

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

**Minutes
January 7, 2010**

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

MEMBERS ABSENT: None

MTC LIAISON: S. Lempert

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

Chair Don Gage called the meeting to order at 10 a.m.

Director Omar Ahmad (City of San Carlos) representing the City Selection Committee of San Mateo County was sworn-in.

REPORT OF THE NOMINATING COMMITTEE AND ELECTION OF 2010 OFFICERS

Director Lloyd reported the Nominating Committee recommends Sean Elsbernd as chair and Mark Church for vice chair. The motion (Lloyd/Cisneros) was unanimously approved.

Director Gage turned the gavel over to Chair Elsbernd.

PUBLIC COMMENT

Vaughn Wolffe, Pleasanton, said he has been reading many articles on the California High Speed Rail (CHSRA) program that contain too many errors that need to be addressed.

Andy Thornley, San Francisco Bicycle Coalition (SFBC), thanked the staff and Board for their work to enhance onboard bike capacity in 2009. A thank you card signed by the bicycle community was presented to Chair Elsbernd. Mr. Thornley said Caltrain has the best bicycle capacity in the world.

Gary Mello, Pleasanton, a former city council member, said he attends many public meetings and has not seen a body that is more understanding, accommodating and sincere in listening to the needs of the people.

Steven Stupp, San Carlos, offered several suggestions for technology that can be placed on trains to reduce suicides and accidents, including microwave technology, a high-powered fire hose and an egg-carton-like shock-absorber system.

Ed DeLanoy, San Carlos, said he would like to remind the Board of his previous remarks that the Chicago Climate Exchange could provide an open-market way of pricing emission credits.

CONSENT CALENDAR

The Board approved the following items:

- a) Approval of Minutes of December 3, 2009 (Ahmad abstained)
- b) Acceptance of Statement of Revenues and Expenses for November 2009
- c) Authorize Award of Contract to CAPtech, Inc. to Provide Coin Changers and Bill Vaults for a Firm Fixed-price of \$341,814

CHAIRPERSON'S REPORT

Resolution of Appreciation to Outgoing Chair Don Gage

Chair Elsbernd presented outgoing Chair Gage with a resolution and thanked him for his efforts during a tough budget year and for increasing bicycle capacity.

Director Gage said without such an outstanding Board and community input, nothing would be accomplished. He said staff has been outstanding to work with and he is honored to accept the resolution. Director Gage said tough times are ahead, but the JPB will be stronger in the long term.

The motion (Lloyd/Ford) to approve a Resolution of Appreciation to outgoing Chair Gage was approved unanimously.

METROPOLITAN TRANSPORTATION COMMISSION (MTC) LIAISON REPORT

MTC Liaison Sue Lempert reported:

- MTC is on a vigorous search for advisory committee members and the deadline to apply is February 1.
- MTC has decided to change the design of the TransLink card and rename it "The Clipper."
- Dumbarton Rail Policy Committee met in December. The committee has asked staff to come back with a more vigorous plan for future Dumbarton Rail service.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Chair John Hronowski reported on the December meeting:

- Elections were held and Mr. Hronowski was elected chair and Brian Wilfley vice chair for 2010.
- A presentation was given on the Holiday Train.
- Director of Rail Transportation Michelle Bouchard gave a review of 2009 accomplishments.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon:

- Congratulated Chair Elsbernd and Vice Chair Church on their elections and welcomed Director Ahmad.
- Thanked Director Gage for his leadership last year.

Resolution of Appreciation to Doug Johnson

Mr. Scanlon read a resolution congratulating Mr. Johnson for his rescue efforts in saving a woman who fell on the Caltrain tracks as a train was approaching.

A motion (Cisneros/Church) to approve a Resolution of Appreciation for Mr. Johnson's rescue efforts was approved unanimously by roll call.

Mr. Johnson thanked everyone and appreciates the recognition.

Mr. Scanlon said 2009 was the second deadliest year on Caltrain tracks with 19 incidents.

