

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

**Minutes
November 6, 2008**

MEMBERS PRESENT: J. Cisneros, S. Elsbernd, J. Hartnett (Chair), D. Gage,
A. Lloyd, F. Williams, K. Yeager

MEMBERS ABSENT: N. Ford, J. Hill

MTC LIAISON ABSENT: S. Lempert

STAFF PRESENT: G. Cameron, J. Cassman, C. Cavitt, C. Harvey, R. Haskin,
R. Lake, M. Martinez, N. McKenna, D. Miller, M. Scanlon,
M. Simon, R. Tam

Chair Jim Hartnett called the meeting to order at 10:04 a.m. and Director Ken Yeager led the Pledge of Allegiance.

PUBLIC COMMENT

Bert Rifas, Millbrae, distributed a memo to the Board on fuel savings. He asked the Board to hire a consultant to look at the benefits and cost savings of running shorter trains on weekends and off-peak hours.

Jeff Carter, Burlingame, asked about the train being out of service for three hours on October 30 without a shuttle or bus bridge. Conductors should have a map of available SamTrans service for passengers. Mr. Carter said recently the southern part of the Millbrae parking lot has been closed. He appreciates the express service on the day after Thanksgiving, but once an hour service is not frequent enough. It should be every 30 minutes.

Pat Giorni, Burlingame, said the public only had two-and-a-half days to review the Caltrain Bike Access and Parking Plan before its adoption last month. She would like to thank staff for removing the onus of dwell time on people who bring their bikes on board, which had no discernable or documented basis.

Benjamin Damm, San Francisco, said at last month's JPB meeting he distributed photographs of the bike car and adjoining passenger car on the trains he rode. Director Forrest Williams said he wanted to see more photos taken at different times he said. Director Don Gage said he wanted more data. Today he presents to the Board representative photos taken on various trains during commute hours as well as off-peak. Please increase on-board bike capacity.

George Lane, San Francisco, would like to call to the Board's attention San Francisco Mayor Gavin Newsom's video release on October 29 supporting Caltrain increasing onboard bicycle

capacity. Mr. Lane also suggests a Caltrain passenger bill of rights. Conductors could give passengers a coupon if bumped.

Greg Conlon, Atherton, said he is pleased that Proposition 1A passed, but still concerned about the two accidents that have occurred over the last two weeks. Quad gates are needed on an interim basis and if the Board thinks Union Pacific (UP) will not conform, he will be glad to open a proceeding with the Public Utilities Commission (PUC) to force UP to conform.

CONSENT CALENDAR

The Board approved the following items under the Consent Calendar:

- a) Approval of Minutes of October 2, 2008
- b) Acceptance of the Statement of Revenues and Expenses, September 2008
- c) Information on Conflict of Interest Code
- d) Approval of 2009 Meeting Calendar
- e) Authorize Amending and Increasing the Fiscal Year 2009 Capital Budget by \$329,729 to \$151,104,629 for the Stockton Avenue Railroad Crossing Project

CHAIRPERSON'S REPORT

Chair Hartnett said he was glad to see Prop 1A passed.

MTC LIAISON REPORT

None

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Bruce Jenkins, CAC Chair, reported at the October 15 meeting:

- Manager of Accessible Services Bill Welch gave a presentation on the proposed policy for transporting Segways on Caltrain.
- Deputy Director of Rail Operations Michelle Bouchard gave a report on performance, a fare increase and an 8-ride ticket proposal, the Caltrain Bicycle Access and Parking Plan, bolster repairs, the deployment of new Bombardier cars and the day after Thanksgiving service.
- Next meeting is November 19.

Public Comment

Pat Giorni, Burlingame, said at the October 15 meeting Jeff Carter commented on weekend ridership increasing and the number of bicycles being bumped. He suggested management increase the number of weekend trains and model the service on the day after Thanksgiving schedule.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- This morning at a private, unprotected rail crossing at milepost 62.2, south of Blossom Hill, the first northbound train from Gilroy struck a car. Mr. Scanlon thanked Santa Clara Valley Transportation Authority (VTA) for promptly dispatching a bus to get passengers off the train and create a bus bridge to the San Jose/Diridon station. Last Thursday the first northbound train hit a truck and this delayed service. Extra buses were put on El Camino Real and local streets and Caltrain fare media was accepted on buses.

