

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

**Minutes
October 1, 2009**

MEMBERS PRESENT: M. Church, J. Cisneros, S. Elsbernd, D. Gage (Chair), J. Hartnett, A. Kalra, A. Lloyd

MEMBERS ABSENT: N. Ford, K. Yeager

MTC LIAISON: S. Lempert

STAFF PRESENT: J. Cassman, C. Cavitt, A. Chan, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Lee, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon, D. Spaethling

PUBLIC COMMENT

Kathy Hamilton, Menlo Park, said she lives very close to the tracks and the horn noise is causing families in the area to suffer. She asked if sound recordings could be taken after all the horns have been retrofitted.

Chair Gage said by law the engineers have to blast the horns and staff is doing the best they can to resolve this issue.

Jeff Carter, Burlingame, suggested the horn comments be forwarded to the Federal Railroad Administration (FRA) since they are enforcing this issue. He asked if there are any studies that show blowing the horns at the current decibel level reduces accidents.

Shirley Johnson, San Francisco, said San Francisco Municipal Transportation Agency (SFMTA) is doubling the number of bike lanes in San Francisco, which will bring more bicyclists to Caltrain. She asked that more bike capacity be added on the trains.

Director Ash Kalra arrived at 10:15 a.m.

Jim Bigelow, Redwood City Chamber of Commerce, thanked everyone for the get-well wishes. He congratulated staff on the new brochures on electrification and the Peninsula Rail Program.

Dick Poe, Menlo Park, thanked Caltrain for allowing bicycles on trains and for adding more bike capacity. He said Capitol Corridor is also adding bicycle capacity and has not bumped any bicyclists while Caltrain continues to bump bicyclists and strand riders. He asked staff to replace the empty seats with bike racks and ensure there are two bike cars on every train.

Pat Giorni, Burlingame, said BART has resumed direct service from the Millbrae Intermodal Station to San Francisco International Airport. She said fellow bicyclists are complaining the

new median installation at San Mateo grade crossings is crowding the bike lane. San Mateo Public Works was contacted and they suggested Caltrain paint a yellow line around the raised medians.

Steven Peckler, Menlo Park, said the noise from the horns is interrupting people's lives. He said some transportation agencies have paid for insulation of windows to cut down the noise level and why hasn't Caltrain done this? Mr. Peckler said the impact of increased noise should trigger an Environmental Impact Report (EIR) by Caltrain.

Lynn and Trina (no last name provided), Burlingame, said their quality of life has diminished with the horn noise and the noise at night is intolerable.

Deputy CEO Chuck Harvey said staff regrets the inconvenience the horn issue has caused with the neighbors, but Caltrain must adhere to FRA requirements. A complete redesign of the plumbing system of every air horn on the locomotives and cab control cars has been completed to move the horns down below. This redesign requires the installation of two additional control valves. To date, 13 units have been modified with the horns back underneath, operating at the lowest possible level in accordance with the FRA. Mr. Harvey said staff is focusing their efforts on the older F40 locomotives because they are the loudest and most annoying. Mr. Harvey said every cab control car and locomotive operating in a lead position will be modified with the horns underneath and will be operating at the lowest possible level by the end of November.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of September 3, 2009
- b) Acceptance of Statement of Revenues and Expenses for June 2009 (unaudited)
- c) Acceptance of Statement of Revenues and Expenses for August 2009
- d) Authorize Execution of Lease Addendum with Clay Del Secco and Carol Del Secco Trustees to Extend Lease of Warehouse at 4000 Campbell Avenue in Menlo Park for a Period of Two Years with a One-Year Option

CHAIRPERSON'S REPORT

No report.

