

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

**MINUTES OF MARCH 2, 2017**

**MEMBERS PRESENT:** J. Bruins, J. Cisneros (Chair), D. Davis, J. Gee, R. Guilbault, D. Pine, J. Ramos, K. Yeager

**STAFF PRESENT:** J. Averill, M. Bouchard, J. Cassman, A. Chan, C. Fromson, J. Hartnett, K. Kelly, M. Martinez, N. McKenna, S. Murphy, M. Simon, P. Skinner, S. van Hoften, N. Vigil

Chair José Cisneros called the meeting to order at 10:04 a.m. and led the Pledge of Allegiance.

**SWEARING IN OF DEVORA “DEV” DAVIS, REPRESENTING SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)**

Martha Martinez, JPB Secretary, administered the Oath of Office.

**PUBLIC HEARING FOR CONSIDERATION OF PROPOSED 2017 WEEKEND SERVICE CHANGES AND TITLE VI ANALYSIS**

Ms. Martinez reported on the steps taken to announce and receive public comment after the Board called for the public hearing at the December 1, 2016 meeting.

Ms. Martinez said 14 station outreach meetings and 10 community meetings were held. A detailed list of public outreach is in the reading file. She said 141 weekend service comments have been received as of March 1 and a summary of the comments are in the reading file.

Michelle Bouchard, Chief Operating Officer, Rail, presented:

- Weekend change background
  - Facilitate construction work windows for Peninsula Corridor Electrification Project (PCEP)
  - Supports entire JPB capital program
  - Local service headways go from 60 minutes to 90 minutes, a reduction in eight trains per weekend day
  - Service reduction is major service change and requires Title VI Equity Analysis
  - Coordinated with sister transit agencies connections, contractors, TransitAmerica Services, Inc., stakeholders
  - Proposed dates: summer 2017 to winter 2020
- Extensive outreach was conducted including drop-in meetings at stations
- High-level comment summary
  - This is not a popular change as weekend service is very well used both for regular customers and special event service: this is a short-term impact for a long-term benefit and a compromise between a complete shutdown and continuing to provide weekend service

- Concerns with impacts to special event service: committed to continuing special event service
- Concerns with impacts to capacity: all weekend service will be operated with six-car trains
- Requests for more service: promotion of alternative transportation options
- Title VI: as a recipient of Federal funding, Caltrain operates its programs and services without regard to race, color or national origin
  - Slightly more non-minority passengers are impacted than minority: no disparate impact
  - Largely more non-low-income passengers than low-income passengers impacted: no disproportionate burden
- Next steps
  - Board action immediately following public hearing
  - Executive implementation plan effective summer 2017 consistent when the electrification project breaks ground; there could be some delays to the start of construction, so regular service will be provided as long as possible
  - After implementation, monitor ridership

#### Public Comment

Jeff Carter, Millbrae, said it is unfortunate this has to be done although he understands why. Even the current one-hour service on the weekends is inadequate. Perhaps this could be shortened or the project could get done faster. The United States does not know how to do projects like these. He said stakeholders had concerns about some of the outreach. People went to station drop-ins and couldn't find staff, especially during the rainy days. The Citizen Advisory Committee (CAC) suggested Caltrain should provide incentives such as fare reduction or free transfers to make this change easier.

Peter Warner, Hanford, said there is more ridership on Saturday than on Sunday and a split schedule with 75-minute service on Saturday, which would reduce two of the round trips instead of four round trips with the 90-minute headway, would be a better idea given the late-night baseball and hockey games. He asked if notes will be in the schedule that trains will hold for ball games and hockey and keep the current modified schedules for holidays.

Roland Lebrun, San Jose, said the real reason this is a problem is because crews are working on two zones at the same time. In Europe crews would work on a 10-mile zone. Work going on in the other zone has nothing to do with electrification, it has to do with San Mateo County working on capital projects.

Jack Ringham, Atherton, said he's concerned about the cost of electrification of \$2 billion to electrify when there is a non-electrification alternative involving Tier 4 diesels for about \$500 million. He has spent 35 years as management consultant in transportation and manufacturing and many of his assignments involved a comparison of alternatives. He's testified before the House of Representatives Transportation Committee as an expert witness involving transportation alternatives.

