

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

**Minutes
February 6, 2014**

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

MEMBERS ABSENT: M. Cohen, K. Yeager

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

Chair Tom Nolan called the meeting to order at 10:12 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Pat Giorni, Burlingame, said that bike bumps are not smoothing out and there is no bike capacity consistency. She said with six cars on all trains there will be one Bombardier replacing one Gallery train, which means there will be a net loss of bike space, depending on how the consists run during the commute hour. Since last month there were 104 bike bumps.

Doug DeLong, Mountain View, said he submitted an e-mail to the Citizens Advisory Committee (CAC) and Board a few months ago on conditions he encountered on the train. Since his email there has been a tremendous improvement in the cleanliness of the trains. He said making some of the trains six cars in length is not the best use of the new cars and will dilute the percentage of bike capacity on those trains.

Director Adrienne Tissier arrived at 10:16 a.m.

Jeff Carter, Millbrae, said the Caltrain 150th event was a very nice, low-key event. The 2016 Super Bowl will be held at Levi Stadium in Santa Clara and he hopes there is good transit planning between Amtrak, the Santa Clara Valley Transportation Authority (VTA) and Caltrain.

Greg Conlon, Atherton, said the Atherton Rail Committee received a copy of a Footprint Study of six intersections in Menlo Park and Atherton, and they will be reviewing it over the next few months.

Roland Lebrun, San Jose, said when members of the public request an audio copy of a meeting it should be a CD and not a cassette tape. He said there has been an improvement in Transit America Services services, including maintenance and on-time performance. Mr. Lebrun said he doesn't understand why people are refusing to have Bombardier and Gallery cars in the same train set. The bike cars could be Gallery cars

and the rest of the train set could be Bombardiers.

Director Ash Kalra arrived at 10:21 a.m.

Andrew Ness, San Francisco, said he brings his bike on Caltrain, but has been bumped numerous times over the past four years. He is glad to see the increased capacity over the last few years, but is shocked that bicycle capacity is going to be reduced by replacing the Gallery cars with the new Bombardier cars.

Shirley Johnson, San Francisco Bicycle Coalition (SFBC), said all walk-ons are allowed on trains, but bicyclists are always bumped. Caltrain is buying additional cars and there will be empty seats, but bicyclists will continue to be bumped. To make up for loss of bike capacity, the SFBC recommends the new Bombardier cars be bike cars on the six-car trains.

CONSENT CALENDAR

- a. Approval of Minutes of January 9, 2014

Public Comment

Roland Lebrun, San Jose, said on page 10 of the minutes it states " Director Kalra said the third track is important for the south county cities beyond Diridon." He said this is inaccurate and not what Director Kalra actually said. Mr. Lebrun said what Director Kalra said "is the third track is critical to the 600,000 people who live south of Diridon. That is half of the city of San Jose and the south county cities."

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

CHAIRPERSON'S REPORT

Certificate of Appreciation to Outgoing Citizens Advisory Committee (CAC)

Chair Kevin Gardiner

Chair Nolan said under Mr. Gardiner's leadership, a subcommittee was formed to review items of interest to the CAC. A list was narrowed to a work plan that the CAC used over the last year. The work plan helps set the agenda and focus the CAC for future meetings.

Mr. Gardiner thanked the Board for the certificate and said it was a privilege to serve as chair.

Appointment of Citizens Advisory Committee Member Chris Cobey Representing San Mateo County

Director Tissier said there were two applicants on file from the last recruitment. The committee interviewed the two candidates and is recommending Mr. Cobey to a partial term that will expire June 30, 2015.

A motion (Deal/Woodward) to approve the appointment of Mr. Cobey to the CAC was passed unanimously.

REPORT OF THE CAC

Cat Tucker, CAC Chair, said at its January 15 meeting she was elected chair. She said she commutes daily from Gilroy to Santa Clara. At the meeting, the CAC:

- o Re-elected Adina Levin as vice chair.
- o Received an updated presentation from staff on Caltrain capacity. There was a lengthy discussion among the CAC about capacity, overcrowding, and bike bump issues. This is a major concern of all CAC members.
- o A CAC member asked for an update at a future meeting on wheelchair access at 22nd Street.

