

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

**Minutes
July 2, 2009**

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

MEMBERS ABSENT: None

MTC LIAISON: S. Lempert

STAFF PRESENT: J. Cassman, A. Chan, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Martinez, N. McKenna, D. Miller, K. Rothschild, M. Scanlon, M. Simon

PUBLIC COMMENT

Jeff Carter, Burlingame, informed the Board that Ernie Hills, a strong advocate for Caltrain, passed away in December. Mr. Carter asked that the SamTrans flyer regarding service changes in the event there is a BART strike also be put on the train.

Shirley Johnson, San Francisco Bicycle Coalition (SFBC), said she was an invited speaker at the Transportation Policy Summit sponsored by the Mineta Institute, the Commonwealth Club and the Federal Transit Administration (FTA). She said consistent 80 bike capacity per train is needed for increasing ridership and revenue to help Caltrain balance the operating budget without cutting service.

Pat Giorni, Burlingame, said shortly after the June 4 JPB meeting a newspaper reported the JPB had received \$150,000 for bike car capacity. She immediately informed the bike community the reporter was in error. Ms. Giorni asked during the capital budget presentation if the member share contributions could be explained.

Director Ash Kalra arrived at 10:09 a.m.

Jacob Park, Peninsula Freight Rail User Group, asked if the issue of freight rail could be an agenda item at the August or September meeting.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of June 4, 2009
- b) Acceptance of the Statement of Revenues and Expenses, May 2009
- c) Authorize the Acceptance of Fiscal Year 2008 Transit Security Grant Program Funding in the Amount of \$338,746 and Execution of Required Documentation to Receive the Funds

- d) Authorize Filing of Applications to the Metropolitan Transportation Commission (MTC) to Program Federal Transit Administration (FTA) Section 5307 and 5309 Fixed Guideway Funds for Caltrain Capital Projects in the Amount of 442,196,343
- e) Authorize Amendment of Resolution 2009-11 Authorizing the Filing of American Recovery and Reinvestment Act of 2009 Federal Transit Administration Applications from \$13,094,228 to \$14,128,064
- f) Authorize Filing a Transportation Fund for Clean Air (TFCA) Regional Discretionary Grant Application in Support of the Caltrain Shuttle Program in the Amount of \$1,000,000
- g) Authorize Execution of Purchase Orders for Fiscal Year 2010 for Information Technology Licenses, Services and Maintenance for a Not-to-Exceed Amount of \$700,000
- h) Authorize Award of Purchase Orders for Fiscal Year 2010 for Technology Related Products and Services to Vendors Under Cooperative Purchasing Programs for an Aggregate Not-to-Exceed Amount of \$300,000
- i) Authorize Approval and Ratification of Fiscal Year 2010 Insurance Program

CHAIRPERSON'S REPORT

Appointment of Citizens Advisory Committee Members Representing San Francisco, San Mateo and Santa Clara Counties

Chair Gage said the Santa Clara representatives are requesting to make their recommendation at the August meeting.

Director Jim Hartnett said the San Mateo County representatives received 23 applications for the vacant seat and are recommending Gerald Graham be reappointed to a three-year term to expire June 30, 2012.

A motion (Hartnett/Lloyd) to reappoint Gerald Graham was approved unanimously.

Director José Cisneros said the San Francisco representatives recommend Mona Tekchandani for appointment to the CAC for a three-year term to expire June 30, 2012.

A motion (Cisneros/Elsbernd) to appoint Mona Tekchandani was approved unanimously.

Director Gage said he met with Sally Lieber to discuss the formation of a task force to deal with the issue of suicides on the tracks. He said it is going to take professionals, schools, churches and the whole community to solve this problem. Chair Gage encourages the group to continue to work with the JPB staff.

Director Nat Ford arrived at 10:13 a.m.

Executive Officer Public Affairs Mark Simon said death on the railroad weighs heavy on the agency. Mr. Simon said in May 2006 the "Don't Shortcut Life" program was started and includes education, engineering and enforcement components.

Under the education component is Operation Lifesaver, a national rail safety program. Director Art Lloyd is one of the leaders and pioneers of this program. Mr. Simon said seven

staff members are trained to give this presentation and more than 200 presentations have been given to more than 13,000 people, including more than 12,000 students in K-12. This presentation focuses on several key messages, not the least of which is the train weighs more than a million pounds and travels at speeds of up to 79 miles an hour. Mr. Simon said every 600 feet there are two signs posted together, a no trespassing sign and the suicide hotline phone number. In the fall staff will be sending notices to all the K-12 schools within a half-mile of the corridor offering to make an Operation Lifesaver presentation.