Jesse [no last name or city provided], said he came to this building to get his phone, which he lost on the train. There is no number provided for lost and found. He filled out

the online lost and found form, but has not heard back from staff. There are small and simple things that could be adjusted. He said someone should be at a desk on the phone with lost and found. He said buying train tickets is on the honor system. He said it doesn't make sense to fine a passenger \$200 for not having a ticket if they couldn't afford the \$2 ticket in the first place. He said the station platforms should be labeled with northbound or southbound.

Joan Cassman, Legal Counsel, said the Board heard the purpose of the meeting, staff extensively noticed the hearing, the public was afforded the opportunity to provide feedback, and the Board has have met all applicable legal requirements and may consider the action before it.

Director Jeannie Bruins commended staff for trying to do the station outreach, especially during inclement weather. It was a great way to get to the people who are directly using the service. A tradeoff has to be made because without cutting back service, the construction period will have to be extended. The JPB is trying to achieve a balance and it may not be convenient, but it is the best alternative.

Close the public hearing:

Motion/Second: Bruins/Gee

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

### **Approval of the Title VI Equity Analysis Report and Proposed 2017 Weekend Service Changes**

Motion/Second: Bruins/Guilbault

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

### **PUBLIC COMMENT**

Vaughn Wollfe, Pleasanton, said the governor suggested spending \$1.8 billion on streets and roads, \$1.8 billion on highways, and about \$400 million on transit. Railroads would get about 1/10 of what is being spent on roads. If 90 percent of the funding for the last 60 years has been for roads, that may be the reason 90 percent of people drive. This group and other rail groups in the State should try to emphasize that Cap and Trade funds should go only to transit, especially rail.

Paul Jones, Atherton, said he is concerned about financing for the PCEP. It is time to start thinking about an alternative future. He suggested over the period of construction it will be difficult to increase capacity in the system. The first opportunity would be after the completion of electrification until high-speed rail (HSR) operates in this area because the JPB promised to give California High-Speed Rail Authority (CHSRA) four hourly departures out of the 10 available, which means Caltrain will be limited to six trains per peak period. This will be the limit of capacity increases until four tracks or some other massive change is made to the system. Tier 4 locomotives have the characteristics of the Electric Multiple Units (EMU) that the JPB is buying and have 85 percent less pollution than the current diesels. With these, capacity could be increased to over 120,000 passengers per day.

Mike Brady, Menlo Park, said the JPB waited until the chaos of the changeover of the new administration to get the Full Funding Grant Agreement (FFGA) approved. He said

Carolyn Flowers, the acting head of the Federal Transit Administration (FTA) submitted the grant to Congress and then resigned and took a job with a company that will benefit if the grant is made. United States Department of Transportation Secretary Elaine Chao seized control and deferred the grant until the president submits his budget.

Roland Lebrun, San Jose, said at the August 1, 2013 meeting he alerted the Board that the Federal Railroad Administration (FRA) testified that Communications-Based Overlay Signal System (CBOSS) could not meet the deadline. Four years later the same conversation is being had about the PCEP and how it cannot deliver the kind of congestion relief the peninsula needs. He asked the Board to terminate both electrification contracts immediately.

Jeff Carter, Millbrae, said the CAC met on the weekend service changes and passed a motion, but it was not mentioned in the staff report.

Charles Voltz, Burlingame, said technology ideas that were good 50 years ago may not be the best solution today. The PCEP may not be the best solution. The action of deferring the FFGA gives the JPB an opportunity to reevaluate the total situation with what is now-available technology and what is promised technology, such as Bombardier testing electric battery trains, Alstom testing of hydrogen cell and battery technology, and the battery possibilities from Elon Musk's factory where the cost of batteries for trains will be reduced by 30 percent or more.

Peter Warner, Hanford, said when schedule changes are made the JPB needs to coordinate with other transit operators.

George Kranen, Belmont, said the coffee is terrible and whoever is making it needs to learn how to make coffee.