Suicide Prevention Update

Executive Officer Public Affairs Mark Simon reported:

- He has joined a Santa Clara County suicide prevention task force and will be joining a task force being formed in San Mateo County.
- He has been in touch with Florence Fee, founder and president of San Francisco-based No Health Without Mental Health, an organization committed to the core goal of openly talking about mental health issues and educating people on services available that can provide help and hope.
- Community Relations Specialist Kelly Green has joined the Palo Alto working group, which consists of a wide range of mental health specialists, educators, city leaders and community activists.
- With the Palo Alto group, Public Information Officer Christine Dunn and Ms. Green are organizing a media information workshop that will feature Karen Marshall of the American Association of Suicidology. Ms. Marshall, who is conducting the first-ever Federal Transit Administration (FTA) study on rail suicides, will talk to editors and news directors about their coverage of this issue and how they can contribute to making this problem better.
- Staff continues to work with the City of Palo Alto to install lights at the Palo Alto crossing.
- Operation Lifesaver Safety training was conducted by Ms. Green for the volunteers and guards who are sitting vigil at the Palo Alto crossing.
- The Mineta Transportation Institute is continuing with its study of fatalities on the right of way to determine if there are any identifiable trends that can guide Caltrain's policies and practices.
- Chief of Protective Services Dave Triolo and the Transit Police continue to enforce safety laws and provide a high-visibility presence at key locations.

REPORT OF THE EXECUTIVE DIRECTOR (continued)

- Thanked the Santa Clara Valley Transportation Authority (VTA) for awarding a contract to Shimmick Construction for grade crossing safety improvements along the right of way in Santa Clara County.
- Monthly Performance Statistics – November 2009
 - a. Total Ridership was 950,672, a decrease of 5.6 percent.
 - b. Average Weekday Ridership was 36,775, a decrease of 7.5 percent.
 - c. Total Revenue was \$3,315,349, a decrease of 0.8 percent.
 - d. On-time Performance was 92 percent, a decrease of 4.5 percent.
 - e. Caltrain Shuttle Ridership was 5,270, a decrease of 28.8 percent.
- Year-to-date Performance Statistics ending November 2009
 - f. Total Ridership was 5,186,665, a decrease of 9.7 percent.
 - g. Average Weekday Ridership was 39,149, a decrease of 9.6 percent.
 - h. Total Revenue was \$18,299,906, a decrease of 4.6 percent.
 - i. On-time Performance was 93.7 percent, a decrease of 0.4 percent.

- j. Caltrain Shuttle Ridership was 4,377, a decrease of 32.5 percent.
- The electrification project reached a significant milestone with staff receiving the Findings of No Significant Impact (FONSI) Report from the FTA, which will put Caltrain in a much better position for American Recovery Reinvestment Act (ARRA) funding.
 - Staff will focus on the State environmental certification now that FONSI has been received.
 - The Holiday Train was enormously successful this year. More than 4,000 toys were collected and the nine-year toy total is 43,750. This event would not be possible without sponsors and all the staff and volunteers who spent many weekends decorating the train.
 - Special service for this year's Emerald Bowl was up 27 percent from last year and New Year's Eve ridership was up 52 percent from last year.
 - The Martin Luther King Jr. Freedom Train will run on January 18.
 - Annual passenger counts will begin later this month and go through February.

Peninsula Rail Program Update

CHSR Project Manager Dominic Spaethling reported:

- Staff working on the San Francisco-to-San Jose section will deliver their report to the CHSRA Board on February 4 in San Diego. The document will be put out shortly after the meeting for public review. Staff for the San Jose-to-Merced section is in the process of reviewing their draft document and hope to have it out on the street by late February or early March.
- The technical team is working hard on solutions that will have minimal impact on the right of way.
- The outreach process for the public to hear schedules and ideas begins this month. The south section teams are holding alternative analysis public workshops in Gilroy January 11; January 12 in San Jose and January 14 a joint meeting with the San Francisco-to-San Jose, San Jose-to-Merced and Altamont teams at Bellermine College Preparatory in San Jose.
- In December the CHSRA submitted its business plan to the Legislature and it is currently under review.
- Staff is very excited about the prospects of the ARRA funding and should receive notice at the end of the month or early February.

