

**BICYCLE ADVISORY COMMITTEE (BAC)
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING
Bacciocco Auditorium, 2nd Floor
1250 San Carlos Avenue, San Carlos CA 94070**

MINUTES OF MARCH 21, 2012

MEMBERS PRESENT: J. Brazil, W. Brinsfield, S. Dhebar, D. Forsell, D. Provence, E. Saum, M. Sonn, G. Turner, S. Vanderlip

MEMBERS ABSENT: None

STAFF PRESENT: L. Alarcon, J. Averill, T. Bartholomew, A. Maguigad, M. O'Donnell, S. Petty, J. Sherman

Community Relations Officer Tasha Bartholomew called the meeting to order at 6:50 p.m. and led the Pledge of Allegiance.

INTRODUCTION OF NEW MEMBERS

The members of the committee and staff introduced themselves.

ELECTION OF OFFICERS FOR 2013

Darcy Forsell said the charter states the chair should rotate between each county. She said the first chair was from San Francisco County, the second chair was from Santa Clara County, so this chair should be from San Mateo County. She said the vice chair normally moves into the chair position, so the vice chair would ideally be from San Francisco.

Public Comment

Shirley Johnson, San Francisco, said she encourages the committee to nominate Steve Vanderlip as the chair.

John Brazil nominated Darcy Forsell for chair. Edward Saum seconded the motion.

Garrett Turner nominated Mr. Vanderlip for chair. Wes Brinsfield seconded the nomination.

A motion (Brazil/Saum) to elect Ms. Forsell chair was passed by majority vote.

Steve Vanderlip nominated Mr. Turner vice chair. Wes Brinsfield seconded the motion.

Chair Forsell nominated Dan Provence as vice chair. Mr. Brazil seconded the nomination.

A motion (Vanderlip/Brinsfield) to elect Mr. Turner vice chair was passed by majority vote.

CERTIFICATE OF APPRECIATION TO CARLOS BABCOCK

Chair Forsell thanked former BAC chair Carlos Babcock for his service to the BAC over his tenure, and presented Mr. Babcock with a Certificate of Appreciation.

Mr. Babcock thanked the BAC for the certificate.

APPROVAL OF MINUTES

A motion (Brazil/Provence) to approve the minutes of November 15, 2012 was approved.

PUBLIC COMMENT

Shirley Johnson, San Francisco, said the bump report should be on the agenda because bumps are critical and the committee needs to pay attention to them. She said a discussion of the scope of the Environmental Impact Report (EIR) for Caltrain electrification should also be on the agenda because the proposed scope does not include bikes onboard. She said a 2013 Working Plan should have been on the agenda.

Mr. Vanderlip asked how to get items on the agenda and if the committee could discuss an item in order to put it on the agenda. Chair Forsell said the committee could have one-on-one communication about that. The chair and vice chair work with staff to put items on the agenda, and committee members can make requests under the Committee Comments section.

Mr. Turner asked if the general public can request items be put on the agenda. Chair Forsell said they can make the request and the committee would evaluate it.

BROWN ACT PRESENTATION (L. Alarcon, J. Sherman)

Legal Counsel Lance Alarcon presented:

- The Brown Act is a public meetings law.
- The Brown Act applies to legislative bodies, any committee created by the Board of Directors, any committee created by a committee and the BAC.
- It requires meetings be open to the public, the agenda must be posted in a public place and the public must be allowed to comment.
- A meeting is when a majority of members of a legislative body meet in the same place and time to hear, discuss, deliberate or take action on an item within their subject matter jurisdiction.
- It is not considered a meeting when there is contact between a member and a non-member or when members attend a conference that is open to the public as long as there is no caucusing or discussion among the members of the body about business within their subject matter jurisdiction.
- Closed sessions are acceptable when dealing with litigation, personnel information, or real estate negotiations.
- The public has the right to speak on items to be considered, and reasonable time limit regulations are acceptable. Public members can remain anonymous. The facility must be accessible to the disabled.
- When responding to the public, members cannot discuss items that are not on the agenda, but they may briefly respond, direct staff to place the item on a

future agenda, provide a reference for factual information, ask for clarifying information, or report on individual activities related to the comment.

- When public members misbehave, they may be expelled. If that is insufficient, all public members may be expelled. The press must be allowed to remain unless they are causing the disruption.

Mr. Turner asked if it becomes a closed meeting when the public is expelled.

Mr. Alarcon said no.