#### **CONSENT CALENDAR**

- Approval of Minutes of February 2, 2017
- Acceptance of Statement of Revenues and Expenses for January 2017
- Approval of Enrollment in 100 Percent Renewable Electricity Service Options of CleanPowerSF, Peninsula Clean Energy, and Silicon Valley Clean Energy, and City of Palo Alto Utilities and Silicon Valley Power
- Approval of Revisions to the Peninsula Corridor Joint Powers Board Procurement Policy to Incorporate Provisions of Assembly Bill 2030

Motion/Second: Davis/Pine

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

#### **ACCEPTANCE OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2016**

Removed from Consent Calendar.

#### Public Comment

Roland Lebrun, San Jose, said the auditors uncovered a significant deficiency in the internal controls. JPB's cash balances were not fully reconciled for the fiscal year.

Several months out of the fiscal year were not reconciled. This led to significant post-closing adjustments. He said the San Mateo County Transit District (District) is messing around with the Caltrain books. This is consistent with the District's inability to deliver any project on time or on budget. The District does not have a functional PeopleSoft system.

Motion/Second: Gee/Guilbault

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

### **CHAIRPERSON'S REPORT**

None.

### **REPORT OF THE CAC**

Brian Shaw, Chair, CAC, said:

- The CAC welcomed Catherine Chang representing San Francisco.
- There is one vacancy on the CAC for San Mateo County.
- Vice chair elections were postponed until March.
- The CAC will provide an assessment of Caltrain's performance given the improvements staff has implemented over the past year.
- The CAC voted five to two against the proposed weekend schedule changes recommended by staff. The CAC is not convinced the proposed timetable takes into account all interests of the Caltrain riders. Staff did not offer positive aspects of the schedule change other than accommodating electrification construction. The CAC suggests when offering reductions in service, the JPB needs to offer some positive benefit such as fare reductions, extending service to underserved areas, or adding bullet service. If the public were to receive some gain in the schedule, the CAC will reconsider its objection. He would be glad to appoint a taskforce to identify potential mitigation strategies.

### **REPORT OF THE EXECUTIVE DIRECTOR**

#### **PCEP Monthly Report**

Jim Hartnett, Executive Director, said this report is in the reading file.

#### **PCEP FFGA**

Mr. Hartnett said the FTA deferred the decision to approve or deny the FFGA, but stated the FFGA could be signed if the grant is allocated funds in the president's budget, which could be submitted by June 15 at the latest or as early as April. All regulatory and technical requirements have been completed as well as the mandatory 30-day Congressional waiting period. \$73 million in previously appropriated Core Capacity Funds has been allocated. No pending Core Capacity Grants are in the same status as the Caltrain grant. No FFGA with the level of rating this grant has been awarded has ever not been signed. A Limited Notice to Proceed (LNTP) was issued last July to Balfour Beatty and Staddler. March 1 was the date that was negotiated as the farthest out as possible with the intent to authorize the Full Notice to Proceed under both contracts on March 1 with the execution of the FFGA. For any delay past March 1 there was no obligation for the contractors to hold contract prices. Staff negotiated an extension through June 30 with both contracts for continuation of the LNTP period. In order to extend the LNTP and keep the spending within the amounts agreed, design and related work has been slowed down. The extension of the contract was the cheapest

alternative that could be derived. The other alternative would be suspension of the contract, but would have substantial financial consequences. Termination would also have the same consequences. A potential cost of up to \$20 million could be incurred because of the extension, but that cost is authorized under the LNTP. This \$20 million is in the contingency amount set within the Executive Director's authority.

### **CBOSS/Positive Train Control (PTC) Project Update**

Mr. Hartnett said the JPB entered into contract with Parsons Transportation Group (PTG) in October 2011 for the design and implementation of CBOSS. The contract called for CBOSS to be in revenue service demonstration (RDS) by October 31, 2015. The JPB received express representations and assurances as late as fall 2015 from PTG that the JPB would be in RSD by December 2015. Due to persistent delays in delivering the project and a lack of progress in moving the project forward consistent with PTG's contractual obligations, Caltrain terminated the contract on February 22, 2017. Since the termination, the JPB began the process of identifying a replacement. This action will complicate final delivery, but it was done to ensure it does not impede progress on the PCEP. Progress in the PTC includes the complete installation of wayside and onboard hardware, installation of fiber optic backbone, the build-out of a control center facility and a significant amount of field testing. On March 1 the JPB filed a lawsuit for breach of contract and PTG has also filed a lawsuit against the JPB.

