MINUTES OF SEPTEMBER 17, 2014

MEMBERS PRESENT: J. Berk, A. Levin, Y. Mills, G. Scharff, A. Sweet, C. Tucker (Chair)

MEMBERS ABSENT: C. Cobey

STAFF PRESENT: J. Averill, T. Bartholomew, A. Maguigad, M. Martinez

Chair Cat Tucker called the meeting to order at 5:51 p.m. and led the Pledge of Allegiance.

APPROVAL OF MINUTES OF AUGUST 20, 2014

Motion/Second: Scharff/Mills
Ayes: Berk, Mills, Scharff, Sweet Tucker
Absent: Cobey, Levin

PUBLIC COMMENT
Jeff Carter, Millbrae, said some car parking spaces at the Mountain View Caltrain Station have signs that state there is no parking on Sunday between 12 a.m. and 1 p.m. due to the Mountain View Farmers’ Market. He said the Farmers’ Market is relocating on days where there are events at Levi’s Stadium. He said the signs should be addressed so people know they can park there. He said Caltrain can charge a premium fee at Mountain View on event days, but there should be a way to accommodate people with monthly parking passes who want to take Caltrain somewhere other than Levi’s Stadium. He said Caltrain is procuring additional railcars but it will take a year before they are put into service. He urges Caltrain to do something to get the cars in service sooner.

Adina Levin arrived at 5:53 p.m.

CHAIRPERSON’S REPORT (Cat Tucker)
Chair Tucker said the Board approved funding for the purchase of new train cars and it will take about a year for them to be in service. She said a public member addressed a concern about the behavior of one of the CAC members. Chair Tucker said she addressed the issue with the Board and the Board is fine with what she told them.

DISCUSSION ON JPB CAC BYLAWS: ARTICLE V – PARLIAMENTARY AUTHORITY, SECTION 2 – QUORUM (Cat Tucker)
April Maguigad, Manager, Rail Operations, said the Bylaws state a quorum is a majority of the entire membership, which includes vacant seats. This is to discuss whether the
committee would like to change the Bylaws to define a quorum as a majority of the appointed members. She said there are nine seats on the committee now, making the quorum five, but there are currently only seven seats filled and two vacancies, so this change would allow the quorum to be four. The CAC can discuss the issue at this meeting, agendize and vote on the change at the next meeting, and then get Board approval.

Greg Scharff asked why it can’t be voted on at this meeting. Josh Averill, Assistant District Secretary, said the Bylaws state an amendment has to be submitted in writing at the previous regular meeting before a vote can be made.

Mr. Scharff asked how to make future amendments. Martha Martinez, JPB Secretary, said the rule about changing the Bylaws is there to make sure there is consensus between the CAC members, then the next agenda would have the proposed change, which will give the public time to make comments on the changes. The Bylaws would then need to go to the JPB for final approval. She said the CAC might want to form an ad hoc committee to review the Bylaws to see if there should be any other changes. She said this committee has not previously had a problem with vacancies, but changing this policy allows for some flexibility.

Jonathan Berk said he is favor of this change, but the way it is written now puts pressure on the Board to appoint members and not leave the seats vacant.

Yvonne Mills said she would think the problem would be finding people willing to give their time. She said this change would allow meetings to start on time and continue even if some people leave.

Alex Sweet asked how long the current vacancies have been open and why that is. Ms. Martinez said each county goes through their own process for appointing members. She said San Mateo County appointed someone two months ago but that person declined the appointment due to a job relocation. Applications are on file for one year so a full recruitment does not have to be done again to find applicants.

Ms. Levin said she is in favor of the change so the CAC can do its business. She said there is no shortage of interest in San Mateo County. She said she thought the counties would be interested in being represented.

Chair Tucker said there seems to be consensus to support this change. Ms. Martinez said the change will be agendized with the change to the Bylaws for the next meeting.

Public Comment
Roland Lebrun, San Jose, said this committee needs equal representation from each county, so the CAC should not make this change. He said this committee does not approve action items such as expenditures, and information items don’t require a quorum.

Jeff Carter, Millbrae, said all seats of the membership are appointed whether there are vacancies or not, so using the word “appointed” would not be clear.
Adina Levin said the CAC rarely votes on items but if there is something the CAC would want to make a recommendation on she would feel comfortable agendizing it for action at a future meeting.

