

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

**Minutes  
December 5, 2013**

**MEMBERS PRESENT:** J. Cisneros, J. Deal, A. Kalra, A. Lloyd, T. Nolan, A. Tissier, P. Woodward

**MEMBERS ABSENT:** M. Cohen, K. Yeager

**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

Vice Chair Tom Nolan called the meeting to order at 10:05 a.m. and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Jeff Carter, Millbrae, said that on November 20 a wire fell across the tracks at the Hayward Park Caltrain Station and caused Caltrain service in the area to be suspended. He said he appreciated the efforts to establish a bus bridge and restore service. Mr. Carter noted that there was a ruling against California High-speed Rail Authority (CHSRA) and he asked about the impacts on Caltrain. He said there is still a lot of miscommunication and lies about high-speed rail (HSR). Mr. Carter said there is no reason to run an inadequate Saturday schedule on the day after Thanksgiving.

Director Adrienne Tissier arrived at 10:07 a.m.

Roland Lebrun, San Jose, said there are two modern train features designed to reduce the number of fatalities after a derailment. He said the first is shared bogies between train carriages to prevent high-speed trains from jackknifing, and the other is tilting trains that allow for higher speeds around corners. Mr. Lebrun said the New York Metropolitan Transportation Authority (MTA) followed Los Angeles's Metrolink example and acquired additional communications spectrums instead of laying fiber optic cable. He said MTA decided to implement Advanced Civil Speed Enforcement System (ACSES), which is the highest performance signaling system used by Amtrak in the Northeast Corridor, and the first Positive Train Control (PTC) system ever approved by the Federal Railroad Administration (FRA). Mr. Lebrun said MTA awarded the ACSES contract to Invensys, the United Kingdom subsidiary of Siemens, for approximately one-quarter of the cost-per-track mile of the Communications-based Overlay Signal System (CBOSS). He recommends the Staff Coordinating Council (SCC) reach out to the new Santa Clara Valley Transportation Authority (VTA) General Manager Nuria Fernandez and ask her why MTA selected ACSES for Metro North and the Long Island Railroad instead of a signaling system overlay.

## **CONSENT CALENDAR**

- a. Approval of Minutes of November 7, 2013

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

## **CHAIRPERSON'S REPORT**

### **Appointment of Nominating Committee for 2014 Officers**

Vice Chair Nolan appointed Directors Josè Cisneros, Tissier and Perry Woodward to the Nominating Committee for 2014 officers.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Michael Scanlon, Executive Director reported:

- Key Caltrain Performance Statistics
  - Monthly Performance Statistics – October 2013 compared to October 2012
    - Total Ridership was 1,435,694, an increase of 0.5 percent.
    - Average Weekday Ridership was 51,741, an increase of 0.05 percent.
    - Total Revenue was \$6,158,615, a decrease of 3.9 percent.
    - On-time Performance was 92 percent, an increase of 11 percent.
    - Caltrain Shuttle Ridership was 6,803, a decrease of 26.6 percent. There continues to be problems with the count reports from the Marguerite Shuttle and these numbers may not be accurate. Staff is investigating a solution to this report.
  - Year-to-date Performance Statistics – October 2013 compared to October 2012
    - Total Ridership was 5,789,459, an increase of 7.7 percent.
    - Average Weekday Ridership was 53,720, an increase of 7.6 percent.
    - Total Revenue was \$25,599,827, an increase of 6.3 percent.
    - On-time Performance was 91.1 percent, an increase of 2.4 percent.
    - Caltrain Shuttle Ridership was 6,944, a decrease of 21.7 percent. There continues to be problems with the count reports from the Marguerite Shuttle and these numbers may not be accurate. Staff is investigating a solution to this report.
- The Bicycle Advisory Committee (BAC) met on November 21 and received presentations on level boarding and the Bicycle Access Plan. The BAC elected officers for 2014 and approved changes to their charter. The next meeting is January 16.
- Special service:
  - San Jose Sharks had eight home games in November and a 12 percent increase in ridership.
  - Stanford Football ridership was up 7 percent over last season. The Big Game carried an additional 2,900 riders, a 39 percent increase.
  - There will be regular service on Christmas Eve and Sunday service on Christmas Day.
  - The Kraft Fight Hunger Bowl will be at AT&T Park on Friday, December 27.
  - Additional service will be added on New Year's Eve. Staff has worked closely with VTA and the San Francisco Municipal Transportation Agency to coordinate a common time for free rides starting at 8 p.m. Four trains

will operate after the fireworks at 12:45 a.m., 1:15 a.m., 1:45 a.m., and 2:15 a.m.