MTC LIAISON REPORT

MTC Liaison Sue Lempert reported:

- She has been attending the High Speed Rail (HSR) meetings and Peninsula Rail Program Director Bob Doty is doing a fantastic job at these meetings. Ms. Lempert said there seems to be a lot of confusion, misunderstanding and frustration about the project. There is an event on Saturday where the architects will be presenting some designs on how Caltrain and HSR can run underground and the land use options above ground.
- There was a Dumbarton Rail Advisory Committee meeting last week and the committee agreed to pursue the rail option, continue work on the EIR, but in the context of the corridor as part of the Strategic Regional Rail Program. The committee supports continued negotiations with Union Pacific (UP) for the right of way. The Joint Powers Board (JPB) owns the right of way only to Newark and UP owns the right of way from Newark to Union City. The committee will consider offering interim bus service from Palo Alto and exploring

using Regional Measure 2 (RM2) operating funds for this service. The EIR cannot be finalized until a solid funding plan is completed.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair Gerald Graham reported:

- A certificate of appreciation was presented to Michael Kiesling for his service to the CAC.
- Public Information Specialist Tasha Bartholomew gave a rail safety presentation.
- The CAC sent a letter to the *Palo Alto Daily News* regarding their article on the accident involving the car on the tracks at Whipple Avenue in Redwood City, stating Caltrain did not cause the accident, poor judgment did.
- CAC members thanked staff for the bike signs on the front of the locomotives indicating the number of bike cars.
- He said he lives four blocks from the Caltrain tracks and hasn't noticed any difference in the horn noise. He thinks the increased media on this issue is causing people to complain.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported the following:

- Monthly Performance Statistics – August 2009
 - a. Total Ridership was 1,060,624 a decrease of 10.8 percent.
 - b. Average Weekday Ridership was 40,154, a decrease of 10.4 percent.
 - c. Total Revenue was \$3,819,252, a decrease of 5 percent.
 - d. On-time Performance was 95.4 percent, an increase of 3.6 percent.
 - e. Caltrain Shuttle Ridership was 5,404, a decrease of 17.9 percent.
- Year-to-date Performance Statistics ending August 2009
 - f. Total Ridership was 2,159,576, a decrease of 11.3 percent.
 - g. Average Weekday Ridership was 40,500, a decrease of 11 percent.
 - h. Total Revenue was \$7,709,200, a decrease of 6.2 percent.
 - i. On-time Performance was 94.8 percent, an increase of 1.5 percent.
 - j. Caltrain Shuttle Ridership was 5,424, a decrease of 14.6 percent.
- September was Rail Safety Month and activities included a news release, media workshop, public service announcements on the radio, a San Mateo County grade crossing event and a rail safety brown bag lunch for employees. Ms. Bartholomew was commended for her work on the rail safety events.
- The Caltrain Customer Satisfaction Survey was completed in June and provides valuable feedback. Some of the key findings: 78 percent of riders were somewhat or very satisfied with their overall Caltrain experience, significant increases in satisfaction in station experiences including the ease of using a Ticket Vending Machine (TVM), being informed of delays which exceed 10 minutes, customer onboard experiences and the availability of printed material.
- Special event service includes the United Football League at AT&T Park and more than 600 Stanford University freshman participated in the annual scavenger hunt last weekend.
- The San Jose Sharks will be wrapping one train car for a minimum of one month.
- The Giants season is coming to a close and ridership for September was up 55 percent versus September 2008; year-to-date ridership is up 10 percent over last season.
- To date 34 cab cars have been converted to add bicycle space and there were two bike cars on most trains 96.68 percent of the time in August. Three additional Bombardier cars are being converted for completion in early 2010.

Director Sean Elsbernd asked about the revenue numbers and how are they compared to actual versus budgeted. Mr. Scanlon said they slightly under, but pretty close.

Peninsula Rail Program Update

Mr. Scanlon said this morning the California High Speed Rail Authority (CHSRA) approved an amendment to the MOU.