Director Perry Woodward said the CAC is lucky to have Ms. Tucker as the chair. He said she has been his colleague on the Gilroy City Council for the last seven years.

Public Comment

Shirley Johnson, SFBC, said she attended the last CAC meeting and commended the CAC on their robust discussions on bike capacity and bumps. Someone on the CAC suggested that white lines be painted in the aisle, assuring the aisle clearance will be maintained, but allowing more bikes on each rack.

Pat Giorni, Burlingame, said the average length of the CAC meeting is only an hour because members start leaving to catch the train and the quorum is lost. She suggested asking members if they can stay past 7 p.m. during the next recruitment process, so the meetings don't have to stop early.

Roland Lebrun, San Jose, said the issue for those attending the CAC meetings is that there are no trains south of Tamien for two hours. He said if the 8:13 p.m. train went to the Tamien Station it would be very helpful.

REPORT OF THE EXECUTIVE DIRECTOR

Michael Scanlon, Executive Director reported:

- Thanked Mr. Gardiner for his work last year as CAC chair and congratulated Ms. Tucker on her election to chair.
- Welcomed and congratulated Mr. Cobey on his appointment to the CAC.
- Key Caltrain Performance Statistics December 2013 compared to December 2012:
 - o Monthly Performance Statistics
 - Total Ridership was 1,312,085, an increase of 16.5 percent.
 - Average Weekday Ridership was 48,630, an increase of 13.9 percent.
 - Total Revenue was \$5,463,137, an increase of 13 percent.
 - On-time Performance was 96.3 percent, an increase of 5.2 percent.
 - Caltrain Shuttle Ridership was 7,145, an increase of 14.2 percent.
 - o Year-to-date Performance Statistics
 - Total Ridership was 8,427,499, an increase of 9.1 percent.
 - Average Weekday Ridership was 52,583, an increase of 8.9 percent.
 - Total Revenue was \$36,901,989, an increase of 8 percent.
 - On-time Performance was 92.3 percent, an increase of 2.9 percent.
 - Caltrain Shuttle Ridership was 7,406, a decrease of 12.3 percent.

- Staff has made no operational plans on how the new cars will be deployed. Bike space will not be diminished, but there is a lot of work to be done. Staff is still in negotiations with MetroLink for these cars. They have verbally agreed to the terms, but are trying to unwind their current lease-in/lease-out arrangement, which is very complicated.
- In 2013 there were 13 fatalities. Seven were declared suicides, one was declared an accident and five are pending investigation. In January, one occurred at 5:30 p.m. at the Santa Clara Station and preliminary investigation reveals that one individual was trying to help another individual who was on the tracks. The Good Samaritan who was trying to help was killed. On Friday, January 31, at 6:15 a.m. at the Redwood City Station, someone put herself in the path of the train. It was a gruesome scene with extensive cleanup. These events affect everyone from customers to the person's family.
- The Bicycle Advisory Committee met on January 16 and received presentations on bike thefts and the Caltrain Strategic Plan. The next meeting is March 20.
- Special service:
 - San Jose Sharks had seven home games in January and ridership was up 7 percent. This number was compared to the 2011 and 2012 seasons because of the shortened season last year.
 - The Freedom Train, chartered by the Dr. Martin Luther King, Jr. Association of Santa Clara Valley, operated on Monday, January 20. This year's ridership was 945 passengers.
 - San Francisco Giants FanFest was on February 1. Extra service carried an additional 4,000 passengers.
- A modified Saturday schedule with eight additional trains will operate on President's Day, February 17.
- The San Bruno Grade Separation Project is close to completion and staff should be announcing an opening date soon.
- Caltrain 150th Anniversary Event was held on Saturday, January 18 at the Santa Clara Station. The majority of the costs were covered by sponsors. The event gave people a chance to look into what the next 150 years will look like. The event started in San Francisco with a dedication of a plaque by the Native Sons of the Golden West. A special train departed San Francisco and made stops at the historic stations where plaques were presented to local officials. More than 1,000 people attended the event. All the Board members who attended were thanked and Directors Kalra and Tissier were thanked for speaking at the event. A video was shown from the 150th celebration on the Caltrain Modernization Program. Jayme Ackemann, Communications Manager, was recognized for her efforts in planning the event.
- The Reading File contains the December Safety & Security Report.

