

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

**Minutes  
December 3, 2009**

**MEMBERS PRESENT:** M. Church, J. Cisneros, S. Elsbernd, N. Ford, D. Gage (Chair), J. Hartnett, A. Lloyd, K. Yeager

**MEMBERS ABSENT:** A. Kalra

**MTC LIAISON:** S. Lempert

**STAFF PRESENT:** G. Cardona, C. Cavitt, M. Espinosa, B. Fitzpatrick, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Martinez, N. McKenna, D. Miller, K. Rothschild, M. Scanlon, M. Simon

Legal Counsel David Miller said Executive Director Michael Scanlon and he request an item be added to today's agenda pertaining to lighting changes proposed by the City of Palo Alto at the East Meadow Grade Crossing. Mr. Miller said under the Brown Act and JPB's Rules of the Board, items may be added to an agenda that are not on the posted agenda when there is a need to take immediate action and the need for action came to the attention of the agency subsequent to the posting of the agenda. Mr. Miller said in this case, the request by the city came after the posting of the agenda and in his view there is a need for immediate action that warrants the Board's consideration. Mr. Miller said if the Board agrees to add the item to the agenda the matter will be brought up under the Executive Director's report.

A motion (Ford/Church) to add the emergency item was approved unanimously.

**PUBLIC COMMENT**

Jean Znidarsic, Palo Alto, presented the Board a petition from a group of concerned Palo Alto parents who would like the trains to slow down at the East Meadow Crossing.

Pat Giorni, Burlingame, said bike tags are now available. She wished Director Jim Hartnett best wishes and hopes Burlingame Councilmember Jerry Deal is appointed to his seat. Ms. Giorni said the October bike reading packet had over 95 bumps and the November packet had over 248 bumps. She said there was not a single walk-on passenger denied boarding, only bicycle passengers.

Vic Ojakian, Palo Alto, said over the last several weeks he has spoken to communities experiencing suicide clusters and he is not surprised the petition has been brought forward. He said suicide clusters do not happen during a certain timeframe and staff needs to stay vigilant on this issue.

Shirley Johnson, San Francisco Bicycle Coalition (SFBC), thanked staff and the Board for the increased bicycle capacity in 2009.

Mike Swire, Belmont, thanked staff for the increased bicycle capacity, but there is not enough seating for bicyclists in the bike car. He suggested that stickers be placed in the bike cars reserving seats for bicyclists and ask the conductors to make announcements asking non-cyclists to not sit in the bike car.

Jim Bigelow, Redwood City, recognized Director Hartnett for his excellent work on the Redwood City Council, the JPB, SamTrans and his activities within and outside the county.

Jeff Carter, Burlingame, wished the Board and staff Happy Holidays and best of luck to Director Hartnett.

### **CONSENT CALENDAR**

The Board approved the following items:

- a) Approval of Minutes of November 5, 2009
- b) Acceptance of Statement of Revenues and Expenses for October 2009
- c) Authorize Annual Adoption of Investment Policy and Authorization to Invest Monies with the Local Agency Investment Fund
- d) Authorize Disposition of Vader (5000) Mobile Train Washer

### **CHAIRPERSON'S REPORT**

#### **Appointment of Nominating Committee for 2010 Officers**

Chair Gage appointed Directors José Cisneros, Art Lloyd and Ash Kalra to the nominating committee for the 2010 officers.

#### **Resolution of Appreciation to Outgoing Board Member, Jim Hartnett**

Chair Gage thanked Director Hartnett for his many years of service on the JPB and presented him with a resolution of appreciation and a train plaque.

MTC Commissioner Sue Lempert said she hopes the City Selections Committee picks someone who will be the champion of Caltrain and transit as Director Hartnett has been.

Director Lloyd said Director Hartnett will be missed as he is a solid, sensible and practical voice on this Board.

Director Nate Ford thanked Director Hartnett for his leadership, years of service and will be greatly missed.