Mr. Hartnett reported:

- On-time performance (OTP) for February was 93.8 percent compared to 90.5 percent over last year.
- The 2017 Annual Counts is anticipated to be completed by April.
- Special event train service includes:
  - Sharks
  - Giants Fan Fest and baseball service
  - Modified schedule on Presidents' Day

### Public Comment

Roland Lebrun, San Jose, said the PCEP will never qualify for the FFGA because the FTA mandates an increase in seating capacity by 10 percent and the JPB can't do it unless it gets money for railcars and for platform lengthening. The PCEP team advanced a conceptual design to consider alternatives to a modification of the Centralized Equipment Maintenance and Operations Facility, but a new facility is needed for EMUs. The first eight miles of tracks will be available for testing six months late. He said if there is no maintenance facility there will be no place to park the new railcars. The JPB spent \$140 million on electrification design and \$18.5 million on EMUs, but there is nothing to show for it. The EMU design continues to continue, and staff refuses to disclose issues about capacity of new trains. He asked anyone who disagrees with his numbers to come up with their own numbers and start a discussion.

George Kranen, Belmont, said Caltrain has pledged 2/3 of the money needed to complete PCEP. He asked why the JPB doesn't just proceed. There is plenty of time to raise the rest of the funding. It will take time to use the money the JPB has. He asked if there is a legal requirement to wait until all the funding is in. No private enterprise would work like this.

Mike Brady, Menlo Park, said the FTA grant cannot be given to Caltrain if the money is to the benefit of the CHSRA program, and this money would be used for the direct benefit of CHSRA. He said the JPB said this is standalone project, but Caltrain is an integral part of the HSR system. Without PCEP the CHSRA program could not be implemented. The JPB entered into a contract with CHSRA that if they give \$600 million in Proposition 1A bond funds, the JPB will turn over control of the corridor to them.

Vaughn Wolffe, Pleasanton, asked if the JPB doesn't get EMUs if it could consider leasing old trains that are being retired on the east coast. This is a 100-year project and no matter what the JPB does it will get criticized. In April 1999 the JPB voted for electrification of Caltrain before the HSR vote had taken place. Electrification is not dependent on HSR, HSR is piggybacking on the electrification project.

Bruce Jenkins, Rail Passenger Association of California, said his organization has over 500 members and stands with the National Association of Rail Passengers in full support of Caltrain electrification and HSR.

Paul Jones, Atherton, said CBOSS is and has been in trouble for a long time. When the prime contractor is fired, it is time to start over. It is a lot of money to scrap, but it is much cheaper to start anew. He had recommended hiring a railway signaling and control and communication employee to oversee the project. The JPB needs technical staff to manage this project.

Jack Ringham, Atherton, said in 1992 California State Department of Transportation (Caltrans) sponsored an electrification study that found to electrify from San Francisco to Gilroy would cost \$296 million. That never went anywhere because of funding. There have been five attempts since then to get electrification done, but all failed for lack of funds. This is the sixth attempt and the price tag is \$2 billion. Over \$600 million from the FTA is in jeopardy, and another \$600 million is in jeopardy because of a lawsuit. He suggested the JPB start evaluating alternatives such as modern Tier 4 diesels and battery-powered trains.

Charles Voltz, Burlingame, said 25 years ago when Caltrain decided to use electric overhead power, it was not the same world as today. Since then Tier 4 clean diesel and has been developed. An old problem with EMUs was they had to be built like a tank to be crashworthy. A waiver was given to Caltrain for lightweight crashworthy EMUs, and the same waiver is being adopted by the FRA for Diesel Multiple Units (DMU). Energy prices have changed dramatically: diesel is less expensive and electricity is more expensive. Depending on how electric power is being created it may or may not be environmentally friendly.

Jeff Carter, Millbrae, said this is a 100-year project. Diesel trains will be affected by oil companies and prices, and are less efficient. He is 100 percent behind electrification and hopes Caltrain can move forward with construction of infrastructure and perhaps hold off on EMUs until the JPB gets the FFGA. He has expressed concern about CBOSS and hopes Caltrain would go with a proven PTC such as that used in Europe or Metrolink or other railroads. He hopes there will be a reevaluation of PTC and a reasonable resolution that will not cost a lot of money.