Chair Nolan thanked staff for a great 150th Anniversary event.

Caltrain Modernization Update

Marian Lee, Executive Officer, Caltrain Modernization (CalMod) Program said work on the Communications-based Overlay Signal System/Positive Train Control (CBOSS/PTC) continues. Installation has reached Redwood City, and work continues there, as well as

in Menlo Park, Palo Alto, Mountain View, Santa Clara, and Sunnyvale. Staff is working with city officials in areas where there have been modifications to the construction schedule. After five months of installation, the first complaint was received from a neighborhood association in Menlo Park regarding noise. Public Affairs staff will be meeting with the association members to address their concerns.

Ms. Lee said staff is still on track to release the Draft Environmental Impact Report (DEIR) by the end of February. The public meetings on the DEIR will be in March and April. The environmental team will be providing an update on the effort and outreach plan at the March Board meeting.

Ms. Lee said last week the Local Policy Makers Group (LPMG) met. There was good turnout and there are some new members because of the recent elections. She said at the meeting they discussed the LPMG structure. It was a one-year reflection of how the group is functioning and its effectiveness. She said staff was asked to put this on the agenda by the city of Palo Alto and town of Atherton. They were concerned about how effective the group was in influencing the policy deliberations of the JPB. Ms. Lee said at the meeting, staff made clarifications about the scope of the LPMG. The group was specifically set up for the CalMod Program, and is a subset of a larger range of issues the JPB deals with. She said they discussed Ms. Lee's role reporting to the JPB monthly on the LPMG matters and Director Tissier's role being a JPB Board member serving as the chair of the LPMG, which staff has found to be very beneficial. Ms. Lee said it was decided to keep things the way they are, but to keep monitoring and make sure the group is functioning in a way that is helpful to the JPB.

Ms. Lee said a draft of the Strategic Plan was presented to the LPMG for comment and input. This is a not a specific CalMod item, but it was presented because much of the Strategic Plan will need to be anchored to the commitments of the CalMod Program. The Strategic Plan will be coming back to the JPB Board in a few months.

Ms. Lee gave an update on San Francisco's interest in development at the Caltrain 4th and King terminus yard. At the end of last year, at the request of the city, Caltrain conducted a limited, technical study that looked at the feasibility of reducing or removing the 4th and King yard to support San Francisco development. From the analysis, staff identified two development scenarios that required further study. Ms. Lee said the city just issued a Request for Proposals to conduct a Rail Yard Alternatives and Interstate 280 Boulevard Feasibility Study. This study is much broader in scope, but includes looking at development options at 4th and King. Ms. Lee said for the portion of the Feasibility Study that involves the Caltrain system, the technical team will continue to work with city staff and provide the technical support.

Ms. Lee said the Transbay Joint Powers Authority (TJPA) is responsible for building the Transbay Transit Center in San Francisco that Caltrain and high-speed rail (HSR) will travel to, as well as the Downtown Extension (DTX) Project from the existing 4th and King terminus to the new downtown station. The TJPA has been working on strategies to advance the rail extension portion of the program. This has been difficult for them because they don't have the funding yet. At the last TJPA Board meeting, staff

presented a recommendation to conduct a feasibility study of a Private Public Partnership (PPP) to build the DTX. Ms. Lee said the DTX is not a stand-alone system and when built will be part of the Caltrain system. She said at the staff level they have begun a series of meetings with the TJPA to understand the roles and responsibilities of the JPB as the Caltrain operator, along with the California High-speed Rail Authority (CHSRA), which will provide HSR service to downtown San Francisco, and the TJPA. Ms. Lee said it needs to be discussed how a PPP may be structured if it is found to be feasible. She said it is important to note that Caltrain and the TJPA have an understanding: However a PPP may be structured, it will not compromise JPB's commitment to the blended system with HSR and electrified service by 2019. Ms. Lee said there will be an update on the CalMod Program to the TJPA Board at their February 13 meeting.

