MINUTES OF DECEMBER 15, 2010

MEMBERS PRESENT: P. Bendix, G. Graham, F. Granade, J. Hronowski (Chair), B. Jenkins, S. Richardson, M. Tekchandani, C. Tucker, B. Wilfley

MEMBERS ABSENT: None

STAFF PRESENT: T. Bartholomew, M. Bouchard, R. Lake, J. Sherman (Hanson Bridgett)

BOARD MEMBERS PRESENT: A. Lloyd

Chair John Hronowski called the meeting to order at 5:44 p.m. and Cat Tucker led the Pledge of Allegiance.

Approval of Minutes
Bruce Jenkins said, on page 3 of 6 under Public Comment, “Mr. Jenkins and SamTrans CAC member Andy Chow attended the Friends of Caltrain meeting.”

Presentation:
Transit Toy Drive 2010 Photos
Public Information Specialist Tasha Bartholomew presented details and showed photographs of Transit Toy Drive activities.
- Budget issues forced suspension of the annual Holiday Train. The San Mateo County Transit District (District) thought it was important to host a smaller scale event in order to collect toys for the Salvation Army and the US Marines Toys for Tots Program.
- A month-long toy drive was held at the District. The District also partnered with the City of San Carlos to collect toys.
- The Transit Toy Drive event was held in the District lobby on December 3.
- Met goal to collect 10 percent of toys collected at last year’s Holiday Train event.

Brown Act Training
Hanson Bridgett Attorney Julie Sherman reported:
- There are obligations of public servants including compliance with the Brown Act.
- The Brown Act is based on an ideal that government works for the public and should be open to the public and government ethics laws are a minimum standard for behavior. Appearances matter in public and people are looking at what public bodies do – it’s not about what you can do, it’s about what you should do.
- The Brown Act is an open meeting law to make sure the public has access to public meetings.
- The Brown Act governs meetings of local legislative bodies, any committee created by a board of directors and any committee created by such committee. The JPB CAC was created by the JPB and the Brown Act applies.
- The Brown Act requires that all meetings are open to the public, properly noticed with a written agenda available to the public 72 hours in advance and meetings must allow for public comment on business transacted at the meeting.
• A “meeting” is defined as a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate or take action on any item within the subject matter jurisdiction of the legislative body.
• A meeting is not a meeting when there is contact between a member and a non-member and conferences are not meetings as long as they are open to the public and the majority of members do not discuss among themselves any issues within the subject matter of the body.
• Risky areas of behavior to consider include members attending social engagements, other agencies’ meetings, quorums outside of noticed meetings, serial conversations and email and other technology-based uses.
• A serial meeting is a series of communications, each of which involves less than a quorum, which ultimately results in communication among the majority that occurs outside the public forum.
• Email discussions are problematic because a member could inadvertently hit, “Reply all,” and the person receiving the email could fulfill the quorum requirement. SB 1732 amended the Brown Act and provides that outside of a lawfully noticed meeting, a majority of the body is prohibited from using a series of communications of any kind directly or through intermediaries to discuss, deliberate or take action on any item. A mere discussion is enough to violate the Brown Act without a collective decision especially with blogs, tweeting, and Facebook.
• “Frequently asked questions” discussed teleconferencing, discussion of non-agendized items, and quorum requirements.
• Open meeting exceptions are limited and include pending litigation, personnel issues, and real estate transactions and all business is confidential.
• Acts are invalid if taken in violation of the Brown Act but can be redone at a duly noticed public meeting. There can be civil or criminal action if violations are not corrected.

Brian Wilfley asked if subcommittees of the CAC have a definable quorum and must they follow the Brown Act. Ms. Sherman said ad hoc committees, which are used by the CAC, are exempt from the Brown Act but standing subcommittees are not exempt. An ad hoc group must be composed solely of less than a quorum of the parent body, have a finite charge and be required to report back to the parent body within a specific time period of less than one year.

Mr. Wilfley asked about a quorum requirement of the jurisdiction and telecommuting. Ms. Sherman said as long as the quorum of the body is in the jurisdiction it meets the Brown Act. She said if the telecommute location is not open to the public, the member could not be part of the quorum or vote.

Sepi Richardson said, if a member telecommutes from another location, the agenda must be posted at that location to be part of the quorum.

Mona Tekchandani asked if an ad hoc committee can disseminate information that is agendized for the next meeting to the parent body between the time it develops a set of findings and the meeting date. Ms. Sherman said the ad hoc committee can distribute information.
Mr. Wilfley said it would be useful to send documents through the Assistant District Secretary Rosemary Lake.

Chair Hronowski asked if ad hoc committee members can email and talk with each other. Ms. Sherman confirmed this is not a problem.