Paul Wendt, Belmont, said he has been a proponent for electrification with Bay Rail Alliance and Peninsula Rail 2000. He is looking forward to electrification. He hopes that people reach out to Congressman Kevin McCarthy. Electrification should proceed independently of HSR. He hopes there is outreach to the Republican delegation.

Peter Warner, Hanford, said San Diego has 55 miles of electrified track with 56 stations. He suggested former San Diego Trolley employees be brought onboard who were in the light-rail operations department for their input.

Mr. Hartnett said a Frequently Asked Question sheet is available on the Caltrain website. He and Michael Burns, Interim Chief Officer, Caltrain Planning/CalMod Program, are heading to Washington D.C. on Monday to visit key officials about the project. He has invited Secretary Chao to visit Caltrain and see firsthand why changes need to be made.

Director Ken Yeager said he is in support of the extension. The \$20 million, even though it is contingency funds, came from the three partners. He said he wants to make sure the JPB is spending that money as wisely as possible. Congressman McCarthy is key to getting the funding through as well as the other 11 Republicans. No one is sure when the president will say if this project will be included. He has heard the infrastructure bill is not going to be worked on until next year. It may be well beyond July 1, and if the JPB hasn't heard, staff might need to start shutting down the project, but then the Board might wonder if that was the best way to spend the \$20 million. He has been reassured it will be paid over time and not all at once so if in mid-April things are not looking good and all hope is lost the JPB can stop spending money. He worries that the JPB just may not know enough and it will take the Board to another decision point of further extensions or something else. He asked what reassurances the Board has that the JPB will spend the \$20 million wisely only for projects that are essential and decide later how much more to spend and what the timelines are going to be. Mr. Harnett said staff shares these concerns about the unknowns. No work will be done under the extended LNTF that is in addition to work already authorized. Work has been slowed down and some has been deferred. The budget has not increased. If staff stopped work altogether, the JPB would have to suspend the contract, but there would be financial consequences and schedule and cost implications beyond that, which would be far more than the potential \$20 million. The other option is to terminate the contracts, but if that was done the JPB would not be able to get the FFGA and would have to go out to rebid. This is the best alternative.

Director Davis asked how the timeline would be affected by receiving the \$647 million down the road. Mr. Hartnett said the sooner the FFGA is approved the less affect it has on the schedule. It is not a month-to-month delay because there is already programmed a potential of delay. There will be some delay for both contractors. It will depend on where they are in their efforts when the JPB receives the FFGA.

Director Bruins asked if the worst case is a one-month for one-month delay. She said she hopes the JPB is protecting the back end of the schedule so a four-month delay in getting the FFGA will not lead to six-month delay in the project. Mr. Hartnett said a one-month for one-month delay is likely to be true as a worst case scenario.

Director Bruins asked if funds are leftover from other things that were not utilized when the project is done if the contingency will be paid back or if the money will be reconciled at the end. The contingency is money from the transit agencies that have other purposes for that money. She said she wants assurances that the contingency is the backup if the project can't be funded through project funds. Mr. Hartnett said the contingency is part of the approved budget and part of the commitment from all of the funders. There is a total budget that includes a requirement by the FTA of a certain level of contingency. There is also an agreement between all the funding partners that at the end of the project if it comes in under budget, the partners will get money back.

Director Bruins asked when the JPB is going to start thinking about Plan B and what triggers Plan B. She asked if this is about the president submitting his budget or if it has to be in an approved budget. Mr. Hartnett said he has been told that if the money is in president's recommended budget, that is enough to trigger the signing of the FFGA by the FTA. The FTA Executive Director told him that it is dependent on submission. Mr. Hartnett said the JPB already has \$73 million from prior fiscal years. This is a fully qualified grant within a well-established program. The trigger point is the budget.

Director Bruins asked for key talking points to use to communicate for consistency of message. She said a month is a long time to wait for an update and would like to hear updates sooner.

Director Jeff Gee thanked the team for getting this to where it is. This is not a simple project. When there are so many funding partners and constraints and fiscal years, this is not easy. Money comes with different constraints. Part of the reason for the delay is the Federal government decided they didn't like the color of money. If the rules were clear from the beginning, this would have been approved already.

