

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

**Minutes
December 6, 2012**

MEMBERS PRESENT: M. Cohen, J. Deal, A. Kalra, L. Kniss, A. Lloyd, T. Nolan,
A. Tissier, K. Yeager

MEMBERS ABSENT: J. Cisneros

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

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

PUBLIC COMMENT

Vaughn Wolffe, Pleasanton, said staff can't predict ridership growth when fares are increased and on-time performance decreases, but ridership still increases. He said with the fiscal cliff looming the Metropolitan Transportation Commission (MTC) should seek an increase in the Federal gas tax. Mr. Wolffe said with the supermajority in the State Legislature it might be time to push for a state bank.

Doug DeLong, Mountain View, said Caltrain is experiencing a success disaster. There is a very pressing, much shorter term problem that needs to be addressed. He said there needs to be a list of options for the Board to consider addressing the crush of passengers and poor on-time performance.

Jeff Carter, Millbrae, said ridership keeps going up and unfortunately the design of the gallery cars slows boarding. He thanked the Silicon Valley Community Foundation (SVCF) for helping to bring the Holiday Train back this year.

Roland LeBrun, San Jose, said thank you for listening to people and showing how High Speed Rail (HSR) can run to the Downtown Extension. He said staff is proposing to close Quint Street and replace the bridge with a berm. Mr. LeBrun said the consultants have completely ignored the Station Master Plan including access to the Transbay Terminal if there are no passing tracks. He said it would be nice if a member of the public could have access to audio visual equipment at Board meetings.

CONSENT CALENDAR

Public Comment

Roland LeBrun, San Jose said on page 8 of 10 he was referring to deliverables not variables.

Doug DeLong, Mountain View said on page 9, his comment supporting the choice of

the ITS architecture for the Communications-based Overlay Signal System (CBOSS) being an off the shelf solution that is in service on some existing properties in Michigan and Illinois was omitted.

- a. Approval of Amended Minutes of November 1, 2012

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

CHAIRPERSONS REPORT

Appointment of Nominating Committee for 2013 Officers

Chair Tissier said she is appointing Directors Malia Cohen, Jerry Deal and Ash Kalra to the Nominating Committee.

Resolution of Appreciation to Outgoing Director Liz Kniss

Chair Tissier presented Director Liz Kniss with a Resolution of Appreciation and a train plaque.

A motion (Lloyd/Nolan) to approve the Resolution of Appreciation to Outgoing Director Liz Kniss was approved unanimously.

Director Kniss thanked everyone and said it was an extraordinary experience being part of this Board. She hopes ridership increases get people off the roads to reduce greenhouse gases.

Public Comment

Adina Levin, Friends of Caltrain, said it is sad to see Director Kniss leave the Board. It was great to see someone on the Board using the service.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

CAC Chair Paul Bendix said at its November 14 meeting, the CAC:

- Received a presentation on Caltrain Modernization from Director, Government and Community Affairs Seamus Murphy. The CAC learned the mechanism for using San Mateo County Transportation Authority Measure A funds for grade separations.
- The committee representative from Gilroy said there is a housing boom and more incentives are in place for transit friendly housing, but there is less transit with cuts from Caltrain and Santa Clara Valley Transportation Authority (VTA).

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Thanked Director Kniss for her service, saying she displayed extraordinary courage by supporting the nine-party Memorandum of Understanding (MOU) while running for local office in the city of Palo Alto.
- October numbers should be tempered by the Giants Post-Season and World Series parade, which led to unusually large ridership increases for the month because those events didn't occur in 2011.
- Key Caltrain Performance Statistics

