

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

**Minutes
November 1, 2012**

MEMBERS PRESENT: J. Cisneros, M. Cohen, J. Deal, A. Kalra, L. Kniss, A. Lloyd, A. Tissier

MEMBERS ABSENT: T. Nolan, K. Yeager

STAFF PRESENT: J. Averill, M. Bouchard, J. Cassman, C. Cavitt, A. Chan, G. Harrington, C. Harvey, R. Haskin, M. Lee, M. Martinez, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon

Chair Adrienne Tissier called the meeting to order at 10:04 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Doug DeLong, Mountain View, said he will be very interested to hear how many passengers Caltrain carried on October 31 for the Giants victory parade in San Francisco.

Director Liz Kniss arrived at 10:06 a.m.

Roland LeBrun, San Jose, said the additional trains have achieved their primary objective of relieving the overcrowding on certain trains. He appreciated staff's efforts to accommodate the Giants fans attending the parade in San Francisco. Mr. LeBrun said he took Train 142 after the October 4 JPB meeting to San Jose and it broke down in Palo Alto because of a faulty door switch. He would like to know if that train was taken out of service as soon as it reached San Jose and, if not, why? He said the Transbay Terminal Project is at a critical juncture and unless immediate action is taken, the JPB will be stuck with a \$2.5 billion tunnel designed for light rail.

Jeff Carter, Millbrae, said Caltrain service on October 31 was an exercise on how many people can fit on a five-car train. He appreciates staff's efforts in carrying all the extra passengers for the Giants parade. Mr. Carter said in the future, staff might consider turning a train outside of San Francisco.

Kelly Riebal, Redwood City, said on October 16, on Train 323, a conductor tried to have a passenger kicked off the train under false pretenses. She said the Transit Police were called and it was proven the passenger was correct, but it caused a 20-25 minute delay. She is asking that conductors be better trained. Ms. Riebal said with November elections, people would like to see more funding for Caltrain and a lot of people will be voting or thinking about this issue. She said there is a large grass-roots effort on social media talking about the delays and mechanical problems.

CONSENT CALENDAR

Public Comment – Agenda Item a. Approval of Minutes of October 4, 2012

Roland LeBrun, San Jose, said in the second paragraph at the bottom of page 4 of the October 4 minutes, it is stated that at the California Transportation Commission (CTC) meeting of September 27, Caltrain was awarded \$30 million for the Communications-based Overlay Signal System (CBOSS)/Positive Train Control (PTC), and \$9 million was awarded for bridge reconstruction in San Mateo. He said this statement is inconsistent with Caltrain's media release of September 27 where it is stated the entire \$39.8 million in funding would be used for further design work for CBOSS/PTC. Mr. LeBrun asked if the \$9 million is for bridge reconstruction and, if so, he would like to know which bridge because San Mateo reconstructions were completed last year.

Mr. Scanlon said the \$30 million should be \$40 million and he may have said \$30 million mistakenly. He said the minutes reflect what he said. Mr. Scanlon said it is \$40 million for the CBOSS/PTC system. He said the bridges are considered grade separations because they are bridges that go over four streets in San Mateo. The bridges are located over Popular, Santa Inez, Tilton and Mount Diablo avenues.

- a. Approval of Amended Minutes of October 4, 2012
- b. Approval of 2013 Board of Directors Meeting Calendar
- c. Information on Conflict of Interest Code
- d. Authorize Amendment to Annual Adoption of Investment Policy and Authorization to Invest Monies with the Local Agency Investment Fund
- e. Authorize Amendment to the Contract with Garda CL West to Provide Collection, Transport, Counting and Deposit of Cash Received from Ticket Vending Machines for a Cost of Up to \$456,096 from \$2,843,789 to \$3,299,885 on a Month-to-Month Basis for One Year

A motion (Deal/Kniss) to approve the consent calendar was approved unanimously.

CHAIRPERSONS REPORT

Chair Tissier thanked staff for providing the extra service to the Giants victory parade on October 31 on such short notice.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

CAC Vice Chair Kevin Gardiner said at its October 17 meeting, the CAC received presentations on real-time information and ticket vending machine replacement by Executive Officer, Customer Service and Marketing Rita Haskin.