David Miller, Legal Counsel, said last month there was a brief discussion on the status of the litigation that affects the HSR program. Last month he reported the CHSRA was deliberating what course of actions was available to deal with adverse rulings that came down in two cases a few months ago. One of the cases concerns the bond validation proceeding, and the other deals with a lawsuit filed by residents in the Central Valley challenging the adequacy of the Finance Plan of the CHSRA under Proposition 1A. Mr. Miller said at the end of January the CHSRA Board made a decision to challenge the lower court rulings by filing a petition to ask the California Supreme Court to hear the matter and to overturn the decisions. Mr. Miller said this is an extraordinary action and not one an agency would have the right to do or expect the court to necessarily grant. He said it is not an appeal from a final judgment, but the Appellate Court has the discretion to hear matters when there is great urgency and matters of great legal importance.

Mr. Miller said last week the California Supreme Court issued a short ruling that the petition for the writ of mandate filed by the CHSRA was transferred to the Court of Appeal for the Third Appellate District. In issuing this ruling, the court directed the Appellate Court to expedite its consideration of this matter. Mr. Miller said opponents of the CHSRA were directed to file any preliminary opposition papers to the Court of Appeal hearing the matter and potentially overturning the case by February 3. The CHSRA was directed it had until February 10 to respond preliminarily. Mr. Miller said in conjunction and consultation with staff, an action has been initiated to file a very short amicus letter in the interest of the CalMod Program, and keeping with the Board's previously adopted policy to do everything it can to assure that funding is available for CalMod. Mr. Miller said the rulings have placed the electrification corridor project and the rail car acquisition in potential jeopardy. Mr. Miller said he has reached out to the member agencies of the JPB and the Metropolitan Transportation Commission (MTC) and put together a two-page letter to file on February 10, urging the court to hear the case. He said the main interest is assuring there are no delays in coming up with a final judicial decision.

Chair Nolan said San Francisco is very concerned about safety. Last year 900 people were injured on the streets of San Francisco and 21 were fatal, including four bicycle deaths.

ACCEPTANCE OF STATEMENT OF REVENUES AND EXPENSES FOR DECEMBER 2013

Gigi Harrington, Deputy CEO, said December revenues are over budget by \$4.3 million and on the expense side there is \$3 million in savings. These numbers don't reflect budget changes made last month. Ms. Harrington said fuel was \$3.02 per gallon last week and year-to-date is \$3.08 per gallon. The JPB received \$10,000 in January from the hedge and year-to-date the JPB has received \$138,000.

A motion (Tissier/Deal) to accept the December 2013 statement was approved.

FISCAL YEAR 2013 COMPREHENSIVE FINANCIAL REPORT (CAFR) FOR JUNE 30, 2013

Ms. Harrington said a clean bill of health was received from the auditors. As requested by the press, a supplemental review was done and that came back clean as well.

Director Ash Kalra said between 2011 and 2013 there appears to be an increase of \$20 million in passenger fares and this makes a statement to our State and Federal delegations that the JPB is doing their part to cover costs through farebox revenue, but still need as much assistance as possible in funding.

Director Tissier complimented Ms. Harrington and her staff on their work on the CAFR and the completeness of the report.

DEBT ISSUANCE TO COVER REHABILITATION COSTS FOR THE RAIL CAR CAPACITY EXPANSION PROJECT

Ms. Harrington said some rehabilitation needs to be done with the rail cars, and staff estimates the cost to be about \$5 million. Staff is proposing to do short-term financing for the funds that would be wrapped into a larger transaction once the needs for the CalMod Program are known. She said this item has to be approved by the boards of all three partner agencies. In the short term, the costs are estimated to be about \$120,000 in interest. Ms. Harrington said she will be back at a later date for approval of the transaction.

