

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

**Minutes
September 6, 2012**

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

MEMBERS ABSENT: J. Cisneros, A. Kalra

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

Chair Adrienne Tissier called the meeting to order at 10:02 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Jim Bigelow, Redwood City/San Mateo County Chamber of Commerce, commended everyone for accomplishing the Memorandum of Understanding (MOU) and the Metropolitan Transportation Commission (MTC) for taking the lead. Executive Officer, Caltrain Modernization Program, Marian Lee has a task of doing outreach the friendly Caltrain way and involving the cities along the corridor. He said the sooner the better now that the money has been lined up.

Roland LeBrun, San Jose, said Ms. Lee and her team are doing a great job reaching out to the stakeholders, but the Caltrain Modernization Program needs to have its own website.

Vaughn Wolffe, Pleasanton, asked if staff has considered leasing or borrowing electric multiple units (EMUs) to practice on the corridor. He asked if it is possible to procure the EMUs to run behind locomotives.

Jeff Carter, Millbrae, thanked the Board and staff for adding the additional trains in October. He looks forward to seeing more service and a budget solution for the coming years.

Director Malia Cohen arrived at 10:08 a.m.

Greg Conlon, Atherton, thanked Ms. Lee for speaking at the Atherton Rail Committee meeting and providing an update on the Simulation Study. He is still concerned that four trains per hour going into San Francisco will not be compatible with two tracks on the Peninsula. Mr. Conlon said he hopes with the increased revenue and ridership, stops in Atherton will be included in the new schedule.

CONSENT CALENDAR

- a. Approval of Minutes of August 2, 2012

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

CHAIRPERSON'S REPORT

No report.

REPORT OF THE CAC

CAC member Bruce Jenkins reported on the August 15 meeting:

- Kevin Gardiner was elected vice chair.
- Certificates of Appreciation were presented to outgoing members Gerald Graham and Scott Klemmer.
- A presentation was given on the Brown Act.
- The CAC is receiving a lot of positive comments on the new train crews.

Director Liz Kniss arrived at 10:12 a.m.

REPORT OF THE EXECUTIVE DIRECTOR

Proclamation Declaring September as "Railroad Safety Month"

Public Information Officer Christine Dunn said Caltrain addresses safety on three fronts:

1) engineering, 2) education, and 3) enforcement. 1) Over the last year Caltrain has continued work on the San Bruno Grade Separation Project, a \$147 million project with elevated Caltrain tracks and station over three streets in the city of San Bruno. The reconstruction of the Santa Clara Station has been completed and includes a center-boarding platform and a pedestrian underpass. Ms. Dunn said 8,000 feet of fencing has been installed at a cost of \$500,000. 2) Staff continues their efforts to educate the public about safe behavior around railroad tracks through Operation Lifesaver. Eight Caltrain employees have given presentations to 450 people so far this year. 3) Transit Police have issued 88 citations for safety violations that include trespassing on the right of way. The Transit Police are specially trained to identify people who may be a danger to themselves and remove them from harm and refer them to treatment. This year 13 people on the right of way have been taken into protective custody.

Ms. Dunn said for several years Caltrain has focused efforts on suicide prevention. Although there are no easy answers to this challenging and complex community mental health issue, it has been very rewarding to develop relationships with many organizations, locally as well as nationally, that are working to prevent suicide. This year, nine Caltrain employees participated in the Out of the Darkness Overnight walk in San Francisco. The Overnight is organized by the American Foundation for Suicide Prevention (AFSP), the leading national not-for-profit organization exclusively dedicated to understanding the preventing suicide through research and education. The Caltrain team raised nearly \$12,500 for this important cause.

Ms. Dunn said staff is asking the Board to adopt the proclamation designating September as "Railroad Safety Month."

A motion (Nolan/Yeager) to designate September as "Railroad Safety Month" was approved unanimously.

Chair Tissier presented the proclamation to Valerie Kovacovich, Area Director for the Greater San Francisco Bay Area Chapter of the AFSP.

Ms. Kovacovich thanked Caltrain on behalf of the AFSP for raising awareness of suicide prevention. She said next week is National Suicide Prevention Week and this shows the community that suicide prevention is important to all of us.

