

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

**Minutes
November 7, 2013**

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

MEMBERS ABSENT: J. Cisneros

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 Ken Yeager called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Roland Lebrun, San Jose, said there is a parking crisis at the Tamien Caltrain Station. The parking lots are all full around the Caltrain and Santa Clara Valley Transportation Authority (VTA) Tamien stations, causing people to park illegally.

CONSENT CALENDAR

- a. Approval of Minutes of October 3, 2013
- b. Approval of 2014 Board Meeting Calendar

A motion (Nolan/Deal) to approve the Consent Calendar was passed unanimously.

REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)

Kevin Gardiner, CAC Chair, said at its October 16 meeting:

- o The CAC received a presentation on level boarding.
- o It was decided the three work plan topics the CAC will be discussing over the next year are: Managing capacity, incident response and the Caltrain Strategic Plan.
- o The next meeting is on November 20 and the CAC will receive a presentation on the Strategic Plan.

Chair Yeager said the three issues the CAC are working on are excellent, and the Board looks forward to their comments and feedback.

REPORT OF THE EXECUTIVE DIRECTOR

Michael Scanlon, Executive Director reported:

- Key Caltrain Performance Statistics
 - o Monthly Performance Statistics – September 2013 compared to September 2012

- Total Ridership was 1,395,711, an increase of 8.2 percent.
- Average Weekday Ridership was 54,308, an increase of 6.9 percent.
- Total Revenue was \$6,282,145, an increase of 7.2 percent.
- On-time Performance was 90.9 percent, an increase of 5 percent.
- Caltrain Shuttle Ridership was 7,239, a decrease of 29.4 percent.
- Year-to-date Performance Statistics – September 2013 compared to September 2012
 - Total Ridership was 4,353,765, an increase of 10.3 percent.
 - Average Weekday Ridership was 54,379, an increase of 10.2 percent.
 - Total Revenue was \$19,441,212, an increase of 10.1 percent.
 - On-time Performance was 90.8 percent, a decrease of 0.5 percent.
 - Caltrain Shuttle Ridership was 6,995, a decrease of 20 percent.
- Staff continues to work with TransitAmerica Services (TAS) to improve the on-time performance (OTP) and mechanical issues. The OTP is also complicated by the record ridership, persons needing assistance, and the number of bicycles.

Director Adrienne Tissier arrived at 10:10 a.m.

- Thanked Chair Yeager and Director Tissier for participating in Caltrain's 150th Anniversary event on October 19 in Menlo Park and Directors Jerry Deal and Art Lloyd for attending.
- The Holiday Train will be operating on December 7 and 8 in partnership with the Silicon Valley Community Foundation. The partnership has been extended for an additional two years.
- Staff produced the progress report *Caltrain By the Numbers 2013*, which is available electronically.
- The annual emergency preparedness drill was November 2. Approximately 150 first responders, including a representative from the Federal Railroad Administration, participated in the drill.
- The Bicycle Advisory Committee (BAC) did not meet in October. The next meeting is November 21. The BAC is currently recruiting for four spots on the committee.
- Special service:
 - San Jose Sharks played five home games, carrying an additional 1,700 riders.
 - Stanford football had two home games, carrying an additional 4,200 riders.
 - Caltrain will operate a Sunday schedule on Thanksgiving Day and a Saturday schedule on the Friday after Thanksgiving.
- The San Bruno Grade Separation Project is progressing. Both San Bruno and San Mateo avenues were lowered to their final elevation and alignment. The project should be completed in early spring.
- Staff will be coming to the Board next month to adopt changes to the Codified Tariff. Changes include a 10 percent discount to groups of 25 or more who prepurchase tickets, changes to the GO Pass to allow employers to include part-time employees and interns, and expanding the GO Pass Program to include residential complexes.

- The Reading File contains the September Safety & Security Report, *Caltrain Connection*, and a list of community outreach events for the Codified Tariff.

Caltrain Modernization Update

Marian Lee, Executive Officer, Caltrain Modernization (CalMod) Program, said since the last Board meeting, staff members have been working on the electrification environmental document. They are continuing to prepare the administrative draft, and are still on schedule for the release of the public draft early next year. Ms. Lee said installation is continuing for the Communications-based Overlay Signal System/Positive Train Control and fiber network. Staff has been regularly informing elected officials and city staff of the changing dates and status of the project, and have received no complaints from the community.