Director Mark Church congratulated Director Harnett on his long and distinguished career and many years of public service. He said it has been a pleasure to work with Director Harnett on this Board and the many other boards they served together. Everyone owes Director Harnett a debt of gratitude for his sound judgment and thoughtful approach to difficult problems. Director Church said Director Harnett has left the community a better place.

Director Sean Elsbernd said Director Harnett is the perfect example of professionalism and truly a model public servant who is committed to his community.

Director Ken Yeager said it was wonderful working with Director Harnett and his departure is one of the best arguments against term limits.

Director Cisneros said Director Harnett will be truly missed.

Director Hartnett thanked everyone for the generous comments and he is humbled by them. He praised his colleagues for their dedication. He praised Caltrain as an organization that is always looking for opportunities ahead and not backwards, especially in the area of sustainability. Director Hartnett said this organization is blessed with leadership and employees who are extraordinary. He has never been affiliated with such a high quality organization with such great people and will truly miss it, but he will continue to be a strong advocate for Caltrain.

A motion (Lloyd/Ford) to approve a Resolution of Appreciation to outgoing Director Hartnett was approved unanimously.

### **METROPOLITAN TRANSPORTATION COMMISSION (MTC) LIAISON REPORT**

Ms. Lempert reported:

- MTC is considering an increasing bridge tolls for trucks and charging carpools to help pay for the seismic upgrades on the Dumbarton and Antioch bridges.
- MTC has revised its advisory committee structure.

### **REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)**

Bruce Jenkins reported:

- The CAC wished Director Hartnett well on his future endeavors.
- A nominating committee of Mr. Jenkins, Paul Bendix and John Hronowoski was appointed and nominations for the 2010 Chair and Vice-Chair will be announced at the December meeting.
- Presentations were given on the Short-Term Transit Plan, Amtrak Satisfaction Survey and the new Caltrain Web site.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Scanlon reported the following:

- On behalf of staff wished Director Hartnett best wishes and praised him for being reflective, respected and resilient.
- Monthly Performance Statistics – October 2009
  - a. Total Ridership was 1,039,342, a decrease of 10.4 percent.
  - b. Average Weekday Ridership was 38,174, a decrease of 9 percent.
  - c. Total Revenue was \$3,553,368, a decrease of 5.9 percent.
  - d. On-time Performance was 94.4 percent, an increase of 1.5 percent.
  - e. Caltrain Shuttle Ridership was 5,935, a decrease of 6 percent.
- Year-to-date Performance Statistics ending October 2009
  - f. Total Ridership was 4,235,994, a decrease of 10.5 percent.
  - g. Average Weekday Ridership was 39,742, a decrease of 10.1 percent.
  - h. Total Revenue was \$14,984,557, a decrease of 5.4 percent.
  - i. On-time Performance was 94.1 percent, an increase of 0.5 percent.
  - j. Caltrain Shuttle Ridership was 5,638, a decrease of 9.9 percent.

Director Sean Elsbernd asked how the ridership and revenue numbers compare with the Fiscal Year 2010 budget. Mr. Scanlon said revenues are within the projections of the FY2010 budget.

### Peninsula Rail Program Update

Peninsula Rail Program Bob Doty made the following points:

- The Context Sensitive Solutions Program will be extended beyond Diridon Station to incorporate the rest of San Jose.
- The American Recovery and Reinvestment Act (ARRA) funding tracks will be announced around the first of the year.
- There were no significant technical comments on the draft waiver request submitted to the Federal Railroad Administration (FRA). Staff will be presenting this package formally to the FRA and anticipate it will be recommended the document go directly to the Safety Board.
- The High Speed Rail Board is considering reopening the environmental document for the corridor known as Pacheco Alignment to refine and correct certain omissions in the document.

### Public Comment

Pat Giorni, Burlingame, said there are no public meetings for the Peninsula Rail Program.