Public Comment

Roland Lebrun, San Jose, said on page 4 of the January 9 minutes, it states "the JPB rail car consultant LTK Engineering has been at MetroLink for several months looking at the maintenance records, inspecting the cars and checking the level of rehabilitation that is necessary. The rehabilitation work will require approximately \$4 million plus or minus 10 percent." He said today staff is saying it is \$5 million and the final costs will be unknown until the cars are procured and evaluated. He asked what LTK Engineering was looking at all those months. Mr. Lebrun said now staff is looking at a farebox trust agreement in an amount not-to-exceed \$7.5 million. Now the costs have gone from \$8 million to \$11.5 million in a month. He asked why staff is going after debt when there is approximately \$50 million in cash earning a half of a percent.

Vaughn Wolffe, Pleasanton, asked if these bonds are going to be the same as Municipal bonds, where there will be a prepayment penalty. He said the numbers didn't add up in his mind. If the cars were already bought for \$5 million on revenue and

planning on \$5 million to \$7 million for rehabilitation, the current projected revenue is already ahead, and projections for the remaining of the year would cover the stated repair costs.

Shirley Johnson, SFBC, said she supports the purchase of the new cars but would like to see a plan that doesn't reduce bike capacity.

Mr. Scanlon said LTK didn't spend months, but enough time to give staff an estimated cost of around \$4 million in real costs. Staff will know the real costs when the specifications are prepared, and from there will go to the marketplace to find out exactly what people will bid on the document. So the number of \$5 million is a simple rounding up of the number, but hopefully staff will be able to bring it in under budget. Mr. Scanlon said in terms of the financing, there was not accounting presented to the Board today, but an informational item to say that staff will be back with a recommendation not-to-exceed \$7.5 million in debt, and that will be coupled later in 2017 or 2018 when staff knows how much money will be needed to round out the full funding of the electrification program. Mr. Scanlon said funding debt at this particular moment of time is very consistent with the way the private sector does business, how they spend their capital, and how the JPB spends their capital. He said this item gives the Board an order of magnitude of costs, and exact numbers will be known only when specifications are put on the street for bids.

AUTHORIZE ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE LOS GATOS CREEK BRIDGE REPLACEMENT PROJECT

Chuck Harvey, Deputy CEO, said Staff Coordinating Council is recommending the Board adopt the Mitigated Negative Declaration (MND) Environmental Document for the Los Gatos Creek Bridge Project. By doing this, the documents can be filed for the formal and final National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) clearance process, allowing for the next phase of the project, which would be the design of the actual structure.

- This project is to replace a bridge south of Diridon Station. It currently does not meet existing State and Federal safety and seismic standards. The bridge was built in 1935 and has exceeded its 75-year life span.
- This bridge is used every day by many Caltrain runs that extend service to Tamien as well as to Gilroy.
- This is a two-track structure and one track is owned by Union Pacific Railroad (UPRR).
- The project location is 2,000 feet south of the Diridon Station along the Caltrain right of way.
- Project scope:
 - Replace existing bridge with a new, wider bridge that will meet current safety and seismic codes.
 - Construct a shoofly (third track) to maintain the two tracks in operations throughout the project. The shoofly will be retained as a permanent tail track.
 - The combined project cost range is \$40 million to \$45 million.
- An eastside alignment might have fewer environmental impacts, but it can't be

