

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

**Minutes  
February 4, 2010**

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

**MEMBERS ABSENT:** J. Cisneros, N. Ford

**MTC LIAISON:** S. Lempert

**STAFF PRESENT:** J. Cassman, C. Cavitt, B. Doty, G. Harrington, C. Harvey, R. Haskin, R. Lake, M. Martinez, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon

Chair Sean Elsbernd called the meeting to order at 10:03 a.m. and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Mari Hunter, San Francisco, speaking on behalf of Andy Thornley of the San Francisco Bicycle Coalition (SFBC), thanked the Board for past and continued work on providing bike storage for cyclists. She said this type of accommodation encourages sustainable transportation. Ms. Hunter said four points the SFBC would like to stress today are:

1. Service reliability with greater bike capacity.
2. Passengers rely on and greatly appreciate schedule performance with an on-time performance that was better in 2009. With continued assistance of Caltrain staff directing non-cyclists and cyclists to the proper cars, dwell times shouldn't increase.
3. More bike capacity enables passengers to "green" both the first and last mile of their Caltrain commute by bringing their bikes on-board.
4. The expense of adding bike capacity this last year was recouped within six months. All trains have empty seats at peak loads and there is still an unmet demand for bike space. The next step is to improve consistency in bike capacity to 80 bikes per train so cyclists aren't bumped. With consistent capacity more people will be inspired to ride Caltrain.

Jeffrey Oldham, San Jose, said he participated in the bikes-on-board project. He said the SFBC has analyzed the recent increase in on-board bicycle capacity. The Board was given copies of the SFBC's report "Increased Onboard Bicycle Capacity Improved Caltrain's Performance in 2009." Mr. Oldham said the graph on page five of the report shows bumps were increasing until Caltrain added more bicycle capacity in May. Mr. Oldham said, unfortunately, even after full deployment in November, bumps are still occurring. Mr. Oldham said according to Caltrain's Web site, it strives to run trains with two bicycle cars on less than half of its peak hour trains, but two bike cars is not guaranteed. When a train with two bike cars is expected and only one bike

car arrives a lot of bumps occur. Mr. Oldham said improving service reliability is easy by expanding bicycle capacity to 80 bikes per train.

Shirley Johnson, from the bikes-on-board project, said the report shows bicycles do not cause dwell time delays. There were more bicycles on-board Caltrain in 2009 and the dwell time was shorter. Ms. Johnson said table two, on page six, shows average on-time performance was higher in 2009 compared to 2008 even with more bicycle passengers in 2009. Ms. Johnson said more bike capacity means less overcrowding in bike cars so boarding and exiting is faster and easier. Unfortunately some trains today still have only one bike car even during rush hour. The main message is to increase bike capacity to a consistent 80 bikes per train without the fear of increasing dwell time.

Alpesh Patel, San Francisco, said table three, on page eight of the report, shows the payback of increased bicycle capacity. He said everyone knows cyclists continued to be denied boarding throughout 2009, despite the increased capacity. The SFBC estimates Caltrain earned incremental revenue of over \$380,000, which is more than the expenditure to increase bicycle capacity. Mr. Patel said cyclists are still getting bumped so a consistent 80 bikes per train in 2010 is needed.

Mike Cohn, San Francisco, said he enjoys the bikes-on-board program. The increased capacity in 2009 was very positive, but bicyclists are still getting bumped because of the inconsistent trains with one or two bike cars. All gallery cars need two bike cars and Bombardier cars need three bike cars so capacity would be 80 bikes on every train. Mr. Cohn said with consistent bike capacity, Caltrain's performance will get even better.

Dr. Melanie Brandenberb, Palo Alto, said teen suicides have cast a shadow over the community and staff. She part of the Track Watch group and Slow the Trains committee. Dr. Brandenberb asked that the issue of track safety and suicide prevention be a regular agenda item for the JPB meeting. She asked that there be some consideration of slowing trains in the area until other efforts can be put in force such as screening for depression.