HSR Project Manager Dominic Spaethling reported:

- There was a Burlingame City Council workshop and more than 100 people attended.
- The technical working groups involved with the environmental process rolled out the initial list of alternatives for the corridor and presented them to the cities and transportation agencies yesterday. More than 140 people attended the public workshop last night.
- Mr. Spaethling said two more workshops will be held October 9 in Sunnyvale and October 13 in San Francisco.
- There will be a two-day workshop this weekend in Palo Alto and staff will be providing technical assistance and helping the public understand what is required to build a high speed train system and a station that accomodates Caltrain and HSR. Staff is engaging the community, a variety of stakeholders and resources to make this a multi-disciplinary effort.
- Today is the due date for American Recovery and Reinvestment Act (ARRA) funding requests for Track 2. California submitted a request for \$4.5 billion, including \$1.28 billion for the Peninsula corridor.

Mr. Scanlon said there will be three news conferences by the CHSRA on the filing of the applications, one of which will be at San Jose Diridon station tomorrow. Executive Officer Public Affairs Mark Simon will e-mail the information to the Board.

Public Comment

Pat Giorni, Burlingame, said she attended the technical workshop last night. She said at the next two meetings there needs to be more information explained to the public on how to look at the charts so there is less confusion.

AUTHORIZE REJECTION OF BID FROM GENERAL PETROLEUM AS NON-RESPONSIVE AND AWARD OF CONTRACT FOR FURNISHING RED-DYED, ULTRA-LOW SULFUR DIESEL (ULSD) FUEL TO PINNACLE PETROLEUM, INC. FOR A TOTAL ESTIMATED COST OF \$17,351,949 FOR A TWO-YEAR TERM

Director of Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council is requesting the Board reject the lowest monetary bid from General Petroleum and award a contract to Pinnacle Petroleum. She said staff participated in a joint bid with the Regional Transit Coordinating Council and San Joaquin Regional Transit District was the lead agency. Staff received very competitive bids. The lowest monetary bidder used the incorrect Oil Price Information Service (OPIS) rate in calculating their contract price which deemed the bid non-responsive.

A motion (Hartnett/Cisneros) to authorize rejection of bid from General Petroleum as non-responsive and award of contract to Pinnacle Petroleum, Inc. for ultra-low sulfur diesel fuel was approved unanimously.

AUTHORIZE AMENDMENT TO FISCAL YEAR 2010 CAPITAL BUDGET IN THE AMOUNT OF \$1,700,000 FROM \$83,536,042 TO \$85,236,042

Director of Budgets and Grants April Chan said Staff Coordinating Council recommends an increase in the FY2010 capital budget by \$1.7 million for two projects: The horn restoration project in the amount \$200,000, funded from reserves and without a requirement for additional member contributions; and the South San Francisco parking lot improvement project, which includes improved lighting, drainage, striping and other improvements to bring the lot to standard. The San Mateo County Transportation Authority (TA) will be funding \$1.5 million from Measure A funds.

Public Comment

Pat Giorni, Burlingame, said that there was some concern at the TA CAC meeting that the project does not include additional pedestrian, ADA or bicycle facilities. She said there is a need to create an active bicycle committee to look at these projects and provide input.

Mr. Scanlon said South San Francisco, in a subsequent project, will be getting a complete upgrade once the HSR and UP issues are resolved, and these issues will be looked at. This motion is assuming the TA approves the request for these funds at its meeting tonight.

A motion (Lloyd/Church) to amend the Fiscal Year 2010 capital budget was approved unanimously by roll call.

UPDATE ON TRANSLINK ON CALTRAIN

Executive Officer Customer Service and Marketing Rita Haskin made the following report:

- MTC initiated this program in 2002 to introduce a regional smart card allowing seamless transfers between transit systems.
- Golden Gate Transit and AC Transit are in hard launch; BART, Caltrain and Muni are in soft launch; SamTrans and the Valley Transportation Authority (VTA) are scheduled for soft launch next year.
- In spring 2009 staff started testing on Caltrain and during the summer a select group of riders participated in a soft launch.
- Currently only the full fare monthly, full fare 8-ride or e-cash are available on the TransLink card.
- Passengers tag on and off at the stations, but monthly pass holders just need to tag on and off once at the beginning of the month to set the parameters.
- Eight-ride tickets must be tagged on and off instead of using the ticket validators.
- Currently there are limited vendors that sell the TransLink card and they have limited knowledge of the product.
- Auto-load is an option for customers, but this feature does not work for people who use Commuter Checks. There is a 72-hour lag time with loading funds onto the TransLink card via the Web or the TransLink Service Bureau.
- One of the goals of this program is to do away with prepaid paper fare.
- Some of the constraints with the program are the TVM integration and the printing of a monthly parking permit.
- An increased marketing program will begin early next year.