- Monthly Performance Statistics – October 2012 compared to October 2011
 - Total Ridership was 1,428,466, an increase of 24 percent.
 - Average Weekday Ridership was 51,716, an increase of 21.3 percent.
 - Total Revenue was \$6,409,705, an increase of 33.3 percent.
 - On-time Performance was 83 percent, a decrease of 11.9 percent.
 - Caltrain Shuttle Ridership was 9,187, an increase of 19.7 percent.
- Year-to-date Performance Statistics – October 2012 compared to October 2011
 - Total Ridership was 5,374,863, an increase of 12.9 percent.
 - Average Weekday Ridership was 49,945, an increase of 12.7 percent.
 - Total Revenue was \$24,075,236, an increase of 19.7 percent.
 - On-time Performance was 89 percent, a decrease of 4.2 percent.
 - Caltrain Shuttle Ridership was 8,820, an increase of 28.8 percent.
- The system is pretty stretched and strained. In November, 16 days operated at 95 percent and the other half over 95 percent. Staff is watching the on-time performance very closely.
- The Bicycle Advisory Committee met on November 15 and received presentations on real-time information and ticket vending machine (TVM) replacement. Election of officers will take place at the January 17 meeting.
- A Sunday service was operated on Thanksgiving Day and a Saturday service for the day after. Ridership was up significantly, but less than a normal weekday.
- Baseball service was provided for the Red Bull Flugtag Challenge with an additional 7,300 riders.
- Upcoming special service:
 - Baseball service will be provided for the Kraft Fight Hunger Bowl at AT&T Park on December 29 featuring Navy and Arizona State.
 - Regular service will be operated on Christmas Eve.
 - A Sunday schedule will operate on New Year's Day. Four post-fireworks specials will operate on New Year's Eve with free fares after 11 p.m.
- Work on the San Bruno Grade Separation Project continues.
- Train and station advertising continues to be a good story. Samsung has a wrapped train running through the end of December. This is an eight week campaign bringing in about \$70,000. They also are participating in an advertising saturation at the San Francisco 4th and King Station and this five month campaign generated \$62,000 in revenue.
- Customer Satisfaction Survey is occurring now and is an important part of the TransitAmerica Services contract.
- The Holiday Train returned on December 1 and 2. The SVCF donated \$50,000 to help bring back the event. Approximately 3,000 toys were collected. Biggest collection locations were Mountain View, San Mateo, Menlo Park and Burlingame. For the first time the Holiday Train had a fundraising component and an additional \$30,000 has been raised. Executive Officer, Public Affairs Mark Simon showed a few pictures from the event.
- The reading file contains correspondence and the October Safety and Security Report.

Caltrain Modernization Program

Executive Officer, Caltrain Modernization Program Marian Lee said staff has been working on the JPB agreement with California High Speed Rail Authority (CHSRA). The nine MOU partners have all signed on and staff has been working with the partners at a staff level to help guide and advance the project. Staff has also been meeting with representatives of the 17 cities and three counties along the corridor on a regular basis.

Ms. Lee said an agreement has been reached on the scope and approach of the electrification environmental document. Staff has agreed to environmentally clear corridor electrification infrastructure which directly benefits both Caltrain and HSR. The environmental document will analyze Caltrain's increase in service. Ms. Lee said staff is targeting the Notice of Preparation for release in mid-January, which officially kicks-off the public process and staff anticipates bringing the consultants, ICF, to the Board meeting in January to provide more detailed information.

Ms. Lee said staff will be making public presentations on the blended system planning and the first one will be at the local policymaker meeting. This meeting is comprised of elected officials representing the 17 cities and three counties impacted by modernization directly and will hold regular meetings the fourth Thursday of each month at 6 p.m. Due to the holiday, the December meeting will be on the 20th.

Director Kniss said she is constantly asked what the system will look like. Ms. Lee said when the Notice of Preparation is released in January it will clearly define the scope of the early investment as well as some level of what is known of the blended system. Mr. Scanlon said staff has renderings now that can be shown if people are interested. Director Kniss said drawings would be good so people can see what will be going through their city. Mr. Scanlon asked the renderings be sent to Director Kniss with disclosure language and also shown to the Board at the next meeting.

Mr. Scanlon read a memo from VTA's General Manager, Michael Burns, on Mike Nevin's passing. Mr. Burns said he was sorry to hear about Mr. Nevin. He was a good man and a stalwart supporter of Caltrain. He will always remember him pushing to reduce the fatalities and suicides on the tracks. Mr. Burns noted that Mr. Nevin was never one to seek public recognition. He was fighting for what he thought was right.

Public Comment

Adina Levin, Friends of Caltrain, said if there is anything from the staff level discussions of Caltrain Modernization such as agendas or outcomes that could be made available to the public or if the meetings are open to the public it would help the public's concerns. She said one reason for not having level boarding is an obsolete rule from the freight industry that requires the ability of a freight worker to hang off the train to look for oncoming cows. It may take administrative or legislative action to eliminate this rule.

Roland LeBrun, San Jose, said he has a video that shows a HSR train passing a local train at 145 miles per hour in a passing station with only 3,500 feet of track.