- Performance Statistics for September 2008 compared to September 2007:
 - a. Total Ridership was 1,140,660, an increase of 18.8 percent.
 - b. Average Weekday Ridership was 43,769, an increase of 13.4 percent.
 - c. Total Revenue was \$3,849,884, an increase of 18.3 percent.
 - d. On-time Performance was 94.5 percent, an increase of 0.4 percent.
 - e. Caltrain Shuttle Ridership was 6,020, an increase of 11.4 percent.
- Year-to-date Statistics:
 - f. Total Ridership was 3,575,034, an increase of 16.4 percent.
 - g. Average Weekday Ridership was 45,896, an increase of 14.8 percent.
 - h. Total Revenue was \$12,066,208, an increase of 15.2 percent.
 - i. On-time Performance was 93.8 percent, exactly the same as last year.
 - j. Caltrain Shuttle Ridership was 6,241, an increase of 18.4 percent.
- The California Transportation Commission (CTC) has approved advance funding for the upgrade of several existing grade crossings and new grade separations involved in all three counties. Mr. Scanlon thanked Commissioner Carl Guardiano who worked to get some of this money back to the Caltrain service area.
- Fuel costs are down significantly, but rumors are up significantly relative to devastating state budget cuts aimed at transportation funding. There is a real danger the governor will be taking \$2.6 million from Caltrain.
- Police force has been doing great work with the City of Palo Alto Police Department due to some recent activity at the Palo Alto station.
- The monthly Safety & Security report has an interesting update on the grade crossing diagnostic review.
- Staff is working on the changes to the Codified Tariff for the January 1, 2009, fare increase and new 8-ride ticket.
- Special events include Stanford football; an additional 900 passengers were carried on extra service provided for the Halloween Party at AT&T Park.
- All cars are back in service and staff has reached a settlement with the original manufacturer.
- New Bombardier cars have all been delivered.
- The Day after Thanksgiving schedule has been published.
- The reading file contains a flyer on the Holiday Train on December 6 and 7 benefitting Toys for Tots and the 2008 Progress Report.
- Staff is making significant progress with bikes on board and trying to accommodate all passengers.

Director Gage asked when the bikes issue will come to the Board for discussion. Mr. Scanlon said staff will have it to the Board for discussion by January.

Director Gage suggested the January agenda be kept light as there could be a lot of bike discussion.

Director Yeager appreciated the bicycle update Mr. Scanlon provided last month and the alternatives.

Director Yeager said that with the passage of Proposition 1A, the High Speed Rail bonds, a window of opportunity has opened and he wants make sure there is enough staff onboard to take every opportunity presented.

Mr. Scanlon said the passage of Proposition 1A provides a great opportunity and some real challenges, as well as with the passage of the Federal Rail Bill. Staff wants to have a lot of say about how and when High Speed Rail (HSR) gets built along this corridor. If the JPB has its money ready, staff can then leverage with HSR money and make a convincing case early for HSR between San Jose and San Francisco. HSR is hoping to finish environmental work and get to a 35 percent design by 2011. Staff has a very general Memorandum of Understanding with the HSR.

Director Yeager said if there is shortage of staff to attend meetings he hopes Mr. Scanlon comes to the Board and asks them to attend the meetings.

Vice-Chair Gage said staff needs to identify if there are any bottlenecks with the old UP tracks and new tracks and if we need to take legislative action against UP to get the people at the state and federal levels onboard now.

Mr. Scanlon said he is cautiously optimistic. Legal Counsel David Miller and Rail Transformation Chief Bob Doty are in constant talks with UP.

Chair Hartnett suggested there should be a Caltrain legislative caucus to advocate as a bloc for Caltrain interests.

Public Comment

Shirley Johnson, San Francisco, said it is great to hear weekday ridership has increased, but how much of the ridership is due to bicycle riders. The answer is none because Caltrain has not increased bicycle capacity since 2002. Ms. Johnson asked the plans for the increased bicycle capacity be shared with the public first before the plan is released. Since September, bicycle capacity has decreased substantially because of the addition of Bombardier cars. The San Francisco Bicycle Coalition has done a careful analysis of many years of passenger boarding patterns and have come to the conclusion only 3 percent of the seats need to be removed to make room for bikes.

