



BOARD OF DIRECTORS 2022

STEVE HEMINGER, CHAIR  
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MICHELLE BOUCHARD  
ACTING EXECUTIVE DIRECTOR

# AGENDA

## PENINSULA CORRIDOR JOINT POWERS BOARD

### Work Program – Legislative – Planning (WPLP) Committee Meeting

Committee Members: Charles Stone (Chair), Cindy Chavez, Steve Heminger

**Due to COVID-19, this meeting will be conducted via teleconference only (no physical location) pursuant to [Assembly Bill 361](#) (Gov. Code section 54953).**

Directors, staff, and the public may participate remotely via Zoom at <https://zoom.us/j/99768901849?pwd=VmVSSEJFZHhyNzhIR212RURzODNndz09> or by entering Webinar ID: **997 6890 1849**, Passcode: **609602**, in the Zoom app for audio/visual capability or by calling 1-669-900-6833 (enter webinar ID and press # when prompted for participant ID) for audio only. The video live stream will be available after the meeting at <https://www.caltrain.com/video-board-directors>.

**Public Comments:** Members of the public are encouraged to participate remotely. Public comments may be submitted to [publiccomment@caltrain.com](mailto:publiccomment@caltrain.com) prior to the meeting's call to order so that they can be sent to the Board as soon as possible, while those received during or after an agenda item is heard will be included in the Board's weekly correspondence and posted online at <https://www.caltrain.com/about-caltrain/meetings>

Oral public comments will also be accepted during the meeting through \*Zoom or via the teleconference number listed above. Public comments on individual agenda items are limited to one per person PER AGENDA ITEM. Use the Raise Hand feature to request to speak. For public participants calling in, dial \*67 if you do not want your telephone number to appear on the live broadcast. Callers may dial \*9 to use the Raise the Hand feature for public comment and press \*6 to accept being unmuted when recognized to speak for three minutes or less. Each commenter will be automatically notified when they are unmuted to speak for three minutes or less. The Board Chair shall have the discretion to manage the Public Comment process in a manner that achieves the purpose of public communication and assures the orderly conduct of the meeting.

**September 28, 2022 - Wednesday**

**3:00 pm**

All items to which Government Code section 84308 applies have been marked with an asterisk

1. Call to Order / Pledge of Allegiance
2. Roll Call
3. Public Comment on Items not on the Agenda  
Comments by each individual speaker shall be limited to three (3) minutes. Items raised that require a response will be deferred for staff to reply.
4. Approve Meeting Minutes of July 27, 2022 Motion
5. Authorize the Execution of the Necessary Agreements and Amendments to Receive Funds and Act as the Project Lead to Deliver the Final Design Phase of the Rengstorff Avenue Grade Separation Project\* Motion
6. Approve the Compatibility of the Proposed Vehicular Bridge Crossing of the Caltrain Corridor at Communications Hill Boulevard in San Jose\* Motion
7. ~~Accept Fleet Maintenance Update~~ ~~Informational~~
8. State and Federal Legislative Update Informational
9. Committee Member Requests
10. Date/Time of Next Regular WPLP Committee Meeting: Wednesday, October 26, 2022 at 3:00 pm via Zoom.
11. Adjourn

## Information for the Public

All items appearing on the agenda are subject to action by the Board. Staff recommendations are subject to change by the Board. If you have questions on the agenda, please contact the JPB Secretary at 650.508.6242. Agendas are available on the Caltrain website at [www.caltrain.com](http://www.caltrain.com). Communications to the Board of Directors can be e-mailed to [board@caltrain.com](mailto:board@caltrain.com). *Free translation is available; Para traducción llama al 1.800.660.4287; 如需翻译 请电 1.800.660.4287*

### Date and Time of Board and Committee Meetings

JPB Board: First Thursday of the month, 9:00 am; JPB WPLP Committee: Two Wednesdays before the Board meeting, 3:00 pm. The date, time, and location of meetings may be changed as necessary. Meeting schedules for the Board and committees are available on the website.

### Location of Meeting

**Due to COVID-19, the meeting will only be via teleconference as per the information provided at the top of the agenda. The Public may not attend this meeting in person.** \*Should Zoom not be operational, please check online at <https://www.caltrain.com/about-caltrain/meetings> for any updates or further instruction.

### Public Comment\*

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### Accessible Public Meetings/Translation

Upon request, the JPB will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least 72 hours in advance of the meeting or hearing. Please direct requests for disability-related modification and/or interpreter services to the Title VI Administrator at San Mateo County Transit District, 1250 San Carlos Avenue, San Carlos, CA 94070-1306; or email [titlevi@samtrans.com](mailto:titlevi@samtrans.com); or request by phone at 650-622-7864 or TTY 650-508-6448.

### Availability of Public Records

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that is distributed to a majority of the legislative body, will be available for public inspection at 1250 San Carlos Avenue, San Carlos, CA 94070-1306, at the same time that the public records are distributed or made available to the legislative body.

**Peninsula Corridor Joint Powers Board  
Work Program – Legislative – Planning Committee (WPLP)  
1250 San Carlos Avenue, San Carlos CA  
Draft Minutes of July 27, 2022**

**MEMBERS PRESENT:** S. Heminger, C. Stone (Chair)

**MEMBERS ABSENT:** C. Chavez

**STAFF PRESENT:** M. Bouchard, J. Harrison, C. Fromson, D. Santoro, A. Simmons, J. Wasilco, A. Simmons, N. Fogarty, D. Pape, D. Seamans, S. Wong, K. Scribner

**1. Call to Order/Pledge of Allegiance**

Chair Charles Stone called the meeting to order at 3:00 p.m. and James Harrison, Legal Counsel, led the Pledge of Allegiance.

**2. Roll Call**

District Secretary Dora Seamans called the roll and confirmed a quorum was present.

**3. Renew Resolution to Meet Remotely (AB-361)**

James Harrison, Legal Counsel, stated that in order to continue to meet remotely, the Committee has to make a finding that the state of emergency continues and meeting in person would pose risks to attendees.

Motion/Second: Heminger/Stone

Ayes: Stone, Heminger

Noes: None

Absent: Chavez

**4. Public Comment For Items Not On The Agenda**

There were no public comments.

**5. Approve Meeting Minutes of June 22, 2022**

Motion/Second: Heminger/Stone

Ayes: Stone, Heminger

Noes: None

Absent: Chavez

**6. Redwood City Planning and Real Estate Update and Resolution to Authorize the Acting Executive Director to Enter into a Participation Agreement with the City of Redwood City to Assist in Funding Plan Amendments to Facilitate Future Transit-Oriented Development**

Michelle Bouchard, Acting Executive Director, introduced Nadine Fogarty and David Pape.

