

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

**Minutes  
April 1, 2010**

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

**MEMBERS ABSENT:** A. Kalra

**MTC LIAISON:** S. Lempert

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

Chair Sean Elsbernd called the meeting to order at 10:04 a.m. and Director José Cisneros led the Pledge of Allegiance.

**PUBLIC COMMENT**

Elizabeth Newton, Sunnyvale, said every time she has tried to take Caltrain with her bike there have been capacity issues. Getting bumped from Caltrain is a large risk for passengers and she has gone back to driving her car.

Jeff Carter, Burlingame, said the Caltrain Web site is one of the best among transit agencies for providing information to the public. He asked if presentations given at the Board and Citizen Advisory Committee (CAC) meetings could be posted.

Pat Giorni, Burlingame, said she knows negotiations have been ongoing regarding the San Bruno Grade Separation and wondered why they are negotiated through the San Mateo County Transit District (SamTrans). Also, are all these properties necessary for electrification or are they also for High Speed Rail (HSR).

Legal Counsel David Miller said the Joint Powers Agreement (JPA) does not give the JPB the right of eminent domain. The practice of the JPB has been to ask member agencies, in whose counties property is needed for a JPB project, to exercise the powers. This is a San Bruno Grade Separation Project for the JPB, which has the capacity to accommodate HSR, but the acquisition is fundamentally for the purpose of grade separation, not for HSR or electrification.

Ed DeLanoy, San Carlos, shared a newspaper article entitled "Caltrain Will Not Coddle".

**CONSENT CALENDAR**

The Board approved the following items (Gage/Church):

- a. Approval of Minutes of March 4, 2010
- b. Authorize Disposition of Eight Service Support Vehicles

### **CHAIRPERSON'S REPORT**

Chair Elsbernd announced the recruitment of nine members for the Bicycle Advisory Committee (BAC) consisting of three members from each of the member counties. There will be a staff person from each county; one person will represent the bicycle coalition within the county and one person from the general public who is a bicycle rider. The application is on the Caltrain website and applications are due April 19.

The JPB CAC is recruiting for three members, one from each county, and applications are due May 10.

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

MTC Liaison Sue Lempert reported:

- There have been a lot of discussions on the gas tax and this looks to be a more secured source of funding for transit. The downside is the Legislature is still able to play with this money.

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

CAC Chair John Hronowski reported the following presentations were given at the March meeting:

1. The BAC from Executive Officer, Public Affairs Mark Simon.
2. The Comprehensive Access Plan from Manager, Planning and Development Marisa Espinosa.

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

Executive Director Michael Scanlon reported:

- Monthly Performance Statistics – February 2010 compared to February 2009
  - a. Total Ridership was 865,569, a decrease of 2 percent.
  - b. Average Weekday Ridership was 35,041, a decrease of 2 percent.
  - c. Total Revenue was \$3,189,889, an increase of 0.9 percent.
  - d. On-time Performance was 95.9 percent, a decrease of 1.4 percent.
  - e. Caltrain Shuttle Ridership was 5,309, a decrease of 12.4 percent.
- Year-to-date Performance Statistics ending February 2010 compared to February 2009
  - f. Total Ridership was 7,861,126, a decrease of 8.3 percent.
  - g. Average Weekday Ridership was 37,371, a decrease of 8.1 percent.
  - h. Total Revenue was \$27,809,413, a decrease of 3.9 percent.
  - i. On-time Performance was 94 percent, a decrease of 0.9 percent.
  - j. Caltrain Shuttle Ridership was 5,606, a decrease of 9.7 percent.
- Decals for bike cars suggesting non-bike passengers sit elsewhere are on hold since the BAC is imminent. Staff would like to wait and discuss this with the committee.
- Special events included six NCAA men's basketball games at HP Pavilion carried an average of 350 additional riders per day; Sharks ridership is averaging about 230 additional riders and baseball service begins tonight with an exhibition game and opening day is Friday, April 9.
- Annual train counts are completed and staff is waiting for the comprehensive report.
- Onboard bike counts will be done in May, including boarding and alighting and total number of bikes that are denied boarding.
- Work continues at the Meadow and Charleston crossings in Palo Alto and a significant amount of vegetation has been removed, which has greatly improved the sightlines.
- A mailer was sent to households within a half-mile of the Caltrain station to complete a survey online and receive two complimentary tickets.