4th and King Study Update

Ms. Lee said staff continues to work with VTA and San Francisco staff on this study. This study was requested and funded by San Francisco to assess the feasibility of reducing or removing the San Francisco Station and yard to support transit-oriented development and integrate the facility into a rapidly developing urban neighborhood. Ms. Lee reported:

- After completion of the analysis, staff was tasked to identify next steps and to see if this concept could be included in the electrification environmental document for project level clearance.
- 2019 assumptions made in the analysis:
 - Electrified Caltrain service, completion of the Downtown Extension Project and high-speed rail service on the Peninsula
 - An interim operations scenario in which all trains would terminate at 4th and King and assume a mixed fleet of diesel and electric trains
- Needed functions at terminus:
 - Key functions are revenue service of six trains per hour per direction, special events, and storage of 10 to 11 trains
 - Support functions include inspection and light maintenance, a bike facility, and crew and staff facilities
 - Electrification delivery functions
- Preliminary Findings:
 - Two development/transit facility options: one supports all needed functions and one requires an off-site facility.
 - A yard reconfiguration would cost \$170 million to \$190 million. If an off-site facility is needed, the ongoing costs would be \$700,000 to \$2.5 million annually, depending on the distance of the off-site facility from the terminus location.
 - Total yard removal concept would be a significant effort, requiring a separate study.
- Next steps:
 - Finalize study
 - San Francisco would like to conduct a Rail Yard Boulevard Feasibility Study
 - Move forward with the current Environmental Impact Report

Director Tom Nolan said he is happy with the study and is glad to see the cooperation between JPB and San Francisco staff.

Director Malia Cohen asked who is on the San Francisco team. Ms. Lee said Gillian Gillett from the mayor's office, along with staffers from the San Francisco County Transportation Authority, San Francisco Municipal Transportation Agency (SFMTA), and the San Francisco Planning Department.

Public Comment

Adina Levin, Friends of Caltrain, said it would be helpful to see more details of OTP issues, and if they are caused by maintenance, fatalities, or crowds. She said she is glad to see the change to the GO Pass requirements.

Greg Conlon, Atherton, said he wanted to follow up on his comments from last month on the estimated cost for a covered trench. He said the cost would be \$125 million to \$150 million per mile, and this could be funded the same way as the San Bruno crossings. Mr. Conlon said he sent the tunneling study to Mark Simon, Executive Officer, Public Affairs, this morning.

Andy Chow, Redwood City, said lately Caltrain has had delays with cars on the tracks. He said Caltrain needs to be proactive in preventing these accidents by adding additional reflectors and rumble strips on the road.

CHAIRPERSON'S REPORT

Chair Yeager said the VTA Board conducted a nationwide search to replace VTA's Executive Director Michael Burns, who will be retiring in December. Nuria Fernandez was appointed and will be taking the helm from Mr. Burns on December 16. Ms. Fernandez was chief operating officer at the New York Metropolitan Transportation Authority. There, she oversaw the implementation of \$24 billion in capital and environmental programs for a massive transportation system that moves millions of New Yorkers and tourists every day. In the public sector, Ms. Fernandez led transportation organizations in Chicago and Washington, D.C., including time as the Acting Administrator of the Federal Transit Administration (FTA). In the private sector, Ms. Fernandez has held executive-level positions with major transportation consulting firms. Chair Yeager said Ms. Fernandez has a B.S. in Civil Engineering from Bradley University and an MBA from Roosevelt University.

Ms. Fernandez said she looks forward to learning more about the long-standing relationship between Caltrain and VTA, while working side-by-side with Mr. Scanlon. She said there are many challenges that Caltrain is facing. There is the good/bad problem of increased ridership. Customers need to be moved, and when the equipment ages, decisions need to be made. Ms. Fernandez said public transportation has evolved from just moving people to moving people where they actually want to go. She said we are now mobility managers: managing mobility within the context of the funding that is available and the economic development that is happening around us. Ms. Fernandez said she looks forward to stepping into Mr. Burns' shoes and helping VTA reach its organizational goals.