Nadine Fogarty, Deputy Director of Transit Oriented Development (TOD) and Real Estate Planning, and David Pape, Planning Administrator, provided the presentation which included the following:

- Redwood City context, 2040 Service Vision, and ongoing planning efforts
- Transit Center conceptual planning and Sequoia Station Redevelopment
- Minkoff Group Development – potential land swap
- Opportunity for residential TOD
- Proposed contribution to Transit District Plan Amendments and Environmental Impact Report (EIR)

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions, which included the following:

- Have a policy about contributing funds to similar projects in light of a capital deficit
- Revenues from property development
- Working with partners to ensure this becomes a transit hub

Motion/Second: Heminger/Stone

Ayes: Stone, Heminger

Noes: None

Absent: Chavez

#### **7. Authorize the Executive Director to Execute a Letter of Agreement (LOA) with the Transbay Joint Powers Authority (TJPA)**

Anthony Simmons, Director of Systemwide Planning & Policy, provided the presentation, which included the following:

- Overview of the Master Cooperative Agreement (MCA) process
- Downtown Extension's (DTX's) schedule and activities – completing funding plan, ridership analysis, rebranding, and evaluating project delivery method
- Letter of Agreement serves as interim payment arrangement and reimbursement until the MCA is executed

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions, which included the following:

- How Caltrain is going manage the project after governance work has commenced with the MOU (memorandum of understanding) to expire this year
- JPB reviewing the Memorandum of Understanding (MOU) a second time after TJPA review

Motion/Second: Heminger/Stone

Ayes: Stone, Heminger

Noes: None

Absent: Chavez

### **8. State and Federal Legislative Update**

Jadie Wasilco, Government and Community Affairs Manager, provided an update, which included the following highlights:

- Congress working through the Fiscal Year 2023 (FY23) appropriations, passed the transportation/appropriations bill, with the potential for additional funding for electrification
- Senator Feinstein requested \$15 million for the electrification project and Senator Padilla requested \$10 million for Caltrain’s new signal system needed for the electrification project
- Following Senate Bill (SB) 917 for a seamless transportation network
- Assembly Bill (AB) 2449 has with more restrictive requirements about how bodies can meet via teleconference while AB 1944 did not move forward

The Board had a discussion and staff provided further clarification in response to the Board members comments and questions, which included the following:

- No position taken on the Seamless Bill (SB 917)
- AB 2449 will differ from current meetings as it would require a majority of Board Members to participate from a noticed joint physical location but only if the Board were to make a finding that emergency circumstances or a good cause existed to allow a Member to participate from a remote identified location and the Members ability to do so would be capped at two meetings per year

### **9. Committee Member Requests**

There were none.

**10. Date/Time of Next Regular WPLP Committee Meeting:** Wednesday, August 24, 2022 at 3:00 pm via Zoom (additional location, if any, to be determined).

### **11. Adjourn**

The meeting adjourned at 3:47p.m.

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Work Program – Legislative – Planning Committee  
Through: Michelle Bouchard, Acting Executive Director  
From: Robert Barnard, Deputy Chief, Rail Development  
Subject: **Authorize the Execution of the Necessary Agreements and Amendments to Receive Funds and Act as the Project Lead to Deliver the Final Design Phase of the Rengstorff Avenue Grade Separation Project**

Finance Committee Recommendation

Work Program-  
Legislative-Planning  
Committee  
Recommendation

Staff Coordinating  
Council Reviewed

Staff Coordinating Council  
Recommendation

**Action**

Staff Coordinating Council recommends the Board:

1. Authorize the Acting Executive Director, or designee, to execute agreements with the City of Mountain View (City) and the Santa Clara Valley Transportation Authority (VTA) for the Peninsula Corridor Joint Powers Board (JPB) to receive funds and to act as the project lead to deliver the final design phase of the Rengstorff Avenue Grade Separation project; and
2. Authorize the Executive Director, or designee, to file any required documentation and to take any additional actions necessary to give effect to deliver this action.

**Significance**

The JPB has completed the preliminary design and the environmental clearance for the Rengstorff Avenue Grade Separation. Moving forward, the City of Mountain View (City), the Santa Clara Valley Transportation Authority (VTA) and the Peninsula Corridor Joint Powers Board (JPB) staff believe that the best approach is for the JPB to act as the lead implementing agency, with VTA taking on the Funding and Oversight role and the City serving as the Project Sponsor, Funding Partner and the Community Outreach lead.

A cooperative agreement between the VTA, the City and the JPB will define the roles and responsibilities of each party for the final design phase. Several other agreements including but not limited to construction and real estate will be executed in the future. The cost of the next phase of work for this project, the final design, is estimated at \$20.0 million. To fund this phase of work, VTA will contribute \$18.5 million in 2016 Measure B funds and the City will contribute \$1.5 million. During the final design phase, detailed design work will be performed and bid documents for construction will be prepared.

### **Budget Impact**

The design phase is fully funded by the VTA and the City. Therefore, no budget impact to the JPB is expected.

### **Background**

For the past several years, the JPB has served as the lead agency for the engineering design and environmental clearance, and eventual construction, of grade separations in San Mateo County, including projects in the Cities of San Bruno and San Mateo.

In 2016, Santa Clara County voters approved Measure B, which established \$700 million in funding for the grade separation of eight roads that intersect the Caltrain tracks in the cities of Palo Alto, Mountain View, and Sunnyvale. The intersection at Castro Street and Moffett Boulevard, along with Rengstorff Avenue, are the two grade separations in the City of Mountain View.

The Rengstorff Avenue Grade Separation Project (Project) will: (1) grade separate Rengstorff Avenue from the JPB rail crossing by depressing the intersection at Rengstorff Avenue and Central Expressway below grade and leaving the railroad at approximately the existing elevation in Mountain View; (2) close Crisanto Avenue and Leland Avenue; (3) construct Leland Connector to maintain vehicular access to the market and residential area on the west side of Rengstorff Avenue; and (4) construct a bicycle and pedestrian bridge parallel to the JPB tracks to maintain an east-west connection across Rengstorff Avenue. The goal of the project is to improve safety, increase mobility of the surrounding communities, improve accessibility to the emergency vehicles, reduce noise and improve air-quality. The detailed design phase is expected to start in April of 2023 and finish in March of 2025. The construction is expected to start in Summer 2025 and finish in Winter 2027.