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

Deputy CEO Gigi Harrington said operating and fare revenue is over budget by \$3.3 million. Staff will continue to recommend rolling any surplus from this fiscal year into next fiscal year. Expenses are slightly under budget by \$1.3 million. Last week fuel was \$3.11 per gallon and year to date is \$3.22 per gallon. The JPB received \$36,000 in November and year to date has received \$251,000 from the fuel hedge.

Public Comment

Roland LeBrun, San Jose, said line 16 shows grand total revenue of \$40.5 million and line 47 shows total expenses of \$36 million. He said there is a \$4.5 million surplus in the first four months of Fiscal Year (FY) 2013 and if you multiply by three there should be an annual surplus of \$13.5 million. This is the same amount as the total operating subsidy on line 14, including the \$11 million for the JPB partners. This shows the JPB is getting close to operating a Caltrain system that will not need a permanent funding source.

A motion (Lloyd/Nolan) to accept the October 2012 statement was approved unanimously.

**AUTHORIZE AN AMENDMENT TO INCREASE THE FISCAL YEAR 2013 CAPITAL BUDGET FOR
THE COMMUNICATIONS-BASED OVERLAY SIGNAL SYSTEM IN THE AMOUNT OF \$50.5
MILLION FROM \$39,093,085 TO \$89,593,085**

Ms. Harrington said the Board received a presentation on the status of the project last month. When the CBOSS contract was approved in October 2011 it was a three-phase contract and staff was asked to come back to the Board to approve each option. The project is now fully funded through the early investment strategy. Ms. Harrington said the Notice to Proceed was issued in February 2012 and the project is currently in Phase 1, critical design. Staff expects this to be completed in February 2013 and will be asking the Board next month to approve Option 2 for the next set of design work. Ms. Harrington said today's action is a \$50 million budget amendment that funds Option 2 and includes \$40 million that was approved by the California Transportation Commission this fall, \$9 million from the partner agencies and a small amount of Federal money to get to the \$50 million.

Public Comment

Jeff Carter, Millbrae, said he has asked numerous times if staff could give a public presentation comparing CBOSS with the Positive Train Control used by freight and Union Pacific.

Roland LeBrun, San Jose, said he wrote a letter to the Board asking for specific information, including a breakdown by seconds on how headways are calculated. He would like the Staff Coordinating Council to identify themselves and what company they work for.

A motion (Nolan/Kniss) to amend the Fiscal Year 2012 Capital Budget for the Communications-based Overlay Signal System in the amount of \$50.5 million was approved unanimously.

AUTHORIZE FILING AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION TO PROGRAM FEDERAL FUNDS FOR CALTRAIN CAPITAL PROJECTS

Manager, Grants and Fund Programming Joel Slavitt said this item is to submit applications to MTC to program Federal funds for FY2013 and FY2014 to be included in future FTA grants in support of the Caltrain Capital Program. The funding will help support track rehabilitation, replacement of San Mateo railroad bridges, signal and communication rehabilitation and upgrade, and initial funding for the replacement of the TVMs. These projects will help ensure the system is maintained in state of good repair, consistent with the Caltrain Improvement Program as well as MTC's transit capital priorities funding criteria which support state of good repair for transit operators. Mr. Slavitt said the total amount of Federal funding the JPB is proposing is \$30 million, the maximum amount that can be received under the MTC's transit capital priorities process.

A motion (Kalra/Deal) to authorize filing an application to the Metropolitan Transportation Commission to program Federal funds for Caltrain capital projects was approved unanimously.

JPB AND CALIFORNIA HIGH SPEED RAIL AUTHORITY AGREEMENT

Ms. Lee said the JPB and the CHSRA have a 2004 MOU and a 2009 Amendment that is outdated and needs to be updated. This new agreement would replace the outdated arrangement with CHSRA and the key proposed principles will be included in the agreement. Staff has been working with the CHSRA in developing these principles and a policy framework that confirms Caltrain and HSR's agreement in working together to advance the blended system in the corridor and for Caltrain to lead and implement the Early Investment Program. This framework will update the JPB's specific agreement with CHSRA and will sync up with the nine-party regional funding MOU. Ms. Lee said staff is planning on coming back for action in January or February. The CHSRA staff is presenting a similar agreement today at their Board meeting with action in February.

Public Comment

Jim Bigelow, Redwood City/San Mateo County and Menlo Park Chamber of Commerce, said the principles in this document are timely with the passing of Senate Bill 1029. He said \$1.456 billion is to buy \$440 million of electric trains, the second part was for CBOSS and the third part is to electrify the system. There is nothing for tunnels or grade separations. What is being discussed is a basic system that Caltrain has been trying to do for years. Mr. Bigelow thanked Mr. Nevin for all his service to Caltrain and wished the Board Happy Holidays.