- TransLink will officially hard launch April 2 on Caltrain.
- Earth Day is April 22 and staff will be at the San Francisco and San Jose Caltrain stations distributing goodie bags to thank customers for riding transit.
- The Bike Access brochure has been updated and put on the trains.
- Chair Elsbernd was thanked for his help and support in securing an action of approval from the San Francisco Board of Supervisors for improvements on the Jerrold Avenue Bridge Project.

Mr. Scanlon said he needs to speak candidly about the very real fiscal crisis that this agency is facing. At last month's meeting, the Board was told that the JPB was okay for this year and that remains the case. But it also was predicted that the subsequent years would be extremely problematic due largely to reduced sales taxes, drastic reductions in State monies, ridership and revenue declines and the continuing aftermath of the great recession.

Mr. Scanlon said the business model is simply not sustainable. This operation is a \$100 million a year and nearly 40 percent of that comes from the three member agencies, San Francisco Municipal Transportation Authority (SFMTA), Santa Clara Valley Transportation Authority (VTA) and San Mateo County Transit District. None of these three agencies are in the shape to continue providing the level of funding they have traditionally done. The reason it is not sustainable is 40 percent is coming out of three partners who individually and collectively are beyond broke.

Mr. Scanlon said he will be recommending to the San Mateo County Transit District that the annual contribution be reduced, which is currently about \$16.5 million just for the operating side by nearly 70 percent. That won't have to happen in one step, but by Fiscal Year 2012. Under the terms of the JPA that would trigger similar reductions from the other two partners, so collectively we would be looking at cutting the \$40 million roughly by \$28 million leaving about \$12 million from the partner agencies. When this amount of money is taken out of the revenue side of the equation, we are not going to be able to sustain the current service level.

Such funding cuts will require draconian reductions in service and it could be done in one lump sum or two, but it is realistic to say by January of next year we could be looking at a railroad of about one-half the size it is today. Caltrain has a 43 percent farebox recovery which is very, very high and very high in this area with the exception of BART. So when routes get cut, the revenue side of the equation gets cut.

Mr. Scanlon said the cuts are likely to include no mid-day service, no weekend service, no late night service and other trains would go by the wayside, too.

Mr. Scanlon noted the irony that such cuts will force people back into automobiles and onto congested freeways, polluting the air, making more traffic and doing everything counter to what our society should be doing at this moment in time. Public transit is the one industry that is positioned through investments at the national, state, local and regional level to provide jobs, improve the economy, reduce our reliance on energy and improve the environment.

#### Peninsula Rail Program Update

Peninsula Rail Program Director Bob Doty reported:

- Caltrain is setting national precedent in three areas:

1. Staff has been working on the Communication Based Overlay Signal System (CBOSS) package with the Federal Railroad Administration (FRA) for more than three years and the technical document is now finished and incorporates all the mandated items.
  2. The waiver process for Electric Multiple Units (EMUs) is off docket. There was one comment and it was positive.
  3. At the APTA legislative conference, during a meeting on HSR also attended by Mr. Scanlon, an administrator of the FRA announced that within three to four weeks he would put out national guidelines for operating mixed traffic.
- The future of Federal funding is the connectivity to the network and those systems who support a HSR network will get special attention from the Federal government.
  - The Alternative Analysis Report for the the corridor will be presented at the next HSR board meeting next week. At the request of staff, there will be no time limit for comments on the report.
  - The Context Sensitive Solutions toolkit will be posted to the Web on April 2.

Director Don Gage asked if there is a Board committee looking at financials. Mr. Scanlon said there is a committee looking at the Request for Proposals for the service provider of Caltrain. Director Gage said he would like to receive updates from this committee.

Director Gage said with the financial situation the JPB is in, events such as Earth Day should be considered due to cost and is it something needed. The Board and staff need to look at special service to baseball games and other events. It is nice to have these services, but if cuts are going to occur Caltrain needs to get down to a basic transit system and when things start to turnaround things can be brought back.

Mr. Scanlon said he asked staff to do the Earth Day event in conjunction with the American Public Transportation Association's (APTA) events around the country.