Prepared By: Arul Edwin

Senior Project Manager

650.339.8845



**Resolution No. 2022-**

**Board of Directors, Peninsula Corridor Joint Powers Board  
State of California**

\* \* \*

**Authorizing the Execution of the Necessary Agreements and Amendments to Receive Funds  
and Act as the Project Lead to deliver the Final Design phase of the Rengstorff Avenue Grade  
Separation Project**

**Whereas**, the Peninsula Corridor Joint Powers Board (JPB) is a public agency existing under the laws of the State of California and operates commuter rail passenger service (“Caltrain”) along a seventy-seven (77) mile route between San Francisco and Gilroy, California; and

**Whereas**, the Santa Clara Valley Transportation Authority (VTA), is a public agency existing under the laws of the State of California and is a member agency of the JPB and is authorized to design, fund, and construct transportation improvements in and near the County of Santa Clara; and

**Whereas**, the City of Mountain View, is a California charter city and municipal corporation (“City”), is the sponsor of the Rengstorff Avenue Grade Separation Project; and

**Whereas**, on November 8, 2016, the voters of Santa Clara County enacted 2016 Measure B for 30 years to pay for nine transportation-related program categories (“2016 Measure B”); and

**Whereas**, on October 5, 2017, the VTA Board of Directors established the 2016 Measure B Program and adopted the 2016 Measure B Program Category Guidelines; and

**Whereas**, 2016 Measure B includes a “Caltrain Grade Separations” program category for the purpose of funding grade separation projects along the Caltrain corridor in the cities of

Sunnyvale, Mountain View, and Palo Alto, separating the Caltrain tracks from roadways to provide increased safety benefits for drivers, bicyclists, and pedestrians and also reduce congestion at the intersections (“Grade Separation Program Projects”); and

**Whereas**, the implementation of the Grade Separation Program Projects will enable Caltrain to operate more frequent service without negatively impacting local traffic while also making rail operations safer by separating rail operations from local streets; and

**Whereas**, the JPB is responsible for the safe and reliable operation of its train service and the passengers who use it, and the JPB retains responsibility for the final design and construction of Grade Separation Program Projects occurring on its right of way; and

**Whereas**, VTA is responsible for the allocation and use of the 2016 Measure B funding for the Grade Separation Program Projects and will provide oversight, guidance, and support throughout all applicable phases of the Grade Separation Program Projects; and

**Whereas**, the City of Mountain View (City) is responsible for the provision of non-2016 Measure B Contribution Requirement to sponsor Grade Separation Program Projects within the City; and

**Whereas**, the JPB, the City, and VTA desire to grade-separate the Rengstorff Avenue at-grade crossing to improve safety and reduce traffic congestion, and the JPB has completed the preliminary design and the environmental clearance for the Rengstorff Avenue Grade Separation. The City, VTA, and the JPB staff believe that the best approach is for the JPB to act as the lead implementing agency, with VTA taking on the Funding and Oversight role and the City serving as the Project Sponsor, Funding Partner, and the Community Outreach lead: and

**Whereas**, the City and VTA desire to proceed with the final design phase of the Project and the total cost of the final design phase of the Project is estimated to be approximately \$20 million; VTA has budgeted \$18.5 million for the final design phase of the Project; the City has budgeted \$1.5M for the final design phase of the Project; the JPB, VTA and the City desire that the JPB continue as the lead implementing agency for the final design phase of the project; and all Project-related costs incurred by the JPB for the final design phase will be paid for by the City and VTA; and

**Whereas**, the Staff Coordinating Council recommends the Board:

1. Authorize the Acting Executive Director, or designee, to execute agreements with the City and VTA for the JPB to receive funds and to act as the project lead to deliver the final design phase of the Rengstorff Avenue Grade Separation project; and
2. Authorize the Acting Executive director, or designee, to file any required documentation and to take any additional actions necessary to give effect to deliver this action.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorize the Acting Executive Director, or designee, to execute agreements with the City and VTA for the JPB to receive funds and to act as the project lead to deliver the final design phase of the Rengstorff Avenue Grade Separation project; and

**Be It Further Resolved** that the Board of Directors authorize the Acting Executive Director, or designee, to file any required documentation and to take any additional actions necessary to give effect to accomplish this action.

Regularly passed and adopted this 6th day of October 2022, by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Work-Program-Legislative-Planning Committee

Through: Michelle Bouchard  
Acting Executive Director

From: Dahlia Chazan  
Deputy Chief, Caltrain Planning

Subject: **Approve the Compatibility of the Proposed Vehicular Bridge Crossing of the Caltrain Corridor at Communications Hill Boulevard in San Jose**



Finance Committee  
Recommendation



Work Program-Legislative-Planning  
Committee Recommendation



Staff Coordinating  
Council Reviewed



Staff Coordinating Council  
Recommendation

**Action**

Staff recommends that the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) approve the proposed project for a new vehicular bridge crossing of the Caltrain rail corridor at Communications Hill Boulevard in San José as compatible, with conditions, with current and future railroad needs.

**Significance**

KB Home, Inc. is the project sponsor for a proposed new vehicular bridge crossing of the Caltrain right-of-way (ROW) at Communications Hill Boulevard in the City of San José. This proposed capital project is in the initial stages of conceptual design, with the bridge's design currently in development and under consideration. Once constructed, the completed bridge over the Caltrain ROW will provide a new east-west connection to serve the new community that is being developed on Communications Hill in San José.

The JPB has a long-established property access agreement process for reviewing and approving third parties' proposed uses of its property, including proposed capital projects such as the Communications Hill Boulevard Bridge. The first stage of review now includes determining the compatibility of the proposed use with the current and future rail needs, using the Caltrain Rail Corridor Use Policy (RCUP) that was adopted by the Board in February 2020. After compatibility is confirmed, all proposed uses proceed through the various stages of the design and delivery process to ensure compliance with JPB engineering, operational, and regulatory requirements. This includes conceptual design, preliminary design, environmental clearance, final design, and eventually construction. Construction and maintenance and property access agreements could start to be negotiated as early as 35 percent design and would be approved prior to construction.

JPB staff initiated the property access agreement process for the proposed vehicular bridge at Communications Hill based on a request of the project sponsors. Using the RCUP, JPB staff reviewed the proposed project for initial compatibility with current and future rail needs. In accordance with the adopted RCUP, the proposed project was found initially to be “incompatible.” As laid out in the RCUP, JPB staff then completed additional review through the RCUP’s Use Variance process (described in more detail below, in “Background”).

Consistent with the Use Variance process, JPB staff has developed a recommendation for the Board’s approval regarding the compatibility of the proposed Communications Hill Boulevard Bridge based on a number of key conditions that ensure the project will be developed and delivered in a manner consistent with the railroad’s policies and current and future needs. The Board’s approval of the proposed project’s compatibility with current and potential future rail needs is required to advance the project through the design, delivery, and property access agreement processes.

At this time, staff recommends that the Board approve the compatibility of the proposed vehicular bridge crossing at Communications Hill Boulevard with conditions, which are summarized below and are detailed in the resolution. These conditions are critical to ensuring the success of this proposed project as it moves forward through technical review in the JPB’s capital project design and delivery processes.

A summary of recommended conditions to ensure compatibility with current and future rail needs is as follows:

- Minimize impacts to railroad infrastructure, operations, and maintenance;
- Ensure JPB compliance with existing Union Pacific Railroad and California High Speed Rail Authority agreements;
- Comply with Caltrain construction standards;
- Achieve compatibility with future projects to support achievement of Caltrain’s Long-Range Service Vision;
- KB Home, Inc. will lead the design and construction processes, with JPB providing support and coordination; and
- Agreements will document roles and responsibilities in each phase of project development.