- When violations of the Brown Act occur, the body has an opportunity to cure, and there are civil and criminal actions that could be taken.
- Serial communications violate the Brown Act. This includes daisy chain and hub-and-spoke communications.
- Teleconferencing is allowed if at least a quorum participates from locations within the agency's jurisdiction, all teleconference locations are included on the agenda and open to the public, and if the public is able to address the body from any teleconference location.
- To avoid serial meetings, ask who else has been discussing the topic and tell who else the topic was discussed with. Beware of intermediaries, and beware of e-mail by avoiding the "reply all" option, check who has been copied, and beware of copying others.
- Some provisions of the Brown Act have been temporarily suspended, but most bodies, including the Joint Powers Board (JPB), are still following those provisions.

Mr. Turner asked if the committee can have discussion on committee requests. Legal Counsel Julie Sherman said it is okay to make the request and it is okay for other members to state their opinions, but no discussion about the item can be conducted and no action can be taken.

Mr. Vanderlip asked if it is a violation of the Brown Act to forward information to or solicit ideas from an e-mail group that may include members of the BAC. Mr. Turner said a concern is the e-mail might get forwarded to a majority of the members on the BAC. Mr. Brinsfield said members on the BAC gave up some rights by joining this committee, such as the right to solicit information from a general group that might overlap with the BAC. Ms. Sherman said it is okay to ask an e-mail group if there is anything they would like the BAC to put on the agenda for a future meeting, but when it turns into a discussion that includes members of the BAC, it would be a violation. Agenda recommendations could be forwarded to staff. Chair Forsell said it only becomes an issue when the members of the BAC join in a discussion, but if the replies are one-way communications, it may help divert the perception of violations.

Mr. Brinsfield asked if items should go to staff or to the chair if committee members have items they would like to put on the agenda. Mr. Brazil said as a matter of practice the committee mentions items at a BAC meeting that they would like to add to a future agenda, or they send an item to the chair to forward to staff.

Mr. Brazil said he wondered why an advisory committee is under the Brown Act when they have no authority. Ms. Sherman said this is a committee with a regularly set

schedule and a set area of business to discuss, so it meets the rules of a standing committee.

Mr. Vanderlip asked if items are voted to be put on the agenda or if it is up to the chair and staff. Ms. Sherman said it depends on the charter. Mr. Brinsfield said it looks like it is up to staff and the chair.

Chair Forsell asked legal counsel to discuss rules around committee members using electronic devices during a meeting. Mr. Alarcon said this is not part of the Brown Act, but it is a matter of perception. The risk is that the public could perceive a conflict by whatever the committee member may be using the device to do. Ms. Sherman said the committee members are supposed to be acting on behalf of the public, and by using devices they are not being transparent in their actions.

Assistant District Secretary Joshua Averill asked legal counsel to discuss the committee's ability to attend meetings of other groups. Mr. Alarcon said conferences are not considered meetings so long as they are open to the public, the majority of the committee members do not discuss among themselves any issues of the subject matter of the committee. The majority may attend a conference, but they may not caucus while they are there.

Mr. Brinsfield said if committee members comment at those meetings they have to be clear that they are commenting as members of the public and not as members of the BAC.

Public Comment

Shirley Johnson, San Francisco, said this committee was not formed by a legislative body so it is not legally required to follow the Brown Act. The charter states that the committee will follow the Brown Act.

Ms. Sherman said the committee voted to follow the Brown Act so that is why it is in the charter and it is applicable to this committee.

Mr. Brazil said the Brown Act can be cumbersome. Chair Forsell said she agreed but it also makes the meetings have more value and is more transparent and formal.

Mr. Turner asked if there is a minimum time before an agenda is published that item requests need to come in. Mr. Averill said the agendas need to be posted 72 hours in advance of the meetings and staff will need adequate time to prepare reports to discuss the items. It depends on what the item is.

Chair Forsell said new items come under Committee Comments, and requests to add existing items to future agendas come when those items are discussed.

OVERVIEW OF CALTRAIN BICYCLE PROGRAM (T. Bartholomew, A. Maguigad)

Ms. Bartholomew and Manager of Rail Operations April Maguigad presented:

- Caltrain offers bike parking, racks, lockers and shared access.

- Caltrain offers two bike cars per train, 80 spaces on gallery train sets and 48 spaces for Bombardier train sets.
- Bikes onboard are approximately 10 percent of total ridership. Average weekday bicycle ridership is approximately 4,200.
- The top five stations for bicycle boardings are San Francisco, Palo Alto, Mountain View, Redwood City, and San Jose Diridon.
- Staff is working on ridership counts from January and February and after they are reported to the Board they will be reported to the committees.
- Caltrain is going through a Request for Proposals (RFP) process for a new operator for the bike parking facility in San Francisco. The JPB anticipates awarding the contract in June.
- Caltrain is conducting a study of the bike parking facility to address bike parking investment needs over the next five to 15 years.
- A bike sharing program is launching this fall and there should be bikes available at the Redwood City Caltrain station.

Senior Planner Sebastian Petty said the bike facility study is being affected by the RFP process but it is on the radar and being worked on and staff will bring it to this committee when it is possible.