Executive Director Michael Scanlon reported:

- Key Caltrain Performance Statistics
 - Monthly Performance Statistics – July 2012 compared to July 2011
 - Total Ridership was 1,305,970, an increase of 12 percent.
 - Average Weekday Ridership was 48,609, an increase of 10.2 percent.
 - Total Revenue was \$5,836,357, an increase of 16.8 percent.
 - On-time Performance was 93.5 percent, an increase of 1.4 percent.
 - Caltrain Shuttle Ridership was 7,506, an increase of 20.5 percent.
- Thanked the Board for passing the proclamation for “Railroad Safety Month.”
- On August 24 a very serious incident occurred at the South San Francisco Caltrain Station. A southbound express train passed through the station while a northbound train was stopped at the station boarding passengers in violation of the hold-out rule. The investigation continues and the Transit America management team and staff are fully engaged and taking this incident very seriously.
- Sixteen months ago this Board lost Director Omar Ahmad. Today’s Palo Alto *Daily Post* has an article on the publishing of a book he wrote just before his death. It has been published as a non-profit by TED.com and is titled *Citizen Advocate Getting Governments to Move Mountains and Change the World*. It focuses on how you get local government to respond to you.
- The Bicycle Advisory Committee will meet on September 20.
- Staff is preparing for the service increase on October 1. The four shoulder trains eliminated last year will be restored, two afternoon peak trains will be added and stops will be added at either Sunnyvale or Palo Alto.
- Special service:
 - Giants hosted 12 games in August and averaged about 7,200 additional riders for each game. Year-to-date Giants ridership is 466,000, about an 11 percent increase over the same number of games last year.
 - No additional service was added for the San Francisco 49er preseason games. After the first game there were an additional 375 passengers that boarded at Bayshore Station.
 - Service will be provided for Stanford Football on September 9 at 7:30 p.m. Trains will stop at Stanford Stadium before and after the games.
- Construction is at the halfway point for the San Bruno Grade Separation Project.
- The Narrowbanding Project was completed in July and testing was completed last month.
- Staff from the State Legislative Analyst’s Office will be touring transit properties in the Bay Area, including a ride on Caltrain on September 11. Staff will be meeting them on the train to discuss our programs and projects.
- The California Transportation Commission (CTC) will be holding its next meeting on September 27 in Burlingame. Along with the City/County Association of Governments, Caltrain is hosting a reception the evening of September 26 at the Burlingame Hilton. At

the meeting on September 27 the CTC will be voting on two important funding issues, \$9 million for reconstruction of the San Mateo County rail bridges and \$40 million for the Communications Based Overlay Signal System (CBOSS)/Positive Train Control (PTC) Advanced Signal System. In anticipation of a positive vote, staff will be holding a news conference on September 27 at 10 a.m.

- Commuter Appreciation Day is on September 27. A team from Clear Channel will welcome Caltrain customers as they pass through the San Francisco Station and hand out goodie bags.
- In August, a customer proposed on Caltrain. The groom to-be worked with marketing staff to purchase group tickets for the event. A YouTube video of the proposal was shown.
- In the reading file is a Take One for the new service starting in October, the July Safety and Security Report, the MTC *Getting There on Transit* brochure and a correspondence packet.

Caltrain Modernization Program:

Ms. Lee said staff has been focused on working out the cash flow for securing funds for the next phase of the Advanced Signal System Project. She said there have been productive meetings with the Santa Clara Valley Transportation Authority, San Francisco Municipal Transportation Agency and the CTC to move the project from critical design to final design. Ms. Lee said staff's goal is to have the system in place by 2015.

Ms. Lee said staff is working closely with the California High Speed Rail Authority (CHSRA) on the scope of the electrification infrastructure and the environmental document. Ms. Lee said in parallel of those discussions staff is working on setting up resources to process the environmental document. Staff is using existing on-call services and trying to set up a team to review and update the 35 percent design of the Electrification Project. Ms. Lee said staff needs to reconfirm or fine tune the operating assumptions as well as put in an expertise team to conduct the impact analysis to complement staff in-house as well as the existing on-calls to deliver the project. Ms. Lee said staff is already getting inquiries from various consultants and is being sensitive to laying out a level field and a transparent process for an ultimate procurement.