Mr. Averill said the legal staff has instructed staff not to have a meeting if there is no quorum even if there are no action items on the agenda.

Chair Tucker said at other agencies and commissions she is on that is not the legal opinion, and if there is no quorum but no action items the meetings will still go on so information can be received. She asked if a Bylaw change would need to be made so the committee could continue to meet even without a quorum to receive information. Ms. Martinez said she will get clarification from legal counsel. She said it is not necessarily about voting on something but that there would be less than a majority of the members who participate in an informational exchange.

Mr. Scharff said this committee does not take votes but does make recommendations to the Board, so the action the CAC takes is of an advisory nature and is what the CAC needs a quorum to do.

Ms. Mills said the public comment was that one county might not be represented if this change occurs, but even now that is possible.

Mr. Berk said next month he wants to hear the legal rules regarding a quorum and informational items.

Mr. Averill said if there is no quorum but the committee met for an informational item, minutes would not be taken and there would not be discussion between members about the item.

**DISCUSSION ON JPB CAC AGENDA FORMAT (Cat Tucker)**

Chair Tucker said one suggestion is to move committee comments up to the beginning of the agenda because often times the meeting ends before that item comes up. She said another suggestion was to arrange the agenda to allow 50 percent of the agenda be information from staff and 50 percent the committee making comments and bringing up other issues.

Ms. Sweet said it is a good idea to move comments up.

Ms. Mills said what comes up in the meetings and public comment is timely and relevant. An early committee comment period is a good idea but a later period is also important.

Ms. Levin said the committee comment section is an opportunity to share information the committee would like to know about. Chair Tucker said it is for anything a member wants to talk about that is not on the agenda.
Ms. Levin asked if a member can bring up an item that is not on the agenda or if the member should go to the chair to add the item to the agenda. Chair Tucker said the CAC cannot discuss things that are not on the agenda but they can ask questions and bring up topics that can be agendized and discussed at future meetings. She said the main issue is there is not enough time to get to the Committee Comments section.

Mr. Berk said there are things that the CAC should bring to the attention of Caltrain separate from what is on the agenda. He said their role as an advisory committee has been short changed and this change would get that role back.

Ms. Levin said the CAC should use the time at the end to bring up suggested agenda topics for future meetings.

Ms. Sweet said there is a comment period after every item so there is no need for two comment sections.

Mr. Scharff said the CAC should have the ability to agendize something for a future meeting and asked how members can do that. Having more than one section for comments is unnecessary since discussion occurs after each agenda item.

Mr. Averill said the Bylaws state any member can have an item put on the agenda by notifying the clerk of the committee at least 72 hours before the meeting.

Mr. Berk said any member who wants to put something on the agenda should say so at the meeting and if another member agrees it should be added but if no other member agrees it should not unless the member is adamant about it.

Mr. Berk said the CAC should adopt the 50/50 rule.

Ms. Sweet said moving Committee Comments up in the agenda would allow the CAC time to make their comments and get through the agenda, but she would not want to dedicate it at exactly 50 percent.

Ms. Levin said some items staff presents might be timely for a Board decision and need to go to the CAC. She said the chair should prioritize and weigh items and make a balance of what is important for staff and for CAC members.

Ms. Maguigad said perhaps a long-term 50/50 spilt would be better so over the course of two or three months it would equal out to a 50/50 split.

Mr. Scharff said he would like the CAC to relax the time limit rule so it can have robust discussions.

Public Comment
Roland Lebrun, San Jose, said the chair has the option to take public comment before, during or after the CAC discussion on each item. If the CAC wants to discuss something they can say they want to agendize it during the Committee Comments section.
Chair Tucker said she is going to move Committee Comments up on the agenda and add a section for Future Agenda Topics at the bottom and she will prioritize the items that are to go to the committee. She said the timing on the agenda is not going to change and if the CAC wants to discuss it, the topic will have to be agendized. She said the CAC should try the new format for a few months before making changes to the timing.

Mr. Berk said staff should report back in six months or a year and calculate what percentage of the agenda was staff items and what was committee requested.

Ms. Mills asked if something about future agenda items could be placed on the minutes. Chair Tucker said staff maintains a follow-up list with items that need to be addressed at future meetings.