Ms. Tucker asked about texting among members. Ms. Sherman said texting has the same limitations as email and Facebook. Ms. Tucker asked about someone texting a member during a meeting to ask a question. Ms. Sherman said this is a public comment in the form of a text and is fine as long as it is read out loud at the meeting and read into the minutes.

Ms. Tekchandani said a public conference is scheduled soon on saving Caltrain and asked what limitations are placed on five members of the CAC who may attend, given the fact that the conference will discuss issues the CAC discusses. Ms. Sherman said the CAC members should not discuss the business of the CAC while at the conference but may discuss topics at the conference that are discussed at the CAC meeting.

Ms. Richardson suggested members not congregate with committee members at conferences, which also provides opportunities to meet other people. She asked about members talking to each other before the meeting begins. Ms. Sherman said there is no problem with small talk as long as there is no discussion on the business of the committee.

Francois Granade asked if two people can discuss committee issues at a social event. Ms. Sherman said this is less than a quorum but there is a possibility that there might be a serial communication so it’s best to leave the business at the committee’s public meeting.

Paul Bendix said if there is doubt, don’t act. Ms. Sherman agreed.

Public Comment
Andy Chow, Redwood City, said the Bay Rail Alliance and Friends of Caltrain are planning a summit on January 29 at the District to address what led to Caltrain’s financial crisis and possible solutions to pursue for sustainable funding. These two groups and the Silicon Valley Leadership Group of political and transportation leaders are collaborating on a January 21 meeting at Stanford to develop a unified action for some type of measure that addresses the crisis by November 2012.

Chairperson’s Report – John Hronowski
- At the December 2 JPB meeting, the chair made presentations to outgoing Directors Mark Church and Don Gage.
- Heard an excellent presentation on the history of Caltrain and bicyclists by Director of Rail Transportation Michelle Bouchard at the December 13 Bicycle Advisory Committee (BAC) meeting.
- Thanked staff and the committee for their outstanding work during 2010.
- Recognized JPB Director Art Lloyd for his support.
Election of 2011 Officers
A nominating committee of Chair Hronowski, Bruce Jenkins and Gerald Graham recommended Mr. Jenkins for chair and Paul Bendix for vice chair.

A motion (Wilfley/Tucker) to elect the 2011 officers was approved.

Staff Report – Ms. Bouchard
- Acknowledged how wonderful it was to work with Chair Hronowski and the CAC.
- Thanked the committee for their work on bike issues because cyclists are a major constituent of Caltrain. She said the presentation to the BAC covered the breadth of options available for bikes on Caltrain and the establishment of the BAC is an excellent conduit through which Caltrain is now communicating with the bike community in a structured and productive way. Presentations are planned to address wayside issues and there are continued efforts to improve the onboard experience.
- Caltrain so appreciates the support of the community through which Caltrain runs and will be contributing to the Friends of Caltrain and Bay Rail Alliance efforts to support Caltrain. Executive Officer, Public Affairs Mark Simon and Manager, Customer Relations Todd McIntyre are working hard with these groups to provide whatever information the groups need and to gather ideas they may have and leverage that force to help figure out where Caltrain will go in 2011.
- November performance data are not yet available but staff is optimistic about a 6-7 percent increase for average weekday ridership.
- Caltrain did well in 2010 to cover the budget but had to implement fare and service changes for 2011, which are effective January 1, 2011. These changes brought Caltrain to par with neighbor agencies but further reductions will substantially impact ridership.
- Staff is working well with the transition of fare and service changes.
- The Baby Bullet weekend pilot service begins January 1, 2011. There are ongoing marketing efforts including work with the Friends of Caltrain to disseminate information.
- Special service:
  - Caltrain carried about 119 passengers to the inaugural Thanksgiving Day Turkey Trot.
  - Christmas Eve and New Year’s Eve will have combined Saturday service with added Baby Bullet-type service and a Gilroy train. On New Year’s Eve there will be free southbound rides after 11 p.m.
  - The Giants FanFest is scheduled for February 5 with extra service.
  - The Kraft Fight Hunger Bowl will be held at AT&T Park on January 9 with baseball-type service.
  - Caltrain will run the annual Freedom Train on Dr. Martin Luther King Jr. Day, Monday, January 19.
- Wished everyone Happy Holidays and a safe Happy New Year.

Chair Hronowski asked if new timetables are available. Ms. Bouchard said they will be available within a few days.

Public Comment
Pat Giorni, Burlingame, said her heart went pitter patter when she heard bicycle riders are now a significant constituency of Caltrain ridership. She said SamTrans has received a grant from the Metropolitan Transportation Commission for a $7 million, three-year pilot bike sharing program.
with bike pods at the San Jose, San Francisco, Redwood City, Palo Alto and Mountain View Caltrain stations. She said there will be a bike sharing demonstration event in San Francisco at the Civic Center on December 16 and 17.