Ms. Lee said staff has talked about needing to do a better job at outreach with so many stakeholders in place and is holding a city partners meeting on September 18 at 2 p.m. It is a public meeting and will be chaired by Chair Tissier. This meeting was requested by some of the cities to get together and talk through how to structure themselves so they can assist the JPB in advancing the program. This will be the first of many meetings and it will be made up of elected officials representing the 17 cities and the three counties along the corridor. Ms. Lee said a second significant meeting that will take place in early October is a meeting with the eight MOU partners. They all have some funding or construction role in making the blended system happen. She said they will all have different levels of interest in how much they want to get involved. It will be very important that staff sets an equal and fair way to treat all the MOU partners to give them the right reports that will meet their requirements for assuring the monies are being used fairly.

Ms. Lee said the third aspect of outreach has to do with Friends of Caltrain, in partnership with TransForm. They have reached out to staff and want to help with the greater public outreach and staff is in discussions with them now to figure out the best venue.

Ms. Lee said staff continues to plan for the blended system and conduct various simulation runs to analyze different service plans. The reason for doing this is to ultimately develop a blended system service plan. Ms. Lee said staff finished all the model runs and it has been reviewed internally. She said the second planning effort has to do with gate down-time and local traffic analysis. The purpose of this is to inform decisions about how to upgrade the grade crossings. Staff will be meeting with city staff at the end of September. All the down time analysis has been completed and a sample traffic analysis data is being reviewed now. Ms. Lee said these reports are scheduled to be completed as a draft report in the fall of 2012.

Public Comment

Roland LeBrun, San Jose, said staff should look at how CBOSS/PTC was done in the United Kingdom.

Mr. Scanlon said last month the Board asked for an update on the timeline procurement for the on-call engineering services.

Director of Contracts and Procurement Cheryl Cavitt said staff has been very active in updating the scope of work for the Request for Proposal (RFP) for on-call engineering services. Staff has added two significant pieces of scope. The first is dealing with grade separation studies and that is going to require the on-call engineering firms to gather data on environmental and right of way impacts associated with various grade separation scenarios. The other significant piece of work added is studies on Caltrain hold-out rule stations. These studies are going to evaluate options and prepare recommendations requiring engineering design and cost estimates be developed for removing the remaining hold-out stations at Atherton, Broadway and South San Francisco Caltrain stations. Ms. Cavitt said staff is making sure the scope of work has been updated from all the functional groups, including Risk Management, Disadvantaged Business Enterprise (DBE) and Labor Compliance. She said all of these efforts will culminate in the issuance of a revised RFP on October 11. Ms. Cavitt said proposals will be due November 29 and staff will bring this item back to the Board for approval and award at the April 2013 meeting. She said this process from front to back will represent a nine-month effort dating from the August 2 Board meeting.

Public Comment

Adina Levin, Friends of Caltrain, said they are partnering with TransForm and leveraging local community knowledge and TransForm's expertise to help Caltrain strengthen the outreach. She said this is a tremendous opportunity for the corridor. Ms. Levin said Caltrain can do a much better job at working with the public and reaching out to more people. She said Friends of Caltrain is launching an Adopt-a-Station campaign where they will be reaching out to members to adopt their own city and station area and pay close attention to what is going on with the Modernization Plan and associated station access and land use issues.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR JULY 2012

Deputy CEO Gigi Harrington said July had a strong performance with revenues almost \$500,000 over budget and a favorable variance on the expense side. Last week fuel was \$3.42 per gallon, year-to-date it is \$3.03 per gallon. She said \$64,000 will be received from the bank for August. Ms. Harrington said the auditors will be here next week and staff will be back with year-end information in October or November.

Director Liz Kniss asked when the last time revenue was over budget. Ms. Harrington said revenues have been over budget for the last 20-22 months. She said staff will be back to recommend taking all the surplus in revenue and moving it to the Fiscal Year 2014 Operating Budget.