### **Background**

The proposed Communications Hill Boulevard Bridge is included in the City of San José’s General Plan and Communications Hill Specific Plan, and the City has required its construction as part of the entitlements process for the Communications Hill development project. Caltrain staff understands the bridge’s importance in providing access and enhancing connectivity in the surrounding communities in San José, including the housing, commercial, industrial, and public uses in the new Communications Hill development.

The JPB frequently receives requests from third parties to use its property and has a long established process to consider and approve them. The first step in the process is to ensure the proposed use would be compatible with current and future rail needs in the corridor, in support of Caltrain's mission as a rail service provider. To provide a transparent decision-making process regarding the compatibility of proposed uses, the JPB adopted the RCUP in 2020, shortly after adopting Caltrain's Long-Range Service Vision in 2019. The RCUP provides a Board-adopted policy to check the compatibility of proposed uses and guide the use of JPB property in the long-term towards achieving the Service Vision, while also clarifying opportunities for non-railroad uses (of short and long duration) on the rail corridor.

The RCUP establishes a clear process for reviewing and approving the compatibility of proposed uses of JPB property. Projects that are found initially to be incompatible with current and future rail needs may undergo additional review through the RCUP's Use Variance process, in which individual consideration is given to each potential project with the goal of ultimately aiding the project sponsor in developing a successful project. The Use Variance process provides an opportunity for the JPB to identify any potential issues or processes that would need to be addressed to prevent conflicts with operations, infrastructure, or other future railroad needs for the property. Following Use Variance review of the proposed project, staff develops a recommendation to the Board, and the Board then makes a final compatibility determination for the proposed project.

After the initial RCUP incompatibility finding, staff completed a detailed review of the proposed bridge project through the Use Variance process to identify important factors that will be necessary for this proposed capital project on the Caltrain ROW to be compatible with current and future rail needs in the area. The recommended conditions associated with compatibility approval are necessary to move through the Caltrain design and delivery process in a manner that yields a project that successfully meets the needs of the railroad, as well as the needs of the project sponsor, City of San Jose, and community.

Following Board approval of the Use Variance for the proposed Bernardo undercrossing, the project will be considered "compatible" with the railroad's current and potential future needs. Then, the project will proceed through the JPB's capital project design and delivery process, with the planned project moving through conceptual design to preliminary engineering, environmental clearance, final design, and ultimately construction. All project-specific details and processes will be memorialized in a series of agreements between the JPB and project sponsors as this third-party project moves through the various phases of design and delivery. Because this is a third-party project, all project costs must be covered by the project sponsors.

The RCUP is a policy framework to assist the JPB in deciding upon future uses of its own property and does not have a binding legal effect on the agency. This compatibility determination is therefore not considered a "project" under the terms of the California Environmental Quality Act (CEQA). Any actual change in use would be subject to review under CEQA, as appropriate. In the instance of the proposed bridge at Communications Hill

Boulevard, environmental clearance, including CEQA compliance, will be included in the capital project design and delivery process. Item #6.  
9/28/2022

Prepared By: Melissa Jones      Deputy Director, Caltrain Policy      650.295.6852  
Development



**Resolution No. 2022-**

**Board of Directors, Peninsula Corridor Joint Powers Board  
State of California**

\* \* \*

**Approved Compatibility of the Proposed Vehicular Bridge Crossing of the Caltrain Corridor at  
Communications Hill Boulevard in San Jose**

**Whereas**, KB Home, Inc. (“project sponsor”) is sponsoring a proposed use of Peninsula Corridor Joint Powers Board (“JPB”) property for replacement of the American Dairy Bridge with a new vehicular bridge crossing at Communications Hill Boulevard in the City of San José (“proposed project”) to support development on Communications Hill; and

**Whereas**, the American Dairy Bridge is an existing cattle bridge over JPB property near Milepost 50.4 near Communications Hill Boulevard, and the existing bridge structure was not designed for nor is structurally sound for public vehicular travel and is not in compliance with current JPB standards for engineering, operations, and maintenance; and

**Whereas**, to complete the proposed project, the project sponsor proposes to demolish the American Dairy Bridge and replace it with construction of a new two-lane vehicular bridge that will be owned and maintained by another entity that is not the JPB; and

**Whereas**, the proposed project has been required as a condition of approval from the City of San José for the Communications Hill development project, which will provide approximately 2,200 housing units; approximately 67,500 square feet of commercial/retail uses; approximately 1.44 million square feet of industrial park uses; and parks, play fields, open space, trails, streets, stormwater facilities, and other supporting infrastructure; and

**Whereas**, the proposed project will contribute to enhanced connectivity in the City of San José's communities and is supported in the following planning documents: City of San José 2040 General Plan and Communications Hill Specific Plan; and

**Whereas**, the proposed project is located in a portion of the corridor that includes Union Pacific Railroad ("UPRR") ownership of the Mainline Track 1's ("MT-1") track, including rails, ties, and ballast, and thus is located in a portion of the corridor where UPRR performs the ordinary and capital maintenance and capital improvements on MT-1 track; and

**Whereas**, the JPB has existing agreements and amendments (herein collectively referred to as the Trackage Rights Agreements or "TRA") with UPRR and must remain in compliance with the terms contained within the TRA; and

**Whereas**, the JPB has existing agreements with the California High Speed Rail Authority (CHSRA) and must remain in compliance with the terms contained with those agreements; and

**Whereas**, in compliance with the JPB's Property Access Agreement process, the proposed project was reviewed for compatibility with the Caltrain Rail Corridor Use Policy ("RCUP"); and

**Whereas**, that review process initially found the proposed project to be "incompatible" with the RCUP thus requiring additional detailed review through the RCUP's Use Variance process; and

**Whereas**, the RCUP's Use Variance review process clarified conditions that would ensure the compatibility of the proposed project with current and future rail needs, including Caltrain's Long-Term Service Vision; and

**Whereas**, in accordance with the findings of these reviews, the JPB finds that the proposed project is compatible with current and future rail needs with the following conditions:

1. The proposed project will be designed and constructed so as to ensure it complies with the terms contained in the JPB's TRA with UPRR and the JPB's agreements with CHSRA.
2. The proposed project will be designed and constructed to account for and minimally disrupt all rail infrastructure, assets, and facilities within the rail envelope that are owned by the JPB and UPRR.
  - If there is disruption or damage to JPB or UPRR infrastructure, assets, and facilities, the project sponsor will need to cover all costs related to the impacts and actively work with the JPB and UPRR to ensure the impacts are mitigated in a way that is minimally disruptive to ongoing operations.
3. The proposed project will be designed and constructed so as to minimally interrupt Caltrain operations, tenant railroad operations, and freight operations during and after construction.
  - It is anticipated that this project would proceed at a time when the JPB's Peninsula Corridor Electrification Project ("PCEP") may still be under construction as well as in the future when Caltrain will be operating a mix of electric and diesel service. It is anticipated that PCEP and the future energized railroad operations on the corridor may add complexity to the process of designing and delivering the proposed project.
  - It is anticipated that freight service and UPRR coordination required by the TRA may add complexity to the process of designing and delivering the proposed project.