Public Comment

Adina Levin, Menlo Park, said in addition to having Caltrain providing real time information, it is important the data is available for other applications and 511.org.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Scanlon reported:

- Public transit agencies stepped up huge yesterday for the Giants parade. There were numerous staff at the stations assisting passengers. Caltrain carried a total of 88,000 people yesterday, an additional 38,000 riders. The morning went very well with additional trains being put into service. The problem with the afternoon was people returning earlier than they did two years ago. Staff did a load-and-go, but ran out of trains about 3 p.m., so there was a bit of a gap between 3:00 and 4:00 p.m.
- Key Caltrain Performance Statistics
 - Monthly Performance Statistics – September 2012 compared to September 2011
 - Total Ridership was 1,289,890, an increase of 8.4 percent.
 - Average Weekday Ridership was 50,821, an increase of 12 percent.
 - Total Revenue was \$5,859,685, an increase of 17.6 percent.
 - On-time Performance was 86.6 percent, a decrease of 7 percent.
 - Caltrain Shuttle Ridership was 10,247, an increase of 52.1 percent.
 - Year-to-date Performance Statistics – September 2012 compared to September 2011
 - Total Ridership was 3,946,397, an increase of 9.3 percent.
 - Average Weekday Ridership was 49,355, an increase of 9.9 percent.
 - Total Revenue was \$17,665,531, an increase of 15.4 percent.
 - On-time Performance was 91.3 percent, a decrease of 1.3 percent.
 - Caltrain Shuttle Ridership was 8,697, an increase of 32.3 percent.
- It is too early to determine if the new schedules are easing overcrowding, but some cyclists have shifted to different trains. Seventy percent of the fleet is gallery cars and 30 percent is Bombardier cars. Riders without bikes prefer the Bombardier cars because the ride is much smoother.
- The Bicycle Advisory Committee will meet on November 15 and Ms. Haskin will present the same presentations given to the CAC in October.
- The weekend of October 6-7 was busy for transit with many events in the area. Caltrain carried 37,500 passengers on Saturday and 27,000 passengers on Sunday. The agency put as much trains into service as possible.
- The eight Giants home playoff games averaged 9,200 riders per game, about one-third more than the average for the exhibition and regular season.
- Red Bull Flugtag Challenge is on November 10 and 50,000 are expected. Baseball-type service will run.
- Caltrain will operate a Sunday schedule on Thanksgiving Day and a Saturday schedule on the Friday after Thanksgiving Day.
- The San Bruno Grade Separation Project is going well.
- Staff reissued the General Engineering Consultant Request for Proposals (RFP). The CTC provided funds of \$9 million for bridges with the condition the work be expedited, so this work has been removed from the RFP and given to the existing consultants.
- The Holiday Train will run December 1 and 2. The Silicon Valley Community Foundation donated \$50,000 last December and continues to raise funds. One train car has been wrapped to publicize the event. Executive Officer, Public Affairs Mark Simon showed pictures of the train wrap.

Director Malia Cohen asked how much it costs to wrap a train. Ms. Haskin said it is approximately \$10,000 per car.

Director Kniss asked if the train is running any other weekend besides December 1 and 2. Mr. Scanlon said the wrapped train is a promotional piece to advertise the event. The actual Holiday Train is a train people don't ride and is fully decorated with lights, has costume characters and carolers. Mr. Scanlon said there is a flyer for the event in the reading file.

Caltrain Modernization Program

Executive Officer, Caltrain Modernization Program Marian Lee said it is time to update the existing agreement between the California High Speed Rail Authority (CHSRA) and the JPB. The current agreement is outdated because it talks about a four-track, fully grade-separated system, which is not being built. It also includes an organizational structure with shared staff, which is no longer the case. Staff will update the agreement to coincide with the existing nine-party Memorandum of Understanding (MOU) that addresses the blended system and the JPB resolution adopted by this Board. Ms. Lee said staff is taking input from stakeholders as they prepare for an informational item to the Board in December and, if all goes well, an action item in January.

Staff has been working on funding for the next phase of the CBOSS project. The San Mateo County Transportation Authority approved the funding at their October 4 meeting. The San Francisco County Transportation Authority (SFCTA) is planning on taking action in November and the Santa Clara Valley Transportation Authority in December. Last month, staff addressed the SFCTA's request for special conditions in approving the CBOSS funding request. The conditions were unacceptable to the MOU partners, so there will be no special conditions. The partners are establishing a common protocol for project reporting and coordination.

Ms. Lee said staff has contracted with ICF as the environmental lead for clearing the Caltrain electrification project, led by consultants Mike Davis and Richard Clark, and supported by in-house staff and additional consultants. She said they are working on the scope, schedule and budget.

Ms. Lee said staff has been working on two studies on the blended system for the last several months. These studies were "what-if" scenarios on a computer model and analysis of gate downtime and traffic impacts associated with the blended system. She said staff has shared the preliminary findings with city and county staff and addressed their concerns. Preparation for public outreach on this data is underway and will take place over the next few months.