Mr. Scharff asked if the list could be provided to the CAC.

**DISCUSSION ON CALTRAIN ALCOHOL POLICY (April Maguigad)**

Ms. Maguigad said staff has experimentally banned alcohol after special events like Bay to Breakers because there had been many issues with passengers’ behavior in the past. She said the question is if the problem is because people are drinking on the train or because people are getting to the train drunk. She said drunken passengers who take the train are not driving drunk on the roads, but eventually they get off the train and possibly drive from the station. She said one issue has to do with enforceability. Some staff feel the only way to enforce a ban of alcohol on the train is to put a complete ban on all food and beverage. Staff has different ideas about how and whether to change the policy.

Ms. Sweet said when she commuted between San Jose and San Francisco, having a glass of wine was the best. She said she was on the train after a college football game and it was a very rough ride and she felt bad for the elderly commuters. Some of the riders were boisterous and loud and she wondered if the behavior would change if alcohol was banned on the train if the sports fans would still be drunk and loud and excited. She said banning food and beverage would be tough because some people need to have water or food on a long commute. Caltrain is a regional commuter route and is not always used for short trips. She said enforcement is impossible and is a lot of responsibility.

Ms. Mills said she is grateful Caltrain takes people who were drinking off the road, but she is in favor of banning alcohol because she has seen people bring six packs onboard and continue to drink, sexually harass people, swear in front of children, get drunker, and stumble off the train not knowing where they are. She said it is doing a disservice to those types of people. She said even one claim from an incident will be a huge exposure and risk. One person’s right to drink on the train would be superseded by another person’s right not to be sexually harassed, and she is uncomfortable that Caltrain is providing that vehicle to people.

Mr. Scharff said the behavior described is not caused by people drinking on the train. Those people would behave that way anyway, especially if they arrive to the train
already drunk. He said rules are already in place that people are not allowed to sexually harass other people. He said the behavior should be targeted, not the drinking of alcohol which sweeps everybody up. There should be a policy about boisterous people and they should be thrown off the train if they are. He said he is not worried about liability. It has been done for years and there hasn’t been a problem.

Mr. Berk said some people want quiet on the train, others want to support the Giants on the way to Giants game. He said that can be addressed with quiet cars, and boisterous people should not be allowed on quiet cars. He said Caltrain needs money and could sell alcohol on the train to earn revenue.

Ms. Levin said she agrees that the behavior should be targeted. She said she has seen rowdy people removed from the train. She said the Code of Conduct should be reviewed to determine what can get someone removed from the train. She said having beer or wine makes the service feel civilized. If there is a way to sell food or alcohol on the train or at a station it would help the quality of life.

Chair Tucker asked if there is a document addressing customer behavior. She said if there is not, the CAC could possibly suggest one be made or create a subcommittee to write it. She said she is against banning food. Some trips are long and some people need to be able to eat or drink. People will bring food on anyway, so a ban does not seem doable.

Ms. Mills said conductors can’t even ask non-bicyclists not to sit in a bike car, so they would not be able to enforce a quiet car or ask boisterous people to move to another car. She said she has heard parents complain that they can’t take their children on the train on game days because of some of the fans’ behavior.

Ms. Sweet said quiet car is worth exploring. She asked if it has been explored in the past. Ms. Maguigad said she has not heard of Caltrain exploring that idea in the past but she will find out more and come back with more information.

Mr. Scharff said he would like to make a formal recommendation to the Board, after getting feasibility information from staff, to try a quiet car.

Public Comment
Roland Lebrun, San Jose, said there are existing laws addressing antisocial behavior, being boisterous, and being drunk in public. He said the ban on open containers after 9 p.m. does not work because people use innocuous looking containers and put alcohol in them. He said Bay Area Rapid Transit and Santa Clara Valley Transportation Authority (VTA) have a smart phone application that allows users to anonymously report issues like harassment or theft, and if the situation is serious the conductor and dispatch have the possibility of sending the report to the police.

Jeff Carter, Millbrae, said when he started riding the train there were smoking cars. Having food and beverage is an amenity Caltrain has that other transit systems do not, and it should not be banned. He said this is more of a behavior issue and Caltrain should find a way to monitor behavior. He said Caltrain should look into a reporting
application like Mr. Lebrun discussed. He said Caltrain should address inappropriate behavior, not the consumption of alcohol.

