

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

**Minutes
January 3, 2013**

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

MEMBERS ABSENT: A. Kalra

STAFF PRESENT: J. Averill, 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 10:06 a.m. and led the Pledge of Allegiance.

REPORT FROM THE NOMINATING COMMITTEE (COHEN, DEAL, KALRA) – ELECTION OF 2013 OFFICERS

Director Jerry Deal said the Nominating Committee met and recommended Director Ken Yeager for chair and Director Tom Nolan for vice chair for 2013.

A motion (Deal/Cisneros) to close the nominations was approved unanimously.

A motion (Deal/Cisneros) to elect Director Yeager for chair and Director Nolan for vice chair for 2013 was approved unanimously.

PUBLIC COMMENT

Jim Bigelow, Redwood City/San Mateo County/Menlo Park Chamber of Commerce, thanked Director Tissier for her work as chair in 2012 and for all the work she did at the Metropolitan Transportation Commission (MTC) for the nine-county Memorandum of Understanding (MOU) for the Caltrain Electrification Project.

Doug DeLong, Mountain View, said he thinks it would make sense to replace the senior discount fare with a low income discount fare. The difficulty is the Department of Housing and Urban Development has set a policy of 30 percent of income threshold for what is considered a reasonable housing cost burden and he is not aware of a similar benchmark for transportation costs. Mr. DeLong said maybe a multi-step discount program or a sliding scale should be considered.

John Canfeld, founder of Nimbler, said he has developed and launched a Caltrain mobile application for the iPhone. He said the software provides schedules, routing and two-way communication between Caltrain, the Caltrain newsfeed and other Twitter feeds to customers about delays and allows for feedback from customers. He commended Caltrain for the increased communications about delays. Mr. Canfeld said most of the user feedback he has received is for the need for Wi-Fi on the trains.

CONSENT CALENDAR

- a. Approval of Amended Minutes of December 6, 2012.
- b. Adoption of the Amended Conflict of Interest Code.
- c. Authorize Execution of a Highway-Railroad Crossing Safety Account (HRCSA) Agreement to Receive \$9 Million in Proposition 1B Highway-Railroad Crossing Safety Account Bond Funds from the California Department of Transportation for the San Mateo Bridges Project.
- d. Authorize the Filing of Applications for State Proposition 1B Transit Security Grant Program Funds to Receive \$939,246 in Fiscal Year 2012/2013 for Transportation Security Projects.
- e. Authorize Entering into a Grant Agreement with the Bay Area Air Quality Management District to Receive an Award of Carl Moyer Funds, up to an Amount of \$330,000 for the Wayside Power Project at the San Jose Diridon Caltrain Station.

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

CHAIRPERSONS REPORT

Resolution of Appreciation to Outgoing Chair Adrienne Tissier

Chair Yeager presented Director Tissier with a Resolution of Appreciation for her service as chair during 2012.

A motion (Nolan/Deal) to approve the Resolution of Appreciation to outgoing Chair Adrienne Tissier was approved unanimously.

Director Tissier thanked the Board and staff for their work during the year.

Public Comment

Adina Levin, Friends of Caltrain, thanked Director Tissier for her incredible leadership and efforts on the MOU and obtaining funding for Caltrain electrification.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

No report.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Michael Scanlon reported:

- Thanked Director Tissier for her service and congratulated Chair Yeager and Director Nolan on their elections.
- Key Caltrain Performance Statistics
 - Monthly Performance Statistics – November 2012 compared to November 2011
 - Total Ridership was 1,226,450, an increase of 11.4 percent.
 - Average Weekday Ridership was 47,326, an increase of 12 percent.
 - Total Revenue was \$5,269,467, an increase of 14.4 percent.
 - On-time Performance was 91 percent, a decrease of 2.7 percent.
 - Caltrain Shuttle Ridership was 8,696, an increase of 18.7 percent.