Ms. Lempert asked what could be done to mitigate things in the forecast that could improve the situation in a positive way.

Mr. Scanlon said there is still an effort to get an initiative on the State budget to get the funding voters approved through different measures. Staff is grateful to receive the few cents out of the dollar that were due to Caltrain out of the gas tax swap, but \$3 billion was diverted from public transit over the last three years.

Ms. Lempert said the long-term situation of not having a dedicated source of funding for Caltrain and the solution lies in some kind of a regional rail. A dedicated source funding has been discussed at MTC.

Director Ken Yeager thinks the mailer and outreach for new riders is excellent. The State is bankrupt and it is going to get worse. Mr. Scanlon said staff needs to continue to do the work to make a bright future.

Director Gage suggested a Board workshop to discuss this financial issue.

Director Nat Ford asked if the State Transit Assistance (STA) was made whole, what impact would this have on Caltrain. Director Budgets and Grants April Chan said about \$10 million each year which equates to a \$30 million loss. Director Ford said the message SFMTA is putting out to its customers is the cuts at Muni are dollar for dollar from funding cuts from STA.

#### Public Comment

Pat Burt, Mayor of Palo Alto, thanked staff for the collaboration in the security issues and ways to address the suicides over the last year in a certain segment along the Caltrain corridor. Palo Alto is the second largest boarding city in the entire Caltrain system. The city is a community that will support taxing itself to provide valuable public transportation. Three ways suggested to move toward the goals discussed today include:

- Strengthening the relationship with constituent cities and stakeholders as a foundation for going forward.
- Leveraging the greater public focus on this corridor as a result of HSR being considered for this corridor. This is a transformative period right now and is both an opportunity and a risk.
- Focus on the regional transportation interests as the foremost concern. This may seem redundant, but there are going to be some crossroad decisions here that may shed light.

Mr. Burt said he participated as a member of the Peninsula Cities Consortium. This consortium has come about because some of the most highly impacted cities on the Peninsula, those with residential areas that straddle the corridor have not felt their voices adequately represented. He said there are some outstanding representatives on the JPB, but there is no representative in Santa Clara County, north of San Jose. The city does not have ongoing relationships with the Board as an entity and the voices of the communities do not have an adequate voice to lend the support the JPB clearly needs going forward. He said VTA has a government structure that recognizes geographical areas for representation on a primary board and then it has a sub-tier structure that has a policy advisory group which feeds into the VTA and those sections of the county. He would like to recommend the JPB consider a similar structure. Since the inception of Caltrain, there hasn't been as great of a focus on this transportation corridor, as there is today, as a result of HSR now being under consideration. This is both a risk to this organization and an opportunity. It is a risk if that system should be put in a way that undermines the support of the JPB's constituent cities, stakeholders and populaces for what Caltrain is doing. He said it is an opportunity if a way can be figured out to leverage all of this engagement into support for a system that we truly believe in.

The foremost focus must be on Caltrain and there must be an equating between HSR and the interests of Caltrain. As the legislative analysts and experts throughout the state question the viability of the business plan that has been presented to-date by the California High Speed Rail Authority (CHSRA) this organization needs to make sure there is a plan b and a plan that will be for the success of this organization. Mr. Burt believes the possibility of a regional bond measure or a sub-regional one is a possibility.

Greg Conlon, Atherton, asked staff to continue to their focus on safety along the Caltrain right of way.

Mike Cohn, San Francisco, asked if the five spare gallery cars be put into service as bike cars to ease the bumping situation.

Jeff Carter, Burlingame, said he has been advocating a tax for a dedicated funding source for Caltrain for years. The partner agencies should consider the major projects they have and consider putting the money towards Caltrain.

Mari Hunter, San Francisco Bicycle Coalition (SFBC), said she is glad to hear about a bike study and bike bumps. The SFBC is willing to work with staff on this study and recommend the study be done in the April/May timeframe and not the May/June timeframe as planned.

**ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR FEBRUARY 2010**

No discussion on this item.

A motion (Church/Ford) to accept the February statement was approved unanimously.