- A Sunday schedule will be in place on New Year's Day.
- The Reading File contains the October Safety & Security Report.

### **Caltrain Modernization Update**

Marian Lee, Executive Officer, Caltrain Modernization (CalMod) Program, said the Electrification Environmental Administrative Draft Report is being reviewed internally and staff is targeting public release of the document for February. Installation continues in Mountain View for the CBOSS/PTC communication sub-system and fiber. Ms. Lee said there is a misunderstanding that the CBOSS/PTC project will impact trees. Staff has evaluated this project and has not identified any impact on trees, but staff is sensitive to local constituents who are very concerned about their trees, so a tree protocol has been put in place. This will help coordinate with the concerned cities and will focus on unexpected encounters between the conduit and tree roots. Ms. Lee said the Local Policy Makers Group had its last meeting of the year on November 20 and a presentation was given on the update to the Caltrain Strategic Plan. Concerns were expressed about how many more riders Caltrain can accommodate in the future. The group also received a presentation on the 4<sup>th</sup> and King Feasibility Study. Some members wanted confirmation that off-site facility locations, if needed, would be found in San Francisco. Members also wanted to understand the potential benefit to Caltrain from San Francisco's interests in development.

David Miller, Legal Counsel, said he is coordinating closely with the California High-speed Rail Authority's (CHSRA) legal team that ultimately has to advise the CHSRA Board on action plans to comply with the rulings. One case was a bond validation proceeding that was initiated by the CHSRA. The reason the CHSRA initiated the action was in anticipation there likely would be objections from opponents to the project about the validity of the bonds and the propriety of issuing them. Mr. Miller said the court found a technical irregularity took place in that there had not been a sufficient technical finding of necessity or desirability to issue the bonds. The court acknowledged the role of the judiciary in a proceeding of this type is to accord great deference to the decision of a legislative body such as the CHSRA. However, in this case a closed session discussion took place where this matter was presented rather than an open session determination of desirability and necessity.

Mr. Miller said the CHSRA plan will be to start the proceeding again, have public findings on these issues and, in all likelihood, the deficiency will be corrected satisfactorily.

Mr. Miller said the other case, known as the Tos Case, presents more substantive issues for the CHSRA to manage. In that case the court found that the Financial Plan pursuant to which the request for issuance of bonds was made was not adequate. The CHSRA has advised it is in the process of updating its Financial Plan to take into account how it relates to its amended Business Plan. Mr. Miller said it will probably take several months and the CHSRA may be taking a fresh look at what the initial operating segment is in order to make a finding that there is adequate financing for what they are planning to

construct. He said these issues potentially have ramifications to the JPB, but since the judge has not stopped the project and the CHSRA is proceeding with the construction contract it recently awarded there is a possibility of correcting these matters in the not too distant future.

Mr. Miller said he and JPB management will be working closely with the CHSRA legal counsel and staff. If there are any actions this Board needs to take over the next few months they will be brought forward.

Chuck Harvey, Deputy CEO, said people are asking if the derailment in New York could happen on Caltrain. Mr. Harvey said it can, but the PTC system in progress on Caltrain and mandated by the FRA will prevent train-to-train collisions, over-speed derailments, incursions into established work zones and movement through misaligned switches. TransitAmerica Services' management team has issued a crew advisory to remain vigilant. Staff is conducting random field radar speed spot checks and efficiency testing to see if the engineers are following the rules. Mr. Harvey said all locomotives have an alert system on the cab and Bombardier cars that requires the engineer to respond or the system goes into an emergency brake. The older gallery cars have a "dead man" switch: the engineer has to be stepping on the switch for the system to be operable.

Gigi Harrington, Deputy CEO, presented Director Cisneros with a hard hat for his first head-end ride.

Mr. Scanlon continued:

- The Holiday Train will be operating December 7 and 8 in partnership with the Silicon Valley Community Foundation, the Salvation Army and the U.S. Marine Corps Reserves. Trains depart San Francisco each night and stop at four stations.
- On October 19, more than 1,500 persons attended the first 150<sup>th</sup> Caltrain Anniversary event in Menlo Park. A video of the event was show. The next event will be on January 18 at the Santa Clara Station.
- Rita Haskin, Executive Officer, Customer Service and Marketing, showed the San Mateo County Transit District holiday card video.