Jean Znidarsic, Palo Alto, said she also is with Slow the Trains and Track Watch committees. She said if someone is spotted in a hot spot on the tracks the committee has no coordinated way of notifying the engineer to slow the train down. Ms. Znidarsic asked for staff to work with the Palo Alto police, the guards at the West Meadow Crossing and the track watch group to come up with a coordinated response when someone is seen on the track. She thanked staff for the additional lighting at the crossing, but would like to see more lighting. Ms. Znidarsic said in the long run the committee would like to see a study of fatalities along the entire corridor.

Morris Brown, Menlo Park, said last summer he made a comment at the JPB meeting about the agreement between the Joint Powers Board and the California High Speed Rail Authority (CHSRA) and the promise to allow CHSRA to use the Caltrain right of way and corridor even though there are trackage rights with Union Pacific (UP). He said has not heard anything since last year regarding the progress of talks with Union Pacific. Mr. Morris said it is a waste of money for environmental studies if UP does not allow HSR on the corridor. He said it is time that some type of answer is given to this question.

Ed Adams, Union Transportation Union representative, said the upcoming Request for Proposal (RFP) and the possibility of going from two conductors to one conductor is a very unsafe approach for this operation. Mr. Adams said the uniqueness of this operation requires two conductors and would request this item be agendized for conductors' concerns. He distributed a small video union members have created for the Board to review prior to the meeting to see conductor concerns.

Director Art Lloyd said he agrees with Mr. Adams concerns and he recommends this item be agendized for the March JPB meeting. Director Lloyd has some concerns especially during the peak periods of needing an assistant conductor.

### **CONSENT CALENDAR**

The Board approved the following items:

- a) Approval of Minutes of January 7, 2010
- b) Acceptance of Statement of Revenues and Expenses for December 2009
- c) Authorize the Filing of Federal Transit Administration (FTA) Applications

### **CHAIRPERSON'S REPORT**

Chair Elsbernd said he will be requesting the Board adjourn today's meeting in memory of two very important people to Caltrain. The first is Norm Rolfe, who was a very passionate advocate for public transit in the Bay Area. Secondly, the Caltrain family lost a very important person, Director Lloyd's wife, Eleanor.

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

MTC Liaison Sue Lempert reported:

- The recent meeting on the bridge toll increase was very contentious and lengthy. The MTC will be doing congestion pricing and start charging a toll for carpools.
- The MTC approved, by a very close vote, to go ahead with the Oakland Airporter project. A special meeting will be held to see if BART is meeting their conditions on this project because if not the MTC wants to save the money and distribute it to the other transit agencies.

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

Vice Chair Brian Wilfley reported on the January meeting:

- Executive Officer Public Affairs Mark Simon gave a presentation on suicides and what is being done on the issue.
- The CAC adjourned their meeting in memory of Norm Rolfe.

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

Executive Director Michael Scanlon reported:

- Caltrain is not finished yet with the bicycles-on-board project. Staff has not seen the SFBC report distributed today. Staff will be doing additional bike counts during the peak bike season. The issue is not seats on the train, but dwell times.
- Thanked the speakers who spoke on suicides and said they are well represented. Staff had a passionate meeting with the mayor, city manager and chief of police of Palo Alto. No one has more at stake in this issue than the men and women who operate Caltrain.