**AUTHORIZE AWARD OF CONTRACT TO ORRICK, HERRINGTON AND SUTCLIFFE, LLP TO SERVE AS SPECIAL COUNSEL IN CONNECTION WITH THE FISCAL YEAR 2011 FUEL HEDGING PROGRAM FOR A TOTAL AMOUNT NOT-TO-EXCEED OF \$125,000**

Deputy CEO Gigi Harrington said Staff Coordinating Council (SCC) is recommending Board approval to begin the fuel hedging program.

Director Gage asked if special counsel was used last year. Ms. Harrington said special counsel was used last year.

Public Comment

Jeff Carter, Burlingame, thanked the Board and staff to have the foresight to use a fuel hedge program because it provided cost savings benefits to Caltrain.

A motion (Church/Gage) to authorize award of contract to Orrick, Herrington and Sutcliffe, LLP was approved unanimously by roll call.

**CALTRAIN ELECTRIFICATION PROJECT**

- **Authorize Certification of the Caltrain Electrification Project Environmental Assessment (EA)/Final Environmental Impact Report (FEIR)**
- **Adopt the California Environmental Quality Act (CEQA) Findings of Fact Report and Mitigation Monitoring and Reporting Program (MMRP) Documents**
- **Authorize the Approval of the Caltrain Electrification Program**

Executive Officer, Planning and Development Marian Lee made the following points:

- This is an action item for a combined State and Federal environmental document on the Caltrain Electrification Project. The SCC is asking the Board to take actions in environmentally clearing the project at the State level. These actions are what has already been accomplished on the Federal side. The FTA declared the project has no significant impact on the environment and, in fact, declared the project is environmentally beneficial to society.

- The purpose of this project is to improve performance, reduce noise, improve regional air quality and modernize Caltrain.
- The project is converting 51 miles between San Francisco and Tamien stations from diesel to electrification. This project will increase the level of service to six trains in the peak hour per direction, attract more riders and increase fare revenue.
- Project achievements include the Boards' commitment with the approval of the Rapid Rail Plan in 1999; preliminary engineering was completed in 2008; final environmental document and Federal clearance in 2009.
- Environmental clearance puts projects in a good position to obtain funding and move to final design. There are opportunities available now to get State money.
- The project is at 35 percent design and there is a lot more design work to do before it can be stated what will be built.
- The total cost of the project is \$1.2 billion; \$785 million is for the infrastructure and \$400 million is for the electric trains. There is a gap of about \$600 million and staff's strategy is go to after HSR money on the State and Federal side. To do this, staff has included the project in necessary programming documents, such as the MTC's Regional Transportation Plan and lined up local commitments to leverage as much funding as possible from outside sources. Staff's current request to address this gap is to the FRA for HSR American Recovery Reinvestment Act (ARRA) money and a request to the California Transit Commission (CTC) for State Proposition 1A money.
- Staff is asking the Board to certify the Environmental Impact Report (EIR), adopt the Findings of Fact Report and Mitigation Program and approve the Electrification Project.
- Positive impacts of the project include reduced congestion, reduced energy consumption by 64 percent, reduced air pollutants by 90 percent and reduced noise and vibration by 81 percent.
- The project comes with negative impacts that can be mitigated.
- The public outreach followed State and Federal guidelines.
- Following Board action today the next step is Filing a Notice of Determination with a State clearinghouse with a 30-day review period. This is not a comment period, but a review period in accordance with State regulations. The document will be at various locations for public viewing.

#### Public Comment

Kathy Hamilton, Menlo Park, said she is concerned about a 2004 EIR being approved when the entire situation has changed since then. She is concerned about funding. This is not good enough to proceed with anything that disrupts the corridors and the community. She is concerned about hazardous waste sites in the document being near schools and would like to know where the 180 waste sites are as noted in the document.

Gary Patton, Santa Cruz, said he is an attorney representing the Planning and Conservation League (PCL), the PCL Foundation and the Community Coalition on HSR. He has filed a letter and essentially disagrees with staff that the Board is legally in a position under CEQA to certify an EIR at this time and move ahead. He said this is an opportunity to develop public support for the kind of rail system the communities need. He believes it is legally wrong to move ahead using a six-year-old EIR and urges staff to revise and circulate the document and get buy-in from the public.