- done because there is not enough physical space.
- There are significant issues with an eastside alignment:
 - It cannot be built within the next five to 10 years.
 - There are a number of other structures and things in the way.
 - There is a street overpass and the pilings are right where the shoofly would be.
 - There is a Pacific Gas and Electric 115 kilovolt tower and transmission line.
 - To clear environmentally, the West San Carlos Street overpass would have to be replaced and that would require at least three years of environmental work, not including the design and construction phases. Currently the city does not have the funding and is not a priority, nor do they have any intention of replacing this overpass over the next five or 10 years.
 - There are land acquisitions involved and the tracks would have to be reconfigured.
 - Environmental review process:
 - The Board received the MND Environmental Document.
 - This was a very thorough analysis. Under NEPA, staff is doing a documented categorical exclusion, and under CEQA an Initial Study (IS)/MND with a Litigation and Monitoring Plan.
 - Determining appropriate environmental document:
 - An initial study was conducted to determine if there are significant impacts that will be created by the project.
 - If significant impacts can be avoided, minimized, or mitigated to less-than-significant, then a MND is prepared.
 - If not, an Environmental Impact Report has to be prepared.
 - As the lead agency, staff found as a record of the whole, there is no substantial evidence that the project will have a significant impact on the environment as the MND and Monitoring Plan is followed.
 - CEQA compliance tasks:
 - The Draft IS was published.
 - Comments were addressed and re-circulated the Draft.
 - Compiled and addressed comments of a second comment period.
 - Comprehensive public outreach and coordination with elected officials and the city of San Jose.
 - Potential impacts:
 - There will be noise and vibration. A bridge structure will be replaced. Old piles and structures will be removed that are not seismically safe. Pile driving will occur to create the new structure.
 - Construction activities could potentially impact the creek and habitat. Design and construction will be staged to minimize impacts.
 - Staff will be working with a number of regulatory agencies, including the Water Quality Control Board and Department of Fish and Game. Nothing will happen in the creek bed until the appropriate permits are received.
 - Findings of the Los Gatos Creek Bridge Project:
 - With the implementation of mitigation measures, this project will not:
 - Significantly impact the environment.

- Achieve the short-term environmental goals to the disadvantage of long-term environmental goals.
 - Based on these findings the consultants and staff feel that the MND is appropriate for CEQA clearance.
- Mitigation commitments:
 - Need to create appropriate construction work windows for protection of special species.
 - Restoration plan.
 - Need to monitor the creek for many years.
 - Construction noise and vibration monitoring.
 - Best management practices.
 - As this project goes through the environmental clearance phase the next phase of the project will be to do the formal design of the project and work with the regulatory agencies to make sure that all the concerns are addressed, mitigated, and permits are issued.
- There is limited access for activities that would impact the creek bed because of the species when the water flows. This work will require two full years or seasons to complete. If the shoofly is not built, and a track is removed to preserve the commerce of the UPRR, then the track that is removed is the JPB's while the shoofly is built. This would mean no Caltrain service south of Diridon for two years.
- Outreach efforts:
 - Publication of CEQA in local newspapers
 - Publication of Draft IS/MND Environmental Document with the State clearinghouse
 - Two public comment periods on the documents
 - Two public meetings in San Jose
 - Communications and meeting with residents near the project
 - Outreach to relevant community organizations
- Coordination with the city of San Jose
 - Coordination efforts have been ongoing with the city of San Jose Traffic and Parking Enforcement and Parks, Recreation and Neighborhood Services departments.
 - There is a trail project planned in this creek area. With the current bridge, the trail cannot be built, as the city would like to design it. In order for them to build the trail today they would have to deviate the trail down into the creek bed, which is something they have not cleared environmentally.
 - By building the new bridge, Caltrain would enable the trail to be constructed.
 - Staff has committed to the city of San Jose to work closely with them and design the bridge in a way that the trail is compatible and can be constructed.
- Tasks accomplished:
 - Completed preliminary engineering design.
 - Initiated NEPA and CEQA review processes.
 - Coordinating with the city on the trail project. Staff will begin to meet

with regulatory agencies with a different framework beyond the environmental document, to discuss what are the design criteria and constructability issues to be addressed to alleviate concerns to obtain permits for the project.

- Next steps:
 - Request Board approval of the Los Gatos Creek Bridge Replacement Project and adoption of the final MND document.
 - Complete the NEPA review process.
 - Work with the regulatory agencies for permitting because the project is funded through final design.
 - Obtain environmental permits.
 - Coordinate the trail project.
 - Provide numerous public and city coordinate updates.

Mr. Harvey said as this is being done, staff is getting the project shovel-ready. Money still needs to be found to begin the construction. It is important to do this safety project now. Moving this project to the next phase still allows for significant modification in how the project will be built.

