</u></p> <p>State planning.</p>	<p>SENATE T. & H. 2/16/2012 - Referred to Com. on T. & H.</p>	<p>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.</p> <p>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. Last Amended on 1/23/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
AB 492 Galgiani D High-Speed Rail Authority.	SENATE RLS. 6/27/2011 - From committee chair, with author's amendments: Amend, and re- refer to committee.	<p>Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes.</p> <p>This bill would require the authority to 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.</p> <p>Last Amended on 6/27/2011</p>	
AB 1126 Calderon, Charles D Transaction and use tax: rate.	SENATE G. & F. 2/2/2012 - Referred to Com. on GOV. & F.	<p>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.</p> <p>This bill would decrease those rates to 1/8 of 1%. Last Amended on 1/4/2012</p>	
AB 1191 Huber D Local government finance.	SENATE G. & F. 2/16/2012 - Referred to Com. on GOV. & F.	<p>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.</p> <p>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</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>AB 1532 John A. Pérez D</p> <p>California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account.</p>	<p>SENATE RLS. 5/29/2012 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas 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.</p> <p>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 administering agencies, including the state board and any other state agency identified by the Legislature, to allocate 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 5/1/2012</p>	
<p>AB 1549 Gatto D</p> <p>Development: expedited permit review.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 5/25/2012 - In committee: Set, second hearing. Held under submission.</p>	<p>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.</p> <p>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</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>AB 1570 Perea D</p> <p>Environmental quality: California Environmental Quality Act: record of proceedings.</p>	<p>ASSEMBLY THIRD READING 5/25/2012</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA 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.</p> <p>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.</p> <p>Last Amended on 4/10/2012</p>	
<p>AB 1572 Fletcher I</p> <p>Service authorities for freeway emergencies: San Diego County.</p>	<p>ASSEMBLY THIRD READING 5/29/2012 - Read third time and amended.</p>	<p>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).</p> <p>This bill, with respect to the service authority created in the County of San Diego, would provide for the authority to be dissolved on January 1, 2013, and for the San Diego Association of Governments (SANDAG) to become the successor authority and to assume the remaining responsibility for maintaining call boxes as of that date. The bill would require the authority to develop a plan, as specified, for transitioning its responsibilities to SANDAG in the transition period between the effective date of this bill and January 1, 2013, and would require SANDAG's approval for the authority to expend funds or enter into contracts during that transition period. The bill would limit the reserves that SANDAG, as the successor to the authority, may hold at the time this bill becomes effective 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 5/29/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>AB 1606 Perea D</p> <p>Local public employee organizations: impasse procedures.</p>	<p>SENATE APPR. 5/17/2012 - From committee chair, with author's amendments: Amend, and re-refer to committee.</p>	<p>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.</p> <p>This bill would instead authorize the employee organization to request that the parties' differences be submitted to a fact-finding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules. The bill would also authorize an employee organization, if the dispute was not submitted to mediation, to request that the parties' differences be submitted to a fact-finding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse. The bill would specify that the procedural right of an employee organization to request a factfinding panel cannot be expressly or voluntarily waived. The bill would also specify that its provisions are intended to be technical and clarifying of existing law. Last Amended on 5/17/2012</p>	
<p>AB 1665 Galgiani D</p> <p>California Environmental Quality Act: exemption: railroad crossings.</p>	<p>SENATE RLS. 5/21/2012 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.</p> <p>This bill would exempt from CEQA the closure of a railroad grade crossing by order of the PUC under the above authority if the PUC finds the crossing to present a threat to public safety. Last Amended on 4/18/2012</p>	
<p>AB 1671 Huffman D</p> <p>Department of Transportation: retention proceeds.</p>	<p>SENATE T. & H. 5/17/2012 - Referred to Com. on T. & H.</p>	<p>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.</p> <p>This bill would make these provisions operative until January 1, 2020. The bill would also make a statement of legislative findings.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
AB 1770 Lowenthal, Bonnie D California Transportation Financing Authority.	SENATE T. & H. 5/17/2012 - Referred to Coms. on T. & H. and GOV. & F.	<p>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.</p> <p>This bill would provide that a rail project may consist of, or include, rolling stock.</p>	