Roland LeBrun, San Jose, said there is a big red flag here that CHSRA is the lead agency and it must be stopped or everything Ms. Lee did over the last two years will be destroyed.

Adina Levin, Friends of Caltrain, said they are hosting a community meeting to offer people an opportunity to provide feedback on the MOU. She said it is great that Caltrain is acknowledged as the lead agency and if passing tracks are incorporated into the document Caltrain needs to be the lead agency on this issue too.

Jeff Carter, Millbrae, said there is current demand for Caltrain service and the future may be Caltrain and HSR service. Staff shouldn't limit themselves to two tracks as there may be a need for four tracks. Staff should publish the Caltrain right of way widths to ease people's fears.

LEGISLATIVE UPDATE

Federal

Mr. Simon said at the Federal level Congressman Bill Shuster (R-PA) was appointed to chair the House Transportation and Infrastructure Committee. This is a good sign from Republican leadership since the reauthorization of the Federal Rail Program is one of the issues likely to be taken up this year. Congressman Shuster is widely regarded as a strong vote in support of rail. Mr. Simon said Senator Barbara Boxer (D-CA) will remain chair of Environment and Public Works. This puts her in a significant leadership position for transportation. She was a key author of the recently passed transportation reauthorization legislation. He said last year California House Republicans sponsored a provision that would block any further Federal funds to the CHSRA. That provision was not included in the transportation bill, but Congressman Kevin McCarthy (R-CA), who is the third ranking Republican in the House, has just revived that ban and wants to make the ban part of the appropriation package that would emerge from the budget negotiations.

State

Mr. Simon said at the State level the new legislative session began on December 3. Committee assignments are still pending, but newly appointed Assemblyman Kevin Mullin has already been named Assistant Speaker pro Tempore and staff is hearing newly elected Senator Jerry Hill will be named to the Transportation Committee. He said members have already introduced legislation and two bills are of particular importance. SCA 4 would place a measure on the statewide ballot to lower the threshold for local transportation sales tax measures from two-thirds to 55 percent. Senate Bill 11 and Assembly Bill 8 would reauthorize the Carl Moyer Program, a regionally administered air quality improvement program that is a component of the Caltrain Modernization Funding Plan and included in the blended system MOU.

Mr. Simon said Mr. Nevin was an advocate for transportation in the halls of Congress and the Legislature and will be missed.

CAPITAL PROJECTS QUARTERLY STATUS REPORT – 1ST QUARTER FISCAL YEAR 2013

Ms. Harrington said this is an informational item.

Public Comment

Greg Conlon, Atherton, said that high priority needs to be given to hold-out rule station improvements to avoid an incident similar to the one that occurred in South San Francisco

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

Director Tom Nolan said December 28 is the 100th anniversary of San Francisco Muni and free service will be provided all day.

Director Jerry Deal said he rode the Holiday Train both days. He said Burlingame has an e-mail blast and for three weeks prior to the event e-mails were sent regarding the event and that is why Burlingame had such great attendance. He would encourage other Board members to do the same next year with their cities newsletters. Director Deal thanked Community Relations Officer Tasha Bartholomew for her efforts.

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be Thursday, January 3, 2013, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

Chair Tissier asked that the meeting be adjourned in memory of Mr. Nevin. He was truly known as Mr. Transportation.

GENERAL COUNSEL REPORT

- a. Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(a): Mountain States Steel, Inc. vs. Disney Construction, Inc.; Safeco Insurance Company of America; Peninsula Corridor Joint Powers Board (Caltrain); and DOES 1-25; San Mateo County Superior Court Case No. CIV516389

Legal Counsel David Miller said the Board will be meeting in closed session to discuss pending litigation.

Adjourned to closed session at 11:23 a.m.

Reconvened to open session at 11:33 a.m.

Mr. Miller said the Board met in closed session as permitted by the Brown Act to hear a report from legal counsel involving the Jerrold Avenue Bridge Replacement Project. He said the resolution would increase the change authority to the Executive Director to implement the agreement that has been reached. Mr. Miller said the resolution is within the previously approved project budget so no additional budget authority is required to implement this agreement.

A motion (Nolan/Kalra) to authorize an amendment to the Jerrold Avenue Bridge Replacement Project contract was approved unanimously.

Adjourned at 11:36 a.m. in memory of Mike Nevin.