Ms. Lee said staff is setting up the next local policymaker working group meeting. Staff has been receiving the city and county appointments to this group. She said staff hopes to have the next meeting in November. Ms. Lee said the staff and management from MOU partners met in October and decided the Metropolitan Transportation Commission (MTC) staff will chair these meetings and will coordinate and report on the Early Investment Program. The MOU partners also need to focus on regional advocacy for continued corridor improvements that will be necessary to support a blended system. The next meeting for this group will be in November.

Ms. Lee said staff has other ongoing outreach efforts with individual cities and will be meeting with the Bay Area Council and Friends of Caltrain.

Director Art Lloyd asked if all trains ran local yesterday. Mr. Scanlon said the afternoon southbound schedule was changed to a load-and-go with all local stops; the schedule was maintained for the afternoon northbound.

Director Kniss asked if there is a limit to the number who can ride the train. She said she has spent time at the Palo Alto Station and it is very crowded with lots of bikes. Mr. Scanlon said there are no more trains to add or staff to run them. He said it would be foolish to size the system to accommodate the types of crowds there were yesterday. He said under the Caltrain Modernization Program, staff is going to optimize the railroad with an advanced signal system with improved throughput. Mr. Scanlon said there is a certain distance that must be maintained between trains for safety. He said electrification will improve the performance of the system from a capacity standpoint and the trains will be able to accelerate and decelerate much quicker.

Mr. Scanlon said level boarding is an unresolved issue that could address load capacity and dwell time. The challenge with level boarding is that Caltrain will be operating a mixed fleet of cars, but freight trains will continue to operate through the corridor and there are rules that require clearances for freight trains.

Director Kniss said the Baby Bullet trains are very popular at Palo Alto but there is a parking issue at the station. She said accurate information about when electrification is going to happen is important to get out to the public.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR JUNE 2012 (unaudited)

Deputy CEO Gigi Harrington said the auditors have completed their work. She said fare revenue was \$6 million over budget and there is a surplus of approximately \$11 million that staff will move to the Fiscal Year (FY) 2014 budget. Year to date, fuel was \$3.13 per gallon and the JPB has received approximately \$300,000 from the fuel hedge. Ms. Harrington said she will bring back the audited financial statements in December or January.

Public Comment

Adina Levin, Friends of Caltrain, said if there is going to be a barrier to capacity by having to phase-in trains immediately, and MTC is looking to bring money into the system to help promote additional investments that will be needed to modernize the corridor, she wondered if one of the items for fundraising could be getting new cars more quickly, which might help with efficiency and increasing capacity. She said staff should look at other shuttle service operators that are not open to the public and outreach to them to open their shuttles up to the public.

A motion (Lloyd/Cisneros) to accept the June 2012 statement was approved unanimously.

**ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR
SEPTEMBER 2012**

Ms. Harrington said revenue is over budget and expenses are within budget. Fare and operating revenue for September is \$1.9 million over budget. She said consistent with ridership in October, the fare revenue will be very good. Ms. Harrington said on the expense side, year to date fuel is \$3.24 per gallon and last week it was \$3.14 per gallon, and the JPB received \$74,000 from the fuel hedge in October.

Public Comment

Roland LeBrun, San Jose, said fuel is a significant part of the budget, and the September fuel figures should be a serious cause of concern. He said the fuel figure for June was \$1 million and jumped to \$1.9 million in September. He initially thought the increase was due to the recent refinery fire, but he went back to the minutes and saw that fuel was \$2.89 per gallon in June, increased to \$3.42 in August, and went back down to \$3.21 in September. Mr. LeBrun said this did not account for the 80 percent increase in fuel costs, so he divided the monthly dollar amounts by the cost per gallon and ended up with 371,000 gallons in June and 598,000 gallons in September. He said this is an increase of 60 percent in fuel usage between June and September even though the additional trains did not start running until October 1. He would appreciate an answer in writing on this issue.

A motion (Lloyd/Kniss) to accept the September 2012 statement was approved unanimously.

Mr. Scanlon said he is not exactly sure of the question Mr. LeBrun is asking to respond to in writing, so he will have staff speak to him. He said 17 weeks into FY2013, there has already been a \$1 fluctuation per gallon in fuel. Mr. Scanlon said for the week ending August 30 fuel was \$3.60 per gallon and for the week ending July 12 fuel was \$2.78 per gallon. The volatility of the fuel market remains an issue. Staff budgets for fuel conservatively and hedges half the fuel portfolio.