- Year-to-date Performance Statistics – November 2012 compared to November 2011
 - Total Ridership was 6,601,313, an increase of 12.6 percent.
 - Average Weekday Ridership was 49,421, an increase of 12.5 percent.
 - Total Revenue was \$29,344,703, an increase of 18.7 percent.
 - On-time Performance was 89.4 percent, a decrease of 3.9 percent.
 - Caltrain Shuttle Ridership was 8,774, an increase of 25 percent.
- The Rail Operating Control System had a software failure on December 26. The problem was addressed and the system was back up by the afternoon.
- On Friday, December 14, there was a trespasser fatality by the Hayward Park Station. In calendar year 2012 there were 12 fatalities, down from 16 in 2011.
- On December 15, agency staff and the Transit Police unit joined other first responders in an annual emergency preparedness drill. All first responders attended classroom instruction and familiarization with locomotive and rail cars. Staff has been working to integrate railroad operations into the incident command center. The Federal Railroad Administration and California Public Utilities Commission attended both the classroom instruction and drill.
- The Bicycle Advisory Committee continues to recruit members and because of no quorum the January 17 meeting is canceled.
- Special service:
 - Kraft Fight Hunger Bowl was on Saturday, December 29 and extra service was provided with an additional 1,900 passengers, an increase of 8 percent over 2011.
 - On New Year's Eve four post-fireworks trains operated out of San Francisco and an additional 5,000 passengers were carried, an increase of 17 percent over 2011.
 - The Freedom Train will operate on January 21. The Martin Luther King, Jr. Association of Santa Clara County will charter two trains operating from San Jose to San Francisco with stops in Sunnyvale, Palo Alto and San Mateo.
- A new campaign will be starting on January 7 called "See Something, Say Something." This was a recommendation from the American Public Transportation Association after the last system safety audit. A new message will be distributed each month via conductor announcements, social media and message boards.
- The Reading File contains correspondence, the November Safety and Security Report and the new *Track the Fun* brochure.

Caltrain Modernization Program

Executive Officer, Caltrain Modernization Program Marian Lee said the new California High Speed Rail Authority (CHSRA) and Caltrain agreement presented in December was to come back to the Board today for action, but staff is recommending pushing out until February to collect additional input from stakeholders. She said initial comments seek stronger language in the agreement about the commitment to the blended system, a desire for Caltrain to lead all aspects advancing the blended system so stakeholder voices are heard by the JPB at a local level, and continued commitment to achieve interoperability with HSR. Staff will be taking comments until the February 7 JPB Board meeting and will address and reflect them in the new agreement being proposed.

Ms. Lee said the blended system planning study will be released in February for public review and comment. That will include simulations for the purposes of assessing gate-time impacts and traffic impacts.

Ms. Lee said all items discussed today have been presented at the staff level through the City/County Staff Coordination Group or the Peninsula Working Group, which is the senior staff from the nine-party MOU agencies. They all have had an opportunity to review and provide comments to staff. These items were also presented to the Local Policymaker Group last month.

Chair Yeager asked what types of comments are received concerning conductors. Mr. Scanlon said they are about conductors and bikes or conductors trying to collect fares. He said all complaints on conductors are investigated by staff.

Deputy CEO Chuck Harvey said it is a combination of interaction with bikes, proof of payment issues and persons needing assistance. Specific training is given to the conductor after a complaint. Mr. Harvey said staff can compile and categorize the last two months of complaints and provide them to the Board.

Public Comment

Doug DeLong, Mountain View, said November reliability was at the bottom of the range over the past year. He said there needs to be a service design with more slack in it to accommodate the growing customer base. There is a need for more money for rolling stock or redesign of service to get more seat miles per peak hour with existing rolling stock by stopping at fewer stations.

Adina Levin, Friends of Caltrain, said it might be helpful to have the items discussed at the Peninsula Working Group meeting be recapped during the Board meetings.

Ed DeLanoy, San Carlos, thanked Director Tissier for her service. He said recently he saw a train with two locomotives.

CORRIDOR ELECTRIFICATION ENVIRONMENTAL REPORT

Ms. Lee reported:

- JPB's commitment with the CHSRA is to implement a blended system in the corridor. The concept is to modernize and electrify the railroad and maximize

the existing infrastructure to share the corridor with HSR as well as support the existing tenants and freight operators.

- The primary benefit of the blended system is it minimizes community impact, lowers project cost and helps advance project delivery.
- A thorough due diligence was done on a blended system to see if such a system could be safely operated.
- Computer analysis showed the blended system works within the corridor. Two speed brackets were tested, 79 mph and 110 mph, and at both speeds the blended system was operationally viable.
- The regional nine-party funding MOU was reached with a blended system.
- The first incremental investment is \$1.5 billion for corridor electrification and \$705 million is from the State high-speed rail bonds. The remainder of funding will come from other local, regional, State and Federal sources.
- Staff is committed to electrifying the service by 2019 and continues to go through the planning process to identify additional investments to be made beyond electrification that will ultimately support HSR.