- Passenger service and freight service delays and speed restrictions shall be taken into account in the construction scheduling and delivery, and they may result in limitations on the hours available for construction.
4. The proposed project will be designed to be compatible with the potential future capital projects that the Caltrain Business Plan has conceptually identified in this area of the corridor to achieve the growth in passenger train service outlined in Caltrain's Long-Range Service Vision, adopted by the JPB in 2019.
- This includes potential future capital projects in this area that are associated with expansion of the rail corridor from two tracks to three tracks (with provision of space for additional track expansion if feasible); infrastructure and facilities to enable electric train service in this portion of the corridor; systems improvements (signals, communications, etc.); rail infrastructure improvements associated with CHSRA; and other rail infrastructure improvements associated with the potential future reconstruction of Diridon Station and CEMOF relocation/construction of new Heavy Maintenance Facility (HMF) near Capitol Expressway.
5. The design of the proposed project will comply with all current and future JPB standards and UPRR standards, including those for engineering, operations, and maintenance.
- "Future" JPB standards refers to the forthcoming, updated standards for the soon-to-be electrified railroad, which are anticipated to be complete by December 31, 2022, or as soon thereafter as the revised standards are issued.
6. The proposed project will be designed to not impede the JPB's ability and UPRR's ability to access, secure, and maintain infrastructure and property in the area during and after construction.

7. The proposed project will be designed to minimize potential impacts to the surrounding communities that could arise from the perception of sounds emanating from the rail corridor due to the new bridge.
8. The project sponsor will be responsible for all planning and activities associated with the proposed demolition of the American Dairy Bridge, including ensuring compliance with JPB standards, UPRR standards, and all relevant State and local laws (such as California Environmental Quality Act requirements and State Office of Historic Preservation requirements).
9. The project sponsor will be responsible for leading all design activities for the proposed project, and the JPB will be responsible for completing its design review of the proposed project from conceptual design through final design.
10. The project sponsor will be responsible for the construction of the proposed project, and the JPB will be responsible for coordinating with the project sponsor during construction.
11. Future agreements will provide clear roles and responsibilities for all parties for all stages of the proposed project.
  - This will include agreement(s) related to reimbursement of JPB costs, project coordination, community outreach and engagement, and project construction, as well as the constructed project's asset ownership and provision of ongoing security, maintenance, repairs, lighting, etc. associated with the constructed project.

**Now, Therefore, Be It Resolved** that Peninsula Corridor Joint Powers Board hereby approves the compatibility of the proposed project with current and future rail needs with the conditions listed above

Regularly passed and adopted this 6<sup>th</sup> day of October, 2022 by the following vote:

Ayes:

Noes:

Absent:

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Chair, Peninsula Corridor Joint Powers Board

Attest:

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JPB Secretary

**Peninsula Corridor Joint Powers Board  
Staff Report**

To: Work Program – Legislative – Planning Committee  
Through: Michelle Bouchard, Acting Executive Director  
From: Casey Fromson, Chief Communications Officer  
Subject: **State and Federal Legislative Update**

Finance Committee Recommendation     Work Program-Legislative-Planning Committee Recommendation     Staff Coordinating Council Reviewed     Staff Coordinating Council Recommendation

**Action**

Staff proposes the Committee recommend the Board:

1. Receive the attached Federal and State Legislative Updates

**Significance**

The 2022 Legislative Program establishes the principles that will guide the legislative and regulatory advocacy efforts. Based on those principles, staff coordinates closely with our Federal and State advocates on a wide variety of issues that are considered in Congress and the State legislature. The attached reports highlight the recent issues and actions that are relevant to the Board.

**Budget Impact**

None.

**Background**

None.

Prepared By: Devon Ryan    Government & Community Affairs Officer    650.730.6172



September 9, 2022

TO: Caltrain Board of Directors

FM: Joshua W. Shaw, Matt Robinson  
Michael Pimentel, Shaw Yoder Antwih Schmelzer & Lange  
Mike Robson & Bridget McGowan, Edelstein Gilbert Robson & Smith LLC

RE: **STATE LEGISLATIVE UPDATE – October 2022**

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### **General Update**

The Legislature adjourned for final recess on August 31, marking the end of the 2021-22 Legislative Session. The Legislature spent the last days of session on the Senate and Assembly Floor working through final budget bills as well as hundreds of policy bills that needed floor votes and concurrence votes to pass out of the Legislature.

The Governor will have until September 30 to act upon the bills passed at the end of session.

### **Bills with Action Taken**

**AB 2197 (Mullin) – PCEP Funding.** This bill would appropriate \$260 million from the state’s General Fund to the California State Transportation Agency for the purpose of closing the funding gap for the Caltrain Electrification Project. *Support.*

This bill was not set for hearing and won’t move further this session.

**AB 1944 (Lee) Public Meetings** – This bill would make changes to the Brown Act to add additional flexibilities for board members to teleconference into meetings if certain requirements are met, including that a quorum of members of the body participate in person. *Support.*

Before the bill’s hearing in the Senate Governance and Finance Committee, the committee offered amendments that the author would not accept, so the author pulled the bill, and it was not heard in committee. The bill then failed the policy committee deadline and will not be moving further.

**SB 922 (Wiener) – CEQA Exemptions for Transit.** This bill would permanently extend statutory exemptions from the CEQA requirement for clean transportation projects, including charging and facilities for zero-emission rail, station-area improvements, and first/last mile connections for bike and ped. This bill is a follow up to SB 288 (Wiener, 2020) which Caltrain supported. *Support.*



The bill is on the Governor's desk.

**SB 942 (Newman) Low Carbon Transit Operations Program: Free or Reduced Fare Transit Program.**

This bill would exempt transit agencies using program funding for the continuation of a free or reduced fare transit program from the requirement to demonstrate that reductions in GHG emissions can be realized through the continuation of the program. It would also allow the transit agency to continue to use those funds for the purpose without time restriction and require reapplication to the program every three years. *Support.*

The bill is on the Governor's desk.

**Bills of Interest**

**AB 1919 (Holden) – Free Student Transit Passes.** This bill would, upon appropriation, require Caltrans to administer the Youth Transit Pass Pilot Program which would administer grants to transit agencies for the costs of creating, designing, developing, advertising, distributing and developing free youth transit passes, the cost of providing free transit service to passholders, and costs of administering and participating in the program. Caltrain would be required to provide a report by 2027 on the outcomes of the program. The bill includes a January 2028 sunset.