Bert Rifas, Millbrae, said he had contact with the safety department at American Public Transportation Association (APTA) and they told Mr. Rifas they do not do research. Mr. Rifas distributed a picture of the area where the train hit the truck last week in San Mateo.

Chair Hartnett said in respect to electrification he echoes the comments of Director Yeager and Vice-Chair Gage and he does believe Caltrain is ready to be the first in the nation to take advantage of the technology for electricification. Chair Harnett said it is important that if additional resources are needed and if there is something the Board or partners can do, staff takes advantage of the Board's services because this is a once-in-a-lifetime opportunity.

Chair Harnett thanked staff for being very active on the safety issues and devoting time, attention and resources to it. Staff is affected up and down the line with every accident and takes it very seriously and approaches it in a sensitive way.

Director Williams said in regards to the photos that show seats empty, will staff look at the variations of times and being able to accommodate the bikes. The bottom line is to transport the individual and any items they bring on board. Regarding the safety issue, people say we need to do more so they can't go around gates. People are going to always tempt fate.

Mr. Scanlon thanked Chair Hartnett and Director Williams for their concern of safety. No one takes the fatalities harder than the engineer and this rolls down to the first responders. VTA is doing its own safety update. He thanked the Board for their support and staff may come with a proposal in the near future for a Project Manager/Construction Manager (PM/CM) as staff is engaged with HSR.

Director Art Lloyd said it is also hard on the conductor and the assistant conductor as they have to survey the scene after an accident.

Director Lloyd said these photos of the bike car capacity seem deceptive as they show southbound trains in the morning and northbound trains in the afternoon. Director Lloyd said this is not the predominant flow of direction. He would like to see pictures of trains northbound in the morning and southbound in the afternoon. He said he is 100 percent behind the bicyclists, but these pictures are deceptive.

Mr. Scanlon said pictures are not going to capture what is happening on this railroad. With all due respect to the San Francisco Bicycle Coalition this is not about the aggregate number of seats over the course of a day because we don't have a problem with the aggregate number of bicycle spots over the course of the day. What we have is peak hour problems. It is not a simple problem, but Mr. Scanlon said it is one that can be resolved.

AUTHORIZE EXECUTION OF A BASELINE AGREEMENT AND SUBSEQUENT FUNDING AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR CALTRAIN GRADE SEPARATION PROJECTS FROM THE PROPOSITION 1B HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT IN A TOTAL AMOUNT OF \$45,000,000

Ian McAvoy, Chief Development Officer, said staff is proposing funding for three projects: the bridge program in San Mateo; old bridges in the southern area of San Francisco, Jerrold and Quint; and the San Bruno grade separation, which is at 35 percent design. The San Bruno project was put on hold while staff undertook the State of Good Repair program.

Public Comment

Pat Giorni, Burlingame, said she is still concerned the San Mateo bridges grade separation project does not repair the substandard road bed. Ms. Giorni also noted the Transportation Authority is allocating money for grade separations and there is some duplication of funds here.

The motion (Lloyd/Gage) to authorize execution of a baseline agreement with Caltrans was approved unanimously by roll call.

**AUTHORIZE AWARD OF CONTRACT FOR RAIL GRINDING SERVICES TO
ADVANCED RAIL MANAGEMENT CORPORATION FOR \$1,843,350 FOR A THREE-
YEAR TERM**

There was no discussion on this item.

The motion (Williams/Lloyd) to award a contract to Advanced Rail Management Corporation was approved unanimously by roll call.

**ADOPTION OF POLICY TO PERMIT PERSONS WITH DISABILITIES WHO USE
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (EPAMD) AS A
MOBILITY DEVICE TO RIDE CALTRAIN**

Chuck Harvey, Chief Operating Officer, made the following points:

- Guidance was issued by the U.S. Department of Transportation (DOT) in 2005 relative to the use of EPAMADs, such as Segways, as a mobility device.
- A policy team was formed with staff from rail operations and bus operations to look at best practices.
- Staff tested boarding, alighting and securing of these vehicles.
- Persons must be certified by Caltrain before they can use a Segway or a similar device as a mobility aid on the system.
- The proposed policy covers all Segways and any other EPAMDs.
- Caltrain is limiting the proposed policy to persons with disabilities who use EPAMDs as a mobility aid.
- Users must obtain a permit.
- The EPAMDs will be permitted on station ramps, must be pushed or pulled on the accessible ramps on the rail car and stored in the wheelchair station on a first-come, first-served basis. If there are already passengers that need assistance on board trains and all the wheelchair slots are taken, the passenger will have to wait for the next train or paratransit is called to pick the passenger up at the station.
- Non-residents, who are visiting the area must be certified on their home system or show proof of residence outside of the Caltrain area.