Ms. Lempert asked about the alternatives analysis and if staff will present what is technically possible and what will be ruled out. Mr. Spaethling said a wide variety of alternatives are being looked at and staff will be discussing things that work from a technical perspective.

Mr. Scanlon said there is an additional public meeting being scheduled in Santa Clara County through Director Ash Kalra's office.

Director Ken Yeager said there is a Turkey Trot run in San Jose by the Caltrain Diridon Station and this might be a good event to promote as this past event drew 10,000 participants.

Public Comment

Paul Wendt, Belmont, represents BayRail Alliance and appreciates the encouraging news on electrification.

AUTHORIZE AMENDING AND INCREASING THE FISCAL YEAR 2010 CAPITAL BUDGET BY \$73,625,000 FOR THE SAN BRUNO GRADE SEPARATION PROJECT AND THE SAN MATEO GRADE CROSSING SAFETY IMPROVEMENT PROGRAM FROM \$85,236,042 TO \$158,861,042

Director of Budgets and Grants April Chan said this item is to increase the Fiscal Year 2010 capital budget by \$73 million for the San Bruno Grade Separation Project and \$625,000 for the San Mateo Grade Crossing Safety Improvement Program. The Board previously authorized \$27 million for the San Bruno Grade Separation Project. Ms. Chan said the scope of the project includes grade separating in three areas, adding a pedestrian underpass and a new elevated station between San Bruno and San Mateo avenues to replace the current station at Sylvan Avenue. The design of the project will allow staff to do a two-track grade separated project, but will be within a footprint to accommodate HSR when all the alternative analysis are done. The total estimated cost for this project is \$165 million and staff is asking the Board to increase the budget by \$73 million allocated as follows: \$3 million from Proposition 1B money from the Grade Separation Program already programmed by the California Transportation Commission (CTC); \$10 million in Public Utilities Commission (PUC) 190 Funds; \$6.6 million in FTA money, which was originally programmed for the rail car purchase in 2007, but staff was able to purchase the rail cars with farebox revenue bonds, so this is just a fund swap; and finally \$26.4 million that staff will be asking the San Mateo County Transportation Authority (TA) to approve in Measure A funding on January 13 and this will bring the total authorized budget for the San Bruno Grade Separation Project to \$100 million.

Ms. Chan said the second item is \$625,000 for the San Mateo Grade Crossing Safety Improvement Project. The Board previously approved \$17.2 million and this action will bring the project up to \$17.825 million. The project is adding some additional safety features at a number of crossings. Ms. Chan said funding for this is coming from Measure A funds.

Neither project requires any JPB member contributions.

Public Comment

Jim Bigelow, Redwood City-San Mateo County Chamber of Commerce, said the Chamber strongly supports this project and moving ahead with HSR and electrification. This particular project really presents an example for cities on how to work with transportation agencies to get something done.

A motion (Ford/Lloyd) to amend and increase the FY2010 capital budget was approved unanimously by roll call.

AUTHORIZE THE FILING OF AN APPLICATION IN THE AMOUNT OF \$19,203,000 TO REQUEST 2010 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM FUNDS FOR THE SAN BRUNO GRADE SEPARATION PROJECT

Ms. Chan said this item is directly related to the previous item and asked the Board to authorize staff to submit an application for \$19.2 million in Regional Improvement Program Funds for the San Bruno Grade Separation Project and authorize staff to submit certification and assurances to the MTC in order to program this funding.

Director Ahmad would like to request a walk-through of the site in San Bruno and possibly in

coordination with the San Bruno City Council. He also would like to see if there is a coordination plan between the City of San Bruno and the JPB in terms of how customer and construction calls come in.

Mr. Scanlon said staff would arrange a walk-through for Board members and that an extensive community construction outreach program has been developed.

A motion (Ford/Lloyd) to file an application to request 2010 Regional Transportation Improvement Funds was approved unanimously by roll call.