Mr. Turner asked why staff is looking for a new operator if the study is coming out after the RFP. Mr. Petty said RFP is intended for the next three to five years and the study is looking at a longer time frame of five to 15 years.

Mr. Turner asked staff to post the link to the Bicycle Access and Parking Plan on the BAC meeting materials page.

Mr. Brazil said he would like to hear a report on Caltrain Modernization (CalMod) which would be a forum to discuss bikes onboard, station area access, rolling stock, and other items.

Ms. Bartholomew said CalMod will be discussed at the next meeting.

RESOLUTION OF SUPPORT FOR BAY AREA RAPID TRANSIT (BART) BIKE PROGRAM (M. Sonn)

Michael Sonn said he is presenting this as a representative of the San Francisco Bicycle Coalition on behalf of the BART Bicycle Advisory Task Force which has asked the Caltrain BAC to endorse their resolution to allow bikes onboard BART at all times.

Chair Forsell said the voice of the resolution is not from the BAC, and she would like to see Caltrain on the resolution with statistics about how successful Caltrain has been.

Public Comment

Shirley Johnson, San Francisco, said this was not written for Caltrain, but for a variety of organizations to support the resolution to show the BART Board there is widespread support. She said the new BART general manager is forward thinking and may help with getting bikes on BART, but there are some board members who are anti-bike. She said because of the connectivity between Caltrain and BART at Millbrae, BAC endorsement would be helpful.

Mr. Brazil said he would suggest making a change to the resolution to add the wording, "Whereas Caltrain has allowed bikes on board since 1992 and currently accommodates more than 4,200 daily bike boardings, which represents approximately 10 percent of ridership."

Ms. Johnson said she would make that change, but she wanted to present a list of organizations that approved the version as written and to say Caltrain BAC approved a different version would be awkward because they are trying to present a unified voice.

Mr. Brinsfield said he would like to amend the resolution to mention Caltrain's impact on ridership over the last several years.

A motion (Brinsfield/Vanderlip) to approve the resolution of support for the BART Bike Program without changes was approved by roll call (Brinsfield opposed).

STAFF REPORT – T. Bartholomew

Ms. Bartholomew reported:

- The Bike Buzz Campaign went well and kicked off the "See Something Say Something" Campaign which engages passengers in promoting safety throughout the rail system and reminding customers of safe behavior near the railroad.
- The real-time system is still in the testing phase and it is hoped to be activated by spring.
- The Transit Police are undertaking a high profile effort to enforce no bike riding on platforms and they asked the BAC to pass that message to their respective organizations.
- Ms. Bartholomew said she will work with the chair concerning the 2013 BAC work plan.

COMMITTEE REQUESTS

Chair Forsell said a few items for future agendas are CalMod, rolling stock, station improvements and access, the timeframe for these decisions and the decisions the BAC can play a role in, the annual count report, the San Francisco Bike Facility Study, the Bike Access and Parking Plan and which elements the BAC cares about the most.

Mr. Brazil said he would like to add the quantity and capacity of bike racks at the stations to the bike parking chart. He said items to focus on in the future, looking at CalMod and providing input is important because they can talk about rolling stock, onboard capacity, station area improvements, bike parking capacity, last-mile improvements. He said with more bicycle access demand, at some point the demand

will not be met so it is important to get station area bike parking to meet the demand for people who use bikes to get to Caltrain. He would like to keep up to speed on bike share, e-lockers, and talking about converting some car parking which has huge opportunity costs to bike parking.

Edward Saum said he was on a gallery car that did not have a sticker to reserve the area for bikes. He would like those stickers to be put on the Bombardier cars and to replace those that have been removed.

Mr. Sonn said he would like to discuss parking at stations.

Mr. Provence said he would like to pass some resolutions addressing last-mile issues.

Samir Dhebar said signage is something to address.

Mr. Brinsfield said he would like to get a work plan and have efficiency with the agendas. He said he suggests forming subcommittees to work on the work plan. He would like to have a standing agenda item to cover the bump report, theft report and ridership. He said the nominations and elections were very messy and the BAC is constrained if there is a requirement to rotate the chairmanship. He said it might be good to amend the charter to remove the constraint.

Mr. Turner said it would be great if the conductors had destination tags. They are just not available and the conductors say they can't get them. Ms. Maguigad said contract management has been given 10,000 to 15,000 bike tags in the last six to seven months, and they fly. Mr. Turner said with 4,000 bicyclists a day, the tags are going to fly. Mr. Brazil said they are not 4,000 different bicyclists a day.

DATE, TIME AND LOCATION OF NEXT MEETING:

May 16, 2013 at 6:45 p.m., San Mateo County Transit District Administrative Building, 2nd Floor Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA.

Meeting adjourned at 8:57 p.m.