Public Comment

Jim Heldberg, representing Segway of San Francisco, said this policy is great. He is willing to work with the advisors to educate people.

Matthew Gast, San Francisco, asked the Board to reconsider limiting the use of Segways on Caltrain to disabled riders only. Mr. Gast uses his Segway on BART to get to work. He cannot ride Caltrain now because he cannot bring his Segway on board. Mr. Gast urged the Board to look at what BART has done for non-disabled riders who use Segways for commuting.

Pat Giorni, Burlingame, said it is premature of the Board to adopt this policy as there is only one person who has asked for this policy. One member of the JPB CAC agrees this is premature to adopt this policy as it is not yet a codified ADA requirement.

Mr. Harvey said the DOT guidance was issued three years ago and if the policy is not adopted Caltrain could have claims. As far as access for all Segways, it was rejected because there is a

key station access plan and there is not level boarding at all stations, limited wheelchair slots and wheelchair passengers are getting bumped now.

The motion (Gage/Lloyd) to adopt the policy for EPAMDs was approved unanimously by roll call.

Director Williams asked if the Board will receive feedback on any issues from this policy. Mr. Scanlon said yes.

REJECTION OF ALL PROPOSALS FOR TRAIN PREDICTIVE ARRIVAL/ DEPARTURE SYSTEM

Cheryl Cavitt, Director of Contracts, said Staff Coordinating Council is recommending the Board reject all proposals received in response to the solicitation for a train predictive arrival/departure system. This will allow staff to do further research and perhaps revise the scope of work. Staff released the Request for Proposal (RFP) under the provisions of Public Contract Code Section 20217, which authorizes the use of the RFP method and also allows staff to reject any and all proposals and issue new requests for proposals at staff's discretion.

Director Yeager said he is in agreement with the rejection of the bids and exploring other options.

Director Williams questioned if the RFP will look at web-based applications.

Public Comment

John Eaton, Chief Financial Officer of NextBus, would like to suggest the revised RFP contain a requirement that the system be Web-based so the predictions are available over the Internet. This way customers can retrieve train information by Internet-enabled devices, such as cell phones and PDAs. NextBus has successfully delivered this technology to Muni, AC Transit, Water Emergency Transit Authority and Genentech. Caltrain riders can access arrival information for their connecting Muni trains.

Director José Cisneros asked if the RFP required Web-based access to the information.

Robert Tam, Project Manager, said the objective was to provide MTC real-time predictive arrival and departure time for their 511 system. The 511 system would disseminate the information to the public via telephone or the Web.

The motion (Lloyd/Cisneros) to reject all proposals was approved unanimously.

CORRESPONDENCE

Provided in the reading file.

BOARD MEMBER REQUESTS

Mr. Scanlon congratulated Director Sean Elsbernd for his reelection to the San Francisco Board of Supervisors and also thanked him for facilitating meetings with the San Francisco PUC to explore how staff might be able to leverage our relationship with electrification.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, December 4, 2008, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos CA 94070.

REPORT OF LEGAL COUNSEL

Closed Session: Significant Exposure to Litigation Pursuant to Subdivision (b) (1) of Section 54956.9 (One Potential Case)

Mr. Miller said there will be a closed session to discuss a matter of potential litigation.

Meeting adjourned to closed session at 11:24 a.m.

Meeting reconvened to open session at 11:53 a.m.

Mr. Miller reported the Joint Powers Board met in closed session to hear a report from counsel on a matter of potential litigation. After taking this matter under advisement the Board has given direction to counsel. At this moment he can not report specifically what legal counsel will be doing, but at the next meeting will make a statement for the record.

ADJOURNED

Adjourned at 11:55 a.m.