AB 1778 Williams D Local transportation funds.	ASSEMBLY RECONSIDERATION 5/14/2012 - Read third time. Refused passage. (Ayes 31. Noes 29. Page 4831.). Motion to reconsider made by Assembly Member Williams.	<p>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.</p> <p>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 5/1/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p><u>AB 1779</u> <u>Galgiani D</u></p> <p>Intercity rail agreements.</p>	<p>ASSEMBLY THIRD READING 5/29/2012 - Read second time. Ordered to third reading.</p>	<p>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.</p> <p>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.</p> <p>Last Amended on 5/25/2012</p>	
<p><u>AB 1780</u> <u>Bonilla D</u></p> <p>Department of Transportation: project studies reports.</p>	<p>SENATE RLS. 5/29/2012 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>Existing law requires the Department of Transportation, in consultation with transportation planning agencies, county transportation commissions, counties, and cities, to carry out long-term state highway planning. Existing law authorizes the department, to the extent that it does not jeopardize the delivery of projects in the adopted state transportation improvement program, to prepare a project studies report for capacity-increasing state highway projects. Existing law requires the department to review 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.</p> <p>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. The bill would make other related changes. Last Amended on 3/29/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>AB 1915 Alejo D</p> <p>Safe routes to school.</p>	<p>SENATE T. & H. 5/24/2012 - Referred to Com. on T. & H.</p>	<p>Existing law requires the Department of Transportation, in consultation with the California Highway Patrol, to establish and administer a "Safe Routes to School" program for construction of bicycle and pedestrian safety and traffic calming projects, and to award grants to local agencies in that regard from available federal and state funds, based on the results of a statewide competition. Existing law sets forth various factors to be used to rate proposals submitted by applicants for these funds.</p> <p>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.</p> <p>Last Amended on 3/26/2012</p>	
<p>AB 1960 Dickinson D</p> <p>State contracts: reports: lesbian, gay, bisexual, and transgender businesses.</p>	<p>SENATE G.O. 5/17/2012 - Referred to Com. on G.O.</p>	<p>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.</p> <p>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.</p> <p>Last Amended on 3/27/2012</p>	
<p>AB 2200 Ma D</p> <p>Vehicles: high-occupancy vehicle lanes.</p>	<p>SENATE RLS. 5/29/2012 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>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.</p> <p>This bill would, until January 1, 2020, 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 5/1/2012</p>	
<p>AB 2247 Lowenthal, Bonnie D</p> <p>Public transportation: offenses.</p>	<p>SENATE T. & H. 5/24/2012</p>	<p>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.</p> <p>This bill would repeal those provisions. This bill contains other related provisions and other existing laws. Last Amended on 4/18/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
AB 2298 Ma D Junk dealers and recyclers.	SENATE PUB. S. 5/17/2012 - Referred to Com. on PUB. S.	<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.</p> <p>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</p>	
AB 2375 Knight R Vehicles: public transit buses: illuminated signs.	SENATE T. & H. 5/17/2012 - Referred to Com. on T. & H.	<p>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.</p> <p>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.</p>	
AB 2382 Gordon D Department of Transportation: Innovation District Demonstration Project.	SENATE RLS. 5/21/2012 - In Senate. Read first time. To Com. on RLS. for assignment.	<p>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.</p> <p>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. Last Amended on 5/15/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>AB 2405 Blumenfeld D</p> <p>Vehicles: high-occupancy toll lanes.</p>	<p>SENATE T. & H. 5/3/2012 - Referred to Com. on T. & H.</p>	<p>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.</p> <p>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</p>	
<p>AB 2498 Gordon D</p> <p>Department of Transportation: Construction Manager/General Contractor project method.</p>	<p>SENATE RLS. 5/25/2012 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>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.</p> <p>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. Last Amended on 5/1/2012</p>	
<p>AB 2679 Committee on Transportation</p> <p>Transportation: omnibus bill.</p>	<p>SENATE RLS. 5/17/2012 - In Senate. Read first time. To Com. on RLS. for assignment.</p>	<p>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. 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. This bill contains other related provisions and other existing laws. Last Amended on 3/27/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>ACA 23 Perea D</p> <p>Local government transportation projects: special taxes: voter approval.</p>	<p>ASSEMBLY PRINT 2/24/2012 - From printer. May be heard in committee March 25.</p>	<p>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.</p> <p>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, non-substantive changes.</p>	<p>Support</p>
<p>SB 46 Correa D</p> <p>Public officials: compensation disclosure.</p>	<p>ASSEMBLY DESK 8/22/2011 - In Assembly. Read first time. Held at Desk.</p>	<p>Existing provisions of the Political Reform Act of 1974 require certain persons employed by agencies to file annually a written statement of the economic interests they possess during specified periods. The act requires that state agencies promulgate a conflict of interest code that must contain, among other topics, provisions that require designated employees to file statements disclosing reportable investments, business positions, interests in real property, and income. The act requires that every report and statement filed pursuant to the act is a public record and is open to public inspection.</p> <p>This bill would, 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. This bill contains other related provisions and other existing laws. Last Amended on 6/2/2011</p>	