ADOPTION OF 2010 STATE AND FEDERAL LEGISLATIVE PROGRAM

Manager Government Affairs Seamus Murphy said every year the Board adopts a program that outlines the JPB's legislative priorities and guides staff's public policy advocacy efforts. The program is organized into a number of State and Federal issue areas with corresponding objectives, plus a series of strategies related to those objectives. Mr. Murphy said the program is intended to be sufficiently broad to encompass a wide variety of issues in the coming year and flexible enough to allow staff and legislative advocates to respond quickly to any anticipated challenges. Mr. Murphy said much of staff's focus is carried over from last year's program and the objectives and strategies have been revised since most of these issues have evolved significantly in 2009. He said with alarming new State budget shortfalls the State program is centered around a variety of strategies that support the JPB's ongoing need to protect existing sources of transit funding while advocating for the restoration of funding that has been cut or diverted in the past. Mr. Murphy said staff also will work to take advantage of opportunities associated with climate change regulations and funding available through the State for HSR. He said in addition to annual appropriations issues and new economic recovery opportunities, the Federal program identifies several areas including climate change legislation and service transportation authorization that have been delayed as a result of the ongoing healthcare debate in Congress. Since the bulk of new funding opportunities exist at the Federal level, staff's early focus will involve working with JPB's legislative advocate and partners at the American Public Transportation Association (APTA) to ensure these issues are on Congress's agenda in 2010.

A motion (Gage/Lloyd) to adopt the 2010 State and Federal Legislative Program was approved unanimously.

STATE AND FEDERAL LEGISLATIVE UPDATE

Mr. Murphy made the following report:

State Level

- The ballot measure being sponsored by the California Transit Association (CTA), the League of California Cities and the Alliance for Jobs received Title and Summary from the attorney general's office. This language clears the campaign to begin collecting signatures and place the measure on the ballot in November. More than 700,000 signatures have to be submitted by April 23 in order for the measure to qualify.
- The Superior Court finally issued a judgment on December 9 requiring the State to restore \$1.19 billion in spillover funding diverted from the public transportation account in 2007 and 2008. The State has set aside \$1.9 billion for this account, but has indicated they are already looking for legal ways to use these funds for general fund purposes, despite the court's decision. The State promptly moved to vacate the judgment. The

final result of this lawsuit will have a great impact on budget negotiations over transportation funding.

- It is expected the governor will call an emergency 45-day budget session to address the current year's \$6.3 billion shortfall. The governor's budget is rumored to include a proposal to eliminate the sales tax on gasoline and diesel fuel and replace it with an increase in the State's excise tax on gasoline. This would allow the State to spend these revenues on General Fund needs.

Federal level

- Congress approved a final appropriations package that included a third extension of SAFETEA-LU. This extension runs to the end of February.
- The House approved a \$75 billion Jobs for Main Street Act which would use the Trouble Asset Relief Program funds to stimulate job creation. The FTA funds available as part of this act is similar to the funds that were available in last year's Recovery Act at \$8.4 billion. This also allows for 10 percent of the funding to be used to meet operating costs and grants a longer one-year extension of SAFETEA-LU in an attempt to provide more reliable transportation funding in the absence of a full six-year reauthorization.

FISCAL YEAR 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Deputy CEO Gigi Harrington said the auditors gave the District a good review.

CORRESPONDENCE

None.

BOARD MEMBER REQUESTS

None.

DATE/TIME/PLACE OF NEXT MEETING

Thursday, February 4, 2010, 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

- d) 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

Joint Powers Board Meeting
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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

Legal Counsel David Miller said this item, which relates to the San Bruno Grade Separation Project can be deferred to the February meeting. Mr. Miller said last month the Board authorized staff and Counsel to engage in negotiations on the parcels listed on the agenda. Mr. Miller said the deadline for concluding the transactions, either by actual acquisition or obtaining the rights of possession is June 30, 2010.

A motion (Gage/Ford) to defer this item to the February meeting was approved unanimously.

ADJOURNED

Adjourned at 11:11 a.m.