Mr. Scanlon said attracting Ms. Fernandez to VTA was fantastic and she is an absolute star. She has a real good understanding of what goes on in Washington, D.C. and to have her in this region as a key partner is fantastic.

Director Tissier asked to adjourn today's meeting in memory of Bill Schumacher. He was a former police officer, councilmember and mayor of Daly City. He served on the San Mateo County Board of Supervisors and was a member and chair of the San Mateo County Transit District Board of Directors.

Director Nolan said it was Mr. Schumacher's idea to purchase this building. He said the SFMTA adjourned their meeting yesterday in his memory.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR JUNE 2013 (unadited)

Gigi Harrington, Deputy CEO, said the year ended with revenues over budget and savings on the expense side. There was a total surplus of \$11 million. Staff will be back to propose using about \$4 million for a potential purchase of additional rail cars, and allocate the remainder to the Fiscal Year 2015 budget. Ms. Harrington said the auditors have come and gone. They did additional testing based on questions raised recently and verbally reported everything is fine. She will have the final report at the January meeting.

A motion (Lloyd/Tissier) to accept the June 2013 (unaudited) statement was approved unanimously.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR SEPTEMBER 2013

Ms. Harrington said year-to-date September revenues are over budget by \$2.4 million and the year-to-date October fare revenue reflects \$2.6 million over budget. On the expense side there is about \$1.7 million in savings. Ms. Harrington said the JPB is going to receive about \$44,000 from the settlement related to the collapse of Lehman Brothers, bringing the total payout from Lehman Brothers to \$566,000. She said about \$1.4 million had to be written off. Ms. Harrington said fuel was \$2.99 per gallon last week and year to date is \$3.12 per gallon. The JPB received \$16,000 from the fuel hedge in October and has received a total of \$109,000.

A motion (Woodward/Deal) to accept the September 2013 statement was approved unanimously.

AUTHORIZE REAFFIRMING THE ANNUAL INVESTMENT POLICY AND AUTHORIZATION TO INVEST MONIES WITH THE LOCAL AGENCY INVESTMENT FUND

Ms. Harrington said this is the yearly reaffirmation of the policy and there are no changes to the policy.

A motion (Tissier/Lloyd) to reaffirm the annual Investment Policy and invest with the Local Agency Investment Fund was approved unanimously.

AUTHORIZE REJECTION OF ALL PROPOSALS FOR A PROJECT DELIVERY DIRECTOR FOR THE CALTRAIN MODERNIZATION PROGRAM

Ms. Harrington said staff is asking the Board to reject the two proposals received for the project delivery director for the CalMod Program. A group of both outside and internal staff evaluated the proposals. Staff is going to continue to explore options in terms of finding a director.

Public Comment

Roland Lebrun, San Jose, said there was nothing wrong with the Request for Proposal (RFP). The job description required extensive experience with international experience. He said the time has come for the JPB to review whether building the current owners team is the correct approach, or whether Caltrain should consider replacing the existing team with a world-class entity capable of delivering every aspect of the project on time and significantly below current budget estimates. Mr. Lebrun said he would recommend the Staff Coordinating Council reach out to Amtrak and ask them how they were able to secure the services of the United Kingdom's Network Rail for the Northeast Corridor Project.

A motion (Nolan/Tissier) to reject all proposals for a project delivery director for the Caltrain Modernization Program was approved unanimously.

AUTHORIZE REJECTION OF THE LOWEST MONETARY BID FROM CANADA TICKET, INC. AS NON-RESPONSIVE AND AWARD A CONTRACT TO PAPER SOLUTIONS, INC. TO PROVIDE TYPESETTING, PRINTING, AND DELIVERY OF THERMAL AND NON-THERMAL TICKET MEDIA FOR A TOTAL ESTIMATED COST OF \$142,840 FOR A TWO-YEAR TERM

Cheryl Cavitt, Director, Contracts and Procurement, said staff is requesting the Board reject the lowest monetary bid. Canada Ticket submitted their bidder's security on a business check. The solicitation indicated it was mandatory the check either be a cashier's check, certified check or some other form of official check. Ms. Cavitt said in Canada Ticket's protest they stated their business check was an official check in Canada, but staff's research proved otherwise. She said staff was concerned with the low number of proposals received, but this is a small niche in printing.