Committee Comments
Mr. Bendix thanked Ms. Bouchard and Ms. Lake for their work with the CAC.

Mr. Bendix predicts incidents of wheelchair bumping will increase somewhat with the new schedule. He has seen conductors ask wheelchair passengers to sit side-by-side on trains. During the day wheelchairs may be able to ride in empty bike cars. He said Clipper is great but the delay in crediting fares is baffling and he would like to find out how the vendor is addressing this problem.

Mr. Jenkins said he and Mr. Bendix are dependent on Train 267 for the meeting. He suggested the meeting begin at 5:40 p.m. so he and Mr. Bendix, as new officers, can begin the meeting on time.

A motion (Jenkins/Granade) to change the meeting time to 5:40 p.m. was approved.

Mr. Jenkins thanked Ms. Bouchard, Ms. Lake and Ms. Bartholomew for doing a fine job.

Ms. Richardson thanked District staff for making things work so well. She joined the Peninsula Cities Consortium and recently heard a presentation from the French TGV high-speed rail group. The presenter said high speed rail in France is operated like an airline. She asked why input from the airlines is absent from high-speed rail planning. She asked if any members had a copy of the article.

Public Comment
Director Lloyd said the article is in the Bay Area Transportation News (BATN).

Ms. Richardson said it would be great for the speaker from the French TGV group to speak to the JPB.

Mr. Graham thanked staff for their dedication and support. He said one of the good things about Amtrak is that a passenger can walk on without a pat down unlike airlines that require uncomfortable pat downs. He said if Burlingame had the same group of people years ago, there would probably be no automobiles in the city. He said BART went 1,500 feet into Burlingame and the city said BART would ruin Burlingame but BART in Millbrae and Burlingame has helped the city. He is disappointed that the cities of Burlingame, Menlo Park, Atherton and Palo Alto are incapable of progressive thinking and looking beyond their borders and hopes they are in the minority against high speed rail (HSR).

Ms. Richardson looks forward to HSR trains to San Diego and other parts of California.

Ms. Tucker said her view of HSR has different aspects because city officials who bear the brunt of whatever happens with HSR are not getting good information from and communication with HSR.
She said there have been recent meetings with pledges and promises and hopes 2011 will begin on better footing. She thanked staff for doing outreach in Gilroy and trying to keep Gilroy on the schedule. She asked each member to think about a goal and objective for 2011 and to bring their comments to the January meeting for discussion.

Ms. Richardson said the major concern about HSR is the lack of communication. She asked if there is a fact sheet about plans and goals so city representatives can communicate and be the buffer within the community. A CAC goal might be coming up with a fact sheet for HSR.

Ms. Tekchandani asked what should be done to organize the goals and objectives for 2011.

Ms. Bouchard said staff will work with the incoming chair to develop an agenda that will include this. She also asked members to submit their ideas for presentations to mesh with the yearly agenda items.

Mr. Wilfley said a friend is a Naval pilot instructor and a stage of training is, “Recognizing when shown.” He said he doesn’t know how to run a railroad but recognizes when shown and said when Caltrain has some issue to be dealt with that requires coordination with the communities through which Caltrain runs, it presents the facts, solicits input and does its best to reconcile the input, and no one feels the wool is being pulled over their eyes. This is a model for big and small agencies and acknowledged the amazing job staff has done.

Mr. Granade thanked Caltrain for going in the right direction. He reviewed three goals he had when joining the committee three years ago. One was helping to improve the bicycle situation and bumps, another was better weekend service, which he hopes will work, and the last was a lot of little issues Caltrain has experienced. He thinks it is a great idea that the committee can think of itself as a committee that can actually define a plan for work in 2011. He said there will be a new Amtrak operating contract in 2011 and a financial crisis and he hopes the CAC will be even more useful.

Chair Hronowski thanked Ms. Tekchandani, Ms. Tucker and Mr. Granade for being on the ad hoc committee that addressed bike capacity. He thanked Mr. Graham and Mr. Jenkins for helping with the nominating committee. He also recognized Ms. Bartholomew for her presentations and attending the CAC meetings.

Public Comment
Pat Giorni, Burlingame, said the presentation on the Eurostar showed the nuts and bolts on HSR functions in France. She said it was a whole paradigm shift from California HSR. She voted for HSR but doesn’t think the Caltrain corridor is the correct place for HSR. She said the committee and other groups would benefit from the presentation.

Date, Time, and Location of Next Meeting
Wednesday, January 19, 2011, 5:40 p.m., San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA

The meeting was adjourned at 7:04 p.m.