Mr. Doty said there have been a number of public meetings and maybe the tool hasn't been used to communicate these meetings.

Ms. Lempert said she has been attending the community meetings and they are absolutely packed.

### Suicide Prevention Update

Executive Officer Public Affairs Mark Simon said staff continues to work closely with the City of Palo Alto, local health care and mental health professionals on the psychology of suicides. He said one factor in breaking this cycle of tragic behavior is to change the physical dynamic of the location where its occurring. Mr. Simon said a number of activities are underway including a group of residents from Palo Alto who sit watch at the East Meadow Crossing from 7 p.m. to 1 a.m. Staff is preparing to train this group in Operation Lifesaver to ensure they conduct themselves safely around the railroad tracks. The City of Palo Alto has hired a security firm to patrol the area and the San Mateo County Transit Police continue to have a high level presence at the sight.

Deputy CEO Chuck Harvey said the City of Palo Alto would like to add four additional high intensity lights adjacent to the East Meadow Crossing. One of the four municipal poles is on JPB property. Staff has reviewed this from a technical perspective and sees no operational issues with the addition of these lights. Mr. Harvey said staff has determined this is an enhancement to the crossing by providing additional lighting for pedestrians, bicyclists and motorists and is recommending the Board authorize approval for this work to proceed.

Ms. Lempert asked what the association is between increased lighting and people taking their lives. Mr. Harvey said experts say changing lighting levels may discourage people and help patrols.

Mr. Scanlon said this will change the physical dynamic of the crossing and staff is going above what is required of the JPB. Staff doesn't know if it will work, but it will help.

This item was unanimously approved by the Board.

Concerning the petition presented to the Board, Mr. Harvey said staff has analyzed the impacts of slowing the trains down at the East Meadow Crossing. Mr. Harvey said trains travel at 79 miles per hour in this area. To slow down the trains to 5 miles per hour would raise a series of issues: cascading schedule delays, disruption of the instances where trains pass one another, loss of connections for passengers, a requirement for additional crews and equipment, eliminating the ability to keep one train set in emergency reserve.

#### Public Comment

Ted Crocker, Burlingame, said there is a definite disconnect in the High Speed Rail public outreach. He said 95 percent of his neighbors have no idea what stage this project is at. Mr. Crocker believes local government is to blame and the public meetings are held at very inconvenient times.

Chair Gage asked if there is a general Web site for this issue. Mr. Doty said the regional Web is being created now, but currently information is being posted on the Caltrain Web site.

Director Hartnett said staff shouldn't beat themselves up on this issue. There is not a gap in terms of information and there is a long way to go in the process. In Redwood City there have been multiple presentations on the outreach process and a strategic process has been approved by the Redwood City Council which includes significant outreach. Director Hartnett said when there is standing room only at these meetings it shows there is outreach.

Director Lloyd said there is an organization called Bay Area Transportation News that people can subscribe to for this type information.

Jeff Carter, Burlingame, commended Caltrain for working on the suicide issue. Mr. Carter said the Peninsula Rail Program outreach could be better but he does receive e-mails from the City of Burlingame. He said there is still a lot of misinformation out there and the good information needs to get out to the cities.

Director Cisneros asked if staff could post stickers on the bike trains telling customers there is priority seating for cyclists. Mr. Scanlon said this is a very delicate area when you start telling people where they can sit on an open system. He will have his operations and law enforcement staff look at this issue.

Ted Crocker, Burlingame, said there is an excellent compatibility blog for Caltrain with links for the various cities along the Peninsula, but Burlingame is not included.

Shirley Johnson, SFBC, said there is a conductor who makes announcements asking those without bicycles to not sit in the bike cars and urged that Caltrain ensure all conductors make the same announcement.