- Staff will review the video from Ed Adams and schedule a meeting to have a discussion on this issue. The Board will have a committee with one representative from each of the partner agencies overseeing the RFP for the new service.
- Monthly Performance Statistics – December 2009
  - a. Total Ridership was 888,790, a decrease of 8.1 percent.
  - b. Average Weekday Ridership was 32,597, a decrease of 8.7 percent.
  - c. Total Revenue was \$3,105,282, a decrease of 3.2 percent.
  - d. On-time Performance was 93.4 percent, a decrease of 1.2 percent.
  - e. Caltrain Shuttle Ridership was 5,171, a decrease of 5.4 percent.
- Year-to-date Performance Statistics ending December 2009
  - f. Total Ridership was 6,075,455, a decrease of 9.5 percent.
  - g. Average Weekday Ridership was 38,057, a decrease of 9.5 percent.
  - h. Total Revenue was \$21,405,188, a decrease of 4.4 percent.
  - i. On-time Performance was 93.6 percent, a decrease of 0.5 percent.
  - j. Caltrain Shuttle Ridership was 4,509, a decrease of 28.6 percent.
- Attended the Transit CEO Conference sponsored by the American Public Transportation Association (APTA) and all transit agencies across the country are in severe financial situations. Caltrain is in good shape for the current budget year primarily due to savings on fuel.
- Looking forward there are great difficulties and opportunities. The short-term is going to be extraordinarily difficult. All three partner agencies are beyond broke due to the suspension and possible elimination of State Transit Assistance (STA) funds, dwindling sales tax revenue and ridership declines that will continue as employment is down.
- The future can be extraordinarily bright with the recent announcement of \$8 billion in High Speed Rail (HSR) and inter-city rail grants. The real essence is the fundamental change in the way many Americans will live in the future.
- The special Freedom Train carried an additional 847 riders, which is down considerably from the 2,200 passengers in 2009. An additional 4,636 passengers were carried to the Monster Energy AMA Supercross event at AT&T Park.
- Caltrain will operate regular service on Presidents Day and staff will look at the ridership data to determine if a lower level of service might be adequate in future years.
- There were four fatalities and four interventions in December.
- The Centralized Equipment Maintenance and Operations Facility (CEMOF) experienced a significant failure of a high-pressure water line so that the tracks and the trainwasher cannot be used. Staff is doing everything possible to get the emergency repairs made. Mr. Scanlon expects this will require him to authorize work on an emergency basis based on the safety of the track and the facility itself.
- Condolences were offered to Director Lloyd and Mr. Rolfe's family.

#### Peninsula Rail Program Update

Peninsula Rail Program Director Bob Doty reported:

- The waiver request is in the Federal Register as of January 25. There is a 45-day comment period and then it goes to the Safety Committee for approval. .
- The American Recovery Reinvestment Act (ARRA) funding is \$2.25 billion for the entire State of California and there is still no guidance on how the money will be distributed. Staff is waiting for the Department of Transportation to state the rules.

- The alternative analysis report is anticipated to be released at the March HSR meeting in Sacramento.
- There was a good turnout for the Voices of San Jose event. There was criticism at the meeting that staff had not followed-up on the outreach program for Context Sensitive Solution. The primary reason for not following up is staff has been working on a stakeholder tool kit. This report is an online tool kit on how to build a transit system. The report will go out to the public in February and it continues to be a work in progress.
- There are more than 18,000 people on the e-mail list for information on the Peninsula Rail Program.

Director Omar Ahmad asked what the plan is for the beta testing and who is the user for the on-line kit. Mr. Doty said staff will be talking to Mr. Ahmad on his expertise in this area.

Director Ken Yeager said transit agencies are near the cliff, but the State is also on the verge of bankruptcy. He asked if the four fatalities in December caused on-time performance to be lowered. Director Yeager said staff should consider breaking out fatalities on the performance number. He also thanked Mr. Doty for a great meeting in San Jose.

**AUTHORIZE AWARD OF CONTRACT TO WILBUR SMITH ASSOCIATES TO PROVIDE ON-CALL TRANSPORTATION PLANNING AND PROGRAM SUPPORT FOR UP TO \$1,500,000 OVER A THREE-YEAR PERIOD**

Director of Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council is requesting Board approval of this contract. A RFP was issued as a joint procurement with the San Mateo County Transit District (SamTrans) and the San Mateo County Transportation Authority for the transportation planning services and program support as well as environmental planning services. In December, staff asked the Board to reject the environmental planning proposals and now is proceeding with up to three awardees for the transportation planning services.

A motion (Church/Gage) to award a contract to Wilbur Smith Associates for on-call transportation planning was approved unanimously by roll call.

**AUTHORIZE AWARD OF CONTRACT TO BECI ELECTRIC, INC. FOR THE ADVANCED TRAVELER INFORMATION SYSTEM – VISUAL MESSAGE SIGN UPGRADE AT FIVE CALTRAIN STATIONS FOR A TOTAL AMOUNT OF \$380,000**

Ms. Cavitt said Staff Coordinating Council is recommending Board approval of this construction contract, which will remove the single-line message signs remaining at five stations and replace with two-line visual message signs. The installation of these will complete the update throughout the system.