Consultant Rich Walter, Principal at ICF was introduced and provided a presentation on the electrification Environmental Impact Report (EIR):

- ICF has been a San Mateo County Transit District on-call environmental contractor. ICF has extensive rail and transit experience, locally and nationwide.
- The Positive Train Control/Communications-based Overlay Signal System has been approved and is in the design phase now with an in-service date of 2015.
- The corridor electrification project calls for six Caltrain trains per peak hour. This process will produce an EIR under the California Environmental Quality Act (CEQA) and an environmental assessment under the National Environmental Policy Act (NEPA) for an in-service date of 2019. The EIR will clear Caltrain service but not HSR service. The blended system phase would include six Caltrain trains per peak hour plus up to four HSR trains per peak hour. The projected in-service date is 2026-2029.
- Electrification environmental clearance is for 51 miles of the corridor from 4th and King in San Francisco to the Tamien Station. The speed will be limited to the current 79 mph. The infrastructure for electrification would be poles and overhead wires, traction power stations and the electric powered units (EMUs).
- As required by CEQA and NEPA cumulative impacts of the project need to be analyzed.
- The traction power stations will be within the Caltrain right of way.
- Positive environmental impacts include reducing regional congestion, energy consumption, air pollutants, greenhouse gas emissions, noise and reduction in vibration.
- Environmental impact issues that need to be addressed include noise, traffic, visual aesthetics, land use compatibility, other CEQA and NEPA subjects and cumulative impacts.
- Key schedule milestones include public scoping in late January/early February 2013, a draft EIR released in fall 2013, final EIR in spring/summer 2014 and project approval in summer/Fall 2014.

Director Nolan asked what milestones the Board will need to take action on. Mr. Walter said in the spring/summer of 2014, the Board will be asked to certify the EIR, but there will be updates as necessary.

Chair Yeager asked when and where the four community meetings will be. Mr. Walter said staff is working on that and it will be known by the end of January. Chair Yeager asked that Mr. Walter and staff work with the three members of each county to ensure the meetings are coordinated.

Public Comments

Elizabeth Lasensky, San Carlos, said she is a Caltrain rider and the on-time statistics are not statistics, but reality. She thinks electrification will increase on-time performance along with level platforms to allow people to get on and off the trains easier.

Jim Bigelow, Redwood City/San Mateo County/Menlo Park Chamber of Commerce, said he encourages the Board to keep on the schedule that was provided today. The diesel equipment is wearing out and there are a number of problems by elongating this process. In the graphics he suggested EMU train sets be shown and staff needs to educate people on passing tracks.

Jeff Carter, Millbrae, said the electrification schedule needs to be adhered to or sped up. He thinks the project shouldn't be limited to two tracks along the right of way as no one knows future demands. Mr. Carter said it would help if Caltrain published how wide the right of way is.

Adina Levin, Friends of Caltrain, asked if level boarding is being included in the EIR. Cities are now planning their land use around Caltrain service and cutting service sends the wrong message to cities.

Roland LeBrun, San Jose, said the JPB cannot afford to wait until 2019 for EMUs. The slides are not reality and were created by Photoshop. Staff needs to have actual design photos.

Paul Jones, Atherton, said he recently went through the previous EIR and it is seriously flawed. He has passed on his comments to staff and urges the consultant to be very careful in working with the previous report.

Yoriko Kishimoto, Friends of Caltrain, said they are looking forward to co-hosting a community meeting. The public would like to be involved in the discussions for level boarding.

UPDATE ON FEDERAL TRANSIT ADMINISTRATION (FTA) TITLE VI REQUIREMENTS

Mr. Harvey said:

- There have been recent changes to Title VI of the Civil Rights Act of 1964 that affect all transit agencies.
- Title VI ensures public services, including transportation, are provided in a nondiscriminatory manner; requires opportunities for public participation in