Director Joël Ramos said he is grateful for the hard work and heavy lifting done for this project. This project has been in discussions long before HSR was a sure thing. He said staff should work with captains of industry whose businesses depend on the speed of the Caltrain service.

Director Dave Pine commended staff for the advocacy efforts.

### **KEY CALTRAIN PERFORMANCE STATISTICS JANUARY 2017**

Ms. Bouchard said:

- Ridership is continuing a trend of flat to slightly down from previous year. There are indicators that Caltrain is faring a little better than some of the regional and national peers. Staff is focused on finding ways to find ridership growth, which includes the implementation of the schedule in April, doubling down on fare enforcement, and looking at where the best bang for the buck can be obtained.
- Another trend is the return to 95 percent OTP on a month-by-month basis. This month had the lowest number in mechanical delays in several years, which can be attributed to the implementation of programs that provide for mechanics to ride onboard trains, mechanics at ends of the line, and incident management.

Public Comment

Charles Voltz, Burlingame, said increased ridership and capacity has to be looked at holistically in terms of the number of riders and the consequences of how it happens and its impact. The Burlingame grade crossings will cost \$250 million for Broadway Avenue, and Burlingame has five other grade crossings. If there are 40 grade crossings along the system and there will be an increase in trains to increase capacity and adding up to 10 trains per hour, this will result in a paralysis on the peninsula. The JPB will have to figure out how to pay for the grade crossings. A solution is needed for the next few years and what has been proposed for the interim is clean diesel engines.

Doug DeLong, Mountain View, said ridership graphs have a seasonal trend where they go up in the good weather summer months and down in the winter months. There was an exceptionally wet winter. He asked if there has been any effort made to see the wetter winter exacerbated the seasonal variation and caused the decrease in ridership.

**AUTHORIZE THE FILING AND EXECUTION OF ANNUAL CAP AND TRADE FUNDING APPLICATION WITH THE CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION TO RECEIVE \$502,745 IN CALIFORNIA LOW CARBON TRANSPORTATION OPERATIONS PROGRAM FUNDS FOR THE PCEP**

Peter Skinner, Manager, Grants and Fund Programing, said these funds are proceeds from Cap and Trade auctions and transit agencies across the State receive a portion of the funds by formula based on their operating revenue.

Public Comment

Jack Ringham, Atherton, said the JPB has \$113 million that it thinks is committed from Cap and Trade. Cap and Trade is generating far less money than the projection. A portion of the expected funding in jeopardy is this \$113 million. Bay Area Rapid Transit (BART) has 104 miles of electrified lines and they want 10 miles to extend to Antioch. They found out to continue electrification for 10 more miles would cost \$1.3 billion. He said the JPB should think about approving only what it can afford.

Charles Voltz, Burlingame, asked if the JPB would make the decision to go with electrification if the JPB had to pay for it. If the JPB had to pay for it, the JPB would seriously look at less expensive alternatives that would get the job done. He recommended the JPB look at solutions for the next five years to meet the growing capacity and use that time to look at permanent solutions that can be afforded.

Jeff Carter, Millbrae, said there is a huge cost difference building BART and conventional rail, so it is misleading to say BART used DMUs because electrification was too expensive.

Roland Lebrun, San Jose, said five years ago he suggested decoupling EMUs from electrification. If this was done ridership would be going through the roof now.

Motion: Gee/Guilbault

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

**AWARD OF CONTRACTS TO ARMAND CONSULTING, INC. AND RAIL SURVEYORS AND ENGINEERS, INC. TO PROVIDE ON-CALL COMMUNICATION AND SIGNAL SERVICES FOR AN ESTIMATED, AGGREGATE NOT-TO-EXCEED SHARED TOTAL AMOUNT OF \$8.5 MILLION FOR A THREE-YEAR BASE TERM**

Nita Vigil, Acting Director, Contracts and Procurement, said the existing contracts will expire in May. She said 10 proposals were received after a solicitation was issued for a qualifications-based process. Both firms are identified as Disadvantaged Business Enterprise (DBE) firms. Work will be issued on a work-directive basis on a project-by-project case-by-case need.