A motion (Ahmad/Yeager) to award a contract to BECI Electric, Inc. for the Advanced Traveler Information System was approved unanimously by roll call.

**AUTHORIZE AWARD OF CONTRACT TO DISNEY CONSTRUCTION, INC. FOR THE SAN BRUNO GRADE SEPARATION BOX CULVERT RECONSTRUCTION PROJECT FOR A TOTAL AMOUNT OF \$1,841,650**

Ms. Cavitt said Staff Coordinating Council is recommending Board award a contract to Disney Construction to provide reconstruction of a box culvert, which needs to be completed before the San Bruno Grade Separation main project commences. Ms. Cavitt said this will increase capacity to divert water away from the construction site.

A motion (Gage/Yeager) to award a contract to Disney Construction for the San Bruno Grade Separation Box Culvert Reconstruction Project was approved unanimously by roll call.

**AUTHORIZE AWARD OF CONTRACT TO VAE NORTRAK NORTH AMERICA, INC. FOR FURNISHING AND DELIVERING TWO NEW POWER CROSSOVERS FOR THE SAN BRUNO GRADE SEPARATION PROJECT FOR A TOTAL PRICE OF \$881,601**

Ms. Cavitt said Staff Coordinating Council recommends the Board waive the competitive bidding requirement and award a contract to VAE Nortrak. Ms. Cavitt said currently there is no way to switch trains between the two main lines at the project site and in order to avoid delays two new crossovers need to be installed. She said the contract the JPB had with Nortrak expired in December 2009 and staff was unable to use it to add on two additional crossovers. Ms. Cavitt said Metrolink just had a similar crossover procurement and Nortrak was the lowest responsive bidder with pricing staff needed for comparison for this project.

A motion (Church/Gage) to award a contract to VAE Nortrak North America, Inc. for two new power crossovers for the San Bruno Grade Separation Project was approved unanimously by roll call.

**AUTHORIZE APPROVAL OF UPDATES TO JPB'S PROCUREMENT POLICY TO INCORPORATE PROVISIONS OF ASSEMBLY BILL 116**

Ms. Cavitt said Staff Coordinating Council recommends Board approval of updates to JPB's Procurement Policy to incorporate changes in State law and parallel the updates that were made to the SamTran's Procurement Policy. This update will include changes that were brought to law by AB116. Some of the changes are:

- a. Raise the threshold for formal competitive bidding from \$25,000 to \$100,000 and allow staff to use best value approach for procuring equipment, materials and supplies that are usually done on a sealed bid/low bid basis. This also allows staff to consider other things besides price.
- b. Notice for bids has been reduced from two consecutive weeks to one advertisement in the newspaper published 10 days prior to the procurement and also allows for use of the Web site.
- c. For goods purchased between \$2,500-\$100,000 staff needs to obtain three bids, of which one must be from a small business. AB116 did not change the threshold for construction or public works procurements.
- d. Staff is requesting a competitive or formal competitive procurement process for procuring professional services when they exceed \$100,000.

- e. Request authorization for the Executive Director to act for the Board on procurements of equipment, supplies and services that are under \$100,000 and to review and determine any protest that might occur from those procurements.
- f. Authorize the Executive Director to sign contract documents within his signature authority and for those that are Board-approved.

A motion (Yeager/Lloyd) to approve updates to JPB's Procurement Policy to incorporate provisions of Assembly Bill 116 was approved unanimously by roll call.

### **ACCEPTANCE OF THE QUARTERLY INVESTMENT REPORT AND FIXED INCOME MARKET REVIEW AND OUTLOOK FOR THE QUARTER ENDED DECEMBER 31, 2009**

Bill Osher, Tamalpais Investment Wealth Advisors said the portfolio had a great 2009 and was up 3 percent in a year, well above the benchmark return of less than 1 percent. He said looking forward the expectation is the economy is going to have a very good showing for at least the next couple of quarters. Mr. Osher said the Feds need to raise short-term rates a bit to keep long-term rates from going higher.