A motion (Nolan/Kniss) to accept the July 2012 statement was approved unanimously.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) STATUS REPORT

DBE Officer Raymond Lee said as of June 30 the Federal Fiscal Year (FY) third quarter is exceeding the current DBE goal of 10.5 percent at 12.1 percent. Staff expects to end the year exceeding the goal. The goal setting for FY2013-2016 will take place next May. The JPB is one of 12 agencies in California that certifies DBE firms.

AUTHORIZE AWARD OF CONTRACTS TO LTK ENGINEERING SERVICES FOR ON-CALL RAILROAD VEHICLE SUPPORT SERVICES FOR A TOTAL NOT-TO-EXCEED COST OF \$5,000,000 FOR A THREE-YEAR TERM

Ms. Cavitt said Staff Coordinating Council (SCC) is recommending the Board award a contract to LTK Engineering Services. The award of this contract will provide vehicle support services for activities related to configuration and maintenance of the existing fleet, fleet planning, state of good repair assessment, needs assessment, industry review, vehicle specification development and procurement support of the EMUs.

Chair Tissier asked what “no guarantee level of effort” means. Ms. Cavitt said staff is not required to award work directives to the consultants for the entire \$5 million and is not obligated to give them any work at all.

Public Comment

Roland LeBrun, San Jose, said the process was flawed from the beginning. He said this contract should have been advertised in the trade magazines, not in an unnamed local newspaper. The document should have been made available on the Internet and not just to registered individuals who have access to the other side of the SamTrans firewall. Mr. LeBrun would like the selection committee to identify themselves, including which company they work for and explain why they gave more weight to the respective management teams than to qualification and experience. He asked why we need consultants to select the EMUs. Mr. LeBrun asked the Board to reject either both bids or reduce the scope of this contract to eliminate the EMU selection process.

A motion (Nolan/Yeager) to award contracts to LTK Engineering Services for on-call railroad vehicle support services for a total not-to-exceed cost of \$5,000,000 for a three-year term was approved unanimously.

AUTHORIZE AWARD OF A CONTRACT TO TRANSIT CONSTRUCTORS LP FOR THE SIGNAL OPTIMIZATION PROJECT PHASE 2 FOR A TOTAL COST OF \$549,000

Ms. Cavitt said SCC is recommending award of a contract to Transit Constructors, the lowest responsive responsible bidder. This contract is to replace a wireless component of the signal system that was not performing as it had been designed to and replace it with a more reliable hardwired solution.

A motion (Nolan/Lloyd) to award a contract to Transit Constructors LP for the Signal Optimization Project Phase 2 for a total cost of \$549,000 was approved unanimously.

LEGISLATIVE UPDATE

Oppose H.R. 5972 Provision Prohibiting Federal Investment in San Francisco's Central Subway Project

Director, Government and Community Affairs Seamus Murphy said staff is recommending the Board authorize the Executive Director to take action to oppose provisions in H.R. 5972 that would prohibit San Francisco Central Subway Project from receiving Federal investment in the next fiscal year. He said this was an issue raised by Director Tom Nolan last month and staff has taken a close look at this issue and proposes the Board authorize action opposing the provision. Mr. Murphy said the Central Subway Project is an integral element of the Caltrain Modernization/HSR implementation in the Bay Area. Staff has been working collectively with the regional partners to support the projects receiving Proposition 1A Connectivity Funds and the Central Subway is one. Mr. Murphy said there is an expected benefit for Caltrain in terms of both ridership and connectivity associated with the Central Subway Project. Staff said the project is complementary to the Caltrain system and would allow our passengers to expand their destinations in San Francisco. Mr. Murphy said Congress has acted to approve a bill on the House side and it includes a provision that would prevent this project from receiving Federal funds. Just recently this project has received approval from the administration for New Starts funding, which covers about 60 percent of the \$1.6 billion project costs. He said the bill is now awaiting action in the Senate and Congress. Mr. Murphy said there is significant threat to funding for this project and opposition action on the part of Caltrain makes sense.