Vice Chair Nolan said he was glad to hear the report from legal counsel on CHSRA. He asked when will there be an update. Mr. Miller said he will be able to report more this afternoon, after the CHSRA meeting. He said CHSRA's general counsel said it will take three to four months to go through the formalities of the amended financial plan.

#### Public Comment

Roland Lebrun, San Jose, said the speed enforcement should be able to be done in real time with a Global Positioning System. He said all the focus on the Tos Case has been on the funding plan. The next item that will be showing up in court is the validation of Proposition 1A. The Caltrain blended system capacity analysis will be used as evidence of a Proposition 1A violation, because that capacity analysis proves you cannot travel from San Francisco to San Jose in 30 minutes.

Adina Levin, Friends of Caltrain, said everyone is watching the HSR legal issues and waiting for next steps. She asked if there were any updates on obtaining more cars to increase capacity.

Vice Chair Nolan thanked the entire leadership, staff and all those who attend the monthly meetings.

#### **REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)**

Kevin Gardiner, CAC Chair, said at its November 20 meeting, the CAC:

- o Received an update on the Caltrain Strategic Plan. There is interest in the public participation. There were questions on funding and having the Strategic Plan include the framework for recommendations on funding including capital projects not funded through HSR. Questions on capacity will be discussed at the December meeting.
- o The 2014 meeting calendar was approved. It was discussed to possibly have meetings in other counties. There are pros and cons, logistic issues, and expenses for operating meetings at other locations. The consensus was to hold all 2014 meetings in San Carlos.
- o CAC member Bruce Jenkins will be resigning after the December meeting.
- o Next meeting will be December 18.

Director Tissier thanked Mr. Jenkins for his service and efforts on the CAC.

#### **ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR OCTOBER 2013**

Gigi Harrington, Deputy CEO, said October revenues are over budget by \$2.88 million and on the expense side there is \$2.6 million in savings. Ms. Harrington said fuel was \$3.04 per gallon last week and year-to-date is \$3.10 per gallon. The JPB did not trip the fuel hedge in November.

A motion (Cisneros/Deal) to accept the October 2013 statement was approved unanimously.

#### **AUTHORIZE ADOPTING AN AMENDED AND RESTATED CODIFIED TARIFF, MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING THE ASSOCIATED TITLE VI ANALYSIS**

Rita Haskin, Executive Officer, Customer Service and Marketing, said SCC recommends the Board take three actions: Adopt a revised Codified Tariff to include a discount to groups of 25 or more, allow universities and other employers who participate in the GO Pass Program to include interns and part-time employees and expand the GO Pass Program to residents, and adopt the findings of CEQA and associated Title VI analysis. Under the Title VI Equity Analysis the changes to the Tariff would result in no disparate adverse impact on minority passengers, nor would they impose a disproportionate burden on low-income passengers.

Director Ash Kalra left at 10:54 a.m.

Public Comment

Adina Levin, Friends of Caltrain, said she commends staff and the Board for expanding the GO Pass Program to more employees and residential complexes.

A motion (Tissier/Deal) to adopt the amended Codified Tariff, CEQA findings and associated Title VI analysis was approved unanimously.

**AUTHORIZE AWARD OF A SOLE SOURCE CONTRACT TO ARINC, INC. TO MODIFY THE RAIL OPERATIONS CONTROL SYSTEM TO INCLUDE THE COMMUNICATIONS-BASED OVERLAY SIGNAL SYSTEM/POSITIVE TRAIN CONTROL FUNCTIONS IN THE AMOUNT OF \$1,993,468**

Ms. Harrington said ARINC, Inc. is the provider of the rail control system that was put in revenue service last year. The back-end of the system needs to be modified to hook the CBOSS/PTC system into it. Ms. Harrington said it couldn't be done at the time the system was implemented because the CBOSS/PTC system was not designed yet. The CBOSS/PTC system is in final design and the modifications to the control system need to be made.

A motion (Deal/Tissier) to award a sole contract to ARINC, Inc. to modify the rail operations control system in the amount of \$1,993,468 was approved unanimously.