<p>SB 50 Correa D</p> <p>Vehicles: driving under the influence: controlled substances.</p>	<p>ASSEMBLY RLS. 4/16/2012 - From committee with author's amendments.</p>	<p>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.</p> <p>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</p>	
<p>SB 749 Steinberg D</p> <p>California Transportation Commission: guidelines.</p>	<p>ASSEMBLY TRANS. 4/24/2012 - Referred to Coms. on TRANS. and B., P. & C.P.</p>	<p>Existing law generally provides for programming and allocation of state and federal funds available for transportation capital improvement projects by the California Transportation Commission, pursuant to various requirements. Existing law authorizes the commission, in certain cases, to adopt guidelines relative to its programming and allocation policies and procedures.</p> <p>This bill would establish specified procedures that the commission would be required to utilize when it adopts guidelines, except as specified, and would exempt the adoption of those guidelines from the requirements of the Administrative Procedure Act. This bill contains other existing laws. Last Amended on 1/4/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p><u>SB 878</u> <u>DeSaulnier D</u></p> <p>Regional planning: Bay Area.</p>	<p>ASSEMBLY L. GOV. 4/26/2012 - Referred to Coms. on L. GOV. and NAT. RES.</p>	<p>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.</p> <p>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 agencies, the bill would impose a state-mandated local program. Last Amended on 6/9/2011</p>	
<p><u>SB 1102</u> <u>DeSaulnier D</u></p> <p>State transportation improvement program.</p>	<p>ASSEMBLY TRANS. 5/10/2012 - Referred to Com. on TRANS.</p>	<p>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.</p> <p>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.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>SB 1117 DeSaulnier D</p> <p>Statewide passenger rail transportation plan.</p>	<p>SENATE THIRD READING 5/25/2012 - Read second time. Ordered to third reading.</p>	<p>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.</p> <p>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 Department of Transportation to assist the commission, as specified. 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 5/1/2012</p>	
<p>SB 1160 Padilla D</p> <p>Communications: service interruptions.</p>	<p>ASSEMBLY DESK 5/25/2012 - In Assembly. Read first time. Held at Desk.</p>	<p>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 charges for transmittal or delivery of the message have 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.</p> <p>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. This bill contains other related provisions and other existing laws. Last Amended on 5/15/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>SB 1225 Padilla D</p> <p>Intercity rail agreements.</p>	<p>SENATE THIRD READING 5/29/2012</p>	<p>Existing law authorizes the Department of Transportation to contract with Amtrak for intercity passenger rail 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.</p> <p>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. This bill contains other related provisions and other existing laws. Last Amended on 5/29/2012</p>	
<p>SB 1339 Yee D</p> <p>Commute benefit policies.</p>	<p>ASSEMBLY DESK 5/7/2012 - In Assembly. Read first time. Held at Desk.</p>	<p>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.</p> <p>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.</p>	
<p>SB 1380 Rubio D</p> <p>Environmental quality: California Environmental Quality Act: bicycle transportation plan.</p>	<p>ASSEMBLY ASSEMBLY 5/29/2012 - Read third time. Passed. (Ayes 36. Noes 2.) Ordered to the Assembly.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR.</p> <p>This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified and would also require a local agency or person who determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with the OPR. This bill contains other existing laws. Last Amended on 5/3/2012</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>SB 1396 Dutton R</p> <p>Sales and use taxes: excise taxes: fuel.</p>	<p>SENATE T. & H. 5/3/2012 - Set, first hearing. Hearing canceled at the request of author.</p>	<p>The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or 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."</p> <p>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. This bill contains other related provisions and other existing laws. Last Amended on 4/11/2012</p>	<p>Oppose</p>
<p>SB 1533 Padilla D</p> <p>Electricity: energy crisis litigation.</p>	<p>ASSEMBLY DESK 5/25/2012 - In Assembly. Read first time. Held at Desk.</p>	<p>Existing law, until January 1, 2013, requires the Attorney General to represent the Department of Finance and to succeed to all rights, claims, powers, and entitlements of the Electricity Oversight Board in any litigation or settlement to obtain ratepayer recovery for the effects of the 2000-02 energy crisis. Existing law additionally prohibits the Attorney General from expending the proceeds of any settlements of those claims, except as specified.</p> <p>This bill would repeal the above-described requirements on January 1, 2016. Last Amended on 5/1/2012</p>	
<p>SB 1545 DeSaulnier D</p> <p>Bay Area toll bridges.</p>	<p>ASSEMBLY TRANS. 5/17/2012 - Referred to Com. on TRANS.</p>	<p>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.</p> <p>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. This bill contains other related provisions and other existing laws.</p>	