- decision-making without regard to race, color or national origin; provides access to public services; and is the subject of renewed focus at the Federal level.
- The JPB is eligible for and receives Federal assistance for its transit and other programs, which makes it subject to Title VI. The FTA monitors transit providers for Title VI. Staff submits a report every three years to the FTA.
 - New Title VI primary requirements include:
 - Conduct updated survey of passengers
 - Develop a formal Public Participation Plan
 - Report racial breakdown of membership of District-appointed membership advisory committees
 - Adopt a policy on major service changes
 - Adopt policies on disparate impact and disproportionate burden for specific populations
 - System wide service standards and policies need to be adopted by the Board for submission to the FTA by March 31, 2013. Staff has to monitor compliance with standards and policies and present service monitoring results to the Board for approval at least every three years.
 - Staff will be holding public meetings in each county.
 - Major Service Change Policy and Disparate Impact, Disproportionate Burden Policies will be brought to the public and Board.
 - New policies require equity analyses of major service changes and all fare changes to determine whether adverse impact is present prior to Board adoption.
 - Proposed Title VI schedule:
 - February 2013 – review proposed draft policies to the Board.
 - February-March – conduct outreach.
 - March 2013 – Board adoption.
 - March 31 – submit to FTA.

Director Nolan asked if there will be a way to notify and attract low-income and minorities to attend these meetings in the three counties.

Director Malia Cohen said it would be good if staff partnered with local and community leaders for these meetings. She said marketing materials should be in English, Chinese, Cantonese and as many languages as possible, and staff should have translators of different languages available at the public meetings. Director Cohen said it would also be good to advertise in the smaller neighborhood newspapers.

Mr. Harvey said staff will reach out to Board members for ideas of locations and newspapers to reach the most people.

Director José Cisneros left at 11:25 a.m.

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

Deputy CEO Gigi Harrington said November fare revenue is over budget by \$3.9 million and staff is recommending applying this to future years. There is about \$1.6 million in savings on the expense side. Last week fuel was \$3.02 per gallon and is \$3.19 year to date. The JPB received \$30,000 in December and year to date just under \$300,000 from the fuel hedge.

A motion (Lloyd/Tissier) to accept the November 2012 statement was approved unanimously.

ADOPTION OF A NEW FAREBOX RECOVERY RATE GOAL OF 45 TO 65 PERCENT

Ms. Harrington said this is a Board policy put in place in 2006 and updated in 2008. This range is very good by Bay Area transit property standards and reflects current actual performance. Ms. Harrington said this does not mean staff will be proposing fare adjustments for next fiscal year, but just setting the parameters for the upcoming budget discussions.

Chair Yeager said his concern was staff will come back for a fare increase because of this higher farebox recovery goal. Ms. Harrington said in recent years the farebox recovery has been in the 50 percent range. Chair Yeager said the increase in ridership has helped this year. Ms. Harrington said farebox revenue has continued year-over-year to be both over budget and exceed the prior year's actuals, reflecting the increased ridership.

Director Art Lloyd asked what the Bay Area Rapid Transit's rate to cost is. Ms. Harrington said they are a bit higher and FY2012 year-end they were above 65 percent.

Director Cisneros returned at 11:31 a.m.

Director Deal said people need to be informed their fare is only paying 45 percent of the cost to ride the system and it takes a subsidy to run the system. Ms. Harrington said she can incorporate that fact into the budget presentation.

Public Comment

Doug DeLong, Mountain View, said this is the third year of a 50 percent farebox recovery and 50 percent should be the bottom end of the goal as the trend is increasing. He said there is no reason to push the top end even higher.

Jeff Carter, Millbrae, said he shares the concerns of Chair Yeager about an increase in fares and the goal being used to ask for a fare increase.

Roland LeBrun, San Jose, said he would like the Board to amend the motion to set the goal to not less than 60 percent.

Greg Conlon, Atherton, said the fuel hedging portfolio should be increased. He said three of the Board members are on agencies that hedge 100 percent of their fuel portfolio. If the price of fuel is low enough to assure the budget can be balanced, the hedge should be increased.

A motion (Lloyd/Tissier) to adopt a new farebox recovery goal of 45 to 65 percent was approved unanimously.

AUTHORIZE EXERCISE OF OPTION 1(A), PHASE 2, WITH PARSONS TRANSPORTATION GROUP TO THE CONTRACT FOR A COMMUNICATIONS-BASED OVERLAY SIGNAL SYSTEM (CBOSS)/POSITIVE TRAIN CONTROL (PTC) IN THE ESTIMATED AMOUNT OF \$35.3 MILLION

Ms. Harrington said this is to request an option be exercised for the CBOSS/PTC Project. Staff provided an update in November and a budget amendment for this option was approved at the December meeting. The Board previously requested staff to seek Board approval of future options due to the uncertainty of funding. The project is now fully funded as part of the Caltrain Modernization Project. This option will fund the second phase of the project, which will start next month. This includes completion of the design of the project and installation of the data communications system. The construction phase will start this summer and staff will be back this summer for a project update, budget amendment and to award the last option.