#### **REPORT OF THE EXECUTIVE DIRECTOR (continued)**

- Glad to see SFBC recognized the Bikes on Board program. All of the work has been done on the bike cars including the three additional Bombardier cars. Eight of the 15 gallery car consists have two bike cars and there are two bike cars on every Bombardier consists. Staff hopes this will alleviate a lot of the bumps, but this is not peak season. The primary concern

is not the availability of seats, but the dwell times involved with loading and unloading bicycles.

- All horns have been retrofitted.
- For the first three home Stanford football games an additional 7,300 passengers were carried, including 4,400 for the Big Game.
- The day after Thanksgiving service carried an additional 1,800 riders.
- The reading file contains the monthly safety and security report.
- The annual Holiday Train is this weekend.
- Wished the Board and public a happy and safe holiday.

**AUTHORIZE AWARD OF CONTRACT TO MAZE & ASSOCIATES ACCOUNTANCY CORPORATION FOR FINANCIAL AUDIT SERVICES FOR A TOTAL NOT-TO-EXCEED COST OF \$181,200**

Director of Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council recommends award of contract to Maze & Associates Accountancy for financial services over a three-year base period. The contract will provide the JPB with independent audit services as required by the JPB bylaws, the U.S. Office of Management and Budget and the Federal Transit Administration (FTA).

A motion (Ford/Hartnett) to award a contract to Maze & Associates Accountancy for financial audit services was approved unanimously by roll call.

**AUTHORIZE AWARD OF CONTRACT TO S.J. AMOROSO CONSTRUCTION COMPANY, INC. FOR THE SOUTH TERMINAL AND SANTA CLARA STATIONS IMPROVEMENT PROJECT FOR A TOTAL AMOUNT OF \$24,127,000**

Ms. Cavitt said Staff Coordinating Council recommends award of contract to S.J. Amoroso Construction for station improvements at the South Terminal and Santa Clara stations. Improvements at the Santa Clara Station include a new center platform and a pedestrian tunnel. The South Terminal work includes construction of two additional platforms and four platform tracks to accommodate future expanded service.

Public Comment

Mark Duncan, Menlo Park, asked about the underpass being added to the Santa Clara Station.

Mr. Harvey said there have been extensive discussions with Santa Clara Valley Transportation Authority (VTA) to accommodate the tunnel, but there is a funding issue with VTA.

A motion (Lloyd/Cisneros) to award a contract to S.J. Amoroso Construction for the South Terminal and Santa Clara stations improvement project was approved unanimously by roll call.

**AUTHORIZE AWARD OF CONTRACT TO ARINC, INC. TO PROVIDE A RAIL OPERATIONS CONTROL SYSTEM INCLUDING AN INTEGRATED PREDICTIVE ARRIVAL/DEPARTURE SYSTEM (PADS) FOR A FIRM FIXED-PRICE OF \$4,799,942; AND MAINTENANCE AND SUPPORT AGREEMENTS**

Deputy CEO Gigi Harrington said this is a request to award a contract to ARINC, Inc. for a new operations control system to replace the system installed by Digicon, Inc., which has gone out of business. The system will include a predictive arrival/departure system and is compatible with a

new electrified railroad system. This was a competitive procurement that began one year ago. Six proposals were received and staff narrowed it down to three and then conducted site visits.

A motion (Elsbernd/Yeager) to award a contract to ARINC, Inc. to provide a rail operations control system and maintenance and support agreements was approved unanimously by roll call.

Director Ford left at 11:24 a.m.

#### **AUTHORIZE REJECTION OF ALL PROPOSALS FOR PROVIDING ENVIRONMENTAL PLANNING**

Ms. Cavitt said Staff Coordinating Council is recommending the Board reject the three proposals that were received for environmental planning. She said none of the proposals submitted met the minimum requirements.

A motion (Elsbernd/Yeager) to reject all proposals for providing environmental planning was approved unanimously.

#### **AUTHORIZE ADOPTION OF FISCAL YEAR 2009-2018 CALTRAIN SHORT RANGE TRANSIT PLAN (SRTP)**

Mr. Scanlon said the plan before the Board is unchanged since the November meeting.