On the engineering front, 35,000 linear feet of new fence has been installed at a cost of \$2.2 million with another \$1.2 million scheduled to be spent. Mr. Simon said the San Mateo grade crossing project focuses on safety at 25 grade crossings and includes installing pedestrian gates and flashes, tech tile, fencing, medians, signage and striping. Similar work has been done in San Bruno and is scheduled for eight crossings in Santa Clara County.

Mr. Simon said under the enforcement aspect is the High Intensity Safety Enforcement Program, which identifies key locations for high intensity enforcement of the zero tolerance policy for violating the agency's safety regulations. Since this program started in 2006 more than 1,700 citations have been issued, more than 5,500 trespassing and interventions have taken place and more than 40 arrests have been made under 5150 of the Health and Safety Code, which requires a police officer to arrest someone if they seem to be acting in a way that poses a danger to themselves or others. Mr. Simon said Chief of Protective Services Dave Triolo has worked with the San Mateo County Mental Health Services and other law enforcement agencies to create and train a crisis intervention team. This team is instructed on how to recognize critical symptoms and how to deescalate circumstances. Mr. Simon said that during the period when two Gunn High School students tragically took their own lives on the right-of-way, four other persons were prevented from doing so by the transit police.

Mr. Simon said outreach is a community problem and Caltrain is part of the community. From 2006-2008 there was an average of 299 suicides in San Francisco, San Mateo and Santa Clara counties, with an average of nine per year on the Caltrain right-of-way, about 3 percent. Mr. Simon said the problem needs to be addressed and more needs to be done. The JPB needs to play an active role in partnering with the community to address the issue of suicide. Mr. Simon said staff has already committed to this task force and will be an active partner and participant. Discussions will and should include how to enhance Caltrain's own efforts to improve safety on the railroad. He anticipates the task force membership will meet again later this month and the first goal is to organize formally. Mr. Simon said he will report back to the Board within the next quarter to update the progress of this effort and the specific roles.

Public Comment

Victor Ojakian, Palo Alto, said there is a serious amount of interest in this issue. Over the last 10 years at least 10 people have lost their lives on the railroad. The goal is to have a committee to look at everything and anything to reduce the number of deaths on the tracks.

Reverend Amy Zucker Morgenstern, Palo Alto, said she is the pastor of the family of the Gunn student who killed herself on the tracks. She said there is a clergy group forming in the Palo Alto area to discuss this issue. The suicide rate on the tracks is quite high and there is more that can be done as partners working on this issue.

Jeff Carter, Burlingame, applauded Caltrain for everything being done on the issue of preventing suicides. He said it affects a lot more people than the persons who kill themselves. Mr. Carter said he said he submitted an application for the CAC. He said in the past the Board members have interviewed the applicants and asked why the applicants weren't interviewed this time.

Jordan Eldridge, Cupertino, said his very close friend committed suicide at the Mountain View station on New Year's Eve. He knows there is a cost involved to work on this task force, but there is no cost that can be assigned to a life.

Sally Lieber, Mountain View, distributed to the Board a proposal for a separate rail safety task force formed by Caltrain. She said she is very eager to have a task force for the community on this issue, but there is a need to have a task force within Caltrain to cover the entire rail line. She said there are some policy issues that can be addressed. Ms. Lieber recognized the efforts Caltrain has put into this issue and commended the commitment of Director Lloyd for his rail safety work over the years.

Pat Giorni, Burlingame, said a presentation on this issue should be given to the Peninsula Healthcare System since the system has been restructured to listen to community healthcare concerns.

Director Sean Elsbernd said he is on the Golden Gate Bridge Board and this has been a big issue there. He would be happy to share what worked and what didn't in terms of process beyond the solution.

MTC LIAISON REPORT

MTC Liaison Sue Lempert said the biggest news from MTC is the appointment of Therese McMillan as Deputy Administrator at the FTA. She said this is a tremendous loss for those in the transportation community, but everyone is looking to having an ally in Washington D.C. Ms. Lempert shared the brochure that MTC and the participating agencies put together on High Speed Rail (HSR). She said HSR was approved by MTC for lobbying for funds from the federal government.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Vice Chair John Hronowski reported at the June meeting:

- The CAC passed a resolution supporting staff's recommendation of the proposed fare and service adjustments.
- Received a presentation on the annual passenger counts.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported the following:

- Congratulated Director Sean Elsbernd on the birth of his son.
- Congratulated the CAC appointees representing San Francisco and San Mateo counties.
- Monthly Performance Statistics – May 2009
 - a. Total Ridership was 1,054,250, a decrease of 5.1 percent.
 - b. Average Weekday Ridership was 40,560, a decrease of 3.3 percent.
 - c. Total Revenue was \$3,695,346, no change from May 2008 at 3.7 percent
 - d. On-time Performance was 94.6 percent, an increase of 2.1 percent.