A motion (Tissier/Cisneros) to exercise Option 1 (A), Phase 2 with Parsons Transportation Group to the contract for a CBOSS/PTC in the estimated amount of \$35.3 million was approved unanimously.

AUTHORIZE AWARD OF CONTRACTS TO HOLLAND & KNIGHT, LLP IN THE FIRM-FIXED PRICE OF \$300,000 AND KADESH & ASSOCIATES, LLC FOR THE ESTIMATED AMOUNT OF \$265,404 TO PROVIDE FEDERAL LEGISLATIVE ADVOCACY SERVICES FOR A FIVE-YEAR TERM

Director, Contracts and Procurement Cheryl Cavitt said both firms participated in the Request for Proposal competitive process and presented well qualified key personnel. The Evaluation Committee consisted of representatives from all the member agencies and the City/County Association of Governments.

Chair Yeager asked if the lobbyists in Sacramento will be working with the lobbyists in Washington D.C. and if the focus will be on Washington D.C. Director, Government and Community Affairs Seamus Murphy said staff does encourage a lot of coordination between the Sacramento representatives and the advocates in Washington D.C. He said with respect to HSR, there is a lot of work to do that is unfunded regardless of the progress made on the Caltrain Modernization funding front.

Chair Yeager asked if the focus will be on Capitol Hill or more with the FTA and the Administration trying to clear the path for things that need to be approved. Mr. Murphy said all of it will require attention. He said it is hard to predict what the different funding dynamics are going to be in any given year.

Public Comment

Jim Whittemore, San Mateo, said tonight the San Mateo County Transportation Authority Board will be authorizing the same contract and their rate is lower than JPBs.

He asked why the rates are different and why the San Mateo County Transit District is moving to a five-year contract.

A motion (Nolan/Lloyd) to award a contract to Holland & Knight, LLP in the firm-fixed price of \$380,000 and Kadesh & Associates, LLC for the estimated amount of \$265,404 to provide Federal Legislative Advocacy Services for a five-year term was approved unanimously.

LEGISLATIVE UPDATE

State Update

Mr. Murphy said the Legislature convenes on January 7 and the governor releases his budget on January 10. The deadline for introducing legislation is February 22. A matrix of significant legislation items that have been introduced will be available at the February 7 Board meeting. Mr. Murphy said two bills likely to be part of the JPB Legislation Program the Board will consider in February have already been introduced. One is to reduce the voter threshold for sales tax revenue for transportation improvements from the existing two-thirds level down to 55 percent. The other would reauthorize the Carl Moyer Program, a regional air quality program that is an integral part of the Caltrain Modernization funding plan. He said committee chairs have been announced in both chambers. Assemblyman Jim Beall is going to chair the Budget Subcommittee on Transportation and Assemblyman Mark DeSaulnier will chair the Transportation and Housing Policy Committee. Mr. Murphy said Assemblyman Rich Gordon has retained a role on the Transportation Budget Subcommittee and Assemblyman Tom Ammiano will be representing the Bay Area on the Transportation Policy Committee.

Federal Update

Mr. Murphy said the 113th Congress was sworn in today. He said there has been some progress made on averting the fiscal cliff. This delays the sequestration that would have occurred by two months and this is good news for the Federal New Starts Program, which would have been cut severely under sequestration. The Fiscal Cliff Resolution included parity between transit commute benefits and parking commute benefits. The transit commute benefits had been reduced to \$125 per month compared to \$230 per month for carpool drivers. With this legislation both drivers and transit riders will benefit from \$240 per month. This extension is only through the current year. Mr. Murphy said in addition to the commute benefits, the alternative fuel tax credit was extended through 2013.

Chair Yeager asked if there is much legislation or budget items dealing with HSR this year. Mr. Murphy said from a funding perspective probably not. Funding for HSR in the Legislature is not likely to be an issue, but could end up playing defense on a number of issues and might see legislation that is proposed that deals with CEQA that not only affects HSR and transportation projects, but all major infrastructure projects.

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

None

GENERAL COUNSEL REPORT

Legal Counsel David Miller introduced Shayna van Hoften who is working with staff on the Title VI changes.

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be Thursday, February 7, 2013, 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 11:55 a.m.