June amendments strike the age threshold and replace it with those attending certain educational institutions, authorize transit agencies to submit grant applications in partnership with educational institutions, authorize grant funds to be used for existing free transit programs, and allow existing programs for free transit for those 18 years old or younger to apply without an educational partner.

The bill was amended in August to clarify the definition of transit agency for grant eligibility purposes.

The bill is on the Governor's desk.

**AB 2441 (Kalra) – Local Public Transit Agencies: New Technologies.** This bill would impose requirements on public transit employers relating to the introduction of new vehicle technologies for public transit services that would eliminate job functions or jobs of the workforce to which the new vehicle technology applies. The bill would require a public transit employer to provide notice to the exclusive employee representative of its intention to begin procuring, acquiring or deploying such technologies no less than 12 months in advance. The bill would also require these subjects to be mandatory subjects of collective bargaining, including creating plans to train and prepare the affected workforce to fill new positions created by the technology.

The bill passed out of the Legislature and is on its way to the Governor's desk.

**SB 917 (Becker) – Seamless.** This bill would require the Metropolitan Transportation Commission (MTC) to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, establish open data standards, requires the region's transit agencies to comply with the established programs, requires MTC to indicate what steps are needed to comply, and if a transit agency does not comply and does not qualify for an exemption, makes that transit agency ineligible to receive a

portion of state transit funding in an amount determined by MTC. Amendments in June require transit agencies to establish a regional transit coordinating council and would require the Council to develop and adopt an integrated transit fare structure that would be submitted to the Commission for approval. After approval, each transit agency would be required to present the structure to its board.

The bill was held in the Assembly Appropriations Committee, so it won't move further.

## Grants

***Transit and Intercity Rail Capital Program (\$500 million - \$600 million in Cycle 5)*** – The Transit and Intercity Rail Capital Program (TIRCP) provides grants from the Greenhouse Gas Reduction Fund to fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. Eligible projects include zero-emission vehicles and associated fueling or charging infrastructure of facility modifications.

**Status:** Project awards for Cycle 5 have been announced and can be [found here](#).

**Applications Received:** TIRCP received 50 applications with all funding requests totaling \$3,949,662,335.

The CTC recently hosted a [series of workshops](#) for the three SB 1 programs it oversees – the Solutions for Congested Corridors Program (SCCP), Local Partnership Program (LPP), and the Trade Corridor Enhancement Program (TCEP). The CTC will solicit applications for the next round of funding in Summer 2022 and announce project awards in Summer 2023. As a reminder, in late-2020, the California Transportation Commission [awarded grants](#) for three SB 1 programs – the [Solutions for Congested Corridors Program](#) (draft [guidelines](#) as of June 2022), [Local Partnership Program](#) (draft [competitive](#) and [formulaic](#) guidelines as of June 2022), and the [Trade Corridor Enhancement Program](#) (draft [guidelines](#) as of June 2022).

**Grade Separation Funding** - Below is a list of the funding sources that we are aware of and/or that have been used to fund grade separations in the recent years. The funding sources below are managed across various state agencies and departments, including the Public Utilities Commission (PUC), the California State Transportation Agency (CalSTA), the California Transportation Commission (CTC), and Caltrans.

PUC Section 190 Grade Separation Program – The Program is a [state funding program](#) to grade separate crossings between roadways and railroad tracks and provides approximately \$15 million annually, transferred from Caltrans. Agencies apply to the PUC for project funding.

State Transportation Improvement Program – The STIP, managed by Caltrans and programmed by the CTC, is primarily used to fund highway expansion projects throughout the state, but also supports grade separations. The STIP is programmed every two years. The [2022 STIP](#), adopted in March 2022, includes \$796 million in new STIP funding capacity. Local agencies receive a share of STIP funding, as does the State. The STIP is funded with gasoline excise tax revenues.

Transit and Intercity Rail Capital Program – As discussed above, the TIRCP is managed by CalSTA and is available to fund rail and transit projects that reduce greenhouse gas emissions. The program receives funding from Cap and Trade and the recently created Transportation Improvement Fee to the tune of approximately \$500 million per year. The TIRCP is programmed over five years, with the most recent cycle beginning in May 2018. Caltrain received \$160 million for the CalMod project. The State Budget included a \$3.6 billion supplement to the TIRCP. At least \$900 million of this is reserved for multi-year grants to support the delivery of capital projects that already have received TIRCP grants and can demonstrate that additional state grants will help secure local or federal dollars. The Caltrain Electrification Project would be eligible for these funds.

Proposition 1A – This \$9.9 billion Bond Act is the primary funding source for the high-speed rail project and has been used to fund a very limited number of grade separation projects in the past, including in the City of San Mateo.

# Caltrain State Legislative Matrix

September 9, 2022

PRIORITY BILLS			
Bill Number (Author)	Summary	Location	Position
<a href="#">AB 2197</a> (Mullin D)  Caltrain Electrification: Funding	Existing law provides for the creation of the Peninsula Corridor Joint Powers Board, which operates Caltrain as the commuter rail service along the San Francisco Peninsula commute corridor. This bill would appropriate \$260,000,000 from the General Fund to the Transportation Agency for allocation to the Peninsula Corridor Joint Powers Board for the purpose of completing the Caltrain Electrification Project.  Introduced: 2/15/2022	Assembly Transportation	Supported 3/3/2022
<a href="#">SB 922</a> (Wiener D)  California Environmental Quality Act: exemptions: transportation-related projects.	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would delete the requirement that the bicycle transportation plan is for an urbanized area. The bill would extend the exemption to an active transportation plan or pedestrian plan. The bill would define “active transportation plan” and “pedestrian plan.” The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law. This bill contains other related provisions and other existing laws.  Enrollment: 8/23/2022	Senate Enrolled	Supported 4/7/2022
<a href="#">SB 942</a> (Newman D)  Low Carbon Transit Operations Program: free or reduced fare	Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board as part of a market-based compliance mechanism to be deposited into the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates specified portions of the annual proceeds in the fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and	Senate Enrolled	Supported 4/7/2022

<p>transit program.</p>	<p>provides operating and capital assistance for transit agencies to reduce the emissions of greenhouse gases and improve mobility. Existing law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. Existing law authorizes a transit agency that has used program moneys for certain authorized operational assistance purposes in a previous fiscal year to use those moneys to continue the same service or program in any subsequent fiscal year if the transit agency can demonstrate that reductions in the emissions of greenhouse gases can be realized. This bill would exempt a transit agency using program moneys for the continuation of a free or reduced fare transit program from the above-described requirement to demonstrate that reductions in the emissions of greenhouse gases can be realized through the continuation of its transit program, and authorize the transit agency to continue to use those moneys for that purpose without any restriction to length of time. The bill would require the transit agency to submit an initial allocation request to the department and, for the next three fiscal years, to provide documentation necessary to meet an annual reporting requirement and comply with the program’s requirements. This bill contains other related provisions and other existing laws.</p> <p>Enrollment: 8/30/2022</p>		
<p><a href="#">AB 1944 (Lee D)</a></p> <p>Local government: open and public meetings.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted. This bill contains other related provisions and other existing laws.</p>	<p>Senate Dead</p>	<p>Supported 5/5/2022</p>