Paul Jones, Atherton Rail Committee, urges the Board to not approve the EIR. CHSRA has not designated a vertical alignment for use along the corridor. Staff said there is no significant environmental impact and that is not true. The town of Atherton has many trees that were planted to screen the adjacent residences from the visual and noise impact of Caltrain that would have to be removed.

Jack Ringham, Atherton, said he is not questioning the merits of electrification, but why rush the EIR with no current public comment. Clearly the rush to certify is motivated by stimulus funds. This should not justify false and misleading claims in the EIR. Failure to coordinate Caltrain electrification with HSR is an illogical waste of stimulus funds and irresponsible from engineering, financial and common sense standpoints. Certification should be delayed until electrification is integrated into a HSR EIR or HSR on the Caltrain corridor is cancelled.

Rosemary Maulbetsch, Atherton, urges the Board to not approve the EIR. The EIR is based on an old study and only one arborists was contacted. Trees have grown and changed and there needs be well qualified arborist from the area.

Pat Giorni, Burlingame, said this document just came out for the public to review at the same time as the HSR Program EIR. All these documents are coming at the same time for the public to comment. She asked the Board to not approve the EIR.

Jim Bigelow, Redwood City-San Mateo County Chamber of Commerce, said the Board is only taking three steps today on the EIR which only relates to Caltrain and not HSR. He urged the Board to approve the EIR.

Shirley Carlson, Atherton, said the Board needs to stop and think, as good neighborhoods of Caltrain, there is a lot of tree impact and screening. Please do not approve the EIR today.

Jerry Carlson, Atherton, referred to the Atherton letters sent to the Board. He thinks the EIR needs to be put on hold, it is dated and Caltrain cannot afford to put any money into it. HSR will have additional plans and the EIR will have to be revised and recirculated before implementation.

Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), is a grassroots organization and encourages the public to participate in the environmental review process in order to help shape the community. She requested the Board not approve the EIR and is very concerned the public has not been able to comment in six years.

Elizabeth Alexis, Palo Alto, said she is opposed to the electrical substation location in the Greenmeadow neighborhood of Palo Alto. She is concerned the document is final and it does not recognize citizens' concerns. Please do not approve the EIR today.

Paul Wendt, Belmont, representing Bay Rail Alliance, said electrification has been a high priority of Bay Rail Alliance and hopes the Board will approve the EIR.

Morris Brown, Menlo Park, urged the Board to not approve the EIR. He said one-quarter of the funding to build the electrification system will be wasted because of HSR. This is a regional

electrification project and does not qualify for ARRA funding. This invites a lawsuit by approving an outdated EIR.

Jeff Carter, Burlingame, urged the Board to approve the EIR.

Doug DeLong, Mountain View, offered congratulations to staff and supports the Board certifying the EIR to move forward to position for funding.

Mr. Miller said a lot of has been heard this morning and a lot has come in the last few days to ruminate, digest and assess. This is a landmark day, 10 years in the making, to get to the point where an important benchmark decision would be made to place the Joint Powers Board in a position where it could be more eligible for funding and regulatory approvals to move forward with Caltrain electrification. He said after consideration, the staff recommendation is a sound one.

Mr. Miller said the recommendation that the Board certify the electrification EIR under CEQA is an action that quite logically flows from and complements decisions recently reached by the Federal Transit Administration (FTA) that the requirements of the National Environmental Policy Act (NEPA) have been met. The FTA issued a formal Finding of No Significant Impact (FONSI) for the Caltrain Electrification Program. It's noteworthy that the FTA, in its FONSI report, actually reviewed the lengthy project history. To those who raised questions as to whether the adequacy of the JPB environmental document can stand up given the passage time since the initial preparation and circulation of the draft EIR the FTA FONSI offers constructive responses. After tracing the project history dating back to 2005 with the release of the environmental assessment, the FTA said the following:

“In 2008, the Joint Powers Board developed a revised funding plan for the shortened electrification program. With a funding plan in place, the JPB updated the technical studies and the environmental assessment to reflect the reduction in project scope. The JPB submitted a final EA to the FTA in July 2009. Since almost four years have passed since the submittal of the draft environmental assessment, the FTA requested the JPB complete an environmental reevaluation to assess whether significant changes have been made to the project. Upon review, FTA concluded that the changes in project scope were minor and that the revised project would result in lesser environmental impacts than the project described in the 2005 EA.”