**AUTHORIZE INCREASE IN CHANGE ORDER AUTHORITY FOR THE SAN BRUNO GRADE SEPARATION PROJECT CONTRACT FOR AN AMOUNT NOT TO EXCEED \$4 MILLION**

Mr. Harvey said the project is continuing and the west side is done. The contractor is pouring the last portion of the platform on the east side. The station is scheduled to be opened around March 1, 2014. The increase in contract authority is requested to enable staff to continue to negotiate change order requests for compensation to the contractor. This project is fully funded by the San Mateo County Transportation Authority and externally leveraged grants. Mr. Harvey said staff purposely held back contingency funding. He said there are some issues and a number of claims have been filed with no merit.

A motion (Lloyd/Deal) to increase the change order authority for the San Bruno Grade Separation Project contract for an amount not to exceed \$4 million was approved unanimously.

**AUTHORIZE AWARD OF CONTRACT TO VALI COOPER AND ASSOCIATES FOR ON-CALL CONSTRUCTION MANAGEMENT SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$15 MILLION FOR A THREE-YEAR TERM**

Cheryl Cavitt, Director, Contracts and Procurement, said SCC is requesting Board approval of an award of contract to Vali Cooper and Associates for a three-year term, and authorization for the Executive Director to exercise up to two one-year options. The construction management services will support many programs. Staff issued a Request for Proposal (RFP) on an on-call basis. The current contract has a fixed price based on a specific number of projects. Staff's finding was that construction projects are vulnerable to changes and delays and a fixed price did not allow sufficient flexibility.

Ms. Cavitt said four proposals were received and all complied with the requirements of the RFP. All four firms were interviewed. Vali Cooper has worked with the JPB in the past as a sub-contractor. The firm is a graduate of a Disadvantaged Business Enterprise Program and brings the JPB in excess of the 12 percent DBE goal.

A motion (Lloyd/Tissier) to award a contract to Vali Cooper and Associates for on-call construction management services for a not-to-exceed amount of \$15 million for a three-year term was approved unanimously.

## **LEGISLATIVE UPDATE**

### State Update

Seamus Murphy, Director, Government and Community Affairs, said that California Alliance for Jobs and Transportation California have jointly filed a ballot measure for the November 2014 ballot that would increase the State vehicle license fee by 1 percent of the vehicle's total value. This would equate to about \$2.9 billion a year and be phased-in over four years starting in 2015. He said the Expenditure Plan would provide about 10 percent of the total funding to transit through the State Transit Assistance Program, and would be eligible for operating expenses for transit providers based on a formula. Polling will be conducted in January to determine whether the measures will be pursued.

### Federal Update

Mr. Murphy said Congressman Jeff Denham of California will be holding a hearing to discuss what the Federal response should be to the Superior Court's decision on the CHSRA ruling. The hearing is scheduled for December 12.

Mr. Murphy said Congressman Earl Blumenauer of Oregon has introduced two bills to increase the gas tax in Fiscal Year 2015 by 15 cents to support the Highway Trust Fund and for a pilot study of a vehicle miles traveled tax.

## **CAPITAL PROJECTS QUARTERLY STATUS REPORT – 1<sup>ST</sup> QUARTER FISCAL YEAR 2014**

Ms. Harrington said this is an informational item.

## **CORRESPONDENCE**

No discussion.

## **BOARD MEMBER REQUESTS**

None

## **LEGAL COUNSEL REPORT**

Mr. Miller said a transaction was closed with Union Pacific (UP) and involves resolution of claims the JPB asserted against UP relative to the cleanup of hazardous materials and an Environmental Indemnity Agreement that was entered into as part of the rail corridor acquisition in 1991. At that time, staff was able to negotiate with UP's predecessor, Southern Pacific, an Environmental Indemnity Agreement to cover hazardous materials that might have to be dealt with over a long period of time, subsequent to closing the transaction.

Joint Powers Board Meeting  
Minutes December 5, 2013

Mr. Miller said in 2009, staff asserted various claims to deal with then-anticipated projects that the JPB would be undertaking over the next several years. Not surprisingly, UP questioned the claims and staff was involved in four mediation sessions over a period of two years. Mr. Harvey was acknowledged for his involvement in these mediations. An agreement was signed on November 18 and the JPB will be receiving \$1.5 million from UP.

**DATE/TIME/PLACE OF NEXT MEETING**

The next meeting will be Thursday, January 9, 2014, 10 a.m. at San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2<sup>nd</sup> Floor, 1250 San Carlos Avenue, San Carlos, CA 94070.

Adjourned at 11:11 a.m.