	Amended: 5/25/2022		
<a href="#">SB 917 (Becker D)</a> Seamless Transit Transformation Act.	Existing law creates the Metropolitan Transportation Commission, as a local area planning agency and not as a part of the executive branch of the state government, to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. This bill would require the commission to develop and adopt a Connected Network Plan, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards, as specified. The bill would require the region's transit agencies, as defined, to comply with those established regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards, as provided.  Amended: 6/20/2022	Assembly Dead	Watch
<a href="#">AB 1919 (Holden D)</a> Youth Transit Pass Pilot Program: free youth transit passes.	Existing law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Existing law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Upon the appropriation of moneys by the Legislature, this bill would create the Youth Transit Pass Pilot Program, administered by the department, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes to persons attending certain educational institutions, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would authorize a transit agency to submit a grant application in partnership with one or more educational institutions and would also authorize grant funds to be used to maintain, subsidize, or expand an existing fare free program, as provided. The bill would authorize a transit agency with an existing fare free program that enables a person 18 years of age or younger to use a transit agency's bus and rail services without paying any additional fare or charge to submit an application without an educational institution partner, as provided. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2027, on, among other things, the outcomes of the program and the funding conditions associated with offering free youth transit passes, the status of transit pass programs statewide, and whether these provisions led to reductions in the emissions of greenhouse gases and vehicle miles traveled, as provided. The bill would repeal its provisions as of January 1, 2028. This bill contains other existing laws.  Enrolled: 8/26/2022	Assembly Enrollment	Watch
<b>OTHER LEGISLATION</b>			
<a href="#">AB 1938 (Friedman D)</a> Traffic safety: speed limits.	Existing law establishes various default speed limits for vehicles upon highways, as specified. Existing law requires the Department of Transportation (Caltrans), by regulation, to require Caltrans or a local authority to round speed limits up or down to the nearest 5 miles per hour of the 85th percentile of free-flowing traffic. This bill would, if the speed limit needs to be rounded down to the nearest 5	Assembly Enrollment	Watch

	<p>miles per hour increment of the 85th-percentile speed, authorize Caltrans or a local authority to lower the speed limit by 5 miles per hour from the nearest 5 miles per hour of the 85th percentile, as specified. The bill would prohibit the total reduction in the speed limit from exceeding 12.4 miles per hour from the 85th-percentile speed and would authorize a local authority to retain the currently adopted speed limit without further reduction or restore the immediately prior adopted speed limit without further reduction. The bill would make conforming changes. This bill contains other related provisions and other existing laws.</p> <p>Enrolled: 9/2/2022</p>		
<p><a href="#">AB 2061 (Ting D)</a></p> <p>Transportation electrification: electric vehicle charging infrastructure.</p>	<p>Existing law creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide, among other things, competitive grants and revolving loans to specified entities for those entities to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. Existing law requires the Energy Commission to develop and adopt an investment plan to determine priorities and opportunities for the program. Existing law requires the Energy Commission, in consultation with the State Air Resources Board (state board), as part of the development of the investment plan, to assess whether charging station infrastructure is disproportionately deployed, as specified, and, upon finding disproportionate deployment, to use moneys from the Alternative and Renewable Fuel and Vehicle Technology Fund, as well as other mechanisms, including incentives, to more proportionately deploy new charging station infrastructure, except as specified. This bill would require the Energy Commission, in consultation with the PUC, to develop uptime recordkeeping and reporting standards for electric vehicle chargers and charging stations by January 1, 2024. The bill would require that the uptime recordkeeping and reporting standards only apply to electric vehicle chargers and charging stations that received an incentive from a state agency or through a charge on ratepayers, apply for a minimum of 6 years, and apply to electric vehicle chargers and charging stations installed on or after January 1, 2024. The bill would authorize the Energy Commission to consider additional reliability metrics, as specified, and require the Energy Commission, in consultation with the PUC, to hold a public workshop to discuss and identify industry best practices and charger technology capabilities that are demonstrated to increase reliability.</p> <p>Enrolled: 9/1/2022</p>	<p>Assembly Enrollment</p>	<p>Watch</p>
<p><a href="#">AB 2237 (Friedman D)</a></p> <p>Transportation planning: regional transportation improvement plan: sustainable communities strategies:</p>	<p>Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning</p>	<p>Senate Dead</p>	<p>Watch</p>

<p>alternative planning strategy: state transportation funding.</p>	<p>organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. Existing law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program. This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional transportation planning agency or county transportation commission, or, if applicable, the alternative planning strategy, and state and federal air quality standards. The bill would prohibit funds collected from any local transportation tax measure passed on or after January 1, 2023, from being spent until the transportation projects or programs to be funded by the tax measure are included in the most recently adopted sustainable communities strategy of the applicable regional transportation planning agency or county transportation commission or, if applicable, the alternative planning strategy. The bill would also prohibit the expenditure of funds from local tax measures that passed before January 1, 2023, but that exclusively provide for the collection and expenditure of funds on or after January 1, 2023, until the transportation projects or programs to be funded by the tax measure are included in the most recently adopted sustainable communities strategy, or, if applicable, the alternative planning strategy. This bill contains other related provisions and other existing laws.</p> <p>Amended: 6/13/2022</p>		
<p><a href="#">AB 2357 (Ting D)</a> Surplus land.</p>	<p>Existing law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under existing law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. Existing law defines “exempt surplus land,” for which a local agency is not required to follow the requirements for disposal of surplus land, except as provided, as, among other things, surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, as specified. This bill would also require the department to maintain on its internet website a listing of all entities, including housing sponsors, that have notified the department of their interest in surplus land for the purpose of developing low- and moderate-income housing. This bill contains other related provisions and other existing laws.</p> <p>Amended: 4/5/2022</p>	<p>Senate Dead</p>	<p>Watch</p>
<p><a href="#">AB 2438 (Friedman D)</a></p>	<p>Existing law provides for the funding of projects on the state highway system and other</p>	<p>Assembly Enrollment</p>	<p>Watch</p>