He said in light of this, FTA did not require the completion of the submittal EA. The FONSI issued by the FTA goes on to find, that far from being a project that creates environmental problems instead, electrification offers “environmental advantages.” Additionally, any negative environmental effects can be mitigated.

Mr. Miller said to those who have commented in recent days that the Board should not certify the EIR because of the absence of full funding for the project at this time I offer the following for consideration. First, environmental clearance is a necessary prerequisite to position the JPB to seek and obtain funding. Second, environmental certification will allow the JPB to seek necessary regulatory approval, such as from the State Public Utilities Commission, to implement the project.

He said to those who have commented that the project will start under construction without full funding is not imaginable. No project starts, certainly not by this Board or any agency without a full funding plan. The funding that is to be made available would go to the next logical step – final design.

Mr. Miller said to those who have commented in recent days that mitigation for tree protection and visual impacts are needed there is an agreement with that. It is noteworthy that the resolution before you contains a comprehensive environmental mitigation plan and a monitoring program that is integral to the resolution certifying the EIR. It is noteworthy, too, that this project is only at 35 percent design. Between 35 percent design and 100 percent design is the typical timeframe to refine the design, work with the community and implement the kinds of requirements and protections that are envisioned, which we would wholeheartedly support.

He said he and Mr. Scanlon are recommending that action on the environmental document is postponed today. The public has requested postponement. Additionally, a series of letters arrived only yesterday, one even after close of business. We believe the letters can be evaluated dispassionately and ultimately responded to carefully.

Mr. Miller said he must confess to a fair amount of surprise and disappointment to have read the letter by Mr. Patton last night on behalf of the Planning and Conservation League (PCL). As he reflected on that letter, he thought “is this the same Planning and Conservation League that fundamentally made it possible for us to be here today?” Thinking back, the Planning and Conservation League sponsored Proposition 116. Proposition 116 was a comprehensive statewide bond measure designed to improve public transit in the State. It included \$124 million for a single purpose – acquisition of the Caltrain rail line, the Southern Pacific (SP). That was a visionary measure and represented quite a macro view of environmental issues on the part of the Planning and Conservation League. That measure didn’t say you had to undertake environmental impact reports to determine how many people would be coming to a rail station on a given day or how many trains would be running. The focus of that initiative was to say that it was far better to get people out of their cars and get them into mass transit. It was largely as a result of that initiative and the vision of this Board and its predecessors, we were able to acquire the right of way from SP on very favorable terms, including a 105 foot wide corridor. SP wanted to sell a 50 foot wide corridor that would accommodate only two tracks.

He said can you imagine starting today: If you talked about rail expansion, you would be buying real estate at today’s values instead of 20 years ago. As a result of the acquisition of the corridor Caltrain, without a regional subsidy, has been able to expand its service significantly, has been able to attract many riders to the system. It is facing a financial problem today, but the electrification program represents the next stage in the Caltrain future for its preservation and protection. Mr. Miller is stunned that the Conservation League would now be approaching this from such a micro view. That instead of sitting down, a letter is received under a veiled threat of litigation to stop what is fundamentally an environmentally betterment project. Staff invites the PCL and anyone else who has commented to sit down and talk this through. From that high altitude perspective that has so characterized their actions in the past, and recognized what they have meant to this organization, staff is ready to meet during this period of time in which we are suggesting that the Board put this matter on hold.

Sue Lempert left at 12:07 p.m.

Director Omar Ahmad supports postponement, but is extremely upset by the letter received from Mr. Patton and believes there will be litigation. He wants to make sure the public is appropriately engaged and the right things are done.

Mr. Miller said his recommendation is to engage in a dialogue to see what the intent is. He said this project has been the cornerstone and foundation of what the JPB intends to do.

Mr. Ahmad said there are legitimate issues that the public wants addressed. He would support any efforts by Mr. Miller and staff to make certain that the concerns are appropriately addressed and dealt with.

Director Lloyd said he is 100 percent in favor of electrification and requested staff to come back as quickly as possible for approval to move this forward.