Manager of Planning and Research Marisa Espinosa said on page nine of the final document there is a typo that states the deficit as \$9 million, but it should actually read \$28 million.

#### Public Comment

Shirley Johnson, SFBC, said the SRTP assumes flat ridership for the next four years. This is not a plan for success. She said to be successful Caltrain must increase ridership and revenue.

Ms. Johnson said the SRTP includes shuttles, but excludes bikes. She said shuttles and bikes are functionally identical so they both should be included in the plan. Ms. Johnson said the cheapest way to maximize ridership is to increase the station access mode that costs Caltrain the least per rider. The cheapest station access mode is non-motorized, either walking or biking. Ms. Johnson said increase onboard bike capacity so cyclists can fill empty seats. She requests the Board take no action on the SRTP because it needs to be reworked to include a plan for increasing onboard bike capacity.

Marc Brandt, San Francisco, said the greenest last mile is bicycles. Caltrain's recent modest increase in bicycle capacity has been very successful, but as soon as more bicycle capacity was added it was immediately filled. Mr. Brandt said the SRTP needs to include bicycles on board and asked that the Board take no action until this is added.

Jim Bigelow, Redwood City-San Mateo County Chamber of Commerce, said the Chamber strongly supports the adoption of the SRTP. He said it is consistent with getting to the 2025 Caltrain plan.

Gladwyn d'Souza, Belmont, said it is crucial to connect at both ends of transit and bicycles offer this option. He said the SRTP should acknowledge bicyclists.

Winnifred Homer-Smith, Burlingame, said Caltrain has done a wonderful job increasing bicycle capacity. The SRTP doesn't address the design of the cars for the new electrified system and how they will accommodate bicycles. Ms. Homer-Smith said the bicycle capacity needs to amount to 20 percent of the seats. She asked the Board to take this into account before approving the SRTP.

Dick Poe, Menlo Park, said Caltrain suffers a huge deficiency for the first and last mile. He said shuttles are not a solution and bikes are a bridge. Mr. Poe asked that bicycle carriage be made part of the SRTP.

Joe Ryan, San Francisco, said his bicycle is an important part of his commute and appreciates the increased capacity. Mr. Ryan said at a time when projections are calling for a stagnation of ridership he feels Caltrain should do everything possible to prevent the loss of paying customers, many of whom are cyclists. He asked the Board to not adopt the SRTP today and direct staff to include bikes in the final version.

Ed De Lanoy, San Carlos, said three-car consists would have lower fuel costs and less wear and tear on the trains.

Daniel Connelly, San Francisco, said Caltrain is not only a commuter service, but a public transit agency where there is a demand for weekend service. He is no longer able to ride his bike on the Peninsula on the weekends because of the minimal service.

Mari Hunter, San Francisco, said she is very impressed with Caltrain bicycle service and feels it would be detrimental to not address bike capacity. She said there needs to be a balance between bikes and seats.

Carlos Babcock, Silicon Valley Bicycle Coalition, said bike capacity needs to be part of the SRTP.

Mr. Scanlon said the Board has heard from loyal bike riders and staff is very committed to the bicycle community: This year bike capacity was increased 30 percent.

Mr. Scanlon said the SRTP is needs-based and a financially unconstrained look over a 10-year period required by the MTC to qualify for Federal and State funds. Mr. Scanlon said the SRTP reflects a \$29 million operating deficit over the 10 years. The SRTP is not the venue, and has not been traditionally the venue, to put in bicycle or any other substantive issue.

Mr. Scanlon said the planning department will be embarking on a comprehensive access program in 2010 and this is the right venue for the bicycle issue. Currently Caltrain carries 2,800 bikes a day and will do more, if necessary, once staff determines dwell times aren't affected. Caltrain remains committed to bikes and will make bikes front and center in the comprehensive access program by seeking input from the community.