A motion (Gage/Church) to accept the quarterly investment report and fixed income market review was approved.

Mr. Scanlon said, without the fatalities in December, the on-time performance would have been 96 percent.

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

Government Affairs Manager Seamus Murphy made the following report:

#### **State Level**

- The Legislature is considering the governor's proposal on a gas tax swap. Staff participated in hearings in opposition to the gas tax swap because of the impact it would have on transit operations. The Legislature is showing a willingness to work with staff to replace some of the funding that has been diverted. One of the ideas being floated is a variation on the gas tax swap that would include a new statewide Legislative authority for each county to impose a 6-cent gas fee, subject to a simple-majority approval by voters in the county or by the county's regional transit management agency. California Transit Association's (CTA) legislative committee is meeting today to review the proposal and map out next steps.

#### **Federal Level**

- Senate leaders are announcing their Jobs Bill strategy. It looks like they are interested in a multi-bill approach with the first bill including a one-year extension of SAFETEA-LU, which expires at the end of this month, and supplemental transportation spending that is close to the levels passed in the House. There are some tricky obstacles to this approach including offsetting the bill spending with Troubled Asset Relief Program (TARP) funds; the Congressional Budget Office announced recently that TARP funds don't exactly qualify as offsets in their opinion. There also may not be enough vehicles for a multi-bill strategy since revenue bills need to originate in the House and the House has only given

the Senate one revenue measure to work with. If it passes, the region's transportation formula shares are expected to be around what the Recovery Act provided, about \$495 million for the region and Caltrain would receive about \$10.7 million of that share. The eventual allocation would depend on the MTC.

- It was announced last week that California is to get \$2.25 billion for HSR. This is obviously very good news for the Peninsula Rail Program. There is still the issue of how these funds will be allocated within the State. The original application was \$4.7 billion, which included about \$980 million for Caltrain's section that will be matched with dollar-for-dollar Proposition 1A funds. The CHSRA will now need to negotiate a new spending plan with the Federal Railroad Administration (FRA) based on the actual grant amount. Job creation is going to be a priority for the administration. Staff will be working with regional partners to advocate for a strategy that recognizes how competitive Caltrain's projects are from a readiness perspective. Regardless of where the funding ends up, it is still a huge boost to every section since it increases the total amount of funding available to the entire system statewide. Last year, Congress approved \$2.5 billion for HSR and the president's budget announcement this week included an additional \$1 billion. Congress increased that amount last year so staff is hopeful they will do it again and look forward to an eventual service transportation bill that authorizes somewhere around \$50 billion for HSR nationwide.

Director Don Gage asked about the governor's gas tax plan, the swapping of money and transit agencies having the authority to go out and ask for a gas tax increase.

Mr. Murphy said the Legislature is floating an idea that would incorporate the governor's gas tax swap proposal, but in an effort to provide some local tools for transit agencies to raise revenue it would authorize, on a county-by-county basis, a 6-cent gas tax fee subject to a majority vote approval by the voters.

#### **CORRESPONDENCE**

None.

#### **BOARD MEMBER REQUESTS**

None.

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

Thursday, March 4, 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**

- 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:

<u>Owner</u>	<u>Address/Location</u>	<u>APN</u>
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		
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 staff is asking the Board to convene in closed session to consider matters of real estate negotiations. These discussions have to do with the San Bruno Grade Separation Project and real estate needed to support this project.

Adjourned to closed session at 11:26 a.m.

Reconvened to open session at 11:36 a.m.

Mr. Miller said the Joint Powers Board met in closed session to hear a report from the real estate negotiating team on various parcels that will be required to support the construction of the San Bruno Grade Separation Project. The Board has authorized the real estate negotiators to continue to negotiate for rights and possession with various property owners and continue discussions with the City and County of San Francisco, as well as the business owner of Artichoke Joe's to replicate the existing parking.

**ADJOURNED**

Chair Elsbernd adjourned the meeting in memory of Eleanor Lloyd and Norm Rolfe.

Adjourned at 11:37 a.m.