Public Comment

Jeff Carter, Burlingame, said the Bay Area has dozens of transit agencies with no transfer sharing programs so this is a good program, but there should be a universal fare for all agencies. He is concerned the TransLink card will not recognize the systemwide use of the card on weekends. Mr. Carter asked if tourists will have to purchase a TransLink card if there is no paper media available.

Ms. Haskin said it is only the prepaid fare media -- the monthly pass and 8-ride tickets -- will be transitioned to Translink. Customers will still be able to get day passes and one-way tickets at the TVMs.

Ms. Lempert said each transit agency is concerned they don't lose revenue, but this is the 21st century and people need to move toward this direction.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Affairs Manager Seamus Murphy made the following report:

- The State Commission on the 21st Century Economy released its tax reform recommendations which will be considered as part of a special session later this month. The controversial 18-cent pollution tax element of this proposal was removed from the final report, but even without this element it appears unlikely any of these recommendations will be approved. Staff was successful in working with VTA and the California Transit Association (CTA) in ensuring that the Commission's recommendation to phase out the State sales tax does not include the elimination of the sales tax on gasoline or diesel fuel.
- Yesterday, the California Supreme Court declined to hear an appeal of a lower court judgment in favor of CTA's lawsuit to protect against the diversion of public transportation account funds for non-mass transportation uses. The ruling makes it clear that the diversions are illegal and what remains unclear is whether future revenues will be restored to the public transportation account or the State Transit Assistance (STA) program.
- The federal fiscal year ended yesterday and Congress has been working to pass several stopgap funding measures. Both chambers passed a resolution that continues 2009 spending levels while they work to finalize next year's appropriations bills.
- At the final hour there was a three-month extension of SAFETEA-LU, as opposed to the 18-month extension that was favored by the Senate and Administration. Transportation and Infrastructure Committee Chairman Jim Oberstar continues to push for full reauthorization and hopes the shorter extension will keep pressure on Congress to develop a plan to finance what is expected to be a \$500 billion piece of legislation.
- The Senate is moving forward with Climate Change legislation. The House has already passed a bill that establishes a cap and trade program that sets targets for emissions reductions, but it includes no guaranteed funding allowances for public transportation. The Senate's version released yesterday includes even stronger emission targets than the House bill, but guarantees only one percent of allowances for public transportation. Alternative legislation called CLEAN-TEA sets aside a 10 percent allowance for public transportation. Staff will be working to encourage our delegation to co-sponsor this bill and also encourage Senator Barbara Boxer to adopt the 10 percent level when the Climate Bill is marked up on October 19.

CORRESPONDENCE

None.

BOARD MEMBER REQUESTS

Director Jim Hartnett praised a presentation by Mr. Scanlon at the Peninsula Structures forum this morning on HSR and Grand Boulevard.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, November 5, 2009, 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

- a. Closed Session: Pending Litigation Pursuant to Government Code Section 54956.9 (a) Russell J. Peterson et al vs. Peninsula Corridor Joint Powers Board, et al.

General Counsel David Miller said there is no need for a closed session. On November 2 there will be a hearing held on a joint motion to change the venue to Sacramento County. Mr. Miller said under the statute governing CHSRA, the law specifically states the venue in all cases involving HSR shall take place in Sacramento County.

Mr. Miller said there was discussion in public last month about the lawsuit against the CHSRA involving its California Environmental Quality Act (CEQA) documents. On October 9 the judge will be holding a hearing to hear arguments on the remedies for his ruling, which largely upheld the adequacy of the program EIR, but did find two flaws with it.

ADJOURNED

Adjourned at 11:32 a.m.