Director Nolan said this is extremely important for San Francisco. He said if the House passes this it still has to go through the Senate and be signed by the president. Mr. Murphy said the Senate is likely to move forward with an extension of the existing appropriations levels, which means the House would pass a separate bill. It is always possible they could include a provision similar to this one in that extension, and in that case it would move over to the Senate for approval. The Senate would have the option to pass legislation that concurs with the House provision or remove the provision in the Senate package, in which case they would meet in conference to settle the differences.

A motion (Nolan/Yeager) to oppose the H.R. 5972 provision prohibiting Federal investment in San Francisco's Central Subway Project was approved unanimously.

State Update

Mr. Murphy said the State Legislature session ended on Friday, August 31. He said Senate Bill (SB) 878 would establish the Transportation Inspector General to audit local and regional

agencies that receive State funds. Staff was successful in advocating for amendments that limit those audits to projects that receive over 25 percent State funding and it would not allow for duplicate audits.

Mr. Murphy said SB 1339 is the Commuter Benefit Policies Bill by Senator Leland Yee. This bill authorizes MTC and the Bay Area Air Quality Management District to require employers with 50 or more full-time employees to offer pre-tax transit, vanpool or bicycle commute benefits.

He said SB 1492 would authorize San Francisco to put a vehicle license fee increase on the ballot. This would have to be approved by two-thirds of the San Francisco Board of Supervisors and then passed by a majority vote of the voters. Mr. Murphy said staff has been watching this closely because it could be a tool that staff may want to consider as dedicated funding strategies are looked at for Caltrain.

Mr. Murphy said bills that didn't pass and that staff will be working on next year include Assembly Bill (AB) 845 by Assemblywoman Fiona Ma. This bill would provide transit agencies with credits so any increase in electricity fees associated with the implementation of AB 32 would be offset by credits provided through the revenue of whatever cap and trade mechanism is eventually implemented at the State. He said this is going to become more important for Caltrain as we shift to a modernized electrified service. Mr. Murphy said SB 1455 is a bill that would extend a regional air quality improvement program called the Carl Moyer Program. He said this is important because Carl Moyer funding is identified as a funding source for Caltrain Modernization as part of the early investment in HSR.

QUARTERLY CAPITAL PROGRESS REPORT – FOURTH QUARTER FISCAL YEAR 2012

Executive Officer, Planning and Development April Chan said this report is for information only.

Public Comment

Roland LeBrun, San Jose, said the Electrification Project shows a red flag for schedule and a green flag for the cost. He said none of these bear any resemblance to reality. Mr. LeBrun said both the scope and HSR impact should be red flags and the schedule should get a green flag.

Adina Levin, Friends of Caltrain, said earlier in the year Friends of Caltrain sent a note out asking what passengers think about WiFi and since then that has been the most single most inquiry on the Friends of Caltrain website and a sign of customer demand.

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

None

GENERAL COUNSEL REPORT

Legal Counsel David Miller said in terms of the environmental process for Caltrain Modernization, he and Mr. Scanlon will be meeting next week with the Executive Director and legal team from the CHSRA to develop, in harmony, the appropriate scope of the updated Caltrain Electrification Environmental Impact Report (EIR). He said it must address, at some level, the blended system, but at the same time it is essential we move forward to stay on schedule to clear Caltrain electrification.

Director Kniss confirmed there will be an updated EIR on the blended system. Mr. Miller said the issue is going to be the extent of the blended system. Staff is not looking to clear the blended system as the lead agency, but Caltrain electrification, like any EIR under the California Environmental Quality Act, must take into account cumulative impacts at some level. Mr. Miller said now staff knows it is not going to be a full-build HSR system as previously envisioned.

Director Kniss said, for clarification, staff is talking about a blended system that will run through the mid-Peninsula, in particular Palo Alto, and staff will update the EIR in such a way that the scoping will address that. Mr. Miller said yes.

Director Art Lloyd said Rail Passenger Association of California is holding its annual meeting on Saturday, September 15 at 1 p.m. in Sacramento at the Railroad Museum.

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be Thursday, October 4, 2012, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

Adjourned at 11:06 a.m.