**AUTHORIZE AWARD OF CONTRACT TO WELLS FARGO INSURANCE SERVICES
USA, INC. TO PROVIDE INSURANCE BROKERS SERVICES FOR A NOT-TO-
EXCEED AMOUNT OF \$565,000 FOR A FIVE-YEAR TERM**

Director, Contracts and Procurement Cheryl Cavitt said Staff Coordinating Council (SCC) recommends the Board award a contract for insurance broker services to Wells Fargo Insurance Services USA, Inc. for a fixed price of \$465,000 with an additional \$100,000 that will be for an on-call basis for various consultant services.

A motion (Lloyd/Kniss) to authorize award of contract to Wells Fargo Insurance Services for a not-to-exceed amount of \$565,000 for a five-year term was approved unanimously.

AUTHORIZE AWARD OF CONTRACT TO G4S SECURE SOLUTIONS (USA), INC. FOR SECURITY OFFICER SERVICES AT THE CALTRAIN CENTRALIZED EQUIPMENT MAINTENANCE AND OPERATIONS FACILITY, THE SAN FRANCISCO AND SAN JOSE DIRIDON CALTRAIN STATIONS FOR AN ESTIMATED TOTAL COST OF \$2,219,293 FOR A THREE-YEAR TERM

Ms. Cavitt said the amount on the agenda, staff report and resolution is incorrect and should be \$2,266,468. She said this was a very competitive procurement with 14 proposals submitted, including two from Disadvantaged Business Enterprise firms.

A motion (Lloyd/Cisneros) to authorize award of contract to G4S Secure Solutions (USA), Inc. for an estimated total cost of \$2,266,468 for a three-year term was approved unanimously.

AUTHORIZE AMENDMENT TO ON-CALL TRANSPORTATION PLANNING AND PROGRAM SUPPORT CONTRACTS WITH CDM SMITH, INC. AND FEHR & PEERS BY AN ESTIMATED AGGREGATE NOT-TO-EXCEED AMOUNT OF \$675,000 FROM \$2,250,000 TO \$2,925,000

AUTHORIZE AMENDMENT TO ON-CALL ENVIRONMENTAL PLANNING CONSULTING SERVICES CONTRACTS WITH THE LOUIS BERGER GROUP, INC. AND JONES & STOKES, INC. BY AN ESTIMATED AGGREGATE NOT-TO-EXCEED AMOUNT OF \$1,125,000 FROM \$3,750,000 TO \$4,875,000

Ms. Cavitt said these two items are complementary and both are in need of additional contract capacity to accommodate additional tasks made necessary because the new government issued grants. Ms. Cavitt said staff has begun working on developing the scope of work so new contracts can be advertised soon. She said a lot of the additional work is being driven by the Caltrain Modernization Program.

A motion (Kniss/Lloyd) to authorize an amendment to on-call transportation planning and program support contracts with CDM Smith, Inc. and Fehr & Peers by an estimated aggregate not-to-exceed amount of \$675,000 and authorize an amendment to on-call environmental planning consulting services contracts with the Louis Berger Group, Inc. and Jones & Stokes, Inc. by an estimated aggregate not-to-exceed amount of \$1,125,000 was approved unanimously.

UPDATE ON COMMUNICATIONS BASED OVERLAY SIGNAL SYSTEM/POSITIVE TRAIN CONTROL PROJECT

Director, Rail Michelle Bouchard said:

- This project was awarded at the October 4 meeting. The Federal Railroad Administration (FRA) has mandated the implementation of a PTC solution by December 2015 and it must include basic safety elements and be interoperable with other railroads.
- Staff issued a RFP for a full turnkey solution and a contract was awarded in October 2011. In order to fund the first phase of the contract, staff entered into an agreement with CHSRA. The Notice to Proceed (NTP) was issued in January to Parson Transportation Group. Part of the proposal was a fiber optic backbone option, which staff executed in April 2012.
- The PTC requirement is to prevent train-to-train collisions, prevent overspeed derailments, prevent incursions into established work zones and prevent movement

through a misaligned switch. Additional requirements are enhanced crossing safety and performance, improved headways and operational flexibility, enforcement of scheduled station stops and schedule management.