A motion (Ahmad/Lloyd) to postpone approval of the Caltrain Electrification Project was approved unanimously.

**AUTHORIZE THE SUBMITTAL OF A FUND PROGRAMMING REQUEST OF \$41.026 MILLION IN PROPOSITION 1A FUNDS FOR THE CALTRAIN CORRIDOR ELECTRIFICATION PROJECT**

Ms. Chan said SCC is requesting Board approval to submit a programming request to the State to receive a total of \$41.026 million in Proposition 1A funds for the Electrification Project. The voters approved Proposition 1A in November 2008. This is a \$9.9 billion bond program and \$760 million is available for connectivity for commuter and urban rail systems. This action allows for this project to be put in line for funding.

A motion (Ford/Lloyd) to submit a programming request for Proposition 1A funds for the Caltrain Corridor Electrification Project was approved unanimously by roll call.

**AUTHORIZE FILING AN APPLICATION TO RECEIVE \$685,145 OF FISCAL YEAR 2010 PROPOSITION 1B CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS AND A CONCURRENT LETTER OF NO PREJUDICE WITH THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY**

Ms. Chan said SCC is requesting the Board authorize staff to file an application to receive \$685,145 in Proposition 1B funding and file a Letter Of No Prejudice.

A motion (Gage/Church) to file an application to receive Proposition 1B California Transit Security Grant Program Funds was approved unanimously by roll call.

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

Director of Contracts and Procurement Cheryl Cavitt said SCC is requesting approval for award of contract to Fehr & Peers to provide on-call transportation planning and program support.

A motion (Ford/Yeager) to award a contract to Fehr & Peers for on-call transportation planning

was approved unanimously by roll call.

Director Ford left at 12:20 p.m.

**STATE AND FEDERAL LEGISLATIVE UPDATE**

Government Affairs Manager Seamus Murphy introduced Mike Robson from Edelstein, Gilbert, Robson and Smith who made the following report.

Mr. Robson said the legislature came to a conclusion of about \$2 billion in revenue solutions for the State. Almost all of this \$2 billion came in the form of the gas tax swap, which eliminates the sales tax on gas and increases the excise tax. This gives the State more General Fund flexibility. Caltrain will be receiving about \$5 million from the end of this fiscal year to the end of FY2011.

**CORRESPONDENCE**

None

**BOARD MEMBER REQUESTS**

None

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

Thursday, May 6, 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**

Public Comment

Ron Cox, Artichoke Joes, said he supports the San Bruno Grade Separation Project. At the start of this project Artichoke Joes was going to be losing 65 parking spots and they have worked with staff and are now down to minus two parking spaces. He appreciates how much staff has worked with Artichoke Joes on this issue.

Alan Titus, attorney representing Artichoke Joes, said he supports the San Bruno Grade Separation Project. This is a family owned business and parking means a lot to this business and a deal has been put together for a win for all parties involved.

- a. Closed Session: Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(b)(1) (One Potential Case)
- b. 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

Joint Powers Board Meeting  
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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

Mr. Miller said the Board will convene in closed session to discuss a series of real estate issues involved with the San Bruno Grade Separation Project and a construction claim involving the Centralized Equipment Maintenance Operations Facility (CEMOF) project.

Adjourned to closed session at 12:27 p.m.

Director Church left at 12:35 p.m.

Reconvened to open session at 12:35 p.m.

Mr. Miller said the Board met in closed session. It is being recommended that the Board approve execution of principle points of agreement with Artichoke Joes, which would lay the foundation for further negotiations with that company and the City and County of San Francisco.

A motion (Lloyd/Gage) to approve execution of principle points with Artichoke Joes and the City and County of San Francisco was approved unanimously.

Mr. Miller said the second item pertains to the CEMOF project and a construction claim filed by the prime contractor. Legal Counsel and the Executive Director are recommending the Board approve execution of a settlement agreement and release with Shimmack Obayashi Joint Venture to close out the project at a total additional cost of \$2.250 million, subject to the concurrence of the Federal Transit Administration.

A motion (Gage/Lloyd) to approve execution of settlement agreement and release with Shimmack Obayashi Joint Venture was approved unanimously.

**ADJOURNED**

Adjourned at 12:45 p.m.