**Peninsula Corridor Joint Powers Board
State Legislative Matrix as of 5-30-12**

Bill ID/Topic	Location	Summary	Position
<p>SB 1549 Vargas D</p> <p>Transportation projects: alternative project delivery methods.</p>	<p>SENATE CONSENT CALENDAR 5/29/2012 - Ordered to special consent calendar.</p>	<p>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.</p> <p>This bill would allow the San Diego Association of Governments to utilize alternative project delivery methods, as defined, for public transit projects within its jurisdiction. The bill would require the San Diego Association of Governments 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, upon completion of a project, require a progress report to be submitted by the San Diego Association of Governments to its governing board and would require the report to be made available on its Internet Web site. 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. This bill would make legislative findings and declarations as to the necessity of a special statute for San Diego regional transportation entities.</p> <p>Last Amended on 4/30/2012</p>	
<p>SB 1572 Pavley D</p> <p>California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account.</p>	<p>SENATE THIRD READING 5/29/2012</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emission reductions. The act authorizes the state board to 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.</p> <p>This bill would create the Greenhouse Gas Reduction Fund. The bill would require moneys, as specified, collected pursuant to a market-based compliance mechanism to be deposited in this fund. The bill also would require those moneys, upon appropriation by the Legislature, be used for purposes of carrying out the act. Last Amended on 5/29/2012</p>	
<p>SCA 7 Yee D</p> <p>Public bodies: meetings.</p>	<p>ASSEMBLY APPR. SUSPENSE FILE 8/25/2011 - Set, second hearing. Held in committee and under submission.</p>	<p>The California Constitution requires meetings of public bodies to be open to public scrutiny. 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</p>	

**PENINSULA CORRIDOR JOINT POWERS BOARD
STAFF REPORT**

TO: Joint Powers Board

THROUGH: Michael J. Scanlon
Executive Director

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

SUBJECT: **CAPITAL PROJECTS QUARTERLY STATUS REPORT –
3rd QUARTER FISCAL YEAR 2012**

ACTION

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

SIGNIFICANCE

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

BUDGET IMPACT

There is no impact on the budget.

BACKGROUND

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

Prepared by: Kelvin Yu, Manager, Project Controls

650.622.7853

The report can be viewed at the following link:

http://www.caltrain.com/Assets/_Finance/Quarterly+Capital+Program+Status+Report/JPB+FY12+Q3+Quarterly+Report.pdf