Director Kalra asked if this type of bid is very straightforward. Ms. Cavitt said under the rules of sealed bidding, the response has to conform to the requirements of the solicitation and there is no room for negotiations.

A motion (Tissier/Woodward) to reject the lowest monetary bid from Canada Ticket, Inc. as non-responsive, and award a contract to Paper Solutions, Inc. to provide typesetting, printing, and delivery of thermal and non-thermal ticket media for a total estimated cost of \$142,840 for a two-year term was approved unanimously.

ADOPTION OF CALTRAIN TITLE VI PROGRAM

Michelle Bouchard, Director, Rail Transportation, reported:

- Title VI is part of the Civil Rights Act of 1964 and ensures there is no discrimination under any program or activity receiving Federal funding on the grounds of race, color, or national origin.

- The FTA issued new requirements and guidelines on October 1, 2012. Caltrain has been submitting Title VI program reports for several cycles, but now Board approval is required. FTA regulates and monitors transit agencies that receive Federal funding in several areas, including Title VI.

Director Karla left at 10:57 a.m.

- The triennial report is due to the FTA on December 1.
- Title VI Submittal Requirements:
 - Public notice posted at headquarters, all Caltrain stations, and on Caltrain website
 - Complaint procedure established. There are no pending lawsuits or complaints
 - Non-elected committee members polled to encourage participation by minorities
 - Sub-recipient monitoring
 - Ensure that there are no facilities that are overly burdened in communities of minorities or low-income. In the last three years the JPB has not constructed any of these types of facilities.
- Public Participation Plan:
 - First formal submittal for Caltrain and discusses the strategies used to attain feedback for the Public Participation Plan
 - Provides information about outreach methods to engage minority and limited-English proficient populations, as well as summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan outlines how language assistance will be provided to persons with limited-English proficiency and clearly identifies what language predominates the Caltrain service area. Spanish predominates the service area and there are nine other languages that have a significant representation.

Director Cohen left at 11:04 a.m.

- Service Standards and Policies were adopted by the Board in April 2013, following extensive public participation process. Monitoring analysis and findings reveal service is being delivered with no disparate impact
- Next steps:
 - Approved Program will be submitted to FTA by December 1, 2013
 - Staff will continue to monitor Title VI performance compared with the Title VI Program
 - The Title VI Program is a "Living Document" -- any changes or modifications to be brought before the Board as necessary

Director Nolan liked the idea of the Program being a living document. The SFMTA adopted their Title VI Program on November 5, and will be reviewing annually. Ms. Bouchard said following approval, staff will determine how the Program will be reviewed.

Director Nolan said he would like the Board to be updated on any changes.

A motion (Noland/Woodward) to adopt the Caltrain Title VI Program was approved unanimously.

LEGISLATIVE UPDATE

Federal Update

Seamus Murphy, Director, Government and Community Affairs, said the Budget Conference Committee continues to meet to seek a compromise. They have a deadline of December 13 to avoid triggering additional sequestration cuts on January 15.

Mr. Murphy said staff released a State Advocacy RFP last week for Board action early next year.

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

None

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be Thursday, December 5, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

LEGAL COUNSEL REPORT

Closed Session: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code 54956.9(a) City and County of San Francisco v. All Persons Claiming any Interest or Lien Upon the Real Property Described Herein San Francisco Superior Court Case No. CGC-13-531420

Adjourned to closed session at 11:10 a.m.

Reconvened at 11:16 a.m.

Mr. Miller said the Board met in closed session to receive a report from legal counsel and Brian Fitzpatrick, Manager, Real Estate and Property Development, on litigation pertaining to property the City and County of San Francisco has brought that is not JPB property, but nearby. He said this litigation involves property interests the city will acquire to effect a San Francisco project. Mr. Miller said staff is recommending the Board authorize a resolution of the litigation in which the Joint Powers Board will execute a quit claim deed affirming it has no interest in the land the City and County of San Francisco is seeking to acquire.

Joint Powers Board Meeting
Minutes November 7, 2013

A motion (Nolan/Deal) to authorize the Executive Director to execute a quit claim deed affirming the JPB has no interest in property the City and County of San Francisco is seeking to acquire was approved unanimously.

Adjourned at 11:17 a.m. in memory of Bill Schumacher.