Director Kalra thanked staff and the city of San Jose for their work. He and Director Ken Yeager took a trip to the site on Monday. The trail advocates and the city are very interested in what is going to happen at the site, because the West San Carlos Bridge replacement is part of a long-range plan for the city to connect downtown to West San Jose. There are many moving parts for this location and lots of interest in this project. He said as a city, they want to ensure the trail system gets built out. The city is committed to working with Caltrain to see if the trail can be accomplished along with Caltrain meeting its goals as well. Director Kalra said he wants to ensure there is continued Caltrain service south of Diridon and it is not interrupted. He said after looking at the site he agrees with staff that this cannot be built on the east side. This project is an opportunity to enhance the corridor, the area, and create a healthier environment in the creek ways and vegetation.

Director Tissier said staff has done a very thorough job on this project and she likes how all of the agencies are working together to complete this project.

Mr. Harvey said he just signed a third-party right of entry permit for surveyors from the city and parks department to come in and begin to lay out the trail alignment.

Public Comment

Roland Lebrun, San Jose, said the bridge needs to be replaced. He said there are 39 trains that cross the bridge, not 34. He said that it is false when staff says you have to acquire land at the site. The Caltrain map is wrong because the map shows 55 feet, which is three tracks, and the county assessor map shows 67.5 feet. He said there are six common letters in response to the MND saying it is wrong. Mr. Lebrun said the VTA is doing an incredible job working with UPRR on grade separations and his suggestion is for the VTA assume the lead for this project.

Mr. Scanlon objected strenuously to Mr. Lebrun's disparagement of JPB staff.

A motion (Tissier/Deal) to adopt the MND and approve the Los Gatos Creek Bridge Replacement Project was approved unanimously by a roll call vote.

AUTHORIZE AN AMENDMENT TO THE ON-CALL PROGRAM MANAGEMENT OVERSIGHT SERVICES CONTRACT WITH JACOBS ENGINEERING GROUP INC. FOR A NOT-TO-EXCEED AMOUNT OF \$650,000 AND EXTENSION OF THE CONTRACT TO JUNE 30, 2014

Cheryl Cavitt, Director, Contracts and Procurement, said this item will increase the contract capacity and extend the length of the contract. A succeeding contract has been awarded for these services, but since Federal highway funds are being used, the California Department of Transportation (Caltrans), under their new rules for local assistance, requires an audit of the proposal and the contemplated contract.

Ms. Cavitt said staff is waiting for Caltrans to complete their audit before the contract can be awarded and executed.

A motion (Tissier/Deal) to authorize an amendment to the on-call program management oversight services contract with Jacobs Engineering Group, Inc. for a not-to-exceed amount of \$650,000 and extension of the contract to June 30, 2014 was approved unanimously by roll call.

APPROVAL OF 2014 LEGISLATIVE PROGRAM

Seamus Murphy, Director, Government and Community Affairs, said every year the Board adopts a legislative program to help guide advocacy efforts. The program is developed with input from various internal departments and legislative advocates. Once approved, it will be shared with the regional partners and legislative delegations to provide them with an understanding of the JPB's priorities. Mr. Murphy said as bills are introduced and policies and regulations are proposed, staff will use the program to help guide actions and advocacy efforts.

Mr. Murphy said the program has been structured to be specific enough to capture the issues that will be faced in 2014, but also broad enough to allow staff to respond to unforeseen challenges that might arise. He said every issue has been updated to reflect the progress that has been made in 2013 and a lot of the program has been carried over, including the core objectives. The core objectives are maintaining and enhancing funding opportunities, seeking a beneficial regulatory environment and incentivizing transit ridership. These objectives are applied to broad categories of State, regional, and Federal issues.

Mr. Murphy said the State budget category has been updated to include a section on Cap and Trade Revenues. This is going to be a major issue this year as the State budget is debated. A section has been added that covers other local financing options. This was prompted because the Legislature is increasingly looking at creative ways to allow local government to enact financing tools to broaden the options that are available to local government. Mr. Murphy said in the Project Delivery Section, additional CEQA language was added to streamline the CEQA process in certain ways, without weakening or jeopardizing the effectiveness of CEQA as an environmental protection.