- e. Caltrain Shuttle Ridership was 5,522, a decrease of 6.6 percent.
- Year-to-date Performance Statistics ending May 2009
 - f. Total Ridership was 11,659,304, an increase of 7.8 percent.
 - g. Average Weekday Ridership was 40,165, an increase of 7.7 percent.
 - h. Total Revenue was \$39,657,230, an increase of 9.6 percent.
 - i. On-time Performance was 95.3 percent, an increase of 2.1 percent.
 - j. Caltrain Shuttle Ridership was 6,119, an increase of 14.2 percent.
- The executive staff of the San Mateo County Transit District has been reorganized: Chief Operating Officer Chuck Harvey and Chief Financial Officer Gigi Harrington were elevated to Deputy CEO; Chief Development Officer Ian McAvoy and Chief Administration Officer George Cameron have left the District; three Executive Officers have been appointed, Rita Haskin for Customer Service and Marketing, Marian Lee for Planning and Development and Mark Simon for Public Affairs; Martha Martinez remains District Secretary and Bob Doty is Director of the Peninsula Rail Program.
- There were four fatalities in May and two in June.
- The bikes on-board conversion for all 27 gallery cab cars is complete and the first four Bombardier cars are complete. There are now 31 cab cars with an additional 248 bike spaces and the additional trains that are scheduled to have two bike cars is now at 97.2 percent of the time. Three more Bombardier cars still need to be completed per the original promise to the bike community and then three additional Bombardier cars will be converted, which is above what was originally promised. This will result in 48 bike slots on every Bombardier consist.
- The Board will be asked to approve the Fiscal Year 2010 operating budget today and staff is ready to implement fee increases on August 1 and the reduction of mid-day service on September 1.
- BART strike contingency plans are in place and all local transit agencies are prepared as well. There is limited capacity on Caltrain in case of a strike. At the Millbrae Intermodal station passengers may have an issue accessing the northbound platform. If this occurs, staff has other plans in place to serve passengers at both Burlingame and San Bruno stations.
- The Fiscal Year 2010 capital budget is very constrained by the limited ability of all three partners to contribute funds. Mr. Scanlon commended Michael Burns of the Valley Transportation Authority (VTA) and Nat Ford of San Francisco MTA who have agreed to proceed with the budget as presented.
- MTC Executive Director Steve Heminger was thanked for his work on the HSR Investment Strategy document and using this document to compete at the state and federal levels for funds.
- Reading file contains the Safety and Security report, the summer Weekend Edition, routine and bike correspondence and a summary of comments received on service adjustments.

Electrification Update

Mr. Scanlon said the reality of state funds and the dwindling tax revenues for all the three partners is problematic for electrification. The FTA is still reviewing the Environmental Impact Report (EIR), but the three partners have agreed to revise the amount of partner participation downward to \$60 million each and seek an increased amount from the American Recovery and Reinvestment Act (ARRA) funds at the federal level. Mr. Scanlon said the numbers in the HSR Investment Strategy report are consistent with this new agreement. He has personally spoken to the regional FTA Administrator to tell him staff will be resubmitting a section of Chapter 2, which deals specifically with the financial portion of the EIR. Mr. Scanlon said while this gives

Caltrain a great opportunity to leverage and create synergy and economy of scale with HSR, it will have the effect of slowing this project somewhat. Mr. Scanlon said staff can proceed on some portions of electrification such as the wayside facilities associated with conducting the electricity.

MTC Commissioner Lempert said MTC has really raised the value of electrification to one of the highest priorities, but is very concerned about the inability of the locals not being able to contribute more.

ADOPTION OF SERVICE SUSPENSIONS AND/OR FARE CHANGES

Deputy CEO Chuck Harvey said Staff Coordinating Council recommends Board approval of three actions consistent with items that were discussed in a JPB public hearing on June 4 that included extensive public comments on a range of service suspensions and reductions and fare increases that were designed to close a budget gap. The three actions are: reduce mid-day service to one-hour headways; increase the GO Pass pricing to \$140 per employee and maintain the existing minimum purchase requirement of 70 passes; and increase parking fees to \$3 per day and \$30 per month. These three actions will result in a savings to the annual operating budget of approximately \$2.6 million and result in a balanced budget for FY2010. Mr. Harvey said these items are exempt under the California Environmental Quality Act (CEQA). Nonetheless, staff conducted an environmental impact study and also performed a Title VI review to determine if the proposals would have a disproportionate impact on protected populations. Both studies showed the proposals meet environmental and fairness standards.

Public Comment

Jeff Carter, Burlingame, said hopefully service can be returned as soon as economically possible.

A motion (Ford/Cisneros) to adopt the recommended service suspensions and/or fare changes was approved unanimously by roll call.