Mr. Scanlon said staff needs to move forward to meet the deadline for the SRTP with MTC or risk the ability to leverage State and Federal money.

Director Yeager wants to ensure the bike issue is addressed. He feels there will be more cyclists in the community and staff needs to plan for this.

Director Hartnett said the bike issue needs to be dealt with in the comprehensive plan, but staff needs to be clear on the assumptions. Director Harnett said he could argue it would be cheaper to not have bikes on trains and have alternatives where bikers could get on trains without their bikes. He said it is not just hearing public comment and including people's comments in the process, but it is about having accurate information so the assumptions are clear.

Director Cisneros said he looks forward to the study and a more complete comprehensive plan of where the JPB is going to go with bikes. He said he doesn't like seeing people getting bumped, however people need to remember the SRTP is just a snapshot.

A motion (Lloyd/Hartnett) to adopt the FY2009-2018 SRTP was approved unanimously.

### **STATE AND FEDERAL LEGISLATIVE UPDATE**

Government Relations Officer Kim Rothschild made the following report:

#### State Update

- The Assembly Transportation Committee will hold hearings to discuss the transit funding crisis.
- Assemblyman John Perez from Los Angeles looks like the front runner for Assembly Speaker replacing Karen Bass.

#### Federal Update

- SAFETEA-LU will be extended for another six months.
- Congress will be enacting a jobs bill early next year and \$47 billion worth of transportation projects have been identified.

### **QUARTERLY CAPITAL REPORT**

No discussion.

### **CORRESPONDENCE**

None.

### **BOARD MEMBER REQUESTS**

Director Lloyd said the head car going north and the last car going south should be for bicyclists only and non-bicyclists could occupy the other four cars.

### **DATE/TIME/PLACE OF NEXT MEETING**

Thursday, January 7, 2010, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2<sup>nd</sup> Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

### **GENERAL COUNSEL REPORT**

Mr. Miller said from the standpoint of an attorney Director Hartnett's service as an attorney is very lofty and he personifies and serves as a role model.

- e) Closed Session: Real Estate Negotiations – Pursuant to Government Code 54956.8:  
Agency Negotiators: David J. Miller and Brian Fitzpatrick  
Under Negotiation: Price and Terms of Purchase  
Property and Negotiating Parties:

Owner	Address/Location	APN
Welch Family Partnership	104 San Bruno Avenue	020-111-150
Usman and Fatima Shaikh	111 San Bruno Avenue	020-121-360
Federick J. Firpo Trust	Huntington Avenue	020-111-140
Lester and Rhoda Kaplan	222 San Bruno Avenue	020-193-360
Paul and Rita Kaplan		
Huntington Park Realty Company	25 foot strip adjacent to Westerly of First Avenue and Easterly of RR tracks	NA
Artichoke Joes	659 Huntington Avenue	020-131-570
Artichoke Joes	205 Angus Avenue	020-131-410
City and County of San Francisco	Angus and Huntington Avenue	SBE 845-41-5
	San Mateo and Huntington Avenues	SBE 846-41-5

Mr. Miller said for the record the purpose of the closed session has to do with the San Bruno Grade Separation Project and its various real estate acquisition needs.

Adjourned to closed session at 11:58 a.m.

Reconvened to open session at 12:07 p.m.

Mr. Miller said for the record the Peninsula Corridor Joint Powers Board has convened in closed session to consider real estate issues associated with the San Bruno Grade Separation Project. The specific parcels are listed on the agenda. Mr. Miller said instructions have been given to the real estate negotiating team in regards to these matters. He said there is no open public action at this time; however staff is asking the Board to consider the adoption of a resolution to ask SamTrans to provide right-of-way certification services on behalf of the JPB under a contract to be executed with SamTrans.

A motion (Hartnett/Lloyd) to execute a contract with SamTrans to provide right-of-way certification services on behalf of the JPB was approved unanimously.

**ADJOURNED**

Adjourned at 12:10 p.m.