Public Comment

Roland Lebrun, San Jose, said this is about hiring a firm to babysit CBOSS because PTG was just fired.

Doug Delong, Mountain View, said it is a shame these contracts to two DBE firms were issued after Directors Malia Cohen and Sophie Maxwell left the Board and he thanked those members for their tireless efforts.

Motion: Gee/Ramos

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

**AUTHORIZE INCREASE IN THE EXECUTIVE DIRECTOR'S CHANGE ORDER AUTHORITY IN AN AMOUNT NOT TO EXCEED \$719,000 FOR THE SAN MATEO BRIDGES REPLACEMENT PROJECT**

Ms. Bouchard said this funding is in order to aid in project closeout. This was a complex project that involved the replacement of four 100-year-old bridges through San Mateo that also allowed for a lift in clearance. In order to close out the project there was additional ballast and grouting needed, and there were weather conditions that led to increased cost.

Motion: Guilbault/Davis

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Yeager, Cisneros

**CALTRAIN SHORT RANGE TRANSIT PLAN – DRAFT ELEMENTS  
CALTRAIN BUSINESS PLAN**

Mr. Hartnett said these will be presented next month.

**CAPITAL PROJECTS QUARTERLY STATUS REPORT – 2ND QUARTER FISCAL YEAR 2017**

No comments or questions from the Board.

Public Comment

Roland Lebrun, San Jose, said the JPB is at 3.5 percent DBE participation, which is short of the 15 percent target. The Quint Street Bridge shows a savings of \$4 million presumably because the connector road is not being built, but the Marin Street and Napoleon Avenue Bridge shows a project estimate at completion increased by \$850,000 due to additional construction management requirements and revised project estimate, which resulted in a project shortfall of \$1.5 million. Additional funding will be requested. He suggested the \$4 million surplus can account for the \$1.5 million shortfall.

Jack Ringham, Atherton, said he has given handouts on his suggestions and can provide copies of his presentation to the public.

### **LEGISLATIVE UPDATE**

Casey Fromson, Manager, Government and Community Relations, said the information is in the reading file.

### Public Comment

Roland Lebrun, San Jose, said the Board should read the October 6, 2011 minutes to understand how the JPB got into a mess about CBOSS. He said the Board should reach out to Metrolink to see how they reached the 2015 deadline. They did it in partnership with Wabtec, who was the lowest bidder for CBOSS in 2011 and was in a joint venture with PTG. The cost of the owner's team ballooned from \$50 million to \$80 million. These are the people who should be fired and sued for cause. The JPB has to engage Wabtec as soon as possible and work with PTG towards a solution that will meet the new Federal deadline.

### **CORRESPONDENCE**

No discussion.

### **BOARD MEMBER REQUESTS**

None.

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

Thursday, April 6, 2017, 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.

### **GENERAL COUNSEL REPORT**

#### **Closed Session: Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): One Potential Case**

Recessed to closed session at 12:15 p.m.

Director Yeager left at 1 p.m.

Reconvened to open session at 1:03 p.m.

Ms. Cassman said the Board met in closed session to discuss litigation regarding the CBOSS/PTC Project. A contract was recently terminated and the parties are now in litigation.

#### **Consider Delegation of Authority to the Executive Director to Enter into Agreements within the Project Budget to Continue Work to Complete the CBOSS Project**

Ms. Bouchard, said in light of the termination of the contract with PTG to deliver the CBOSS Project, this item would authorize the Executive Director to enter into interim agreements as necessary to continue the CBOSS program for 120 days for an aggregate of \$3 million with the understanding these contracts will be approved by

legal counsel and will comply with all Federal funding requirements and are already in the approved CBOSS budget.

Public Comment

Adina Levin, Friends of Caltrain, said the peer review group had provided valuable information to Caltrain about how to improve the process for managing complex technology projects. One opportunity at this time would be to ask the peer review group what they would recommend as the best way to move this project forward to completion and if there are any changes.

Motion/Second: Ramos/Guilbault

Ayes: Bruins, Davis, Gee, Guilbault, Pine, Ramos, Cisneros

Absent: Yeager

Adjourned at 1:07 p.m.