ADOPTION OF FISCAL YEAR 2010 OPERATING BUDGET

Deputy CEO Gigi Harrington said staff is recommending the Board approve the Fiscal Year 2010 operating budget with the changes in service and fares just approved. The fuel budget has been reduced to reflect a fuel hedging program.

A motion (Church/Cisneros) to adopt the Fiscal Year 2010 operating budget was approved unanimously by roll call.

AUTHORIZE APPROVAL OF BID DOCUMENTS AND EXECUTE A CONTRACT FOR FUEL HEDGING

Ms. Harrington said this item is for a one-year fuel hedging program. If the Board approves this transaction staff will go to the SamTrans board next week and then do a bid process the following week. Ms. Harrington said staff is proposing a cap, whereby a premium is paid at the beginning of the year and a cap would be placed on the price for fuel for the fiscal year. Half the Caltrain fuel would be purchased through this program and the other half would be purchased at market price. The budget number is \$3.50 per gallon for the fuel that is uncapped and \$2.62 per gallon for capped fuel. At today's rate there is enough room to pay for the cost of

the transaction and to pay for the cap price of the fuel which is about \$2 per gallon, depending on the market when staff goes to bid.

A motion (Lloyd/Ford) to authorize approval of bid documents and execute a contract for fuel hedging was approved unanimously by roll call.

ADOPTION OF FISCAL YEAR 2010 CAPITAL BUDGET

Director of Capital Support Programs April Chan made the following points:

- Total FY2010 capital budget is \$82.3 million and does not include electrification, positive train control and the North Terminal improvements.
- State of good repair funding includes the last increment of funding needed for the San Jose Diridon station for additional tracks and platforms, to continue the design efforts for two bridges in San Francisco County and two in Santa Clara County, to replace and upgrade signal and communication equipment and begin procurement and installation for the now-obsolete train control and network traffic management system and to rehabilitate track and related structures and rehabilitate components of the current fleet of passenger cars and locomotives to ensure vehicles will operate reliably to the end of their duty cycles.
- Legal mandates and infrastructure enhancements require the procurement of radio equipment to meet Federal Communications Commission (FCC) standards.
- Majority of the funding for the FY2010 capital budget will come from federal and state grants.
- The member share for FY2010 is \$5.53 million and this funding has been secured from each member.

MTC Commissioner Lempert asked about the work on the San Mateo bridges. Mr. Scanlon said the work has been scaled back because of the uncertainty of HSR.

Chair Gage thanked staff for their work and said this is a three-county partnership and there is a need to make sure each county contributes their share.

Public Comment

Pat Giorni, Burlingame, said there is a line item in FY2009 capital budget for bike racks, but not in the FY2010 capital budget. Ms. Giorni said the FY2010 needs money for bike racks and installation to increase bike capacity onboard the trains. She said at the last City/County Association of Governments of San Mateo County's (C/CAG) Congestion Management and Environmental Quality-Committee (CMEQ) meeting the committee took the action to approve the draft 2009 San Mateo County Congestion Management Program which includes a legislative performance element to evaluate current and future multimodal system performance.

A motion (Hartnett/Lloyd) to adopt the FY2010 capital budget was approved unanimously by roll call.

AUTHORIZE AMENDMENT TO FISCAL YEAR 2009 CAPITAL BUDGET

This item was removed from the agenda since FY2010 capital budget was adopted.

STATE AND FEDERAL LEGISLATIVE UPDATE

Government Relations Officer Kim Rothschild made the following points:

- The Surface Transportation Authorization Act of 2009, which would authorize and fund transportation programs for the next six years, was approved last Wednesday. Currently there are no program funding totals or funding mechanisms, but Congressman Jim Oberstar is working over the next three weeks to finalize.
- The Obama administration is urging Congress to pass a short-term extension for the current transportation model which is the SAFTE-LU instead of a five year reauthorization.
- HR2454, the American Clean Energy and Security Act Climate Bill, passed out of the House by a slim margin. This is very significant legislation to create clean energy jobs, achieve energy independence, reduce global warming pollution and a transition to a clean energy economy.
- As of yesterday afternoon the state deficit is \$26.3 billion, IOUs have been issued, a fiscal emergency has been declared and the governor is not signing any bills nor is the Senate hearing any bills in policy committees.
- The Third District Courts of Appeal upheld a lawsuit by the California Transit Association and barred the state from borrowing local transportation funds to pay for other programs.
- AB153 does not allow imminent domain for HSR Authority, it just clarifies the language.

CORRESPONDENCE

Provided in the reading file.

BOARD MEMBER REQUESTS

Director Cisneros recognized Mr. Hronowski for his service on the CAC.

GENERAL COUNSEL REPORT

No report.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, August 6, 2009, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070

ADJOURNED

Adjourned at 11:23 a.m.