- The contract awarded was a full turnkey contract that included all the subsystem and system designs, procurement of all the materials, training, testing and additional elements of a backup control facility, and FRA certification and documentation. After the system is installed, the contract includes full warranty and long-term support for the system.
- The system will be interoperable with systems being used by all the tenant railroads along the corridor and also interoperable when operating on the Union Pacific mainline south of San Jose.
- The onboard and wayside components of this project are supplied by General Electric Transportation. The back office server is supplied by WABTEC, the backup control facility will be an ARINC control system and the communications network is provided by a fiber optic network.
- Benefits of the fiber optic network are immediate. It will provide the communications system for the PTC system, but will also be able to connect some of the existing passenger information systems and future electrification system to the fiber optic backbone. Staff sees some real benefit in installing this as it may be a revenue generator for the JPB.
- The project is currently in Phase 1, critical design, which has been partially funded by the CHSRA. Phase 2 is testing, integration and field installation.
- Major accomplishments for Phase 1 include working through the project deliverables, working through some of the critical deliverables to the FRA, and seeking a prime location for the backup control facility.
- Staff has begun meeting on a monthly basis with all the tenants, specifically Union Pacific, in order to ensure interoperability at every phase and juncture of the project.
- Staff anticipates Phase 1 will be completed in March 2013 and bringing Phase 2 to the Board for award in January 2013 with completion in September 2014. Phase 3 will come to the Board for award in July 2013 and the system will be in service by October 2015.
- Next steps include NTP for Option 1 in January and complete Phase 1 in March 2013. With the completion of Phase 1 staff will be completing the funding agreement with CHSRA.

Public Comment

Roland LeBrun, San Jose, said last year the Board was told by staff there were 30 variables for which major payments are associated and until that work is completed and accepted by the JPB no payments are made. He said he has asked repeatedly for this list of deliverables and a month later he received a list without any associated costs. Mr. LeBrun said this kind of accountability is not acceptable for a \$1.5 billion project and staff should follow the example of the Transbay Terminal Project, which is a textbook example of how to do this right. He said this evening he will be requesting the VTA Board approve the \$3 million in Measure A contribution subject to three conditions: first would be a monthly budget status update for CBOSS and the electrification project; second is a Caltrain management audit at the earliest opportunity; third is a monthly funding status update. Mr. LeBrun asked that Director, Government and Community

Affairs Seamus Murphy clarify if the FRA mandated deadline for PTC implementation is 2015 or 2020. Mr. Murphy said it is 2015.

Jeff Carter, Millbrae, said there are people on the outside that think they know what is going on but they really don't. He asked how CBOSS compares to other transit agencies and if resources can be pulled for the project so it doesn't look like a Caltrain specific project.

Doug DeLong, Mountain View, commended staff on selling the advance tickets for the Giants parade and hopes this idea is used for future special events. He said staff should find a carrier to locate a base station along the right of way where the fiber optic backbone is used in exchange for free wireless service to passengers. Mr. DeLong said he supports the ITS product and it is in service on some Amtrak owned property in Michigan and a Union Pacific line from St. Louis to Chicago so it is a fairly low risk approach and not reinventing the wheel.

LEGISLATIVE UPDATE

Mr. Murphy said things are quiet before the election, but the election could have some impacts on transportation funding. Most of the attention has been around the trigger cuts that would happen to education next year if the measure doesn't pass. Mr. Murphy said it is likely the Legislature and the governor would seek to spread those impacts out, not only affecting education, but potentially other sections of California government. He said there are some funds that are received from the State Transit Assistance Program that are not protected and could potentially be diverted to supplement the General Fund if Proposition 30 is unsuccessful. Mr. Murphy said there have been several attempts to prevent the State from selling Proposition 1A High Speed Rail Bonds. On October 31, the Secretary of State's office announced that a measure attempting to be on the ballot next year did not receive enough signatures and will not be on the ballot. This is good news because the Caltrain Modernization Program depends largely on these funds.

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

Director Kniss asked the Board to adjourn the meeting in memory of Gary Fazzino, former mayor of Palo Alto, and the informal historian of the city. His loss is enormous in Palo Alto.

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be Thursday, December 6, 2012, 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

- a. Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a): Robert Lightfoot v. City and County of San Francisco, et al, San Francisco Superior Court Case No. CGC-08-483640

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- b. Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a): Rowena Seto v. Peninsula Corridor Joint Powers Board, et al
- c. Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a): Mark Morgan v. Peninsula Corridor Joint Powers Board, et al

Legal Counsel David Miller said the Board will be meeting in closed session on three items of pending litigation.

Adjourned to closed session at 11:27 a.m.

Reconvened to open session at 11:48 a.m.

Mr. Miller said the Board met in closed session as permitted by the Brown Act to hear a report on three matters of pending litigation. There is no action to be taken by the Board at this time and legal counsel will continue to keep the Board apprised of developments in these cases.

Director Kniss moved that the meeting be closed in memory of former Palo Alto mayor and employee of Advanced Materials, Mr. Fazzino, and send condolences to his wife, Annette, and his children Julia and Matthew.

Adjourned at 11:50 a.m.