<p>Transportation funding: guidelines and plans.</p>	<p>transportation improvements, including under the interregional transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require, no later than January 1, 2024, the guidelines or plans applicable to those programs to include the strategies established in the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, as provided. The bill would also require the Transportation Agency, the California Transportation Commission, and the Department of Transportation, no later than January 1, 2024, to each establish guidelines to ensure transparency and accountability for specified transportation funding programs that they respectively administer and for the project selection processes applicable to those programs. The bill would require those guidelines to meet certain requirements and would require those agencies to hold public workshops to solicit input before establishing the guidelines. This bill contains other related provisions and other existing laws.</p> <p>Enrolled: 9/1/2022</p>		
<p><a href="#">AB 2441 (Kalra D)</a></p> <p>Public employment: local public transit agencies: autonomous transit vehicle technology.</p>	<p>Existing law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would require a public transit employer to provide written notice to the exclusive employee representative of the workforce affected by autonomous transit vehicle technology of its determination to begin, or its substantive progress toward initiating, any procurement process or a plan to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of the workforce to which the autonomous transit vehicle technology applies not less than 12 months before commencing the process, plan, or deployment. The bill would require a public transit employer, upon a written request of the exclusive employee representative, to provide specified information to the exclusive employee representative, including the potential gaps in skills that may result from the new service. The bill would require the public transit employer, following the written request for information by the exclusive employee representative, and within 30 days of receiving the specified information, to commence collective bargaining on specified subjects, including creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology.</p> <p>Enrollment: 9/6/2022</p>	<p>Assembly Enrolled</p>	<p>Watch</p>
<p><a href="#">AB 2449 (Rubio, Blanca D)</a></p> <p>Open meetings: local agencies: teleconferences.</p>	<p>Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to</p>	<p>Assembly Enrolled</p>	<p>Watch</p>

	<p>take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.</p> <p>Enrollment: 9/6/2022</p>		
<p><a href="#">ACA 1 (Aguiar-Curry D)</a></p> <p>Local government financing: affordable housing and public infrastructure: voter approval.</p>	<p>(1)The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure. This bill contains other related provisions and other existing laws.</p> <p>Introduced: 12/7/2020</p>	<p>Assembly Dead</p>	<p>Supported 2021</p>

<p><b>SB 1121 (Gonzalez D)</b></p> <p>State and local transportation system: needs assessment.</p>	<p>Existing law requires the California Transportation Commission to adopt and submit to the Legislature an annual report summarizing its prior-year decisions in allocating transportation capital outlay appropriations, and identifying timely and relevant transportation issues facing the state. Existing law authorizes the report to also include a discussion of any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature and requires the report to include specific, action-oriented, and pragmatic recommendations for legislation to improve the transportation system. This bill would require the commission, in consultation with the Transportation Agency and the Department of Transportation, to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit to the Legislature an interim needs assessment on or before January 1, 2024, and a completed needs assessment on or before January 1, 2025, and every 5 years thereafter.</p> <p>Enrollment: 9/6/2022</p>	<p>Senate Enrolled</p>	<p>Watch</p>
<p><b>SB 1161 (Min D)</b></p> <p>Transit operators: street harassment survey.</p>	<p>Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit service. Existing law provides various provisions applicable to all public transit and transit districts. This bill would require the Mineta Transportation Institute at San Jose State University to, on or before December 31, 2023, develop and make available on its internet website a survey for the purpose of promoting consistency in the collection of specified survey data to inform efforts to improve the safety of riders and reduce street harassment on public transit.</p> <p>Enrollment: 9/6/2022</p>	<p>Senate Enrolled</p>	<p>Watch</p>
<p><b>SB 1410 (Caballero D)</b></p> <p>California Environmental Quality Act: transportation impacts.</p>	<p>The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation</p>	<p>Assembly Dead</p>	<p>Watch</p>

	<p>networks, and a diversity of land uses. Existing law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill would require the office, by January 1, 2025, to conduct and submit to the Legislature a study on the impacts and implementation of the guidelines described above relating to transportation impacts. The bill would require the office, upon appropriation, to establish a grant program to provide financial assistance to local jurisdictions for implementing those guidelines. This bill contains other existing laws.</p> <p>Amended: 5/2/2022</p>		
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## Caltrain Federal Report As of September 14, 2022

### *CONGRESSIONAL UPDATE*

#### **President Signs into Law the Reconciliation/Inflation Reduction Act**

- On August 16, President Biden signed into law the Inflation Reduction Act (H.R. 5736), a \$739 billion reconciliation package that includes tax, healthcare, transportation, environmental justice, and climate provisions. This comprehensive legislation results from many months of negotiations among Democrats to advance some of President Biden's highest policy priorities.
- The legislation provides approximately \$370 billion in new climate and energy tax incentives. Among the new provisions are tax credits for the purchase of electric vehicles (EV).
- Transportation provisions in the bill include:
  - \$3 billion for a Neighborhood Access and Equity Grant Program to support neighborhood equity, safety, and affordable transportation access to reconnect communities divided by existing infrastructure barriers, mitigate negative impacts of transportation facilities or construction projects on disadvantaged or underserved communities, and support equitable transportation planning and community engagement activities.
  - \$100 million for an Environmental Review Implementation program to facilitate the development and review of documents for the environmental review process for proposed transportation projects for state, local governments, and metropolitan planning organizations.
- Federal agencies have significant authority overseeing the programs in the bill; implementation will include the promulgation of many new rules and creation of many new programs. Holland & Knight's summary of the Inflation Reduction Act can be viewed [here](#).

#### **FY 2023 Appropriations Update**

- The U.S. Senate draft of the FY 2023 Transportation, and Housing and Urban Development (THUD) Appropriations bill released in late July included a request by Senator Feinstein and Senator Padilla for \$10 million for the Peninsula Corridor Electrification Project.
- The U.S. House of Representatives passed its FY 2023 THUD Appropriations bill in July, which included \$800,000 in funding for a project to add winglets to existing fencing along the Caltrain corridor requested by Congresswoman Speier and Congresswoman Eshoo. The bill also included language requested by Speaker Pelosi that would help Caltrain's Electrification Project become eligible for \$51 million in funding through the Federal Transit Administration's Capital Investment Grants Program.

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- Lawmakers return from the August recess intent on passing a continuing resolution (CR) to keep the government funded after the end of the fiscal year, September 30. In anticipation of a short-term funding deal, the White House released a [request](#) for several funding priorities to be included in the CR.
- The document provides language and funding requests for several Department of Transportation (DOT) programs including giving DOT authority to extend the availability of funding awarded for BUILD grants for one additional year. Without this provision, specific projects may lose access to financing at the end of the fiscal year.
- Passing a CR is the top priority for members before they recess for the midterm elections. Congress may need to pass a second CR after the election if lawmakers continue to be without an agreement on FY 2023 appropriations bills.

## *Administration Update*

### **Round-Up of Open Grant Opportunities**

- [All Stations Accessibility Program](#). \$343 million available. All applications due by September 30, 2022.
- [Railroad Crossings Elimination Program](#). \$573 million available. All applications due by October 4, 2022.
- [Reconnecting Communities Pilot Discretionary Grant Program](#). \$195 million available. All applications due by October 13, 2022.
- [Consolidated Rail Infrastructure and Safety Improvements Grant Program](#). \$1.4 billion available. All applications due by December 1, 2022.