Ms. Sweet said on many trains when this behavior occurs, the trains are packed to the brim and the conductors can’t even walk through the train so there would be no way to monitor behavior.

Ms. Levin said Palo Alto has a mobile application called Palo Alto 311 that lets people report issues like a broken sidewalk.

Ms. Levin asked if there has been a reduction in enforcement need since the ban on alcohol after special events. Ms. Maguigad said she is not sure.

Ms. Levin said if the need for enforcement has not changed, then it might not be worth it to change the alcohol policy.

**STAFF REPORT (April Maguigad)**

Ms. Maguigad said:

- Service to Levi’s Stadium is going well despite the earthquake on the day of a preseason football game. Service was a little late that day but otherwise went well. Last Sunday there were two games and special service was run.
- Staff is discussing what to do about the signs at Mountain View Station that state there is no parking on Sundays for the Farmers’ Market.
- Staff is still working on the logistics to address parking price increases on event days.
- The Bicycle Advisory Committee has created subcommittees to discuss bike bump reporting and onboard bike capacity and will make a report at the meeting on Thursday.
- Staff is in the process of purchasing railcars and staff is expecting to go to the Board to ask for authority to make the purchase at the negotiated price and to provide information on how to rehabilitate the cars.

Ms. Mills said she would like to know how the corporate programs are doing and how many riders are participating. Ms. Maguigad said she will discuss Go Pass information.

Ms. Levin said staff should reach out to the Mountain View community with regards to how they will be impacted by parking pricing if they are not going to Levi’s Stadium.

Ms. Levin said at a recent event 15 percent of people used VTA to get to Levi’s Stadium and asked how many people did not drive but used Caltrain and VTA and other methods. Ms. Maguigad said for a recent game, Caltrain had about 2,500 additional riders in each direction and there were 68,000 attendees.

**Public Comment**

Roland Lebrun, San Jose, said Caltrain cannot wait until December to buy the new cars and then wait another year for them to be refurbished. He said Bombardiers are good for carrying people, not bikes, and Gallery cars are good at carrying bikes, but not
people. He said Caltrain should gut one five-car Gallery train and put the cars on the back of Bombardier train sets for bikes.

COMMITTEE COMMENTS
Mr. Berk said he is happy to resign if anyone thinks he is being counterproductive in this role. He said he wonders if Caltrain uses the CAC effectively because there are talented people on the CAC. He said after the last meeting he sees a difference on Caltrain. Conductors are counting bikes and he does not see early trains. He said he was told that labeling trains is not possible. He said he wants to get a response why it is not possible for the conductors to put a sign on the train that tells people if the trains are bullet trains or if they make all stops. All the conductor has to do is hang the signs. He said he wants to know why staff cannot figure out emergency response planning ahead of time. It is a linear system, staff knows where every train is at any minute and if the line is broken at a particular place at a particular time a plan should be already worked out for what to do. He said the JPB could pay for a study to get that done. He said he was late to the meeting because his train did not leave 4th and King because there was an incoming train that got priority. He said he would like to know why the incoming train would get priority when delaying an outgoing train would cause a cascading effect on other trains on the line. He said he would like a response e-mailed to him.

Mr. Berk left at 7:16 p.m.

Ms. Sweet said the correspondence packet always has duplicate e-mails. She said it is hard to know which trains stop at the Stanford station on game days, and what time they stop. She said there is no Clipper Card kiosk there. She said she does not know if there is a return train there.

Ms. Levin said it would be helpful to read the correspondence the day the agenda comes out. She said she would like to agendize a discussion to make sure there is space available for people with disabilities.

Mr. Scharff said Caltrain should financially partner with Stanford to address the issues with Clipper.

Chair Tucker said she got an e-mail from a customer who feels like he is being penalized since the eight-ride paper fare was discontinued. Ms. Maguigad said Caltrain has not had the paper version of the eight-ride ticket for a long time.

DATE, TIME AND LOCATION OF NEXT MEETING:
October 15, 2014 at 5:40 p.m., San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA.

Meeting adjourned at 7:22 p.m.