He said in project delivery an issue that specifically needs to be dealt with this year is enacting an extension for design-build authority for transit agencies, which is needed for the Caltrain Electrification Project. He said staff is seeking to amend Caltrain's Construction Management/General Contractor (CM/GC) Project Delivery authority to include some wage monitoring and general labor compliance processes.

Mr. Murphy said the Federal program specifically calls out the need to restore and make permanent the parity between pre-tax transit commute benefits and the benefit drivers receive. This is an issue that is dealt with every year, but the last two years there has been a lapse between the two benefits. The program also discusses some of the advocacy tactics that will be employed in 2014, including broader array of media and outreach. He said staff has highlighted the need to create opportunities for staff and Board members to participate in coalition-based advocacy.

A motion (Cisneros/Woodward) to adopt the 2014 Legislative Program was approved unanimously.

LEGISLATIVE UPATE

Mr. Murphy said the deadline for introducing legislation is February 21. Staff will be a co-sponsor of the design-build extension carried by Senator Jerry Hill (D-San Mateo) and the CM/GC amendments will be carried by Assemblyman Rich Gordon (D-Menlo Park). He said there is an Infrastructure Financing District (IFD) proposal that was included in the governor's budget. This extends the scope of projects that can be funded through an IFD to include transit projects and is something that legislators from the Bay Area have been seeking. It also reduces the voter threshold to establish an IFD from two-thirds to 55 percent. There was a piece of legislation last year from Senator Jim Beall (D-Santa Clara) that would have allowed this without any voter approval.

DEVELOPMENT OF NEXT GENERATION OF CLIPPER FARE PAYMENT SYSTEM

Rita Haskin, Executive Officer, Customer Service and Marketing, said:

- MTC developed the Clipper program in 1999.
- Caltrain went live in 2010 and discontinued paper passes in 2011.
- Current system is provided by Cubic Transportation Systems and their contract expires in 2019.
- Average weekday usage for the region on Caltrain is 700,000.
- What has been learned:
 - Must have good customer experience and meet customer expectations.
 - Need to have flexible design
 - Access to more venues for getting and loading card
 - Require faster loading for online and phone
 - Realize that card isn't answer for all
 - Must be cost-effective system
- Foundation for the future
 - Collaborative relationship between transit agencies and MTC
 - Three committees focused on future system
 - Executive
 - Steering

- Long-range planning
 - Established a vision and mission
- Vision: Clipper is a customer-focused, cost-effective fare payment system that supports seamless transit travel in the San Francisco Bay Area.
- Mission: In partnership, provide a convenient, flexible and efficient regional fare payment system.
- Path forward:
 - Peer agency reviews
 - Fare coordination efforts
 - Define system performance
 - Governance recommendations

Public Comment

Jeff Carter, Millbrae, said he has never been a big fan of Clipper. A regional paper pass might be more cost effective. He likes the idea of having more venues to buy a pass and faster loading. He said there always has to be \$1.25 on the card to be valid. The old 8-ride ticket was good for four people travelling together and Clipper doesn't account for this.

Doug DeLong, Mountain View, said it should be a design requirement that there is no delay in the money being loaded and available on the card, or have an application on the smart phones.

CORRESPONDENCE

No discussion.

BOARD MEMBER REQUESTS

None

DATE/TIME/PLACE OF NEXT MEETING

The next meeting will be Thursday, March 6, 2014, 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

Mr. Miller said the Board will meet in closed session to discuss existing litigation listed on the agenda as Mark Morgan versus the JPB.

Adjourned to closed session at 11:57 a.m.

Reconvened to open session at 12:10 p.m.

Mr. Miller said the Board convened in closed session to discuss a matter of pending litigation, Mark Morgan vs. the JPB and other parties, including the City and County of San Francisco. He reported that a settlement was reached in the litigation during a settlement conference held on February 2, 2014 and that the Board approved

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settlement of the case in the total amount of \$595,000 with the understanding that the City and County of San Francisco will be contributing \$238,000 toward the settlement.

Adjourned at 12:12 p.m.